

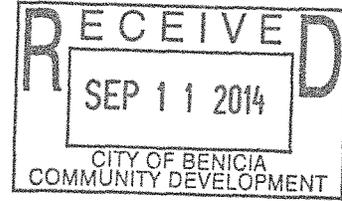
Valero Crude by Rail Project
Public Comments received DEIR Public Review Period
September 11 (2:01 p.m.)- September 15, 2014

Part 2 of 3

Commenter	Date Received
Individuals	
Lisa Reinerston	11-Sep-14
Roger Straw	11-Sep-14
Kirk Allen	11-Sep-14
Jack Ruszel	11-Sep-14
Stephen & Maria Miller	11-Sep-14
James MacDonald	11-Sep-14
Rick Carpenter	11-Sep-14
William T. Welch	11-Sep-14
Suzanne Kleiman	11-Sep-14
Madeline Koster	11-Sep-14
Jan Ellen Rein	12-Sep-14
Clifford Manous	12-Sep-14
Lucille Hammes	12-Sep-14
Eileen Heaser	12-Sep-14
Thirty Six (36) City of Davis Residents	15-Sep-14
Stephen Fass	15-Sep-14
Cara Bateman	15-Sep-14
Roger Straw	15-Sep-14
Susan Gustofson	15-Sep-14
Billie Bowden	15-Sep-14
Charles Davidson	15-Sep-14
Leana (Oakland, CA)	15-Sep-14
Jean Jackman	15-Sep-14
Richard Slizeski	15-Sep-14
Toby Krein	15-Sep-14
Donnell Rubay	15-Sep-14
Preston Rubin	15-Sep-14
Randy Norman	15-Sep-14
Sandra Scherer	15-Sep-14
Barbara Combs	15-Sep-14
Linda Sanderson	15-Sep-14
June Mejas	15-Sep-14
Valerie Durbin	15-Sep-14
Marisol Pacheco-Mendez	15-Sep-14
Patricia Everhart	15-Sep-14
Sue Kibbe	15-Sep-14
Kathy Kerridge	15-Sep-14

Craig Snider	15-Sep-14
Rodney Robinson	15-Sep-14
Ed Ruszel	15-Sep-14
David Lockwood	15-Sep-14
Mary Susan Gast	15-Sep-14
Chris Howe	15-Sep-14
Karen Jacques	15-Sep-14
Roger Straw	15-Sep-14
Roger Straw	15-Sep-14
Laurie Litman	15-Sep-14
Cara Bateman	15-Sep-14

Lisa Reinertson
1329 W. L St.
Benicia, CA



Dear Planning Commissioners,

I am writing to you in regards to the Crude By Rail Project DEIR report.

Many of the conclusions in this DEIR are based on questionable assumptions that lead to false claims that there are "no significant impacts". For example:

Is there anything in this report that states that Valero would be legally bound to limiting their crude by rail to the 70,000 barrels a day? The rail industry is not bound to this. There is nothing that legally binds the railways to limiting their traffic in the Industrial Park area to non- rush hour times. Or to limit the rail cars used to the new "Safer" cars.

The conclusion of "no significant impact" is based on this limited scenario; that neither Valero nor Union Pacific are legally bound to, and given the need to "be competitive", would have no reason to honor.

Is there anything that requires Valero to be legally responsible for the cost of clean up, if there is a spill, or the liability if there is an explosive accident in which people are killed and property destroyed? Would the City share in this liability, since we approved the project?

The effects of and magnitude of this project are vastly greater than the localized risks and impacts. For example, if there is a catastrophic spill in the Sierras, dumping oil into the Feather River, due to ignoring the outdated infrastructure of the rails and rail cars being used, will Valero be held responsible? If a rail car explodes in a Davis neighborhood, killing innocent people, will Valero or our City be held responsible? If waterways in the Delta are contaminated, which would impact all of us in the entire State, who can fix that? Who will be held responsible?

It is easy to say that the risk of an accident is minimal if Valero or our City Planners will not be held completely liable.

The statistical methodology used in this EIR is not just flawed; it is carefully crafted to skew the reality of the actual risks. This is like the story of "The Emperor's New Clothes". We all can see that this huge increase in bringing volatile crude oil by rail poses a substantial increase in risk in safety, pollution, and risk of spills and dangerous explosions as it moves through our communities, but we are being told by the powers-that-be that there is "No significant impact " and not only that, this is a "Green" plan that will be more environmentally friendly.

Valero paid for this DEIR. Was the purpose of this report to address real concerns and environmental impacts because we care about our earth and it's inhabitants? Or was it

drafted to find ways to downplay and negate these real concerns so that Valero's project can move forward?

Steve Hampton, an economist with the state Office of Spill Prevention and Response, said the Benicia report gives a false air of certainty about something that has far too many unknowns. "This is so new, anyone who says they know exactly what the rate (of spills and explosive incidents) is, they don't." He noted the analysis failed to look at risks the project poses on the rail route east of Roseville, where trains will pass through areas designated by the state as "high-hazard" for derailments.

Jeff Mount, a natural resource management expert at Public Policy Institute of California, said a one-in-111-year spill event for the Valero trains refers to long-range averages. It doesn't preclude a spill from happening at any time. If several oil trains come through ... as expected, the spill risks increase.

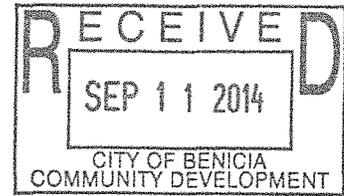
The EIR needs to realistically address these questions, including the broader geographical scope of environmental impacts, and the potential impact and magnitude of an explosive derailment. The truth is, if we realistically look at this scenario, we cannot, in good conscience, approve it.

In actuality, this is not something that should be determined by our local City Planners. The impact of what Valero and the rest of the oil industry are doing is statewide and nation wide, and should be addressed at the state and national level before we as a town agree to anything. It is not just a small group of "hysterical citizens " that has unanswered concerns about the pollution, destruction and risk factors of this entire crude oil process. The Cities of Sacramento and Davis, Yolo County, our State Legislators, and Congressmen from this region have all expressed serious concerns over this new huge influx of dirty, volatile Crude by Rail. Please postpone your response to this proposal by Valero until the risk factors and environmental impacts of Crude by Rail have been addressed, and resolutions to these issues are worked out at the state and national level. Valero can wait.

As City Planners, ultimately, I ask you, with all the knowledge we now have about CO2 emissions causing drastic climate change, why would you support this rush to use up and most likely export as much oil as possible, regardless of the cost to our future? Is our sustainability committee just a joke, or our new committee formed to address global warming? These committees should be on the forefront of the effort to stop the proposed Crude By Rail project.

As planners, please look to the future. Look to a vision of sustainability in our energy resources and transportation. Support solar power on every rooftop in Benicia. Harness our great Benicia wind for power. Plug our electric cars in to this clean energy. (We have done this at our home). Let's be leaders in showing the way to a bright new sustainable future of clean energy.

Benicia Planning Commission
Public Hearing on Draft EIR, Valero Crude By Rail
August 14, 2014



COMMENTS BY ROGER STRAW

766 West J Street, Benicia
rogrmail@beniciaindependent.com

Good evening Commissioners, City staff and Consultants. I am Roger Straw, 15-year resident of Benicia and publisher and editor of The Benicia Independent, an online blog currently dedicated to covering local and international news and events on Crude By Rail.

I will use my time tonight to offer a few comments and questions on the DEIR.

First, about tank car standards: in April of this year yet another crude oil train derailed in Lynchburg, Virginia, resulting in explosion, fire, and a near catastrophic spill into the James River. The significance of the Lynchburg tragedy is that one of the tank cars that ruptured and failed was the upgraded version of the legacy tank cars, meeting the Association of American Railroads' CPC-1232 standard.

Between the violent detonations in January (New Brunswick) and April (Lynchburg), there were another 21 lesser-known derailments of trains carrying hazardous materials. So far in North America this year, we are averaging a derailment with hazmat every four days. The DEIR's estimate of a spill once in every 111 years is an insult – and a threat – to those whose lives are put at risk all along the rails, and to those who work the trains, the mines and the refineries.

Note that BOTH the National Transportation Safety Board and the Association of American Railroads have stated that the improved CPC-1232 tank cars are unsafe. The feds and the rail industry are BOTH calling for a brand new design.

The DEIR states that Valero will ONLY lease or buy tank cars that meet the 1232 standard (3.4.1.3, pp. 3-19ff). **Four questions:**

1. How will Valero's commitment be monitored for compliance, and what consequences would follow if Valero was found to be out of compliance?
2. What would happen if Valero was unable to locate enough of these cars for their purposes?
3. Most importantly, how would Valero's use of 1232 tank cars assure the safety of Benicia and our uprill neighbors when the NTSB and even the railroad industry are on record stating that the 1232 cars are unsafe? How can this project be

certified when tank car standards are currently in process of review and reform, with design and manufacture off in the distance?

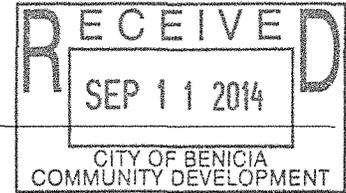
4. Can this project be put on hold until a new standard is finalized and an adequate supply of post-1232 new-design tank cars is built and sold or leased by Valero?

A second area of concern – Automated Collision Avoidance Systems: Positive Train Control (PTC) is a federally-mandated automated crash-avoidance technology that can prevent deadly disasters on the rails. Congress passed a measure in 2008 requiring that PTC be installed on 60,000 miles of rail lines in the U.S., to be completed by December 2015 - but implementation of the system is not on schedule. **Six questions:**

1. I raised this issue with the City in prior communications, but I find no mention of Positive Train Control or any of the other automated collision avoidance systems in the DEIR. Where is it in the DEIR?
2. Is Positive Train Control now in place (or scheduled for activation) in Northern California, and most particularly along Union Pacific lines leading to and from Benicia?
3. What other automated technical mechanisms are available? Do any of them guard against “hot spots,” wheel failures, track failures or other sources of accidents and derailments?
4. How can our Commissioners find out more about automated collision avoidance systems in Northern California?
5. Has Union Pacific been approached about these concerns, and if so, what is their response?
6. Can this project be delayed until federal and state authorities implement PTC and similar systems?

Amy Million - COMMENT LETTER ON DEIR FOR VALERO PROJECT

From: JAN ELLEN REIN <janny007@sbcglobal.net>
To: "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>
Date: 9/11/2014 2:44 PM
Subject: COMMENT LETTER ON DEIR FOR VALERO PROJECT



Dear Ms. Million,

Below is my a comment on the DEIR for the subject project. Please place it on the record and acknowledge receipt.

Thank you,
 Clifford E. Manous,
 Sacramento, CA

Amy Million Principal Planner
 Community Development Department
 250 East L Street
 Benicia, CA 94510 Email: amillion@ci.benicia.ca.us
 September 9, 2014

Re: Valero Benicia Crude by Rail Project Draft Environmental Impact Report

Dear Ms. Million,

Please add my comments to the public legal record on Valero's Crude by Rail Project and incorporate them as part of the public record.

As a Sacramento Resident who spends a lot of time less than one-third of a mile from the railroad tracks --on which an increasing number of trains loaded with highly flammable, toxic crude oil in unsafe tanker cars will travel-- I am alarmed at Valero's proposed project which can only increase the number of trains passing immediately adjacent to our homes, schools and businesses.

Due to the unprecedented recent oil surge, by the end of 2016, as many as five to six mile -long, 100 tanker trains *per day* are expected to roll through the Sacramento region's neighborhoods and city centers on the way to the coast. This leaves the 5,800,000 Californians and 25 million people nationwide who live within blast zones at extreme risk for the four to six years it will take for the Department of Transportation to complete, implement and assure compliance with rules to improve the safety of crude rail shipments

Glaring Errors in the DEIR findings and analysis:

1. *The DEIR analysis does not even consider the impact of the enormous increase of dangerous crude oil rail shipments within the last six years and the anticipated even greater increase in coming years.*

As the SACOG comment letter on this project notes at page 3, "[s]ince 2007, crude oil by rail has seen a 6,000% increase . . ." resulting mainly from the huge surge in Bakken crude production. The DEIR completely ignores the significance of such unprecedented increases on the likelihood and magnitude of the threat of crude oil shipments to human life and safety. (See 2. below.)

2. *The DEIR finding that no "significant hazard" exists is completely unfounded and flies in the face of U. S Department of Transportation findings and all evidence to the contrary.*

In its Notice of Proposed Rule Making, the U.S. Department of Transportation (DOT) found that "[t]he growing reliance on trains to transport large volumes of flammable liquids poses a significant risk to life, property, and the environment" (p.1) And, on page 7 of the same document, the DOT stated that "[t]he increase in shipments of large quantities of flammable liquids by rail has led to an increase in the number of train accidents, posing a significant safety and environmental concern." In May 2007, the DOT found that crude by rail shipments threatened not just a "significant hazard" but also an "imminent hazard"

Specifically, the DOT stated:

"Upon information derived from recent railroad accidents and subsequent DOT investigations, the Department of Transportation (Secretary) has found that an unsafe condition or an unsafe practice is causing or otherwise constitutes an imminent hazard to the safe transportation of hazardous materials. Specifically, a pattern of releases and fires involving petroleum crude oil shipments originating from the Bakken and being transported by rail constitutes an imminent hazard under 49 U.S.C. 512 (d)."

"An imminent hazard, as defined by 49 U.S.C. 5102 (5) constitutes the existence of a condition relating to hazardous materials that presents a substantial likelihood that death, serious illness, severe personal injury or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of formal proceedings begun to lessen the risk . . . [of] death, illness, injury or endangerment."

Emergency Restriction Prohibition Order DOT-OST-2014-0067 (May 7, 2014) (<http://www.dot.gov/briefing-room/emergency-order>) (Emphasis added.)

Considering the DOT findings of significant imminent hazard and the facts on the ground, the DEIR's finding that no significant hazard exists is

incomprehensible and defies rational explanation. It also defies common sense to ignore the increase in crude by rail accidents occurring just within just the last year, one of which incinerated 47 people and at least five of which created explosions and one of which contaminated a river.. See NRDC FACT SHEET, IT COULD HAPPEN HERE, June,2014.

3. *Other flaws in the DEIR*

There are many other flaws in the DEIR. Time does not permit me to elaborate so I will just list a few below:

*The DEIR fails to analyze the potential environmental impacts of crude by rail transport beyond the Roseville to Benicia route. The City of Benicia should demand that the final EIR extend its impact risk and analysis at least to the borders of California and preferably to the extraction sites.

* The DEIR fails to analyze the cumulative effects of the proposed project.

My main concern is to stop big oil from playing russian roulette with millions of lives during the four to six years it will take between now and compliance with new DOT rules. In the likely event of one or more serious explosions during this period, no emergency response team, however well prepared, could prevent people in the blast zone from being incinerated instantly. In California's severe drought conditions, even a small explosion or leak could trigger a fire that could destroy entire towns. Representatives from the oil and railroad industries insist that all these shipments will be safe because, in their words, "safety is our business." They rely on statistics from the years *before* the oil surge began. They do not mention that in 2013 alone there were nearly 100 rail accidents and that "more crude oil was spilled in U.S. rail accidents in 2013 than in the preceding four decades, more than 1.15 million gallons in 2013". (See City of Davis Staff findings and second whereas clause of City Council of Davis resolution opposing crude by rail shipments.) Only a few days ago, two trains going in opposite directions on the same track collided in Arkansas! If safety is their business, they are not doing a good job of it. The frequency and severity of crude by rail accidents can only increase as the volume of oil trains and tankers increase exponentially.

The city of Benicia should demand that Valero and the drafters of the DEIR give truthful, objectively verifiable answers to the following questions:

1. How will Valero guarantee that *all* tank cars meet the DOT standards under review immediately (not phased in over years) , plus implement the previously mandated Positive Train Control technology, so uprail communities are protected.?
2. What are the daily and cumulative impacts and risks of transporting two extreme crude oils, tar sands and Bakkan crude, through our cities, through our sensitive habitats and over our water supplies?
- 3 What are the cumulative impacts of the Valero daily trains in the context of the additional 3 daily trains being approved currently in Bakersfield and the one daily train to San Luis Obispo, all possibly traveling through Sacramento? Include the increased potential for spills, accidents, greenhouse gas emissions, conflicts of interest on the rails, etc.
4. What is Valero's liability should there be a spill or accident on the oil trains to Benicia? Who carries enough coverage for a catastrophic accident? Will the taxpayers ultimately be responsible?

Conclusion

Elected city officials are sworn to protect and serve the real flesh and blood people in their communities. The Valero project poses an imminent and significant risk of catastrophic harm, not only to the people in Benicia but also to the people, ecosystems and entire communities along the rail lines to Benicia.

In its current iteration, the DEIR reads like it was written by and for the Valero oil company, without regard to the health, safety and very lives of the residents whose interests and safety the city government is sworn to protect. Few would deny that big money corporations have influenced governments at all levels to the extent that huge multinational corporations and conglomerates have been allowed to privatize profits while externalizing and socializing all risks and losses at enormous expense to our citizenry. The proposed project will increase Valero's profits while imposing huge risks and costs on the Benicia city residents as well as the residents of communities uprail of Benicia. I urge that the City of Benicia demand a complete overhaul of the DEIR to fully inform the public and the City Council of the enormity of the risks and costs this project poses. A failure to do so will only deepen the widespread public perception that governments at all levels routinely fold under the influence of big money instead of representing the public interest.

Those of us who live and work along the rail lines are, frankly, horrified at the prospect of having our homes, families and very lives at this extreme risk for any period of time. Please represent and protect us.

Thank you for your consideration.

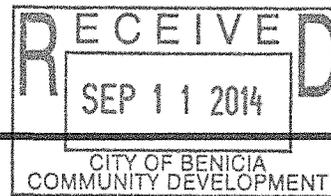
Name__ Clifford E. Manous

Address: _2015 & 1\2 5th St.

City _Sacramento,CA 95818

Email (optional)

Amy Million - Valero Crude by Rail Project



From: <kirkallen@aol.com>
To: <amillion@ci.benicia.ca.us>, <bkilger@ci.benicia.ca.us>, <kirkallen@aol.com>
Date: 9/11/2014 3:28 PM
Subject: Valero Crude by Rail Project

To the Benicia Planning Commissioners;

I am writing to offer my support for the Valero Crude by Rail Project and to commend the City of Benicia for the thoroughness of its Draft Environmental Impact Report.

As Benicia residents, we all have a stake in the safety and economic prosperity of this community. That's why the City hired experts to analyze and address safety concerns in the form of an Environmental Impact Report. The level of expertise involved in analyzing this project and compiling the Draft EIR is impressive. As I understand it, the City chose these experts based on their credentials and experience in highly technical fields.

This project simply seeks to add another mode of crude transportation for the refinery. The Valero Benicia Refinery is an important member of the Benicia community and we should be doing everything we can to ensure they remain profitable in a shifting marketplace.

I graduated from the California Maritime Academy in 1980 and have worked on several ocean going Oil Tankers. These ships carry in excess of a million gallons of crude oil in them to the refineries around the country. Carrying crude oil by railcar is just another way to get the oil into the refinery. We have to be able to transport the oil in any way that is financially feasible to the oil refineries and keep the cost of gasoline down.

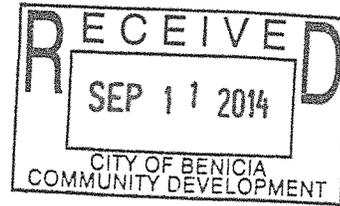
I support the City in its thorough assessment and ask that the Draft EIR be approved so that this project can move forward without continued delay.

Thank you,

Kirk Allen
575 Phelps Ct
Benicia, CA 94510

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

September 11, 2014



RE: Valero Benicia Crude by Rail

Dear Ms. Million:

Because the transportation impact analysis was so closely focused on the immediate area around the Park Rd. crossing, significant impacts just outside the study area were ignored, allowing the authors to come to some outrageous conclusions. Also, the methodology used in the analysis is unsound. The worst-case observations are used against best-case possible project scenario, with no contingencies. It is unrealistic to assume that all project oil trains will clear the park road crossing in 8 ½ minutes.

The transportation impact analysis considers 50 car trains, because that is the number of spots at Valero's proposed unloading racks.

Union Pacific will not agree to any limitation on the volume of product it ships or the frequency, route, or configuration of such shipments.

Therefore, this transportation impact analysis must be re-calculated, based on crude trains of the maximum length that railroads are commonly assembling crude unit trains.

The DEIR describes mitigation measures to be implemented to minimize the Valero Project's effect on public safety response times, but limits the measures to crossings at Park road. According to the DEIR, "The probability of an emergency incident occurring at the same time as a Project train crossing [near the Valero Refinery] is low" because there are only two accidents a month in the industrial areas near the Valero Refinery. The DEIR provides certain mitigation measures in order to reduce the effects to less than significant, without considering whether it is necessary to mitigate effects elsewhere.

The rail spur that feeds the refinery crosses 3 driveways just to the south of Park Rd. When the properties were developed, the city required that the fenced yards have gates to allow emergency access in the event that one of the driveways is blocked by rail traffic.

Currently the driveways are blocked by short trains on average of twice a day for 1 to 4 minutes. The project would block all 3 driveways at least 4 times a day for a minimum of 8 ½ minutes each time. (see attached map).

This is a significant impact. The traffic impact analysis must address this.

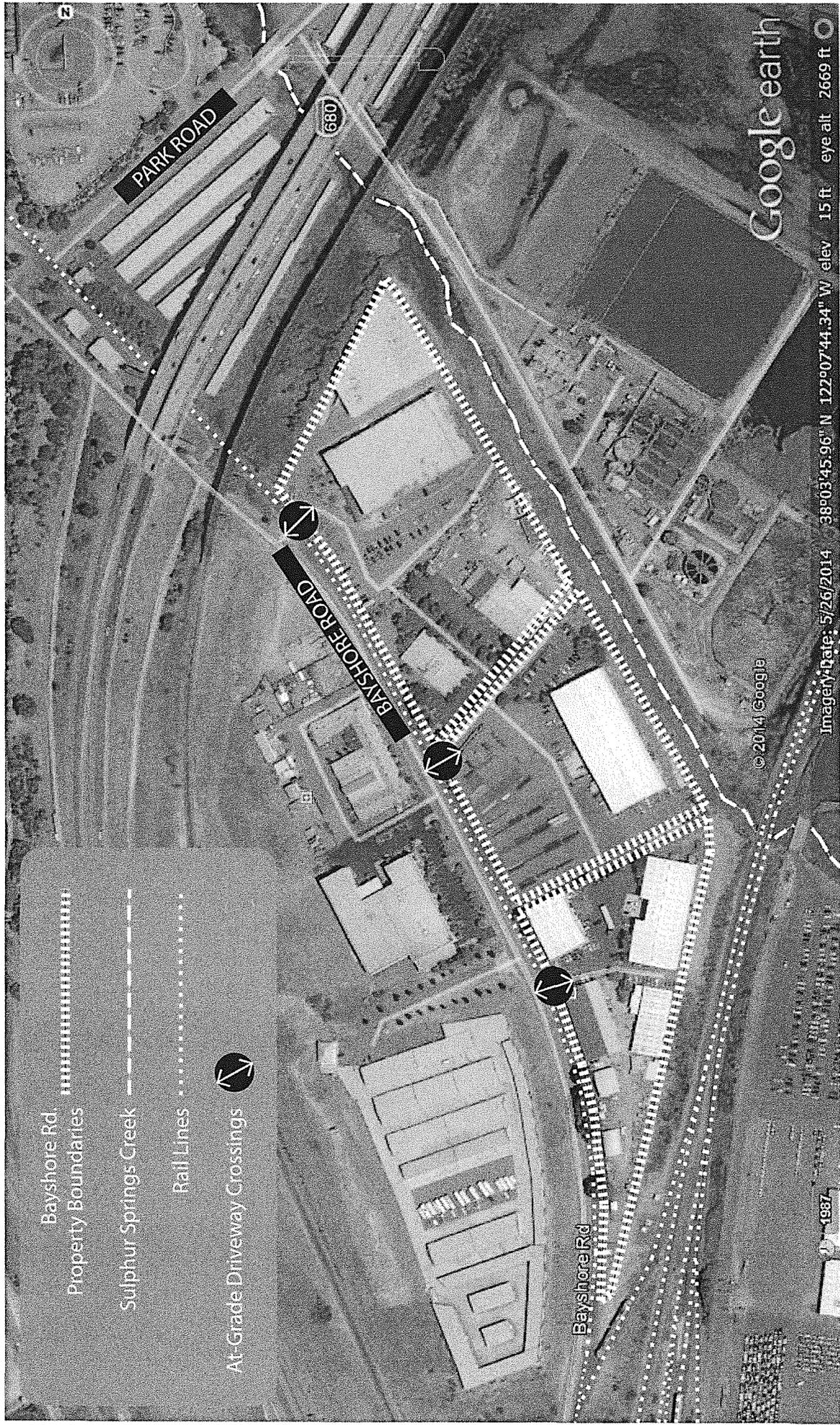
Emergency access – the transportation impact analysis is oblivious to the 8 businesses and as many as 200 people that will have absolutely no access when a crude train is blocking all three driveways.

In an emergency situation it currently takes about 7 minutes for help to arrive, with the project, that response time is likely to be 7 minutes plus 8 ½ minutes – waiting for a train to pass - 15 ½ minutes.

The DEIR must address the very likely scenario where a crude train is stalled blocking egress to all 8 businesses. Last year, a minor derailment near park road blocked the park road crossing for over 2 hours. If that happened to be a crude train, over 200 people on the far side of the tracks would be trapped for hours. Additionally no emergency crews would have access in the case of a medical emergency, fire or natural disaster. The DEIR must address this issue.

These are all significant impacts that are not addressed in the DEIR.
The DEIR must be revised and recirculated.

Sincerely,
Jack Ruszel
Ruszel Woodworks
2980 Bayshore Rd.



Bayshore Rd.

Property Boundaries

Sulphur Springs Creek

Rail Lines

At-Grade Driveway Crossings

PARK ROAD

BAYSHORE ROAD

680

Bayshore Rd

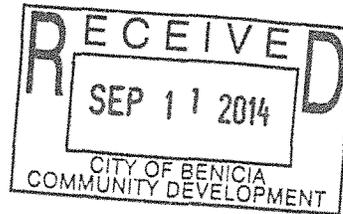
Google earth

© 2014 Google

Imagery Date: 5/26/2014 38°03'45.96" N 122°07'44.34" W elev 15 ft eye alt 2669 ft

1887

September 5, 2014



Benicia Planning Commission
City of Benicia, California

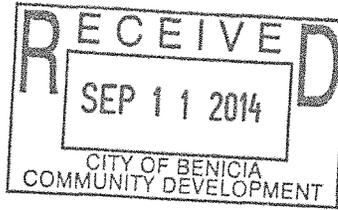
Dear Members of the Benicia Planning Commission,

We write you to express our support for NOT CHANGING the current protocols for delivering oil to the Benicia Valero Refinery. We believe that the lack of adequate governmental supervisory regulations and the accident history with the proposed rail delivery mode is sufficient evidence that changing from the current ship offload system would present significant liability risks to the City of Benicia, its businesses, and its inhabitants..

We urge you to not allow a change to rail delivery of oil to the Benicia Valero refinery.

Thank you for your thoughtful consideration of this important issue.


Stephen and Maria Miller
697 Andrew Court
Benicia, CA 94510



To: City of Benicia 9/11/2014
Community Development Department
250 East L Street
Benicia, California 94510

Mr. Charlie Knox Community Development Director:

Best viewed at: <https://www.mediafire.com/?jvg14yitiguhbrk> links not blocked

RE: Additional comments to: DEIR, EIR, NEPA and Environmental Justice Studies for Valero Benicia Refinery crude by Rail Project. Include the following statements, questions and exhibits in the administrative record OF ANY AND ALL LOCAL, STATE AND FEDERAL AGENCY INVOLVED IN REGULATION OR SITING OF THIS PROJECT. All linked documents, videos and information at linked websites to be included in administrative record



Summary: Benicia's Obligation to Respond to Incidents at Valero.

The City is obligated to keep the following firefighting equipment and man power ready in the event of incidents at refinery. There is no other reason for listing these resources in section 206. Failure of city to maintain response force will be viewed as negligence, any damages to Valero thus incurred are at Benicia's expense. Are all the listed items currently in inventory, in working condition and enough man power to operate all of it? Unfortunately modern fire frighten analyses has shown Benicia needs at least 10 times the equipment listed to be effective.

SECTION 206**Valero Fire Department
Apparatus and Equipment List**

The following is a general listing of fire apparatus maintained by the Valero Fire Department:

Engine Fifteen (E-15)

1250-GPM National Foam Engine
1000-gallons ATC Foam
Remote Operated 1250-GPM monitor
Three hose beds
Bed 1: 600-ft. of 5" Large Diameter Hose
Bed 2: 500-ft. of 2 1/2" hose, gated wye and 2- 100 ft. 1 3/4" attack lines
Bed 3: 500-ft. of 2 1/2" hose, gated wye and 2- 100 ft. 1 3/4" attack lines
Two 200', 1 3/4" crosslays (water only)
8 MSA 4500 Firehawk SCBA's
Stored at Station Fifteen.

Engine Sixteen (E-16)

2000-GPM E-1 Foam Engine
1000-gallons ATC Foam
2000-GPM Monitor
Four hose beds
Bed 1: 300-ft of 3" supply hose.
Bed 2: 450-ft. of 5" Large Diameter Hose
Bed 3: 450-ft. of 5" Large Diameter Hose
Bed 4: 300-ft of 3" hose, gated wye and 2- 100 ft. 1 3/4" attack lines.
Two 200', 1 3/4" crosslays (foam available).
5 MSA 4500 FireHawk SCBA's
Stored at Station Sixteen.

Truck Sixteen (Aerial) (T-16)

2,000 GPM E-One Foam Aerial
90' Ladder with 1,500 GPM nozzle
700-gallons 3X3 Foam
800' of 5" Large Diameter Hose
Two 200', 1 3/4" crosslays
4 MSA 4500 Firehawk SCBA's
Stored at Station Sixteen

Brush Fifteen (B-15)

Ford F-550 Diesel 4x4 Type 3 Wildland Rig
300-gallons of water
20-gallons of ATC foam
120-GPM pump
2 MSA 4500 Firehawk SCBA's
Portable Hale pump 60 GPM, 2 cycle motor
Stored at Station Sixteen

Brush Two Fifteen (B-215)

Ford F-550 Diesel 4x4 Type 3 Wildland Rig
300-gallons of water
20-gallons of ATC foam
120-GPM pump
2 MSA 4500 Firehawk SCBA's
Portable Hale pump 60 GPM, 2 cycle motor
Stored at Station Sixteen

Issue Date: 12/2008 Revision 8	206.1	File: Section 206.doc
-----------------------------------	-------	-----------------------



Return of Index

Brush Seventeen (B-17)

Ford F-550 Diesel 4x4 Type 3 Wildland Rig
300-gallons of water
20-gallons of ATC foam
120-GPM pump
2 MSA 4500 Firehawk SCBA's
Portable Hale pump 60 GPM, 2 cycle motor
Stored at Station Sixteen

Foam Tender (FT-16)

Peterbuilt Diesel Tank Truck (Converted)
4000-gallons of ATC Foam
150-GPM diesel positive displacement transfer pump
2 biscuit fold-up tanks, 1500-gallon capacity
Stored at Station Sixteen

Rescue Squad (R-15)

Large inventory of medical, confined space rescue, and high angle rescue equipment
Stored at Station Fifteen

Flatbed Cattle Truck (U-315)

Ford F-550 Crew cab Flatbed truck
Stored at Station Fifteen

Big Sucker and Kenworth Diesel Truck (PP-16)

5000-GPM trailer mounted pump
6000-watt generator
Stored at Station Sixteen

Portable Pump Two Sixteen (PP-216)

6000-GPM Trailer Mounted Pump
Stored at Fire Maintenance Shop

HazMat Trailer (HM-15)

Suits and support Equipment all levels of HazMat response
Stored at Station Fifteen

SCBA Trailer

60 (approximately) MSA 4500 air bottles
9 MSA 4500 SCBA's
Stored at Station Sixteen

Foam Trailer No. 1

1000-gallons of ATC foam
60 GPM positive displacement transfer pump
Stored at the fire training grounds

Foam Trailer No. 2

1000-gallons ATC
Stored at the fire training grounds

5" Hose Trailer No. 1 (currently being assembled)

3200 ft. of 5" large diameter hose
2 portable hydrants w/adapters
Licensed for use outside the refinery
Stored at Station Sixteen

Issue Date: 12/2008 Revision 8	206.2	File: Section 206.doc
-----------------------------------	-------	-----------------------

5" Hose Trailer No. 2

4800-ft. of 5" large diameter hose
2 portable hydrants w/adapters
Licensed for use outside the refinery
Stored at Fire Training Grounds

3" Hose Trailer

1200-ft. of 3" hose
Licensed for use inside the refinery only
Stored at the fire training grounds

EADC Trailer (Met-L-Kyl Trailer)

500# of Aluminum Alkyl- Extinguishing agent
Stored at Station Sixteen

Six Gun Foam Monitor

2000- 6000 GPM adjustable flow Monitor
Stored at Station Sixteen

Hired Gun Foam Monitor

2000-GPM Monitor
Stored at Station Sixteen

750 GPM Foam Monitors

(8) Portable wheeled monitors w/eductor nozzles and jet booster hardware
(4) 50-foot lengths of 3" hose
(4) 50-foot Lengths of 1 3/4" hose.
Stored at Station Sixteen

Firefly 500 GPM Monitors

(5) Portable wheeled water monitors
(2) 50-ft. lengths of 1 3/4" hose
Stored at Station Sixteen

Foam Barrel Trailers

(6) 55-gal 2-barrel AFFF foam trailers
Self-educing nozzle for monitor conversion
Stored at Station Sixteen

Foam Totes

(~37) 305-gal foam totes
Stored at Station Sixteen

NOTE: Inspection/inventory lists for all portable hand held and wheeled fire extinguishers, and all SCBA's are maintained in the office of the Fire Chief.

Issue Date: 12/2008 Revision 8	206.3	File: Section 206.doc
-----------------------------------	-------	-----------------------

Summary: Petroleum Industry is Delusional

In response to calls for stronger regulation of crude oil by rail The Petroleum Industry on behalf of stockholders has acknowledged that ALL LIGHT CRUDE OIL IS AS DANGEROUS OR EVEN MORE DANGEROUS THAN BAKKEN CRUDE. They conjecture it is not that Bakken crude is any more dangerous than other crudes but the railroads have been negligent in their handling of it. Just like the tobacco industry and BP they have been hiding the facts from the public, putting employees and the public in danger; ignoring basic safety protocols for nothing more than stockholder's greed. Here is just a very few of the accidents within the Petroleum Industry not caused by the railroad's negligence.

Hydrocarbon Tank Failures Common:

June 5th 2006 Mississippi USA

Dec 11th 2005. Burchfield oils storage, Hertfordshire

Sep 3rd 2005 Louisiana USA

Oct 25th 2004 Belgium

June 4th 2003 Brisbane, Australia

July 20th 2002 Nigeria

May 2002 Poland

August 21st 2001 five tanks go up Kansas USA

July 17th 2001 Delaware USA

2000 Ohio USA

1999 Michigan USA

USEPA 1990 to 2000 312 tank farm accidents USA

1997 Iowa USA

Oct 16th 1995 Pennsylvania USA

Aug 10th 1990. Three river Texas 30 are burned as small crude oil tank goes up USA

Dec 21st 1985 Naples, Italy

Losses due to earthquake

1964 Alaska; 1960 Chile; 1960 two in Japan: 1964 Niigata; 2003 Tokachi 1980 rupture of one 100000 bbl crude oil storage tank did extensive damage to four block area, damage 8.5 million.

[Oil refinery ablaze after devastating Japan earthquake ... Mar 11, 2011 Japan after earthquake](#)

[Russia Attacked? Largest Oil Refinery In Europe On Fire In ...](#)

[oil refinery fire - YouTube Lithuania 2006](#)

[Fire shuts down major Chevron oil refinery in northern Calif ... Aug 6, 2012](#)

[Fire breaks out after explosion at Okla. oil refinery - U.S. News Aug 2, 2012](#)

[German oil refinery fire and explosion - YouTube Jan 10, 2014](#)

[Huge Oil Refinery in Venezuela Explodes, Fire Rages ... Aug 29, 2012](#)

[One Critically Burned in Explosion and Fire at Oil Refinery in ... Dec 11, 2013](#)

[4 workers injured in Kansas oil refinery fire | News OK Jul 29, 2014](#)

[Oil refinery is on fire in Lisichansk : UNIAN news Jul 18, 2014](#)

[Venezuelan oil refinery fire spreads to third tank - video ... Aug 28 2012](#)

Ghana oil refinery fire explosion kills one - Yahoo News

4 Workers Injured In SE Kansas Oil Refinery Fire Jul 29, 2014

BP Oil Refinery Fire, Birch Bay, WA, 2012 - YouTube

Fire at Shell oil refinery on Pulau Bukom Singapore - YouTube Sep 28, 2011

Video: Lightning sparks massive fire at refinery in ... - YouTube Aug 12, 2013

Lightning strike sparks fire at Venezuela oil refinery - BBC Sep 20, 2012

<http://www.businessweek.com/articles/2014-03-13/25-years-of-oil-spills>

Court rules disregarding safety for profit is gross negligence under the law

<http://www.cnn.com/id/101958656#>

The American Fuel & Petrochemical Manufacturers (AFPMA) release report ALL LIGHT CRUDE OIL IS AS DANGEROUS OR EVEN MORE DANGEROUS THAN BAKKEN CRUDE

<http://www.afpm.org/news-release.aspx?id=4230>

Charles Drevna, president of AFPMA admits shipping crude by rail is unsafe. The railroads face “major problems” over the maintenance and integrity of their rail networks. “Those are the things that need to be addressed; it’s not just a different type of crude that is a problem.” AFPMA has acknowledged transporting crude by rail is unsafe and all light crude is basically the same.

<http://www.businessweek.com/articles/2014-05-16/bakken-crude-is-volatile-but-train-operators-have-made-mistakes-too>

ANY FURTHER SHIPMENTS OF ANY LIGHT CRUDE BY RAIL IS GROSS CRIMINAL NEGLIGENCE.

Has the boards of petroleum corporations informed their stock holders, employees, associate, advisors and their employees, local, state and federal agencies and their employees they may be though their actions of “Recklessness”, “Willful blindness” (stock holders and Boards), “criminal negligence” may be faced with civil and criminal charges of infringing on Constitutional rights of Citizens solely for the propose of corporate greed? Would petroleum industry board members be guilty of conspiring to defraud stockholders by not giving such a notice? Historically there has been a bitter rivalry between the petroleum and railroad industries. Over the years both have tried to gain control of or prosper at the expense of the other. Their self interest and greed in no small way has lead to the dilapidated state we now see the petroleum and railroad industries in. The United States of America would now be the undisputed economic engine of the world if these two industries had worked together in the best interest of the U.S.

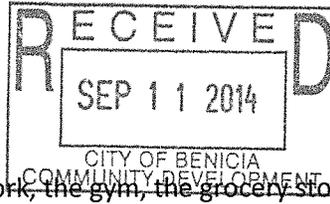
Sincerely:

James B. MacDonald

274 Pebble Beach Loop

Pittsburg, Ca 94565

Jbmd56@yahoo.com



Dear Planning Commissioners,

As someone who has to use their car to commute to work, the gym, the grocery store etc., I care about gas prices. I also care about my ability to contribute to these efforts.

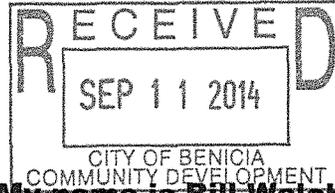
As a 24 year Vallejo resident I see it as my responsibility to remind you that Valero is an amazing part of our community. As Benicia's and Vallejo's largest company and employer, Valero has the ability to increase our use of domestic energy supplies via access by rail. Valero's proposed crude by rail project allows the refinery to refine a larger portion of domestic oil, thereby lessening our dependence on foreign oil, including oil from the Middle East. Domestic oil will boost the American economy and keep jobs here rather than abroad.

Please vote to approve this important project.

Thank you,

A handwritten signature in cursive script that reads "Rick Carpenter".

Rick Carpenter
925-473-3007



Dear Planning Commission Members,

Thank you for the opportunity to speak tonight. My name is ~~Bill Welch~~. I am a resident of Benicia and Lead Chemist at the Valero Benicia Refinery. Please think for a moment about what makes Benicia such a wonderful place to live; vibrant parks, a public library and community center and safe streets, just to name a few. Now imagine a Benicia if the tax revenue used to fund vital services like our fire and police departments ^{were severely reduced} disappeared. That is what would happen if Valero no longer operated in our community: 25% of our annual General Fund revenue would vanish.

In an ever-changing economy, many industries are adapting and finding better, more efficient means of operation to ensure continued stability. In Valero's case, this new means of productivity is the addition of a third option to transport crude oil to the refinery. Crude by rail is a safe, cost-effective method of crude transport that would allow the Valero Benicia refinery to remain competitive in a shifting marketplace and among the other Bay Area refineries. It would also reduce the risk of spill compared to current modes of crude transportation and improve air quality in Benicia and statewide.

Benicia has thrived since the addition of Valero to our community. According to a recent economic study, Valero contributes over \$7 million in taxes to the City of Benicia each year, and has donated over \$13 million to local charitable causes in the past decade. The refinery directly employs 450 local workers and requires an additional 250 contractors working on-site each day. The economic activity associated with the refinery supports 3,900 jobs in the region. Allowing the Valero Benicia refinery to implement their proposed crude by rail project will only see these numbers increase. More jobs and tax revenues are good for Benicia.

I encourage you to support Valero's future and the future of our wonderful town by approving this project.

Thank you very much,

William T. Welch 8/14/14
William T. Welch

In Support of Valero's Crude by Rail Project

9/10/2014

I support this project because there are no good ^{substantial} ~~credible~~ reasons not to. There is less to fear and more to be gained by approving the project than by not approving it.

Everything I hear and read from people who oppose the project is based on fear: fear of spills, fear of greater air pollution, fear of more cars, fear of change, fear of the unknown, fear of fear.

Most of these fears are misplaced. Accidents happen. That is a given. However, from the Draft Environmental Impact Report (DEIR), the probability of an oil spill on land is less than the probability of an oil spill on water. Plus for the same size spill, it is much cheaper and easier to mitigate an oil spill on land, than on the water. Think the impact to wildlife and fish if a spill occurs on water and how long it lasts.

you must put things in perspective & weigh benefits vs risks.

On the other side of the coin, of fear, is opportunity.

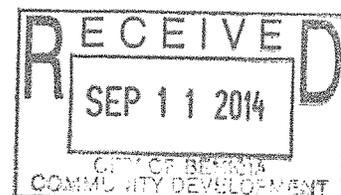
The rail project will create jobs, make us more independent from foreign oil, and generate increased tax revenue for the city of Benicia by allowing Valero to be more profitable. According to the DEIR, not only does the project comply with safety and noise issues, it will decrease Greenhouse gas emissions over time.

It will make producing gas more economically efficient, which may go towards lowering the price of gas as well. We citizens all benefit.

Also, consider the cost of not doing the project. It will be a lost opportunity forever. Lost capital year after year in the future

Not approving the project will further substantiate the claims that Benicia is in effect anti-business, anti-progress, obstructionistic and antagonistic to change. Stories about how hard and expensive it is for businesses to get started and expand in this town abound. Just consider the possibility of Valero starting an oil refining business here in Benicia from scratch, if it weren't already here. Given the current City's views, the probability I believe is between zero and none.

I have heard it said that Benicia's refinery is one of the least profitable for Valero, if it is profitable at all. Don't kill the goose that lays the golden egg. The oil refinery and industrial base kept the city going and thriving after the 60's, when the Arsenal was closed. Valero produces 25% of our city's revenue. They have given over \$13.7 million to local charities over the past 10 years. If Valero goes, and don't kid yourself, if we make it hard enough for them, they will, then we may become another Vallejo.



There is a saying, "Capital goes where it is treated well." That is why Wal-Mart went to American Canyon, rather than to Vallejo. Vallejo's failure to encourage and support it's economic base led to it's bankruptcy.

We must recognize that no legal document or DEIR can cover all eventualities. At some point you have to rely on the good will of Valero to do what is right. But Valero has a long and proven record of doing just that. They have had the highest rating of refineries in the US for several years.

One more quick point. I heard some antagonists to the project say that the refined oil will be exported and not used for American consumption. First of all, the US is NOT oil independent. The US produces in barrels of oil only half of what we consume every day.

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

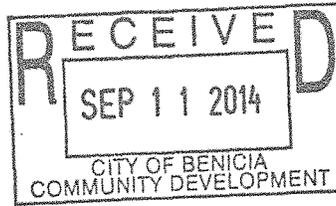
Finally, the stronger we are economically, in the city, in the state and in the country, the more options are available to us. There is more capital to spend on R&D, for more efficient cars, for cleaner air, for cleaner water and for all kinds of projects for good.

It is profit and good will, which will create a brighter future for us and for future generations.

Suzanne Kleiman
446 Mills Drive
Benicia
707-748-0202



Madeline Koster
25 Corte Dorado
Benicia, CA 94510
(707) 746-7784



09/11/14

Attn: Benicia Planning Commission

Valero Employees have emphasized over and over, their technological excellence and their safety concerns. They have repeatedly stated that Valero does take and has taken every precaution to prevent danger and accidents. However, in fact, like the rest of the world, where nothing is perfect, Valero isn't perfect. Accidents happen.

At the August 14th meeting, when I spoke to the Planning Commission, I also made a mistake. I gave the wrong date for the fire at Valero, which I heard as "thunder in the sky" from my home on Corte Dorado. The fire took place on the night of June 25, 2014. When I called, the Bay Area Air Quality Management District told me that a pipe broke at the refinery, and that there was a fire there. My husband & I heard fire engines roaring up East 2nd Street on their way to Valero.

Recently, I have called the Bay Area Air Quality Management District to ask if Valero has ever violated air quality. I was told that Valero has paid hundreds of thousands of dollars in fines for air quality violations. The number is (800) 334-ODOR. Anyone can call to speak to the Refinery Inspectors, and the information is also on line. When a violation occurs the Bay Area Air Quality Management District does not notify the City of Benicia, neither does Benicia receive any of the money paid in fines. These Air Quality violations are extremely important to me because Bakken Crude & Tar Sands Crude are very different from the crudes already being processed. To be extracted and processed they are mixed with many toxic chemicals, including acids. Many of these chemicals are known carcinogens, in addition to being highly explosive. Tar Sands (or Bitumen) is upgraded with chemicals like benzene – (which is highly carcinogenic) and others which evaporate on contact with air.

So, even if there weren't any "accidental" fires happening at Valero, just the unloading of the crude from 100 tank cars each night would be a huge impact on the air quality in Benicia. Since I live close to the refinery I am extremely concerned about this.

When will the City of Benicia install and use its own air quality monitoring equipment which, I have been told, they have already purchased?

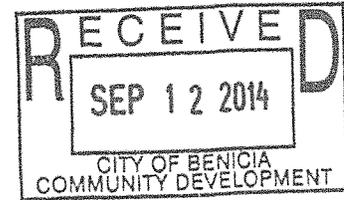
In addition, Bakken Crude and Tar Sands Crude require a great deal more water to process than the conventional crudes, which Valero now processes with almost the same amount of water that the entire population of Benicia uses altogether.

*Please see attached
Madeline Koster.*

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE VALERO BENICIA CRUDE BY RAIL PROJECT**

Environmental Impact	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Air Quality			
Impact 4.1-1a: Construction of the Project would contribute to an existing or projected air quality violation.	Potentially Significant	<p>Mitigation Measure 4.1-1: Implement BAAQMD Basic Mitigation Measures. Valero and/or its construction contractors shall comply with the following applicable BAAQMD basic control measures during Project construction:</p> <ul style="list-style-type: none"> • All exposed dirt non-work surfaces (e.g., parking areas, staging areas, soil piles, and graded areas, and unpaved access roads) shall be watered two times a day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California of Regulations). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • A publicly visible sign with the telephone number and person to contact at the City of Benicia regarding dust complaints shall be posted throughout construction. Valero and/or contractor shall respond and take corrective action within 48 hours of notification by the City. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. 	Less than Significant
Impact 4.1-1b: Operation of the Project would contribute to an existing or projected air quality violation.	Potentially Significant	None available.	Significant and Unavoidable
Impact 4.1-2: The Project could result in a cumulatively considerable net increase in criteria pollutant and ozone precursor emissions.	Potentially Significant	None available.	Significant and Unavoidable
Impact 4.1-3: The Project could expose sensitive receptors to substantial pollutant concentrations.	Less than Significant	None required	Less than Significant
Impact 4.1-4: The Project could generate objectionable odors affecting a substantial number of people.	Less than Significant	None required	Less than Significant

Amy Million Principal Planner
Community Development Department
250 East L Street
Benicia, CA 94510
September 9, 2014



Re: Valero Benicia Crude by Rail Project Draft Environmental Impact Report

Dear Ms. Million,

Please add my comments to the public legal record on Valero's Crude by Rail Project and incorporate them as part of the public record.

As a Sacramento Resident who lives less than one-third of a mile from the railroad tracks --on which an increasing number of trains loaded with highly flammable, toxic crude oil in unsafe tanker cars will travel-- I am alarmed at Valero's proposed project which can only increase the number of trains passing immediately adjacent to our homes, schools and businesses.

Due to the unprecedented recent oil surge, by the end of 2016, as many as five to six mile -long, 100 tanker trains *per day* are expected to roll through the Sacramento region's neighborhoods and city centers on the way to the coast. This leaves the 5,800,000 Californians and 25 million people nationwide who live within blast zones at extreme risk for the four to six years it will take for the Department of Transportation to complete, implement and assure compliance with rules to improve the safety of crude rail shipments

Glaring Errors in the DEIR findings and analysis:

1. *The DEIR analysis does not even consider the impact of the enormous increase of dangerous crude oil rail shipments within the last six years and the anticipated even greater increase in coming years.*

As the SACOG comment letter on this project notes at page 3, "[s]ince 2007, crude oil by rail has seen a a 6,000% increase . . ." resulting mainly from the huge surge in Bakken crude production. The DEIR completely ignores the significance of such unprecedented increases on the likelihood and magnitude of the threat of crude oil shipments to human life and safety. (See 2.below.)

2. *The DEIR finding that no "significant hazard" exists is completely unfounded and flies in the face of U. S Department of Transportation findings and all evidence to the contrary.*

In its Notice of Proposed Rule Making, the U.S. Department of Transportation (DOT) found that “[t]he growing reliance on trains to transport large volumes of flammable liquids poses a significant risk to life, property, and the environment” (p.1) And, on page 7 of the same document, the DOT stated that “[t]he increase in shipments of large quantities of flammable liquids by rail has led to an increase in the number of train accidents, posing a significant safety and environmental concern.” In May 2007, the DOT found that crude by rail shipments threatened not just a “significant hazard” but also an “imminent hazard” Specifically, the DOT stated:

“Upon information derived from recent railroad accidents and subsequent DOT investigations, the Department of Transportation (Secretary) has found that an unsafe condition or an unsafe practice is causing or otherwise constitutes an imminent hazard to the safe transportation of hazardous materials, Specifically, a pattern of releases and fires involving petroleum crude oil shipments originating from the Bakken and being transported by rail constitutes an imminent hazard under 49 U.S.C. 512 (d).”

“An imminent hazard, as defined by 49 U.S.C. 5102 (5) constitutes the existence of a condition relating to hazardous materials that presents a substantial likelihood that death, serious illness, severe personal injury or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of formal proceedings begun to lessen the risk . . . [of] death,, illness, injury or endangerment.”
Emergency Restriction Prohibition Order DOT-OST-2014-0067 (May 7, 2014)
([http:// www. dot gov /briefing-room/emergency order](http://www.dot.gov/briefing-room/emergency-order)) (Emphasis added.)

Considering the DOT findings of significant imminent hazard and the facts on the ground, the DEIR’s finding that no significant hazard exists is incomprehensible and defies rational explanation. It also defies common sense to ignore the increase in crude by rail accidents occurring just within just the last year, one of which incinerated 47 people and at least five of which created explosions and one of which contaminated a river.. See **NRDC FACT SHEET, IT COULD HAPPEN HERE**, June,2014.

3. Other flaws in the DEIR

There are many other flaws in the DEIR. Time does not permit me to elaborate so I will just list a few below:

*The DEIR fails to analyze the potential environmental impacts of crude by rail transport beyond the Roseville to Benicia route.

The City of Benicia should demand that the final EIR extend its impact risk and analysis at least to the borders of California and preferably to the extraction sites.

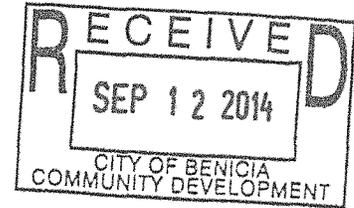
* The DEIR fails to analyze the cumulative effects of the proposed project.

My main concern is to stop big oil from playing russian roulette with millions of lives during the four to six years it will take between now and compliance with new DOT rules. In the likely event of one or more serious explosions during this period, no emergency response team, however well prepared, could prevent people in the blast zone from being incinerated instantly. In California's severe drought conditions, even a small explosion or leak could trigger a fire that could destroy entire towns. Representatives from the oil and railroad industries insist that all these shipments will be safe because, in their words, "safety is our business." They rely on statistics from the years *before* the oil surge began. They do not mention that in 2013 alone there were nearly 100 rail accidents and that "more crude oil was spilled in U.S. rail accidents in 2013 than in the preceding four decades, more than 1.15 million gallons in 2013". (See City of Davis Staff findings and second whereas clause of City Council of Davis resolution opposing crude by rail shipments.) Only a few days ago, two trains going in opposite directions on the same track collided in Arkansas! If safety is their business, they are not doing a good job of it. The frequency and severity of crude by rail accidents can only increase as the volume of oil trains and tankers increase exponentially.

The city of Benicia should demand that Valero and the drafters of the DEIR give truthful, objectively verifiable answers to the following questions:

1. How will Valero guarantee that *all* tank cars meet the DOT standards under review immediately (not phased in over years), plus implement the previously mandated Positive Train Control technology, so uprail communities are protected.?
2. What are the daily and cumulative impacts and risks of transporting two extreme crude oils, tar sands and Bakken crude, through our cities, through our sensitive habitats and over our water supplies?
3. What are the cumulative impacts of the Valero daily trains in the context of the additional 3 daily trains being approved currently in Bakersfield and the one

Amy Million Principal Planner
Community Development Department
250 East L Street
Benicia, CA 94510
September 9, 2014



Re: Valero Benicia Crude by Rail Project Draft Environmental Impact Report

Dear Ms. Million,

Please add my comments to the public legal record on Valero's Crude by Rail Project and incorporate them as part of the public record.

As a Sacramento Resident who lives or spends time less than one-third of a mile from the railroad tracks --on which an increasing number of trains loaded with highly flammable, toxic crude oil in unsafe tanker cars will travel-- I am alarmed at Valero's proposed project which can only increase the number of trains passing immediately adjacent to our homes, schools and businesses.

Due to the unprecedented recent oil surge, by the end of 2016, as many as five to six mile -long, 100 tanker trains *per day* are expected to roll through the Sacramento region's neighborhoods and city centers on the way to the coast. This leaves the 5,800,000 Californians and 25 million people nationwide who live within blast zones at extreme risk for the four to six years it will take for the Department of Transportation to complete, implement and assure compliance with rules to improve the safety of crude rail shipments

Glaring Errors in the DEIR findings and analysis:

1. *The DEIR analysis does not even consider the impact of the enormous increase of dangerous crude oil rail shipments within the last six years and the anticipated even greater increase in coming years.*

As the SACOG comment letter on this project notes at page 3, "[s]ince 2007, crude oil by rail has seen a a 6,000% increase" resulting mainly from the huge surge in Bakken crude production. The DEIR completely ignores the significance of such unprecedented increases on the likelihood and magnitude of the threat of crude oil shipments to human life and safety. (See 2.below.)

2. *The DEIR finding that no "significant hazard" exists is completely unfounded and flies in the face of U. S Department of Transportation findings and all evidence to the contrary.*

daily train to San Luis Obispo, all possibly traveling through Sacramento? Include the increased potential for spills, accidents, greenhouse gas emissions, conflicts of interest on the rails, etc.

4. What is Valero's liability should there be a spill or accident on the oil trains to Benecia? Who carries enough coverage for a catastrophic accident? Will the taxpayers ultimately be responsible?

Conclusion

Elected city officials are sworn to protect and serve the real flesh and blood people in their communities. The Valero project poses an imminent and significant risk of catastrophic harm, not only to the people in Benecia but also to the people, ecosystems and entire communities along the rail lines to Benecia.

In its current iteration, the DEIR reads like it was written by and for the Valero oil company, without regard to the health, safety and very lives of the residents whose interests and safety the city government is sworn to protect. Few would deny that big money corporations have influenced governments at all levels to the extent that huge multinational corporations and conglomerates have been allowed to privatize profits while externalizing and socializing all risks and losses at enormous expense to our citizenry. The proposed project will increase Valero's profits while imposing huge risks and costs on the Benecia city residents as well as the residents of communities uprailand of Benecia. I urge that the City of Benecia demand a complete overhaul of the DEIR to fully inform the public and the City Council of the enormity of the risks and costs this project poses. A failure to do so will only deepen the widespread public perception that governments at all levels routinely fold under the influence of big money instead of representing the public interest.

Those of us who live and work along the rail lines are, frankly, horrified at the prospect of having our homes, families and very lives at this extreme risk for any period of time. Please protect us.

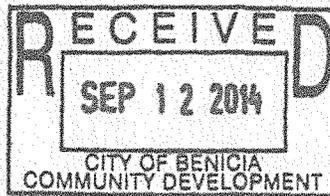
Thank you for your consideration.

Name: Clifford E. Manous Clifford E. Manous

Address: 2015 1/2 5th St

City Sacto. Ca. Zip 95818

Email (optional) N/A



September 9, 2014
70 Broken Circle
Davis, CA, 95618

Dear Ms. Million,

I'm eighty-seven years old and have been a resident of Davis for ten years. I've grown to love this community and the talk of trains carrying crude oil going thru Davis concerns me greatly.

An accident on the tracks here would be a devastating occurrence because they run so close to the downtown area and parts of the U.C.D. campus. The accident in N.E. Canada a few years ago makes this a very realistic problem. Don't downplay it!

The Capitol Corridor trains run a number of commute trains to San Jose every day and other people depend on these trains for travel also. The thought of three more oil trains going thru here disrupting the usual Amtrak Service concerns me.

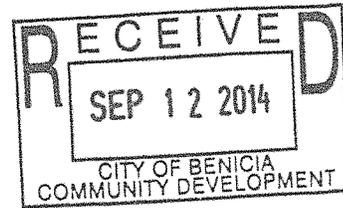
A third concern is the possibility that loaded oil cars could be side-railed on the tracks just east of the depot for lengths of time - waiting for a disaster to happen.

These risks should be given consideration in cities all along the way to the extraction sites.

Respectfully,

Lucille Hammes

September 10, 2014
449 San Miguel Way
Sacramento, CA 95819-2717



Benicia Planning Commission
Brad Kilger and Amy Million
250 E Street
Benicia, CA 94510

Dear Mr. Kilger and Ms Million,

I urge you to refine the EIR concerning the Valero refinery activities in regard to shipping oil on the Capitol Corridor rail line: safety of the rails, safety of the tanker cars, hazardous materials releases and spills or explosions of crude oil on the rail routes and subsequent efficiency and thoroughness of clean up if/when such accidents occur.

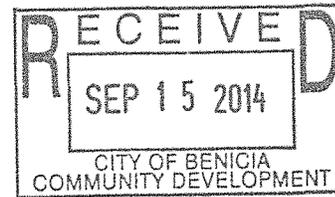
Many lives and properties will be affected by these transfers.

Thank-you for your attention.

Eileen Heaser

A handwritten signature in black ink, appearing to read "Eileen Heaser". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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



Dear Ms. Million,

Please add my comments to the public legal record on Valero's Crude-By-Rail Project and incorporate them as part of the review of its DEIR.

As a resident of Davis, I live up-rail from the proposed Valero Crude-by-Rail Project, and the two 50-car trains will come right along our street of high tech businesses, through residential neighborhoods and the downtown area, and along the edge of the University of California Davis campus Performing Arts and Conference Center before it passes under I-80 toward Dixon. I am very concerned about the impact of trains of volatile or toxic crude oil passing through my community every day at 50 miles per hour, since we are too small to qualify for a slower speed.

Fortunately, under CEQA up-rail communities have the opportunity to comment on the DEIR for the Valero Benicia Project. Here are some of my main concerns.

1. Although the federal Department of Transportation (DOT) has some proposed rule-making standards for improved tank car construction, braking systems and mild speed controls currently under public review, it will take years for them to be decided and then implemented. The following commitment is not to be dismissed under federal preemption as the DEIR specifically notes that Valero has purchased CPC 1232 tank cars for the journey from Roseville to Benicia and back. **What specific commitment will Valero make to assure uprail communities that the tank cars will meet the highest standard adopted by DOT from the first day of operation and the best braking system adopted? When will the already mandated Positive Train Control collision-prevention technology be fully implemented?**
2. The DEIR claims Industry Trade Secrets as the reason not to reveal what particular crude oil will be imported, thus avoiding the need to analyze the impact of toxic tar sands which cannot be cleaned up if it spills into our water ways and highly volatile Bakken Crude which is prone to explode should there be a derailment. It is not a violation of "trade secrets" to reveal the type of crude that will be delivered, as we do not need to know the exact amount or point of origin of any given shipment. **What are the daily and cumulative impacts and risks of running trains of two extreme crude oils through our cities, sensitive habitats and water supply, including their volatility, toxicity, sulfur content, etc.? What mitigations can be offered?**
3. CEQA specifically examines cumulative impacts. Oil trains will take precedence over Capital Corridor commuters and freight trains. Each 100-car train goes both ways, so the traffic on the rails is greatly increased in just two years, and the chance of accidents and spills increases with the number of trains on the rails. The DEIR for the Phillips 66 Rail Spur in Santa Maria Refinery in San Luis Obispo County should be circulated this fall, and Bakersfield just approved one project this week and is on the verge of approving another which will mean up to three daily trains that may be routed through Sacramento. **What will be the cumulative impact of the**

Valero train and the predicted four additional unit oil trains expected by 2016 or sooner, including conflicts of interest for use of the rails, traffic, and increased incidents of accidents and spills? What mitigations are proposed? Is there serious consideration of simply continuing marine delivery?

4. There is a lack of adequate liability coverage for accidents and spills. Valero claims no responsibility beyond its own property, and UP doesn't own the cars. In Lac-Megantic, the railroad went bankrupt, so the tax payers are covering the damage which is already over a billion dollars. Their downtown is condemned. **In the Benicia Valero Project, who is liable should there be an accident or spill while the train is bringing the crude from Roseville to Benicia? Does Union Pacific have adequate catastrophic release insurance for accidents similar to the events in Casselton, Lynchburg, or Lac-Megantic? Will the taxpayers ultimately be responsible?**

5. The boundaries set for the DEIR analysis – from Roseville to Benicia – fail to accurately describe the entire project. In fact, the project should analyze the transportation from the borders of the state of CA or possibly to the site of extraction. In particular, running trains of hazardous materials over Donner Pass or through the Feather River Canyon (designated a high risk rail area by Office of Spill Prevention and Response under the Office of Emergency Services) or from Redding through Dunsmuir, which crosses major rivers that supply drinking water, deserves thorough analysis. How can this wide-spread impact be ignored as we look at the first daily 100-car oil train coming into CA, knowing that it opens the door for up to 23% of crude-by-rail deliveries to CA in the next two years (CA Energy Commission prediction)? **The boundaries studied in the DEIR must be expanded to analyze the true impacts of the project.**

6. In the aftermath of the Napa County Earthquake on August 24, 2014, the Capitol Corridor train tracks were shut down for inspections. The map recently created by the Office of Spill Prevention and Response as part of their work on the Rail Safety Working Group convened by the Governor's Office in January, 2014, published a report on June 10, 2014: <http://bit.ly/OBR-page> One layer of the map shows known fault lines close to Benicia on two sides, and Union Pacific tracks actually cross the fault at one point. **How dangerous is it for trains of highly flammable Bakken Crude and/or highly toxic tar sands to be traveling or loading and unloading in earthquake territory?**

Thank you for your consideration,

Attached below are several pages of signatures with 36 signatures gathered between September 1 and September 14, 2014.

The individuals on this page wish to add their signature to the letter listing five concerns with the Valero Crude-by-Rail Proposal.

Name and Title	Address	Email
MICHAEL WRIGHT	3011 CORONA DR. DAVIS, CA 95616	ms_wright @ earthlink.net
Rebecca Conrad	714 Robin Place Davis, CA 95616	rebecca @ conrads.org
Nancy Fayt	725 Braddock CT Davis 95616	nfayt.k@gmail. com
Linda Sharrow	3325 Chesapeake Davis, CA 95616	
Mary Wu	429 Avacot Ave. Davis CA	
Sheila Cordrey	2046 Calaveras Ave. Davis, CA 95616	
LowAnn Vidmar	673 Forest Ridge Lane, Vacaville, CA 95697-7420	
Mary Cooper	30 Callega Park Davis, Ca 95616	
Ellen West	602 HERMOSA PI DAVIS, CA 95616	
Joseph Dwyer	606 Hermosa Dr Davis CA 95616	
Paula Douglas	606 Hermosa PI Davis CA 95616	
Amelia Rhodes	3011 Corona Dr. Davis, CA 95616	rhodes4764@att.net
Judy Rhodes Caparro	3320 Muir Woods Pl. Davis, CA	judycaparro@comcast. net
Devorah Eder	3003 Catalina Dr. Davis, CA	devseder@gmail.com

The individuals on this page wish to add their signature to the letter listing six concerns for the Valero Crude-by-Rail Proposal.

Name and Title	Address	Email
ISABEL SHASKAN EMERITUS PROFESSOR Sacramento City College		isabelshaskan @att.net
Karen Newton retired teacher	609 Oeste Dr. DAVIS, CA 95616	karen_luddite@ comcast.net
Michael Williams Teacher	915 Eureka DAVIS, CA 95616	MEWilliams333 @Aol.com
Cindy Anders	338 Hidalgo Pl Davis, CA 95616	cindy.h.anders@ gmail.com
Carlos W. Costaneda	68-1 F Camacho Pl DAVIS 95616	carlostaneda12@gmail.com
Sandy Duggan	7345 June Bug Ln VV CA 95688	theduggans@ castles.com
Dana Mitchell	7978 Spencer Ln Vacaville, CA 94988	dmitch777@mac.com
Melanie Bowden Parent Educator	558 Villanova Dr. Davis, CA 95616	melaniebowden@ earthlink.net
Cheryl Johnson	1330 Antelope Ave DAVIS 95616 #21	530 753-1865 (computer malfunctioning)
Craig D. Thomsen	2567 Overhul Davis, CA	cdthomsen@ucdavis.edu
John Matt Smith	2706 Belmont Davis CA	jsmith11@comcast.net
William HEINICKE	1703 LAKE BLVD DAVIS CA	bill.heinicke@yahoo.com
Christine L. Granger	2839 Gravel Dr DAVIS CA 95618	cgranger@den.org

The individuals on this page wish to add their signature to the letter listing five concerns with the Valero Crude-by-Rail Proposal.

Name and Title	Address	Email
Jeri Hewitt	36891 Russell Blvd Vallejo, CA 94591	partnersinc@scflabel.com
Richard Hewitt	26991 Russell Blvd Davis, CA 95616	rhewitt@primal.ucdavis.edu
Alan Jackman	306 Del Oro Ave Davis, CA 95616	ajackman@ucdavis.edu
Robert Bruun	629 Jerome St Davis, CA 95616	RobertBruun@scflabel.net
Joanne Bruun	629 Jerome St Davis, CA 95616	joannebruun@gmail.com
Jean Jackman	306 Del Oro Ave Davis, CA 95616	JeanJackman@gmail.com

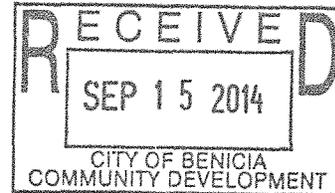
Amy Million - Comment on Valero DEIR

From: Stephen Fass <stephenfass@yahoo.com>
To: "bkilger@ci.benicia.ca.us" <bkilger@ci.benicia.ca.us>, "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>
Date: 9/11/2014 5:13 PM
Subject: Comment on Valero DEIR

September 11, 2014

Brad Kilger, City Manager
 250 East L Street, Benicia, CA 94510
 Fax: (707) 747- 1637

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



Dear Mr Kilger and Ms Million,

Please add my comments to the public legal record on Valero's Crude By Rail Project, and incorporate them as part of the review of its DEIR. In addition, please forward my comments to the Planning Commissioners.

The recent Napa earthquake should remind us that the proposed Valero Oil Train, carrying crude oil from Roseville to Benicia, will be exposed to the possibility of earthquakes, just as all structures in California are. The Valero EIR should examine the possible impact of an earthquake on the oil train operations, and how the counties, cities, and environmentally sensitive areas along the train route would be affected by potentially increased damage which might result from an earthquake.

Some of the questions which should be addressed are as follows:

How much does the possibility of an earthquake affect the calculation of frequency of accidents and spills and fires along the rail route?

How much would damages from an accident be affected by the fact that the accident was caused by an earthquake?

Are large railroad tank cars, filled with crude oil, any more likely than other rail cars to suffer derailment, damage resulting in spills, or catastrophic losses of content if an earthquake occurred near them?

What are the proposed maximum speeds for the oil trains on tracks in open country, in urban or suburban areas, or in environmentally sensitive areas? Do these speeds need to be re-examined, due to the possibility of an earthquake affecting the stability of the oil cars?

Given the flammability and explosivity of the transported crudes, how much would an earthquake change the evaluation of personal and property damage from an oil train?

Since the same tank cars delivering crude to the Valero refinery will be returned to the oil fields at which they were filled, what will the contents of the returning tank cars be? Will they contain no liquids, partly full of liquids, or will they be completely full of flammable liquids? Will they contain flammable gasses, or will they contain a mixture of flammable gases and air entering the cars as they are emptied? What would the potential for damage or loss of life be from accidents involving these returning cars during an earthquake?

Given the fact that the tracks along which the oil train will travel are already in heavy use, will two daily oil trains, and two returning trains increase the occurrence of delays along the route?

Will the oil trains be subject to long periods of holding in the high temperatures experienced in

Northern California Central Valley? Will solar heating experienced during such delays cause pressure to rise in the cars, and will the rail cars' pressure relief devices release flammable liquid or gaseous materials? If a release occurred in populated areas, what hazards are experienced by residents and property in those areas?

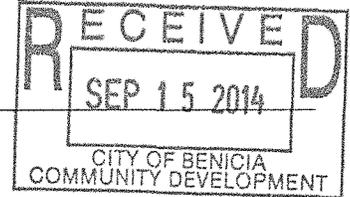
State and local governmental regulating agencies and residents along the oil train route need to know the answers to these questions, in order to properly evaluate the hazards their areas will be subject to, and to decide if they wish to approve or disapprove the construction and operation of the Valero Oil Train project.

Thank you.

Stephen M Fass, BS, MS, PhD, Chemical Engineering, retired
1880 Cowell Blvd #205
Davis, CA 95618
530-564-7070

Amy Million - Re: In Support of Valero CBR DEIR

From: Cara Bateman <cara_n@yahoo.com>
To: "bkilger@ci.benicia.ca.us" <bkilger@ci.benicia.ca.us>, "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>
Date: 9/11/2014 8:40 PM
Subject: Re: In Support of Valero CBR DEIR
CC: "info@beniciacbr.com" <info@beniciacbr.com>



To Whomever This May Concern:

Please accept the attached file named "Final FRA Data" for the public comment record rather than the attachment named "FRA Data" which accompanied my comment time stamped 6:47 p.m. this evening. A minor editorial correction was required to the previous version. The raw data presented was not affected.

Thank you,

Cara

On Thursday, September 11, 2014 6:47 PM, Cara Bateman <cara_n@yahoo.com> wrote:

After hearing and reading countless public comments (including the comment letter recently submitted by the Sacramento Area Council of Governments) regarding the "Railroad Crude Oil Release Rate Analysis for Route between Roseville, CA and Benicia, CA" being fatally flawed, I set out to review the source data myself. Relevant data tabulated from the Federal Railroad Administration's Office of Safety Analysis can be found in the attached file.

In short, the Release Rate Analysis (RRA) and its numerous references in the DEIR are NOT flawed. As evident in the attached file and as stated in Section 3.3 of the RRA, not only have the railroad industry's hazardous materials accident rates declined in the years since the RRA's rate estimates were developed (i.e., 2005-2009), but the accident rates have been declining for decades. Again, just look at the attached file where the raws facts couldn't be more clear.

Facts are facts. This project isn't perfect, but this community deserves much more than the countless false claims and accusations from the opposition.

Thank you for your time,

Cara Bateman
Benicia Resident

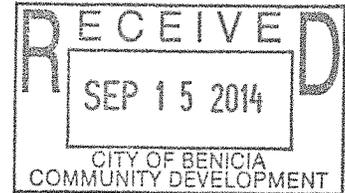
From: "Roger" <rogrmail@gmail.com>
To: <amillion@ci.benicia.ca.us>
Date: 9/12/2014 11:43 AM
Subject: Please reject the EIR of the Valero Crude by Rail Project

September 12, 2014

Visitor

Benicia, CA

Amy Million
Principal Planner, City of Benicia, Community Development Department



Amy - I am impressed that San Francisco Baykeeper has organized the following online petition, (see below). I apologize for the agonizingly, overwhelmingly multitudinous comments you are having to organize into the public record. However, it is not on me, or on those who raise their voices in "shock and awe": Valero started this whole thing with its dangerous and highly polluting proposal. I note for the record here that the DEIR fails on so many counts, that it should be dismissed out of hand, and IF Valero then wants to move forward, the City must require a rewrite and recirculation ... at Valero's expense of course. Maybe Valero should be required to finance the City's hiring of additional Planning staff?

I join SF Baykeepers in the following petition:

I respectfully urge the City of Benicia to reject the Draft Environmental Impact Report for the proposed Valero Crude by Rail project.

The Draft Environmental Impact Report should be rejected because it underplays numerous environmental and public safety risks of bringing in new crude oil by rail to the Valero refinery. For example, the report claims that the worst case scenario for simultaneously unloading 50 tank cars is that the contents of one tank will spill. The actual worst case could be far worse.

The draft report also projects that an oil spill in Suisun Marsh is unlikely, without supporting this assertion. In fact, the railroad tracks along Suisun Bay are built on loose sediment that could liquefy in a significant earthquake, causing the rails to buckle or collapse, and lead to a serious oil spill if a train were on the rails at the time.

Nationwide, the risk of oil spills from trains is high. Last year in the US, more than a million gallons of crude oil was spilled as a result of rail accidents. If the expansion of the Valero rail yard goes through, the residents of Benicia and the birds and other wildlife of Suisun Bay will be under threat of oil spills.

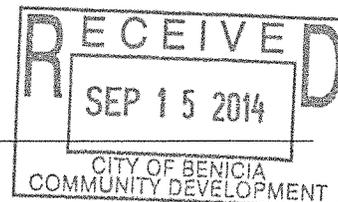
Moreover, the threat of an oil spill or explosion extends far beyond the community of Benicia. The Draft Environmental Impact Report completely leaves out impacts to San Francisco Bay's upper watershed, even though Union Pacific trains would be carrying oil through the hair-pin turns of river canyons that are home to salmon and many species of concern. The Valero refinery's proposed rail yard expansion puts San Francisco Bay, Suisun Bay, Suisun Marsh, our shorelines, and our upper watershed under threat of oil spills.

Every resident in the Bay Area has a stake in what the City of Benicia decides. Please reject the Draft Environmental Impact Report for the Valero Crude by Rail project, and please do not allow the expansion of the Valero refinery rail yard to go forward.

Sincerely,
Visitor

Amy Million - Valero CBR DEIR Comments

From: Susan Gustofson <susan.gustofson@yahoo.com>
To: "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>
Date: 9/12/2014 12:12 PM
Subject: Valero CBR DEIR Comments



To: Benicia Planning Commission

Subject: Valero Crude by Rail Project DEIR Comments

I believe the DEIR is complete and thorough. I have read the DEIR in detail and have reviewed the analyses prepared by the city's consultants. The City's effort in preparing the DEIR was very comprehensive. Thank you.

In particular, I reviewed the sections for air quality and greenhouse gas. In my opinion the information in these sections accurately examines the project.

I am a registered Professional Mechanical Engineer in the State of California and earned an MBA from a local college. My professional career experience encompasses a variety of energy related industries and categories including utility gas and electric, geothermal, energy utilization and conservation, petroleum refining, environmental air compliance projects, permitting, and compliance verification. I reside in Martinez, work for the Benicia Refinery, and am involved with this project. I am submitting my comments as an individual of my own volition.

Respectfully,

Susan Gustofson

For your consideration:

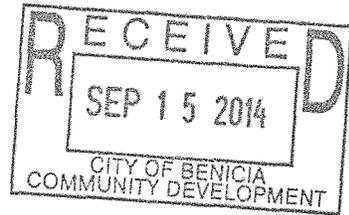
I have lived in Rodeo for 61 years but I work and spend a lot of time in Benicia. With Rodeo being a refinery town like Benicia, we have to step back and take a look at the benefits the refineries provide us.

Valero provides 25% of the City's General Fund revenue. The refinery's activities support over 450 local jobs and 3,900 jobs in the region. Many of the local charities have received millions of dollars and thousands of volunteer hours from the refinery and its employees as well.

Remember the impact Valero has on this community and realize that they do not want to jeopardize the city of Benicia or its people. The refinery is run on safe practices for protection of the people. Please take all this into consideration and support their actions by approving the Crude by Rail project.

Thank you,

Billie Bowden

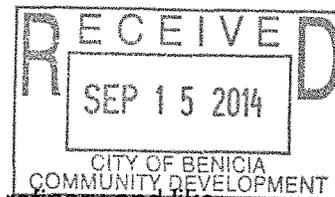


To: City of Benicia Planning Commission c/o Amy Million

9-12-2014

From: Charles Davidson. 2108 Drake Lane Hercules CA 94547

Re: The Benicia CA "Valero Crude-by-Rail Project"



My name is Charles Davidson. I live in Hercules, near Phillips 66's refinery and like Benician's, also live nearby Union Pacific's Railroad tracks. I am a member of the Sunflower Alliance that is a group of citizen's concerned with our area's residents health and safety in the vicinity of refineries and railroads. We are concerned with the health of the planet in the context of a productive, forward looking energy economy. I will explain why I do not support Valero's CBR project as written and specifically, call-to-question the project's cumulative impacts.

Legal staff representing the Sacramento Area Council of Governments, a planning agency of the region's six counties and 22 cities, stated: "The [Valero CBR environmental impact report] never looks at the risk of fire and explosion in one of these situations."

They said that the city of Benicia is failing to acknowledge the risks of explosions and fires that could happen if the Bay Area city approves Valero's plan to run crude oil trains through Northern California to its refinery.

The accusation, in a draft letter released Tuesday by SACOG comes in response to a Benicia report that said twice-daily rail shipments of 70,000 barrels of crude will pose no significant threat to cities on the rail line, such as Roseville, Sacramento and Davis.

Benicia's analysis stops at Roseville. Several local officials, including Plumas County supervisor Kevin Goss, say they want it to include likely routes to the north and east, including the Feather River Canyon and the Dunsmuir areas, both of which have been designated by the state as high-hazard areas for train derailments.

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

An oil train derailment and explosion of Bakken ND shale oil, of the type to be carried by Valero, instantly killed 47 individuals in Lac Megantic Quebec last July, prompted Canadian officials to impose tougher safety regulations. After a train carrying Bakken Crude exploded a few months later in Casselton ND, shooting out a 200 foot fireball , the US PHMSA declared Bakken Crude as significantly more flammable than typical heavy crudes due to to being extraordinarily high in propane and butane content.

While 70 percent of US crude is currently being carried by the obsolete and crash intolerant DOT-111 railroad tanker cars, the newer cpc-1232 tank cars being planned

will take years to replace the DOT-111. These newer 1232 cars will still be highly vulnerable to rupture upon derailment and explosion as the trains belly sink into the ground along the tracks at speeds up to 50 miles per hour, frequently over land fill.

Valero's twin project to the Crude-by-Rail (CBR) project is the Valero Improvement Project (VIP), that desires to "upgrade" the refinery in order to refine lower quality crude that is both higher in sulfur and heavier than their current feedstock. For manufacturing considerations, lighter Bakken shale oil needs to be mixed into heavy, insoluble Tar Sands bitumen, as a solvent, so that it will flow more easily within Valero's machinery. This low quality crude project (ie, the combined Valero Improvement Project and its facilitative Crude-by-Rail Project) will increase refinery GHG output and increase requisite natural gas input by a 20 percent in order to refine such low quality crudes, as stated in the VIP Environmental Impact Report (EIR). Moreover, with Tar Sands import into Benicia, Valero's FCC catalyst will accumulate more asphalt-like catalyst poisons, in the form of petroleum coke, that will need to be continuously burned off, emitting more particulate matter pollution than currently onto Benicia residents, in-and-despite the addition of lighter Bakken crude into the refinery crude slate mixtures. A Tar Sands crude spill would be catastrophic to California's water supply or the Delta and impossible to clean up, as proven in Michigan's 2010 Kalamazoo River Enbridge pipeline rupture, that will never be remediated, despite spending over 1 billion dollars to date.

For myself and like many others, I have a fundamental problem with Bakken ND crude, in that horizontal shale oil extraction brings up many gallons of toxic heavy metal wastewater per each gallon of crude obtained, containing far more heavy metals than from typical vertical oil drilling into shallower pooled petroleum reserves. The EPA found that the heavy metals obtained from shale drilling contain Naturally-Occurring Radioactive Materials or NORM up to over 3,000 times safe drinking water levels or 250 times allowable industrial effluent levels. The EPA documents were released to the NYTs by FOIA request and similar findings have been affirmed in peer reviewed scientific literature. Wastewater recycling merely concentrates this radioactive shale waste and wastewater filters have been dumped en masse on native American reservations in order to avoid the cost of hazardous waste disposal.

Moreover, due to an absence of gas pipelines, the brightness of the light emitted from natural gas being burned off of Bakken oil wells in North Dakota can be dramatically seen at night time from outer space and the massive volumes of escaped gas, mostly methane, is an 87-times more powerful green house gas than carbon dioxide over a twenty year period.

Regarding Canadian tar sands extraction, it is already a Connecticut-size open pit mine and two of the three largest man-made lakes in the world are massive, poisonous tar sands leachate impoundments in northern Alberta.

The amount of crude by rail into California is set by refineries and the railroad industry to increase ten-fold within the next five years. Shipping Tar sands crude and propane laden Bakken crude into Benicia is a toxic risk, given the three train derailments within the past year alone, two which involved heavy-metal laden petroleum coke.

Sincerely,

Charles Davidson

Amy Million - Valero DEIR Comments

From: Jean Jackman <jeanjackman@gmail.com>
To: <amillion@ci.benicia.ca.us>, <bkilger@ci.benicia.ca.us>
Date: 9/13/2014 10:14 AM
Subject: Valero DEIR Comments

Amy Million, Principal Planner

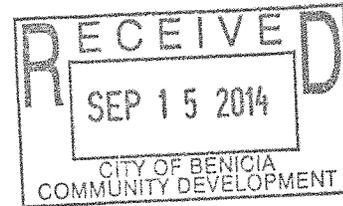
Community Development Department

250 East L Street, Benicia, CA 94510

amillion@ci.benicia.ca.us

Fax: (707) 747-1637

September 13, 2014



Dear Ms. Million,

Please add my comments to the public legal record on Valero's™ Crude-By-Rail Project and incorporate them as part of the review of its DEIR. I have previously added my name to a letter with comments regarding the danger of trains going through my town of Davis. We wrote of concerns regarding tank car standards, the issue of trade secrets regarding the oil that will pass through our towns, the impact of oil trains that will take precedence over commuter and freight trains, the lack of adequate liability coverage for spills and accidents, the artificial boundaries set for the DEIR analysis since it does not describe the entire project, the potential for danger as a result of earthquakes. However, I have further concerns.

More crude oil was spilled last year than in the previous 40 years combined according to the Center for Biological Diversity. With the ongoing water shortage in California, I worry immensely about a possible spill. The trains will run along Suisun Bay, a rich wildlife habitat - and then the spill could spread to the San Francisco Bay. This possibility should have been addressed in the DEIR. Trains run over the Donner Pass, the Yolo Bypass, the Sacramento River. Spill possibilities in these areas should also be addressed. Millions depend on these sources for water. It would be a catastrophe if a spill would occur and damage these precious water sources.

The Department of Transportation estimates there will be 15 rail accidents next year and each year DOT-111s are still in crude transport service, and possibly disasters on the scale of Lac-Megantic or larger and yet they are allowing the use of those cars for four more years. This is an unacceptable risk for all of the up rail people and the people of Benicia and must be addressed in the DEIR.

The DEIR needs to address the possibility of earthquakes as there is new information about the faults in either side of Benicia. The risk needs to be further assessed and written so that Benicia residents have a clear understanding of latest scientific discoveries.

First, volatile elements should be stripped before shipment as it is done in Texas. Given the danger inherent in these oil cars, we need to see a revised DEIR. The DEIR should address storage of crude oil tank cars and security plus notification to first responders about when oil cars are coming through their areas. The first responders should be trained, outfitted and supplied with appropriate materials by the oil companies profiting. We need all tracks, warning devices, grade separations inspected and we need inspections and reports transparent and accessible to the public. The funding for these safety measures

should be born by Valero.

Since the horrific Lac Megantic, Quebec tragedy, when 47 people were incinerated, there have been 9 more accidents involving cars of oil. How can you possibly state that there is a chance of 1 accident in 111 years? The lack of supervision on the Quebec tragedy points to a rogue industry with little oversight and regulation. And then the company went bankrupt. In fact, our Department of Transportation, in light of the accidents, labels the rail transport of these oils a significant hazard to communities along the tracks. In May, the DOT called the shipment by rail an imminent hazard under 49 U.S.C. 512(d). How much insurance does Valero have? When would they be responsible in case of accident?. Who shares responsibility along the rail lines and how much insurance do they have? There are only 5 federal inspectors for the entire U.S. No more dangerous projects over uninspected, uninsured, unshored up bridges should occur. How will Valero insure the highest standards for bridges it crosses with the volatile cargo?

I am concerned about the air pollution that will result from this project. I visited the American Lung State of the Air 2014 site. Yolo County, where I live and where the trains will pass, gets a grade of C for ozone and B for particle pollution. I put in the Benicia zip code of Valero Refinery and found an ozone grade of C and particle pollution grade is D. I taught school for years in Elmira, (Vacaville schools) along the train line, and was familiar with the number of cases of asthma in children. My own grandchildren in the bay area have asthma or have had pneumonia. What specifically will these trains do to our already compromised air? How many more deaths per year will the increase in air pollution create? This must be addressed in a DEIR.

According to the American Lung State of the Air 2014, here is how increased ozone will harm health:
Premature death. Breathing ozone can shorten your life. Strong evidence exists of the deadly impact of ozone in large studies conducted in cities across the U.S., in Europe and in Asia. Researchers repeatedly found that the risk of premature death increased with higher levels of ozone.^{9,10,11} Newer research has confirmed that ozone increased the risk of premature death even when other pollutants also exist.¹²

Even low levels of ozone may be deadly. A large study of 48 U.S. cities looked at the association between ozone and all-cause mortality during the summer months. Ozone concentrations by city in the summer months ranged from 16 percent to 80 percent lower than the U.S. Environmental Protection Agency (EPA) currently considers safe. Researchers found that ozone at those lower levels was associated with deaths from cardiovascular disease, strokes, and respiratory causes.¹³

Benicia gets a D in particle pollution. Here is who is at risk in Benicia.

Who Is at Risk?

Anyone who lives where particle pollution levels are high is at risk. Some people face higher risk, however. People at the greatest risk from particle pollution exposure include:

- Infants, children and teens⁴;
- People over 65 years of age.⁵;
- People with lung disease such as asthma and chronic obstructive pulmonary disease (COPD), which includes chronic bronchitis and emphysema;

- People with heart diseases⁶ or diabetes;⁷
- People with low incomes.⁸; and
- People who work or are active outdoors.⁹

Diabetics face increased risk at least in part because of their higher risk for cardiovascular disease.¹⁰ A 2010 study examined prevalence of diagnosed diabetes in relation to fine particle pollution in 2004-2005. The evidence suggested that air pollution is a risk factor for diabetes.¹¹

So why is air pollution not addressed in a comprehensive manner in the DEIR? How many more people are likely to be dying or hospitalized as a result of this project?. Visit the State of the Air and do the numbers.

Even as I write this, on September 13, 2014, I learn that California is scrambling to hire its first two ever railroad bridge inspectors. And that when they are hired, they will create a railroad bridge inventory of bridges most at risk. How many bridges will the oil cars go over with the hazardous materials. How many bridges go over environmentally sensitive ecosystems and near urban areas? There are about 5000 California railroad bridges, most built more than 100 years ago. How many old bridges, uninspected by the state, will oil cars roll over? According to the Contra Costa Times, "From 1982 to 2008 records show there were 58 train accidents nationwide caused by the structural failure of a railroad bridge, causing nine injuries and about \$26.5 million in damages." Will all bridges carrying crude for the Valero project be inspected before carrying more trains? Who is liable if the bridges fail? Who will pay for cleanup? This must be addressed in an EIR.

I believe it is the responsibility of the Benicia government to reject the Valero expansion and the incomplete DEIR and say no to the project. This is necessary for the safety of your citizens and for all up rail people. This is a time of climate chaos and we need to act with incredible responsibility. Prioritize protection of citizens over the powerful corporate drive of shareholders. Yes, we all use oil, yes we all want jobs, but we need to leave it in the ground and look to other ways. During World War 2, in a short time, we gave industries totally new roles, we put people to work, we learned to live with less due to rationing. Now we have a extreme climate chaos that threatens our existence and we must find new ways to live.

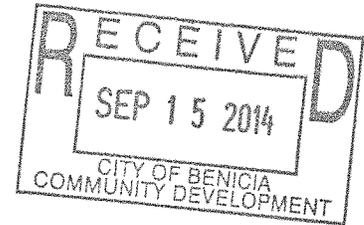
I urge anyone involved with this project, making a decision on this project, to listen or re-listen to Marliane Savard, Lac Megantic - spoke in Martinez, CA Feb. 2014 and it can be found on youtube. Listen to how a town was demolished and 47 people incinerated.

Thank you for the opportunity to comment.

Jean Jackman
306 Del Oro Ave
Davis, CA 95616

September 13, 2014

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



Re: Valero Crude by Rail (CBR) Project—Greenhouse Gas Emission (GHG) Issues

Dear Ms. Million:

The Draft Environmental Impact Report (DEIR) is seriously deficient in its assessment of the impact on the environment of the greenhouse gases resulting from the Valero CBR project.

Section 4.6.3 of the DEIR states a project would cause adverse impacts associated with GHG emissions if it would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The DEIR then limits itself to considering only those emissions generated by the project's construction or transportation activities. By doing so, it is able to come to the conclusion that the GHG emissions generated by the project will have a less than significant impact. This is the wrong approach. An adequate analysis requires the DEIR to consider the source of the crude oil being transported by rail in determining if significant GHG emissions will result.

The CBR project will allow Valero to refine Canadian tar sands crude. Dr. James Hanson, the former director of the NASA Goddard Institute for Space Studies, and the preeminent climate scientist in the United States, stated that if Canada is able to develop the oil in its tar sands reserves, "it will game over for the climate." *New York Times*, May 9, 2012, Op-Ed; <http://www.nytimes.com/2012/05/10/opinion/game-over-for-the-climate.html>.

According to Dr. Hanson:

Canada's tar sands, deposits of sand saturated with bitumen, contain twice the amount of carbon dioxide emitted by global oil use in our entire history. If we were to fully exploit this new oil source, and continue to burn our conventional oil, gas and coal supplies, concentrations of carbon dioxide in the atmosphere eventually would reach levels higher than in the Pliocene era, more than 2.5 million years ago, when sea level was at least 50 feet higher than it is now. That level of heat-trapping gases would assure that the disintegration of the ice sheets would accelerate out of control. Sea levels would rise and destroy coastal cities. Global temperatures would become intolerable. Twenty to 50 percent of the planet's species would be driven to extinction. Civilization would be at risk.

To put additional context of how dire the climate change scenario is, consider these numbers derived from Bill McKibben's July 19, 2012 article in *Rolling Stone*, "Global Warming's Terrifying New Math." <http://www.rollingstone.com/politics/news/global-warmings-terrifying-new-math-20120719.html>. The consensus among climate scientists is that to avoid the worst catastrophes resulting from climate change, global temperature increases have to be kept below 2 degrees Celsius (3.6 degrees Fahrenheit). To have a reasonable hope of staying below that target, the world can only add 565 gigatons of carbon dioxide to the atmosphere prior to midcentury. However, the proven current oil, gas and coal reserves in the portfolios of the fossil fuel companies total nearly 2,800 gigatons of carbon. In sum, if we are to stay below the 2 degree target, nearly 80% of the proven fossil fuels will have to remain in the ground. As President Obama recently stated, "There is no doubt that if we burned all the fossil fuel that's in the ground right now, that the planet's going to get too hot and the consequences could be dire." <http://www.businessweek.com/articles/2014-06-26/climate-change-and-the-two-thirds-imperative>

To develop the dirtiest source of crude, i.e., Canadian tar sands, is completely contrary to what actually needs to be done.¹ Even developing the Bakken shale crude under these circumstances is questionable. At a minimum, to adequately analyze the impact of the CBR project on climate change, the DEIR needs to look at the source of the crude that will be transported.

Richard Slizeski
363 West Seaview Drive
Benicia

¹ The only reason Canadian tar sands crude is being transported by rail is that adequate pipelines have not been built to ship it to the refineries. Such pipeline developments have been blocked, at least temporarily, due to environmental protests over, among other things, the resulting GHG emissions. It would be outrageous if Valero was able to bring tar sands crude to market by rail with no analysis of the potential damage resulting from the GHG emissions.

From: "Toby" <takmak2000@yahoo.com>
To: <amillion@ci.benicia.ca.us>
Date: 9/13/2014 8:26 PM
Subject: Please reject the EIR of the Valero Crude by Rail Project

September 13, 2014

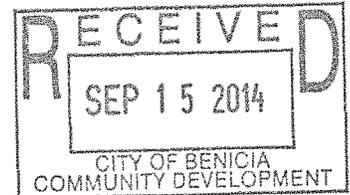
Visitor

Benicia, CA

Amy Million
Principal Planner, City of Benicia, Community Development Department

Dear Ms. Million,

I respectfully urge the City of Benicia to reject the Draft Environmental Impact Report for the proposed Valero Crude by Rail project.



The Draft Environmental Impact Report should be rejected because it underplays numerous environmental and public safety risks of bringing in new crude oil by rail to the Valero refinery. For example, the report claims that the worst case scenario for simultaneously unloading 50 tank cars is that the contents of one tank will spill. The actual worst case could be far worse.

The draft report also projects that an oil spill in Suisun Marsh is unlikely, without supporting this assertion. In fact, the railroad tracks along Suisun Bay are built on loose sediment that could liquefy in a significant earthquake, causing the rails to buckle or collapse, and lead to a serious oil spill if a train were on the rails at the time.

Nationwide, the risk of oil spills from trains is high. Last year in the US, more than a million gallons of crude oil was spilled as a result of rail accidents. If the expansion of the Valero rail yard goes through, the residents of Benicia and the birds and other wildlife of Suisun Bay will be under threat of oil spills.

Toby Krein

]

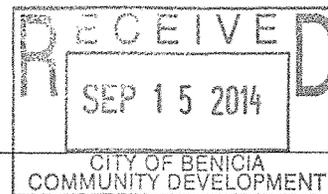
Moreover, the threat of an oil spill or explosion extends far beyond the community of Benicia. The Draft Environmental Impact Report completely leaves out impacts to San Francisco Bay's upper watershed, even though Union Pacific trains would be carrying oil through the hair-pin turns of river canyons that are home to salmon and many species of concern. The Valero refinery's proposed rail yard expansion puts San Francisco Bay, Suisun Bay, Suisun Marsh, our shorelines, and our upper watershed under threat of oil spills.

Every resident in the Bay Area has a stake in what the City of Benicia decides. Please reject the Draft Environmental Impact Report for the Valero Crude by Rail project, and please do not allow the expansion of the Valero refinery rail yard to go forward.

Sincerely,

Amy Million - Comments on the Crude-By-Rail DEIR

From: Donnell Rubay <dmrubay@yahoo.com>
To: Amy Million <amillion@ci.benicia.ca.us>
Date: 9/14/2014 10:16 AM
Subject: Comments on the Crude-By-Rail DEIR



Hi Amy,

My comment is that I would like to see the Crude-By-Rail EIR address the environmental risk of oil trains traveling across existing railroad bridges. In particular, I'd like to see this risk addressed given the facts raised in the following article:

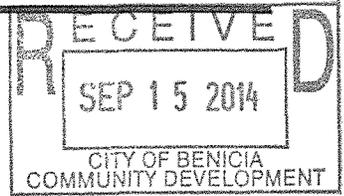
"No Track Record--Rail Companies Monitor Their Own Spans" by Mahias Gafni, *Contra Costa Times* (9/13/2014), page one.

Yours,

Donnell Rubay

Amy Million - Please forward my comments to Benicia's Planning Commissioners

From: P Rubin <pumpkintrust1@yahoo.com>
To: "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>
Date: 9/14/2014 11:45 AM
Subject: Please forward my comments to Benicia's Planning Commissioners



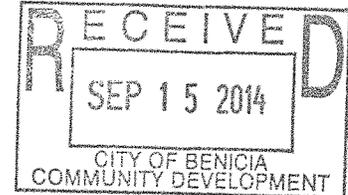
I suggest you go ahead and approve the crude oil rail project. We need to create more jobs and opportunities for not only Benicia, however, to the Sacramento region as well. We need to reduce over foreign dependency on oil and by now we should realize this is our better option.

Preston Rubin
707 205 7550

9-14-2014

City of Benicia
Benicia Planning Department

Re: Draft EIR – Valero Crude by Rail Project



Benicia Planning Commissioners:

Thank you for this opportunity to lend my full support for the City of Benicia's Draft EIR on the Valero Crude by Rail Project. I am confident that the City of Benicia and independent experts hired by the city, with their combined expertise, have provided a thorough investigation and analysis of this project for this community to consider.

The Draft EIR identifies potential impacts which include:

Reduced air emissions in the offset of crude delivered by ship (DEIR 4.1-16)

Does not modify existing permits but only the inclusion of the permits for the new equipment in the Refinery's Title V permit (DEIR 4.1-17)

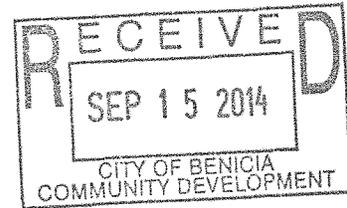
As this is a refinery, there are certain risks that are inherent to the business. We should continue to demand the oversight in operations to minimize that risk. The community should be involved in the processes that will need to be put in place with the issuance of this permit. We should not only expect the partnership from Valero but incorporate that partnership into the fundamentals of our community's safety programs.

The addition to the short term and long term jobs, the additional business base will only be beneficial to the financial growth of the City of Benicia.

Sincerely

Randy Norman
100 Carlisle Way
Benicia, CA

Sandra Scherer
305 Marina Village Road
Benicia, CA 94520



September 11, 2014

Re: Crude by Rail Project

Honorable Mayor and City Council members:

I am writing to you regarding the Valero Crude by Rail project.

Please add my comments to the public legal record on Valero's Crude by Rail Project and incorporate them as part of the review of its DEIR.

I am not in favor of this project and feel it is unsafe and unnecessary.

Benicia is known for its arts, tourism, and as a beautiful place to live, work and play along the Carquinez Straits. The livelihood, well-being and future for residents and local businesses largely depend on Benicia's unique characteristics and environmental health. Current refinery activities are already a significant and known danger in our area.

A crude by rail accident or explosion could potentially endanger not only the immediate area around Benicia and Solano County but the Benicia Bridge, Contra Costa County and other towns as well, further exposing us to excessive risk.

Please add my voice of dissent to this project and please share my letter with the Planning Commission.

Thank you.

Sandra Scherer

Cc:

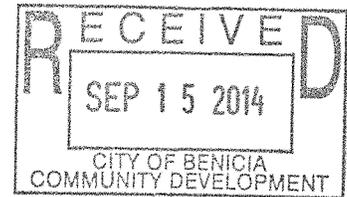
Amy Million

Planning Commissioners

Amy Million - Comment for the record - Valero Crude By Rail

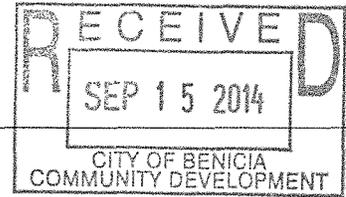
From: Barbara Combs <bcombs1234@att.net>
To: "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>
Date: 9/14/2014 1:33 PM
Subject: Comment for the record - Valero Crude By Rail

Dear Amy,
Thank you for taking on the enormous task regarding our
opposition to the Crude By Rail project.
Our family is strongly opposed to this potential event.
Sincerely,
Barbara Combs



Amy Million - Crude by Rail

From: <beniciarealtor@comcast.net>
To: <bkilger@ci.benicia.ca.us>, <amillion@ci.benicia.ca.us>
Date: 9/14/2014 2:33 PM
Subject: Crude by Rail



Good Afternoon:

I would like you to know that I completely support the Valero crude by rail infrastructure project being proposed.

There are many reasons I feel this way:

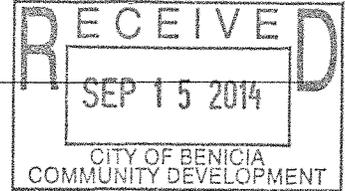
1. First of all it will actually improve the air quality not only in our own city of Benicia, but as a result the entire world's atmosphere by the reduced number of ships bringing in the crude oil.
2. These ships bring in foreign oil, and I would much prefer that the United States is more self sufficient and bring in crude from our own country versus lining the pockets of foreigners. In addition, we would have a lot less of the marine hitchhikers that are polluting our waters with the creatures that find their way into the ballusts of these ships and then they invade our ports.
3. The fear mongers would have you believe that we could have accidents due to the train transportation, but in actuality if there was a problem on a train versus the ship there would be much less crude to have to deal with wherever the accident happened.
4. The railroad that would oversee the movement of the crude has an excellent safety track record.

Please make note that I highly endorse this project and hope it comes together as quickly as possible.

Thank you,
Linda Sanderson
V.P. Sr. Sales Counselor
Cal BRE# 01247775

Amy Million - Comment for the record - Valero Crude By Rail

From: June Mejias <junemejias@yahoo.com>
To: "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>
Date: 9/14/2014 2:56 PM
Subject: Comment for the record - Valero Crude By Rail



Amy Million, Principal Planner, Community Development Department:

Please add my comments to the public legal record on Valero's Crude by Rail Project and incorporate them as part of the review of its DEIR.

I am writing as a concerned resident of Benicia and as a parent and grandparent.

The idea of transporting highly combustable crude oil in aging rail cars over also aging rails infrastructure is far too risky for our citizens and for people along other nearby cities. Further complicating the dangers are the obvious lack of regular railroad bridge inspectors to assure safe conditions.

Public safety should always be a priority beyond corporate profits.

Please forward this email to the planning commissioners as well.

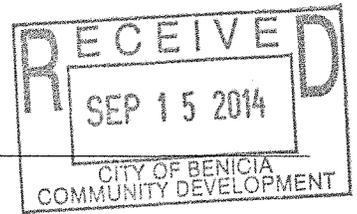
Thank you.

Sincerely,

June Mejias
921 East 4th Street #9
Benicia, CA 94510

Amy Million - Oil trains

From: "Valerie Durbin" <vdurbin1@gmail.com>
To: <amillion@ci.benicia.ca.us>
Date: 9/14/2014 4:25 PM
Subject: Oil trains
CC: "Lynne Nittler" <lnittler@sbcglobal.net>



Dear Ms. Million,

I am writing to ask you to add my comments about Valero's proposed rail project to the public legal record and to forward my concerns to the planning commission:

I am a resident of The City of Davis and not only live but work within 100 yards of the train tracks that are proposed to carry crude oil to the Valero refinery in The City of Benicia. I am alarmed not only at the safety risks if this plis approved but also the impact upon our community. In fact, most of our Davis residents including students at U.C. Davis will be impacted by the increased train traffic if the Valero refinery is approved.

Aside from the real risk of derailment with accompanying explosion and fire, we would be impacted by traffic congestion, increased noise and vibration. Our concerns have not been addressed by the DEIR.

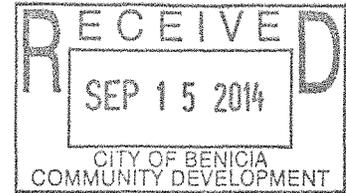
Aside from the real potential for loss of life and property, the issues of who would be responsible and would there be enough insurance to cover an accident along the train route and in the metropolitan area, including the UCD campus and travelers on adjacent Highway 80. Can and will the City of Benicia require Valero to put up a \$20 billion bond in advance.

Finally, why was the option of continuing with marine delivery by tanker, which is well-regulated by OSPR not considered when it carries less risk to communities.

Thank you for your consideration of my very grave concerns,
Valerie Durbin
320 Fiesta Avenue
Davis, CA

Benicia 9/11/2014,

Good Evening Members of the Benicia City Council:



My name is Marisol Pacheco-Mendez, I'm a resident of Benicia and over the past 25 yrs worked in Environmental compliance. One of my responsibilities is to develop Greenhouse Gas emission inventories that are reported to the State of California. So, this caused me to give a critical eye to the Draft EIR for the Crude by Rail project.

I consider the draft EIR to be complete and accurate. This EIR has been developed by experts retained by the city and the facts are clearly stated in the document.

In the Draft EIR, two items in particular that caught my attention: first, the net air emissions reduction in the Bay Area and second, no increase in process emissions. I'm very glad about that because it's a BIG win for the environment.

The project will reduce 225,000 Metric tons CO₂e of Greenhouse Gases which represents about 7-9% of our facility total.

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

Yet, as a scientist, I know you will base decision on facts not fears, myths and misinformation. If clarity is needed on any fact or data in the EIR the City Staff and its consultants have called upon many **credible** resources to provide you expertise with a variety of topics, including in the past meeting (train car designer expert, train accident expert, emergency responders, Union Pacific, etc.).

I understand there are risks associated with this project; as in everyday life, however, safety regulations and practices – with focus on prevention – minimize those risks. I have heard concerns about the “what ifs regarding accidents and first responders”, I know that the City of Benicia, Union Pacific and Valero first

responders are communicating, meeting and are well trained and continue to expand their joint training opportunities.

Thank you for this opportunity to share my expertise with you.

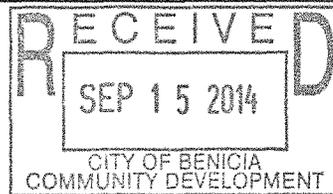
As an individual,

Marisol Pacheco-Mendez

Benicia, California 94510

Amy Million - Valero

From: James Everhart <jimepatd@att.net>
To: "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>
Date: 9/15/2014 8:45 AM
Subject: Valero



We attended the Sept. 11th meeting regarding Valero. We are for Valero putting in those new tracks.

We feel Valero is good for Benicia. My husband and I have lived in Benicia for the last 30 years.

The ships are fowling our bay with the ballast they empty into our water. If there should be a spill it is much harder to contain in the water. Foreign ships use single skin haul. We are much safer with rail .

The railroad has been coming through Benicia for over 75 years. They carry bombs, chemicals, oil, and other dangerous cargo from Oakland to Roseville and further east and back again.

My husband retired from the Union Pacific after 42 years. The railroad is much safer now then it was 50 or 60 yrs ago.

The Federal regs. are very strict.

For those who have purchased homes near Exxon now Valero the refinery has been there since 1968.

Thank you,

Patricia Everhart
878 Channing Cir
Benicia, Ca. 94510

707-745-3674

Benicia City Planning Commission:

Question:

Is it true that the DEIR Valero Crude by Rail Project was paid for by Valero? If this is so, there is an obvious conflict of interest in having ESA objectively evaluate and validate a project that is proposed by the very company (Valero) that is paying for the EIR. For ESA to find against the applicant – well, good luck ever finding another job in the oil industry! If this is how the system works, it is fatally flawed, and all findings should be suspect. Valero and Union Pacific both stand to gain if this project is approved, hence their calculations should be verified by independent agencies, such as CalTrans.

Request:

Ref. DEIR 4.11 Transportation and Traffic

The study of traffic impact at the Park Road crossing is inadequate at best, irresponsibly dangerous at worst, and requires further investigation. The duration of a 50-tank car train (3,200 feet long), traveling at 5 mph, crossing Park Road is determined to be 8 minutes 18 seconds. How was this determined and by whom? Has it been verified by an independent authority? What variables can effect the speed? The average traffic impact of other crossings, with no speeds recorded, over the course of one week is given in Table 4.11-1, and it seems the "insignificant impact" of four 50-car trains is based on averages from one week with no 50-car trains and no speeds recorded. This is specious reasoning and makes no sense, if you think about it.

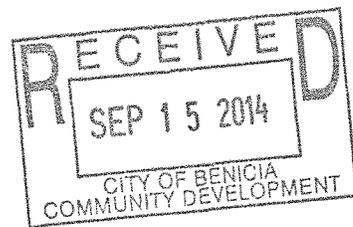
DEIR page 3-22: ". . . it is expected that Valero's unit trains will avoid crossing Park Road during the commute hours." This indicates Valero's good intentions (with which, as the saying goes, the road to hell is paved), or it is a deliberate falsehood designed to obscure reality, which is that Valero does not determine Union Pacific's schedule nor the vagaries of nature nor the speed of trains nor traffic flow. Neither the City of Benicia nor Valero Refinery can dictate the UP schedule, it is unrealistic and downright dangerous to assume these crossings will take place only during off-peak hours. Therefore, it would be prudent to conduct an independent evaluation, perhaps done by CalTrans engineers, with a simulation of the impact on traffic every hour of the day, blocking traffic for 8 minutes and 18 seconds. I expect a computer model already exists for such an important study, using video camera recordings. Then simulated traffic flow should be increased over a ten year period, based upon estimated increases for industrial park traffic in the Bay Area, which will be greater than 1.6%.

And here is an example of a completely meaningless calculation that flies in the face of reason:

DEIR, page 4.11-9: " The 8.3 minute train crossing (i.e., 500 seconds) divided by the approximate 640 vehicles on Park Road during the AM peak hour equates to an average vehicle delay of about 0.8 second per vehicle." Such good news! apparently there's not even a one second delay during the AM commute (when trains won't be crossing), if we spin this out far enough! Hello? Is anybody paying attention?

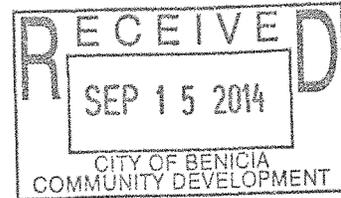
Thank you,

Sue Kibbe
"My heart's in the Highlands"



Kathy Kerridge
771 West I Street
Benicia, CA 94510

Brad Kilger
Amy Million
City of Benicia, Community Development Department
Benicia, CA 94510



September 14, 2014

Re: Additional Comments on Valero's Crude by Rail Draft Environmental Impact Report

Has Valero's record of air quality violations been considered when looking at air quality issues associated with this project? According to an article by Peter Fimriten at SFGate.com, October 22, 2013, Valero was fined for 33 violations in 2011 and 2012. "Almost half of the violations cited by the air quality district between 2011 and 2012 involved excessive short-term emissions and valve leaks on tanks." They will now be off loading a hundred rail cars a day with an unknown number of valves.

According to Fimriten "Valero was named by the U.S. Environmental Agency in 2013 as one of California's top distributors of dangerous substances. It was second to the ConocoPhillips refinery in Rodeo as the most profligate disseminator of poisons in the Bay Area, releasing 504,472 pounds of toxic substances into the air, water or ground. It was the 10th biggest source of chemicals and pollutants in the state." How will this record of toxic dissemination be considered when they are bringing in some of the most toxic and dangerous crude oil on the planet?

Although Valero is very secretive about what type of crude it will be processing, we do know from the lists that the DEIR provides that it wants to bring in Canadian Tar Sands Crude and Bakken crude. How will the importation of tar sands affect local bird species? Looking at the project as a whole should include looking at how this highly dangerous oil is extracted and how that extraction process will affect bird species. To get tar sands crude an area roughly the size of Florida has basically been or will be strip mined. The mining process leaves behind tailing ponds full of toxins. The toxins leak into wetlands and forests. Migratory birds overwinter in this boreal forest in Canada. It is estimated that 75 million birds are threatened by this development. The birds land in the tailing ponds and die, and their habitat is destroyed or poisoned. What migratory birds that fly through Benicia or what birds that live here part of the year and there part of the year will be affected by this project? What will the impact be? Will any endangered species be threatened?

What plans are in place now to deal with a large earthquake on any of the nearby faults? What would happen if a large quake derailed a train and made it impossible to reach people who may be trapped or at risk in the Industrial Park?

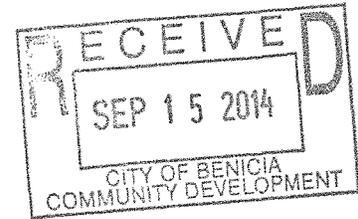
What will be the impact on passenger train service in California? What will be the cumulative impact of not just these two trains, but of 8 or 9 trains going through California on Amtrak? What will be the traffic impact in up rail communities of numerous crude oil trains going through their communities? This is only one of several projects in the works.

These questions need to be answered before this project can go forward.

Sincerely,

Kathy Kerridge

Craig Snider
793 Carsten Circle
Benicia, CA 94510



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

Dear Ms. Million,

Thank you for considering my comments concerning the Valero Benicia Crude by Rail Project Draft Environmental Impact Report. This project poses a significant risk to the safety and well-being of Benicians as well as other communities and lands "uprail" of the project.

First, it is important for the planning commission and city officials to keep the project in perspective. The people control development of the Benicia industrial park and the various doings in the vicinity. If the city can deny the placing of a men's club/strip joint or some other objectionable business, they can certainly deny a project that disrupts business in the industrial park and increases the safety risk already posed by the existing refinery. Flood plains, and earthquake prone areas adjacent to residential areas, businesses and waterways are not the place for crude by rail depots. The refinery is located on the water to receive crude by ocean tanker. It's a terrible location to receive oil by rail. If such a facility must be developed for national security and/or business reasons, it should be located elsewhere, and the crude pumped, safely, by pipeline through the community and into the refinery.

6.4.3 Alternative 3 – Offsite Unloading Terminal is the logical selection when considering the risks involved. An offsite facility (on stable ground away from waterways, businesses and residential areas) would largely mitigate the local problems associated with the Project. The DEIR seems to dismiss this alternative because impacts would be transferred to another site. However, the DEIR fails to mention that the hazardous risks posed by an accident in the vicinity of the facility could be substantially reduced depending on site selection.

Second, the impact analysis fails to adequately analyze and disclose the "uprail" effects of the Project in regard to Hazards and Hazardous Materials (Section 4.7). CEQA requires that effects analyses address cumulative effects. "Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. State CEQA Guidelines (14 CCR 15130) require a reasonable analysis of the

significant cumulative impacts of a Proposed Project. Also, Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time (State CEQA Guidelines, Section 15355[b]).

Valero's crude by rail project presents a classic case of significant cumulative effects. By calling for 100 tank cars of crude per day, the proposal adds to a rail system that has been plagued by accidents to such a degree that transportation officials are scrambling for ways reduce accidents. From the DEIR page 4.7-5:

“In response to recent rail accidents involving crude oil and ethanol, federal regulatory agencies and AAR have taken a variety of actions designed to reduce the risk of accidental releases from DOT-111 tank cars. The effort to reduce risk is ongoing, and further regulatory changes are expected in the relatively near future.”

The DEIR paints the picture of an industry that is struggling to get a handle on an unprecedented surge in crude oil shipments over rail networks that are neither designed nor prepared to handle the load. Valero's project clearly adds fuel to the fire by inducing even more rail cars to haul crude under these dubious conditions. The project adds a significant number of tank cars to an already significantly impacted system. Yet, the DEIR arbitrarily dismisses the duty to discuss this cumulative effect on page 4.7-1:

“The analysis does not attempt to consider any impacts that might occur along train routes on the way to Roseville. Any such analysis would be speculative, because crude oil shipments heading to the Refinery could come from oil producing regions all over North America.”

Yet, it's widely known that the most likely source is Bakken crude and the DEIR goes to great pains to describe various Bakken crude train accidents and government response to such. Bakken crude will be a major source of the Valero crude by rail. So it's not true that the shipments will be coming from “all over North America”.

Regardless, instead of disclosing the significant risk posed by the project's cumulative increase in crude by rail shipments, the DEIR suggests that we are to trust that Union Pacific Railroad (UPRR) has our backs regarding safety because they will develop (no timetable provided) safety plans and processes for securing oil toting trains including operating rules and instructions and various reviews and adjustments as needed. What're needed here are facts - not reassurance. Given the current state of affairs regarding the surge in crude by rail traffic, such plans and protocols should already be in place. Given the high risk to the public posed by this surge, the public should have an opportunity to weigh in on such processes including a review by an unbiased 3rd party. Yet little about this issue is revealed in the analysis.

Further, no credible rationale is provided for why the analysis stops at Roseville. Why not Reno? Marysville? Oroville? Wherever? If the goal is to avoid a full disclosure of cumulative effects and associated risks, a better rationale for limiting the analysis area is needed. As it stands, the text begs for such an analysis and disclosure based on the recent history of accidents and the apparent lack of adequate safety regulations at the local, state, federal and industry levels. Nobody is ready for this activity.

Clearly, the DEIR needs to be revised/supplemented to better address the obvious cumulative effects that are induced by adding 100 tank cars per day to an already overburdened system. While the specifics of when and where each car originates may not be possible to obtain, there is certainly the capability to do a better job of analyzing and disclosing the hazardous risk induced by the proposal when coupled with similar operations throughout the country. Only then can the decision-maker be fully aware of the consequences of approving the proposal. As it stands, the DEIR fails to provide the decision-maker with sufficient information to make an informed choice between alternatives.

Third, rules governing “high hazard flammable trains” (crude by rail) need to be thoroughly vetted and approved before the Valero proposal is approved. Between March 2013 and May 2014, there were 12 significant oil train derailments in the United States and Canada, including the Quebec accident that killed 47. Crude by rail arriving in California was up 506 percent to 6.3 million barrels just last year. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined. Yet it wasn’t until the first of August that regulations were proposed for dealing with this unprecedented increase in “High-Hazard Flammable Trains” (see Federal Register Aug. 1, 2014, pg. 45016).

Apparently the Pipeline and Hazardous Materials Safety Administration (part of the U.S. Department of Transportation) expects to issue new regulations governing crude by rail sometime after a 60-day comment period that ends Sept. 30th. Oddly, their federal notice includes a brief 2-page “environmental assessment” that concludes there will be no significant environmental impacts associated with their proposals. Apparently we are to trust the railroad industry and their minders who have steadfastly refused to institute train safety mechanisms such as “Positive Train Control” that would have saved 288 lives, prevented 6500 injuries and 139 crashes in the past 45 years to do the right thing. At a minimum, the rules governing high hazard flammable trains should be subject to a full environmental impact statement as provided by the National Environmental Policy Act. This would allow the public to better weigh-in on the proposed safety rules and their associated risks to affected communities. Such an Environmental Impact Statement might determine that crude by rail terminals be located a minimum distance from residential areas and that crude carrying trains travelling through metropolitan areas be guided by automated systems that monitor speed, location, and rail traffic such that the potential for human error would be substantially reduced. Such systems currently exist, but have

been largely ignored by the railroad companies. These measures need to be studied and decided upon before the Valero proposal is approved.

Such an EIS would give the Valero Crude by Rail project a strong basis to move forward since the cumulative impacts of the surge in crude by rail shipping would be fully assessed and the mechanisms needed to assure its safety fully vetted and implemented. As is stands, moving ahead with the proposal under the current state of affairs is clearly unwise and a needless risk to the community here and elsewhere.

In summary, the railroad industry is not ready to provide for safe transport of current and projected volumes of crude oil. A hasty effort is underway to shore up safety protocols and rail infrastructure, but it is far from complete; nor has it been fully vetted in the public forum. This problem would have been born out under an adequate Hazards and Hazardous Materials cumulative effects analysis in the DEIR. There are three choices at this time: 1. Choose the No Project Alternative; 2. Supplement the DEIR with full disclosure of the cumulative effect for Hazards and Hazardous Materials. 3. Choose alternative 3, which would require either a revised DEIR or a new DEIR based on the new location for the depot.

Sincerely,

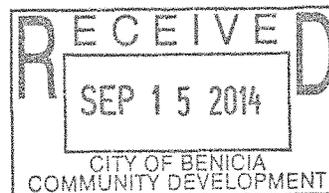
/s/ Craig B. Snider
CRAIG B. SNIDER

Amy Million - Comment for the record - Valero Crude By Rail

From: Rodney Robinson <rodneyr88@outlook.com>
To: <amillion@ci.benicia.ca.us>
Date: 9/14/2014 8:01 PM
Subject: Comment for the record - Valero Crude By Rail

September 12, 2014

Brad Kilger,
 City Manager
 250 East L Street, Benicia, CA 94510
bkilger@ci.benicia.ca.us
 Fax: (707) 747-1637



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

Dear Mr. Kilger and Ms. Million,

Please add my comments to the public legal record on Valero's Crude-By-Rail Project and incorporate them as part of the review of its DEIR. In addition, please forward my comments to the Planning Commissioners.

As an up-rail resident of a town impacted by the Valero Benicia Crude-by-Rail Project I am exercising my right to comment on that project's DEIR.

As a resident of Davis, I live up-rail from the proposed Valero rail project, and the two 50-car trains will come across the Yolo Bypass (my neighbor), which includes our sensitive Yolo Basin Wildlife Preserve, passes through our downtown and several dense residential areas, and exits town along the edge of UC Davis, including the Mondavi Performing Arts Center complex. Needless to say, I am very concerned about the impact of crude oil trains moving through my community as they are scheduled to be happening every day. I used to get a sweet pleasure from the blast of the train whistle. That pleasure has been turned to dread thanks to the Valero proposal. Not just for my Davis community but for all communities, human and non-human, along the long and twisted rail route(s) from the upper plains of the mid-west, over the various mountain ranges and through the riparian corridors and then across the Suisun Marsh to the Valero refinery.

According to the California Energy Commission, we can expect CA to import as much as 25% of its crude oil by rail within the next few years, translating into ten to twelve or more trains per-day passing through our community. Given the cumulative impact of such increased crude-by-rail traffic, up-rail communities have much at risk and deserve a voice in the process.

Here are my concerns:

- The scope of this DEIR is severely truncated by which I mean that it covers only the train traffic between Roseville and Benicia. It should cover, at a minimum, the entire route(s) between Benicia and the California border where the train(s) enter the state.
- There are inadequate federal Department of Transportation rules and/or regulations for the transport of this highly volatile and explosive crude oil by rail. The rail cars are not built to standards sufficient to deal with the nature of the fluids being transported. Rail line safety inspections for track-bed and bridges are not sufficient with regard to the high level of explosive damage which has already or may in the future occur with rail mishaps should there be an infrastructure failure due to maintenance shortfalls. Rail tracks and bridges need to be inspected regularly, particularly after extreme weather events, to be sure they are supporting the axel load of the long, heavy, and frequent oil trains.
- I have a concern as to whether or not the Richard's Blvd. rail over-crossing in Davis and the Yolo Causeway are strong enough to carry the weight of the proposed heavier DOT1232 cars?
- The 78,000 older and unsafe DOT 111A tank cars are prone to rupture when they derail. Thus far the U.S. has made no ruling to phase them out promptly as Canada has, and even the 14,000 cars that meet the 2011 standards (called CPC 1232) may be prone to rupture as they are only 1/8 inches thicker than the DOT111 cars. In Lynchburg, VA, a 1232 ruptured traveling at 23 mph. Industry says they could phase out the legacy DOT 111A tank cars over 10 years. They also have stated that as they add the newer cars they will keep the older DOT111 in operation as the crude "boom" is set to expand faster than car manufacturers can produce cars. At the very least, it will take

years to phase in cars that meet newer standards even if they are adopted. How can Valero assure us we will be safe until stronger cars are in place? How can they claim their crude will only be carried in 1232 cars as they state in the DEIR? What if DOT selects stronger standards than the 1232 model Valero has purchased? Why is Valero using the newer 1232 cars only in the Roseville to Benicia area rather than throughout California or better yet all the way from the oil fields?

- The DEIR says Valero does not have to release the specifics regarding the kinds or types of crude they are importing because the information is a “trade secret”. I don’t want their recipe, only the types of crude oil: Bakken Crude and tar sands. This is enough information for us to have the discussion that is critical to us: What are the true impacts of running trains of two extreme crude oils through our cities and habitats? This general but critical information should not and can not be a trade secret.
- The nature of the crude being transported: Bakken crude “may be more combustible than most crude” (the Casselton fire ball was 900 feet high); the Alberta tar sands is toxic with high sulfur and high heavy metals, it sinks in water, making it essentially impossible to clean up a spill, plus the refining process produces the by-product “petcoke” which is worse than coal when burned in terms of particulate pollution and green house gas emissions. In a letter to federal DOT on July 1, our state Assembly members (Garamendi, Miller, Matsui, and Thompson) insisted that the industry must make the Bakken crude less volatile before they load it into tank cars! Industry is completely opposed to spending the money that would protect millions of Americans from great risk. The DEIR must analyze the real risks of importing two extreme forms of crude through the interior of CA. That is the whole purpose of an EIR. Importing either crude is a very significant decision that should not be left only to industry because the safety of people, water, and our environment are at stake.
- Should “petcoke” be a by-product of the refinery activity at Valero-Benicia, What are the plans for handling and storage of this highly toxic and noxious by-product?
- Environmental hazards of spills: The water in the Yolo Bypass is the beginning of the Sacramento-San Joaquin Delta with implications for the whole state in terms of the potable drinking water, Farmland irrigation, bird migrations, and drought protection mitigation. The DEIR should analyze these impacts and required mitigations should the unthinkable occur.
- Cumulative Impacts and conflicts of interest for the use of the rails. CEQA specifically examines cumulative impacts. Oil trains will take precedence over Capital Corridor commuters and freight trains. Each 100-car train goes both ways, so the traffic on the rails is greatly increased in just two years, and the chance of accidents and spills increases with the number of trains on the rails. The DEIR must evaluate the cumulative impact of the Valero train and the predicted additional 8 - 10 trains per day within the next 2 years. The DEIR for the Phillips 66 Rail Spur in Santa Maria Refinery in San Luis Obispo County (5 100-car trains/week through Sacramento and along the Capitol Corridor) is to be released this fall, and Bakersfield just approved one project and is on the verge of approving another which will mean an additional 2-4 trains daily that may be routed through Sacramento. Wear and tare on the infrastructure must be factored into the DEIR analysis.
- Apparently there is an industry-wide lack of adequate liability coverage for oil train accidents and oil spills. Who will be liable should there be an accident or spill? Is there enough coverage? Will the taxpayers be left holding the “bag”? Valero claims no responsibility beyond its own property, and UP doesn’t own the cars. In Lac Megantic, Canada, the railroad went bankrupt, so the tax payers are covering the damage which is already over a billion dollars. Their downtown is condemned. This liability issue should be part of the DEIR.
- James Beardsley, global rail practice leader for Marsh & McLennan Cos. Insurance Brokerage unit, says. “There is not currently enough coverage in the commercial insurance market anywhere in the world to cover the worst case (train derailment) scenario.”

1. Last year trains hauled 400,000 carloads of oil, up from 9,500 in 2008
2. Railcar accidents spilled 1.15 million gallons of crude oil in 2013, up from 792,600 from 1975-2012
3. Pipeline and Hazardous Material Safety Administration issued a rare safety alert, saying “Recent derailments and fires indicate that the type of oil transported from the Bakken fields may be more flammable than traditional Heavy crude oil.”
4. National Transportation Safety Board and Canadian equivalent The Transportation Safety Board of Canada warned, “an oil train accident could result in major loss of life.”
5. Railroads self-insure against accidents over a certain threshold.
6. Presently railroads are using unsafe legacy DOT-111 tank cars.
7. Industry experts went on record with the Wall Street Journal and detailed the inadequacy of Insurance railroads carry for catastrophic events.
8. BNSF Railroad went on record saying “Insurance is not commercially available to cover us against catastrophic loss.
9. Following the accident, fire, and explosion in Lac-Megantic, US-based oil service companies are presently in court fighting the Quebec Government and wrongful death suits filed in behalf of the town’s residents, and estimates for clean up cost alone were \$180 million and may take a decade to accomplish with liabilities estimated at \$2 billion.

As an affected resident of Davis, I ask the City of Benicia and the DEIR to ask hard questions regarding who in the event of an accident, derailment, or spillage is the responsible party, and does that party carry enough insurance to cover an accident along the entire train route including in a metropolitan area.

An example is Washington State where law requires transporters of petroleum products to demonstrate that they have the resources and insurance to take financial responsibility for their mishaps. The Benicia refinery is the point where it must be determined if there is adequate insurance carried by Valero, the railroads delivering the crude oil and train car leasing companies. Vagaries in determining responsibility cannot happen. Accidents will happen and determining responsibility and the ability to pay restitution prior to the incident is

absolutely necessary.

My community and all communities along the rail route have lives and property at increased risk. The DEIR needs to adequately answer these questions for all parties involved:

- Who will be liable for a rail accident resulting in a derailment, explosion and fire in my community?
- Who will be liable for a derailment and spillage into the Yolo causeway, a wildlife sanctuary and water source for the State of California?
- Does the liable party carry adequate insurance to guarantee clean up and restitution for parties damaged in the event of a spill, derailment or explosion?
- Can and will the City of Benicia require Valero to put up a \$20 billion bond in advance?

• Why are the boundaries in the DEIR considered to end at Roseville rather than the CA borders or all the way back to the extraction sites in N. Dakota and Alberta, Canada or the other oil fields that may become or are already supplying oil to Valero? The DEIR tries its best to isolate the project to just tracks on Valero property; however, running trains of hazardous materials over Donner Pass or through the Feather River Canyon — designated a high risk rail route by OSPR — or from Redding through Dunsmuir with all of these routes crossing major rivers that supply drinking water and as well as running through sensitive terrain and riparian corridors ought not be left out of the DEIR analysis. How can this wide-spread impact be ignored as we look toward the first daily 100-car train coming into CA, knowing that it opens the door for up to 25% of crude by rail deliveries to CA in the next two years (CA Energy Commission prediction)? I am asking for a broader definition of the boundaries for the project in the DEIR, and therefore more analysis of impacts.

- The DEIR focuses its statistics for spills and accidents on just the 67 miles from Roseville to Benicia from 2003-9, before the big upsurge in crude oil by rail with the corresponding rise in accidents and spills; however, Valero's desire for the crude exposes every community and sensitive area on the various routes to the risks of transporting toxic tar sands and volatile Bakken crude. The statistics are for all hazardous material spills for that period, rather than specifically crude by rail spills in the last few years since the shipping by rail exploded. This statistical analysis in the DEIR is not accurate. Junk science prettied up with lipstick.
- The focus in CA on spill prevention and response to spills/accidents misses the real danger of the entire EIR process: extracting the crude from the ground with the assistance of chemicals and water which is polluted in the process, transporting it through communities and sensitive habitats half way across the country, refining the crude at enormous expense in order to meet California air quality standards, and finally selling the refined crude on the international market so it can be burned, sending more green house gas emissions into the atmosphere and slowing our necessary conversion to renewable energy and conservation efforts! Affirmation of this project puts us entirely on the wrong path for our California AB32 goals!

Thank you,

Rodney Robinson
Central Valley Institute
P.O.Box 1753
Davis, CA 95617

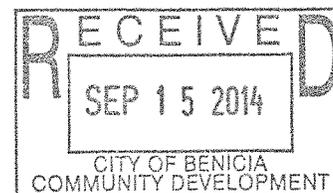
Comments on the Valero Crude by Rail Project

Draft Environmental Impact Report

September 15, 2014

From Ed Ruszel

2980 Bayshore Rd



I have three major concerns about the accuracy and inclusiveness of the DEIR.

First, the DEIR states that Valero receives crude oil by ship and pipeline. It is stated that the average capacities of the ships are 350,000 barrels. The report states that with the operation of the rail unloading facility, ship traffic will be reduced by up to 82% or up to 78 ships per year.

Many types of ships and barges are used by Valero to receive and export products. Some are barges or small coastal "product" tankers, many others are large crude carriers.

Below are a few of the crude tankers that have been tied up at Valero's docks recently. Note that in most cases, the amount of crude carried is significantly larger than 350,000 barrels.

Ocean Schooner, 228meters long 73,083 dead weight tons (DWT) of cargo capacity equals approx. 475,039 barrels of crude oil. (DWT x 6.5=bbl average volume for crude oil).

Polar Resolution 272m, 141,740 DWT = 921,310 barrels

Polar Enterprise 272m, 141,740 DWT= 921,310bbl

Aqualiberty 248m, 115,649DWT=751,718bbl

Jasmin Joy 228m, 104,604DWT=679,926bbl

Energy Puma, 183m, 46549DWT= 302,568bbl

Sierra 264m, 124,962DWT =812,253bbl

Larger ships are generally more fuel efficient and less polluting per ton of cargo carrying capacity.

In order to accurately demonstrate the reduction in pollutants generated by the claimed reduction in ship visits, the DEIR needs to include the specifics of ship deliveries of crude oil. Data needs to include specific information such as the number of ships, the size of ships, and the amount of crude delivered per ship visit.

Any references to air pollution or greenhouse gas reduction, need to be revised to reflect actual crude ship deliveries.

Secondly, it has been well noted in the draft report and in the applicant's (and their transportation partner, UPRR) presentations that local jurisdictions cannot enforce controls over railroad operations due to the Federal Railroad Preemption.

What has not been accurately and/or properly stated is that those unenforceable limitations on railroad operations must still be considered fully in the evaluation of this Valero CBR Project, as per CEQA requirements.

Any statement, assumption, discussion, etc., of rail movement, such as timing of trains, numbers of trains, types of cars, lengths of trains, products shipped, routing, switching, storage/parking on industrial tracks/ siding, and the length of time street and driveway crossings are potentially blocked, are therefore invalid.

Lack of oversight and control at the local level of railroad operations doesn't exempt an EIR from recognizing and incorporating such uncontrollable traffic impacts.

Here are some examples of errors and/or omissions in the Transportation and Traffic sections.

1. The Traffic study presented in Appendices I does not even make mention of the federal rail road preemption.
2. The street traffic study and the review of rail traffic were performed on different dates.
3. The traffic study uses midafternoon hours to study traffic at Park Road and the 680 Bayshore Off-ramp. The study must examine train movement at any and all hours of the day or night, including peak vehicle traffic times.
4. To be most accurate these studies need to be conducted simultaneously.

Thirdly, the DEIR presents UPRR's Hazardous Materials Emergency Response Plan in appendices H. This is a generic, boilerplate document dated 2009. It states that Martinez is an area with a more specific plan. The tracks and UPRR operations in the Benicia Industrial Park are within this management district.

Please provide current emergency response plans for the Martinez railroad district.

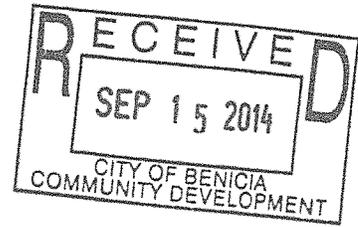
There are multiple private railroad crossings along Bayshore Rd that have no alternate access and are completely blocked by rail traffic movement into and out of the rail facilities at Valero and the north- west Industrial Park. There are several hundred people employed at these locations. Please include specific emergency response plans for these businesses dealing with long train delays, equipment breakdowns, crew/switch operations, as well as responses to any catastrophic rail incidents along this class 1 rail corridor.

Emergency response plans need to be provide for these businesses directly affected by current and any increased rail traffic granted by approval of this Crude by Rail project.

Considering the above noted issues with Valero's DEIR for the CBR project and the many other concerns filed by others, I feel strongly that the document is inadequate and needs to be substantially restudied, rewritten, and recirculated.

David R. Lockwood
495 Gray Court
Benicia, CA 94510

September 15, 2014



Benicia Planning Commission
250 East L Street
Benicia, CA 94510

RE: Proposed Valero "Crude by Rail" DEIR

Members of the Planning Commission:

I believe this project is very worthy of your affirmative action!

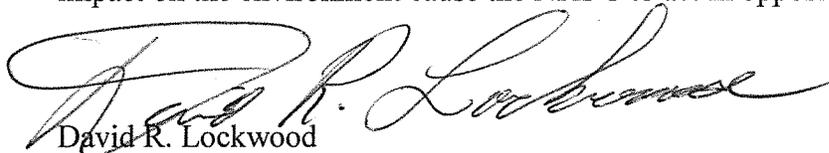
As the DEIR states this is a net plus for the environment in its reduction of harmful emissions. I further believe that the potential/probability of a cataclysmic explosion of a train is very low; certainly lower than a ship explosion in our port (which could wipe out the Arsenal Industrial Park and perhaps a part of downtown).

Further comment:

I watched with great interest the actions of the NRDC at the Planning Commission hearing on the DEIR. As a former planning strategist one always has to look at the cause and effect that any change will have; IE who will lose by the change and how will they react.

In this case foreign oil interests and oceanic shippers are the big losers. The Valero proposal is fearsome to them not only for the loss of Valero's business, but also it would set a precedent for other West/East Coast refiners to do likewise: A monumental shift in oil independence and ocean shipping. They have been strangely quite during these proceedings!

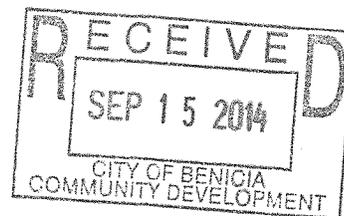
Could it be that they are funding NRDC to put up a scare tactic? When one watched behind the scenes (as I did) the actions of the NRDC "Whip" to get people to come forward to speak before you with coaching and scripting tactics you have to know there are big stakes involved in supporting their actions. I found it particularly noteworthy that the "whip" spoke to nearly all of the Davis speakers before they came into the Council Room (as well as others). Her actions were deliberate and disciplined. It should give you pause to think why would a project that has positive impact on the environment cause the NRDC to act in opposition!


David R. Lockwood

Rev. Mary Susan Gast

766 West J Street • Benicia, CA 94510

15 September 2014



TO: Amy Million, Community Development Department and
Members of the Planning Commission

RE: Comments for the public legal record on Valero's Crude By Rail Project to be
incorporated as part of the review of its DEIR

"GOOD" FOR BENICIA?

Maybe it's those signs around town proclaiming "It's good for Benicia" that got me to thinking about Valero's proposed crude by rail project in terms of medical ethics. When medical ethics panels meet to determine whether, indeed, a procedure is "good for" a patient, several principles are invoked. At least three of those principles are relevant to our situation where Valero is presenting a DEIR which tells Benicia that crude by rail is good for us. The principles are veracity, beneficence and nonmaleficence.

Veracity is truth telling. It is grounded in respect for persons and the concept of autonomy. The principle of veracity holds that a person must have the full information relevant to her or his decision. Veracity can be violated either by deliberately conveying erroneous information, by withholding portions of the truth, or by spinning information in ways that are misleading. [See Regis University, "Ethics At A Glance," <http://rhchp.regis.edu/hce/ethicsataglance/Veracity/Veracity.pdf>] No surgeon can ethically say, "This procedure I perform is successful with 97% of patients, but I can't talk about about the risks from anesthesia, I'm only responsible for the surgery."

Part of the truth about the impact of crude by rail is being withheld when the DEIR cordons off part of the information regarding risk by limiting itself to consideration of what occurs within the Valero refinery property, and by stating that no mitigation of risk factors arising from the condition of railroad tracks or tank car standards can be addressed because those are matters of federal regulation.

Beneficence refers to actions that promote the wellbeing of others. **Nonmaleficence** is the "do no harm" principle. This includes avoiding even the risk of harm, whether intentionally or unintentionally. Ethical dilemmas commonly arise in the balancing of beneficence and non-maleficence, since almost any medical test or procedure has a risk factor. [See UCSF, "Beneficence vs. Nonmaleficence," http://missinglink.ucsf.edu/lm/ethics/content%20pages/fast_fact_bene_nonmal.htm] However, in order to be ethical, the potential benefits of any intervention must outweigh the risks. "You don't have to intend harm to violate this principle. In fact, you don't even have to cause harm. If you have knowingly or unknowingly subjected a patient or colleague to unnecessary risk, you have violated this principle."

[Regis University, "Ethics At A Glance," <http://rhchp.regis.edu/hce/ethicsataglance/Nonmaleficence/Nonmaleficence.pdf>]

Several public commentaries have been made about Valero's excellent safety record, what a

good employer Valero is, and how thoroughly Valero trusts the Union Pacific Railroad. I have no reason to doubt that these assertions are genuine. But, the scope and impact of the proposed crude by rail project encompasses more than is measured by the current safety and emissions standards which Valero has met. Despite Valero's goodwill to its employees and to the community, the risks of this proposed project must be outweighed by possible benefits. The prospect of a couple of dozen new permanent jobs pales in the light of the train derailment in Lac-Mégantic, population 5900, where in one fiery instant tank cars exploded, 47 residents died, and 800 jobs, (and the town's once delightful waterfront) were lost. Nor can we afford to ignore the almost monthly derailments of tank cars in the United States over the past year, or the state of the railroad bridges and tracks that will be transporting Bakken crude into Benicia if Valero's plan is approved.

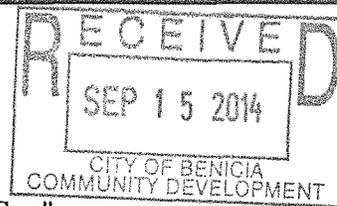
I encourage the Planning Commission to go beyond the limitations of the DEIR, and take to the ethical highground in deliberating on this proposal. Consider the future of Benicia, the risks to our town and its people, and to the towns and the people uprail and downwind, the marshlands, the farmlands, the businesses, and the waterways as you determine what is truly "good for Benicia."

Thank you so much for your diligence,

A handwritten signature in black ink, appearing to read "Mary Susan Gast". The signature is fluid and cursive, with the first name "Mary" and last name "Gast" being the most prominent parts.

Rev. Dr. Mary Susan Gast

Amy Million - Valero DEIR Comments



From: "Howe, Chris" <Chris.Howe@valero.com>
To: Amy Million <AMillion@ci.benicia.ca.us>
Date: 9/12/2014 12:58 PM
Subject: Valero DEIR Comments
CC: "Cuffel, Donald" <Don.Cuffel@valero.com>, "Gustofson, Sue" <Susan.Gustofson@valero.com>
Attachments: McKeever Ltr 08202014.pdf; Phil Daum's Remarks 2014-08-14.pdf

Amy,

Enclosed are two documents that should be included in the record of comments related to the Valero Draft EIR.

The first is a copy of a letter I had written to the Sacramento Area Council of Governments (SACOG) group dated August 20, 2014. As noted, my letter was also delivered to Brad Kilger's office but has not appeared in your record of comments submitted on the DEIR. My correspondence of August 20 raised concerns with a draft letter SACOG later submitted to you without amendments made to their draft. This same SACOG letter has subsequently been referred to in comments recently submitted by the City of Davis, the City of Sacramento, and possibly others.

The other document here is a copy of remarks delivered to the Planning Commission on 8/14/2014 by Mr. Philip Daum, Senior Managing Consultant at Engineering Systems Inc. I am resubmitting these remarks as I cannot confirm that a hardcopy was delivered to you the night of the hearing on 8/14/2014.

Finally, I also want to confirm that the copies of over 275 comment cards in support of the project that we received and I delivered to you from the podium during last night's meeting also get entered into the record. Thanks, Chris



By U.S. Mail and E-mail MMcKeever@sacog.org

August 20, 2014

Mr. Mike McKeever
Chief Executive Officer
Sacramento Area Council of Governments
1415 L Street, Suite 300
Sacramento, CA 95814

Dear Mr. McKeever:

I am writing in response to the Draft Comment Letter the SACOG Board is considering related to Valero's Crude-by-Rail Project in Benicia. We find the comment letter by SACOG staff to be troubling. In its current form, the letter (1) fails to properly address the issues approved for consideration by your Board of Directors, (2) fails to provide a fair reading of the City of Benicia's Draft EIR (DEIR), (3) confuses the purview of CEQA by concluding that the DEIR is "deficient," and (4) ignores the issue of federal preemption.

For these reasons, I ask the SACOG Board of Directors to reject the Draft Comment Letter until significant revisions have been made reflecting the legal realities that dictate this project review process. Chief among our concerns with the proposed comment letter are as follows:

1. Failure to address the issues approved for consideration by the SACOG Board of Directors

As outlined in the proposed comment letter, the SACOG Board directed staff to focus on safety, in particular specific measures to protect residents and communities in the region. Unfortunately, the letter as written, does not address these concerns relative to the DEIR and instead focuses on other issues – all of which are addressed by the DEIR or current federal rulemaking – and cannot be considered by SACOG or the City of Benicia because of limitations in place under federal law. Suggesting otherwise undermines the intended purpose of a SACOG-specific comment letter and focuses on issues that are federally preempted.

More fundamentally, CEQA applies only to discretionary approvals, and there is no city discretion involved in the operation of railroads. That's because we decided as a nation a long time ago that railroads were so important to moving people and goods around

the country that a patchwork of rules that change from state to state, county to county and city to city would be completely unworkable. So the exclusive right to regulate railroad operations belongs to the federal government.

2. Failure to provide a fair reading of the City of Benicia's DEIR

Contrary to the proposed letter, the DEIR does disclose the risks associated with the transportation of North American crude oils and concludes that this mode of transportation will decrease the likelihood of a crude oil release. It also recognizes that the safety standards used for consideration in the DEIR "exceed mandatory compliance measures" (4.7-15) and that the risk estimates included in the DEIR "are probably conservative, i.e. they may tend to overestimate the risk" associated with crude transport by rail (Appendix F-8).

Unfortunately, the comment letter as written claims that the DEIR is deficient based upon a selective reading of its contents. This is an attempt to confuse the CEQA and local government approval processes given the limitations under CEQA and federal preemption. Misrepresenting the DEIR is not beneficial in shaping a conversation about the safety of crude by rail. It simply misdirects comments to a local government rather than engaging appropriately at the federal level.

3. Failure to provide relevant commentary given federal preemption

The proposed comment letter as written sets forth a number of suggested mitigation measures and conditions for approval that far exceed the City of Benicia's control because of the federal preemption of railroad operations. The City of Benicia's Draft EIR for Valero's Crude by Rail Project has already gone above and beyond what is required by law; asking the City of Benicia to consider mitigation measures and conditions for approval that are under federal rather than local or state control is not productive for SACOG or the City of Benicia as it ignores the constraints of preemption entirely.

Until only recently was Valero invited to speak to the staff as the project proponent and subject matter expert on these matters. In conversations with the SACOG Transportation Committee, Land Use & Natural Resources Committee, the Rail Ad Hoc Committee and at a separate meeting requested by Valero representatives to discuss this project with staff, Mr. Trost and other SACOG staff were repeatedly made aware of the issue of federal preemption. Why this proposed comment letter was not amended to reflect preemption only further speaks to the efforts to negatively impact the DEIR process for this project without due cause.

Under the federal legal system, railroad regulation is left solely to the federal government. As such, all parties included in this discussion – including the City of Benicia, the Valero Benicia Refinery, Union Pacific Railroad and SACOG – are all subject to federal preemption as it relates to this project.

Mr. Mike McKeever
August 20, 2014
Page 3

4. Failure to adhere to the comment process for a project of this nature

In an effort to highlight the perceived flaws of the City of Benicia's DEIR, the proposed letter does not discuss the correct channel for a discussion of this magnitude, nor does it address current efforts at the federal level to update crude by rail regulations. As Mr. Trost recognized during discussions with the Rail Ad Hoc committee, a meaningful dialogue about the concerns raised in this letter must be directed at the federal government, not the City of Benicia. This discussion is currently occurring federally, and SACOG should be engaging in that conversation. However, this local project is not the proper forum for such engagement for the reasons detailed above.

A letter to local officials such as the proposed letter by SACOG staff should acknowledge that continued efforts to protect public health and safety need to happen and that SACOG is engaged at the federal level in this process to ensure that it does. However, it is inappropriate to expect Valero as the project proponent to agree to actions by the railroad, or to expect the City of Benicia to compel the railroad – which is not an applicant in this project or under the jurisdiction of the City – to undertake any of the suggested mitigation measures currently included in this letter.

At Valero we are all about safety. As the only petroleum refinery in Northern California certified by Cal/OSHA as a Voluntary Protection Program Star Site we regularly go beyond the basic requirements for safety in our operations. In that same spirit, we have met with dozens of emergency responders in up-rail communities to discuss emergency preparedness and response protocols in the event of a petroleum product release.

Shaping public policy in the region is important – that is why it must be done through the appropriate and relevant channels. The comment letter as drafted ignores federal preemption and the significant efforts by the federal government to ensure the safe transportation of crude by rail. Based on the above, I ask the Board to consider amending the Staff-proposed letter prior to submission to ensure it provides commentary that is relevant given its intended audience.

Sincerely,



Christopher Howe
Director – Health, Safety, Environment
& Government Affairs

CWH:mto

cc: Brad Kilger -- Benicia City Manager

**Phil Daum's Remarks
City of Benicia Planning Commission
Crude by Rail Project
August 14, 2014**

Good evening Mr. Chairman and members of the Commission.

My name is Philip Daum. I am a Senior Managing Consultant at Engineering Systems Inc. in Aurora, Illinois.

I attended two of Valero's public outreach meetings on this project, in March (3/23/14) and June (6/30/14) of this year, and I am glad to be here tonight to again lend my expertise to the discussion.

In evaluating the Valero Crude-by-Rail Project, you are faced with the need to apply your knowledge of railroad operations, hazardous materials transportation safety, tank car design, tank car derailment performance, and risk management strategies. Valero has asked that I be here tonight as your resource on these topics.

You should know a bit about my background, experience, and other clients. I have over 33 years of direct experience in the railroad industry. This includes my work as the Director of Engineering for Union Tank Car Company and my selection as the Program Director for two separate international consortiums that improved tank car safety through research.

A current focus of my career is in accident investigations to determine root-causes that are used to continuously improve the safety of hazardous materials shipments.

Based upon my experience, I was asked to investigate the derailments at Lac-Mégantic, Quebec ... at Casselton, North Dakota ... at Plaster Rock, New Brunswick ... and at Lynchburg, Virginia. This is important to you because these are some of the accidents that project opponents point to as a reason to not pursue the Valero Crude-by-Rail Project here in Benicia.

I want you to benefit from some of my personal experiences as an investigator on those accidents. This will allow you to identify the facts and opinions that matter in the discussion regarding rail safety and the industries' continuing focus on safety.

Phil Daum's Remarks
City of Benicia Planning Commission
Crude by Rail Project
August 14, 2014

You heard Mr. Flynn explain the subject of federal pre-emption, which holds that the authority to regulate railroad operations and tank car standards belongs to the federal government.

Note that the railcars delivering crude oil to Valero will comply with and be current with federal regulations as they develop. Older model railcars, referred to as "legacy DOT 111 cars," will not be used or accepted by Valero for the delivery of crude oil on this project.

The Valero railcars have thicker shells, stronger steel, roll-over protection for the top valves, and external head shields to guard against puncture in the event of a derailment.

A few weeks ago, the U.S. Department of Transportation announced proposed rules for crude oil and other flammable materials. Among other things, these rules proposed:

- Enhanced tank car standards
- A testing and classification program for certain materials such as Bakken crude
- And railroad operational requirements for high-hazard flammable trains, or trains with more than 20 tank car loads of flammable liquid.

Note that Valero is ahead of the proposed requirement as they will not be using any legacy DOT 111 railcars on this project.

I mentioned some of the accident investigations in which I participated. My work was sponsored by the RSI-AAR Railroad Tank Car Safety Research and Test Project. Since the 1970's, the railroad, tank car, and chemical industries have worked together with the U.S. and Canadian governments to improve safety standards for railroad tank cars.

This Tank Car Safety Project conducted research and testing with the U.S. DOT and Transport Canada to evaluate design concepts for improving the survivability of tank cars in accidents. This research led to safety features such as head shields, double shelf couplers, bottom fittings protection, top fittings roll-over protection, and other

Phil Daum's Remarks
City of Benicia Planning Commission
Crude by Rail Project
August 14, 2014

features that are incorporated on the newer designed tank cars that Valero will be using here in Benicia.

US DOT data confirms the value of Union Pacific's investment in track inspection and maintenance. Keeping the trains on the track is the first priority for safety. The data also confirms that the proposed speeds all along the route between Roseville and Benicia contribute to improve safety. The local operating speed in the City of Benicia will be 10 mph or less.

Union Pacific's plan to split the unit train into two equal halves and to use 2 locomotives, one at the head end and one embedded further back in each 50 car split also contributes to safety. This provides exceptional control for braking the 50 car split if must be stopped quickly in an emergency. This will also reduce the time required in grade crossings while spotting the train at the Benicia Refinery rack where the train will be split into 2 - 25 car segments.

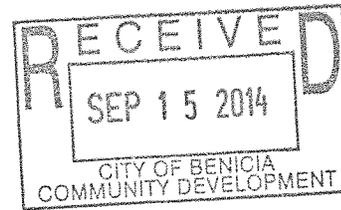
In closing, I am glad to be here tonight and look forward to answering any questions you might have about tank car safety.

Thank you.

September 11, 2014

Brad Kilger, City Manager
250 East L. Street
Benicia, CA 94510

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



Re: Valero Crude By Rail Project

Dear Mr. Kilger and Ms. Million

Please add my comments to the legal record on the above referenced project and incorporate them as part of the review of its DEIR. In addition, please forward my comments to the members of Benicia's Planning Commission.

I live in the City of Sacramento, up-rail from the proposed Valero project. My family and I, as well as many of our friends, live within a half mile of the tracks where two 50 (or more) car oil trains will pass every day. We are within what all of us now call the 'blast zone' as are a very large number of other residents, as well as schools and businesses. I and everyone I have talked to feels that our safety is severely threatened by the Valero project. Your DEIR is inadequate and vastly understates the risks to which you are exposing thousands of people, not to mention the environment and every waterway these trains will cross.

If you opt to approve the Valero project, based on this DEIR (or even on the basis of an improved final EIR) you are not only subjecting your own residents to the risks that the Valero oil trains will bring, but you are exposing everyone up-rail to those risks. While you may believe that the trade-off of income to Benicia vs. risk to Benicia residents is worth it (an extremely callous way to view your own residents), you are forcing all of us to be exposed to the same risks while receiving no benefits of any kind. You are also contributing to global climate change

What follows are a list of more specific comments:

___ You do not account for the current condition of rail tracks and bridges. Many are old and many are inadequately inspected and maintained. As temperatures grow warmer, there have been an increasing number of instances of what are known as 'sun kinks' – distortion of portions of the tracks due to heat – that are occurring. These kinks or distortions have the potential to derail all or a portion of a train. The speed of trains, weight of the oil cars and the number of oil cars allowed per train are also issues. While I understand that the Federal Railroad Administration (FRA) is the agency that has the authority to mandate how frequent and how extensive track inspections will be and what

regulations railroads must follow, Benicia has the authority to approve or deny the Valero project and you could deny it unless and until track inspections meet some reasonable standard. You could do the same with regard to the speeds that trains carrying oil are allowed to travel and the maximum number of cars per train. You could also ask UP to commit to addressing these issues.

___ Your DEIR finds risk of a serious accident to be less than significant, but it does not acknowledge that today's oil trains are carrying new and much more flammable types of oil. Bakken crude is known to be explosive (the Center of La Magantic was incinerated along with 47 people, the Casselton fire ball was 900 feet high) and Alberta tar sands are unusually toxic and sink in water, making them impossible to clean up. There are ways to treat Bakken crude to reduce flammability before it is transferred to tanker cars and shipped. You could mandate make a such treatment a condition of the Valero project and, thereby reduce explosion risk that Bakken shale poses to all of us. You could also condition approval of the Valero project to forbid the processing of tar sands.

___ Your DEIR fails to deal with the cumulative impact that approval of the Valero project will have on the already approved Kern county refinery project and the possible approval of a San Luis Obispo project. Every additional oil train increases risk. Also, as the tracks get busier and busier the likelihood of a collision between two oil trains or an oil and a non-oil train (including an Amtrack train full of passengers) increases.

___ The DEIR risk assessment fails to deal with the fact that the tanker cars most commonly used to ship oil (DOT 111A) are prone to rupture when they derail – a fact that makes a major explosion much more likely. Canada is phasing out these cars because they are so dangerous. Unfortunately the U.S. Department of Transportation (DOT) has not yet taken this step. While it is DOT that has to end the use of these cars, you could condition the Valero project to exclude their presence on Valero property.

___ Your DEIR fails to adequately address what happens if a spill occurs over a major river (the Sacramento for example). California could be left with one or more major sources of water effectively destroyed (and certainly unsafe to drink for years to come). This issue becomes more serious the longer the current drought persists and climate change models show California being subject to recurring droughts. We cannot afford to risk the limited water we have. The DEIR needs to look at both the economic and the health impacts of such a spill, including impacts to endangered species and other wildlife.

___ The DEIR focuses on only that 67 miles between Roseville and Benicia and fails to consider the impacts along the entire route from North Dakota or, possibly, from Alberta, Canada if you do nothing to prohibit tar sands oil. The last time I looked, oil trains did not suddenly materialize in Roseville. The safety of people, the environment and other life forms are impacted from the source of the oil all the way to the refinery in Benicia and the impact along that full distance needs to be analyzed.

___ The DEIR fails to analyze the impact on air quality of bringing additional crude oil to the Valero refinery. Tar sands oil (if it is part of the oil shipped) has more impact on air

pollution than other forms of oil and that must be accounted for. The tar sands refining process also leads to a by-product known as “petcoke” which creates more particulate matter than coal and is, therefore, even more dirty to burn.

___The DEIR doesn’t look at how Valero and UP will pay (or if they even can pay) for the kind of catastrophic accident that is likely to occur as the number and length of oil trains grow.

___The DEIR fails to seriously consider the impact of the increased green house gases that will result from approving the Valero project. Allowing Valero to process more oil at its Benicia site stimulates the extraction of more oil – all of it extremely dirty oil (Bakken and tar sands). Climate scientists have said that, if we are to have a chance of keeping global temperature increase below 2 degrees Celsius, at least three fourths of the oil we know about (never mind any new deposits) must stay in the ground. We are fast approaching the limit of what we can extract if we are to have any chance of keeping below the two degree limit and of avoiding ‘tipping points’ that could send climate change spiraling out of control. Approving a project like the Valero project significantly limits the chances of ever getting a handle on climate change.

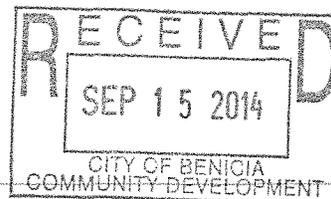
In conclusion, your DEIR needs to go back to the drawing board and look at the real impacts and risks of the Valero project. Whether or not to approve the Valero project and, if approved, what mitigations to require cannot be viewed from a short term economic perspective. It has profound moral and ethical implications in terms every living being that you are putting in harm’s way and the very future of our planet. Please make your decision accordingly.

Sincerely,

Karen Jacques
Resident of the proposed ‘Sacramento Blast Zone’
1414 26th Street, Sacramento CA 95816
threegables@macnexus.org

Amy Million - Air Quality, Valero and the BAAQMD

From: "BenIndy - Roger Straw" <rogrmail@beniciaindependent.com>
To: "Amy Million" <amillion@ci.benicia.ca.us>
Date: 9/13/2014 10:33 AM
Subject: Air Quality, Valero and the BAAQMD
CC: "Brad Kilger" <bkilger@ci.benicia.ca.us>
Attachments: EPA Report on Toxic Releases from Refineries.pdf



Amy – please enter my comment below and the attachment into the record on Valero Crude By Rail. (Note that the attachment has color-coded charts, which will be unintelligible in the City's black and white public comments document; readers can find the original color document here: <http://www.epa.gov/region9/tri/report/12/tri-calif-refineries-2012.pdf> and the source page for that download is <http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/b916427f476ddea385257c750067cb61!OpenDocument>)

Comment: Valero's Crude By Rail proposal and its claims to a superior safety record are undercut by the fact that the EPA lists Valero Benicia as the 2nd most polluting business in the Bay Area (see attached). Jay Gunkelman convincingly makes the case that the entire Bay Area is far and away the state leader in quantity of refinery toxic releases in part due to a history of lax regulation and enforcement by the Bay Area Air Quality Management District (BAAQMD). (See Mr. Gunkelman's analysis below.)

Question for the Consultant: can analysis of existing and potential air quality impacts in the Bay Area and in Benicia be obtained from sources OTHER THAN the BAAQMD, to confirm or call into question the Air District's input? Please approach air quality analysis from the BAAQMD with caution, and make every effort to find independent sources of information on air quality impacts.

Roger Straw
 Benicia, CA

From: Jay Gunkelman
Sent: Saturday, September 13, 2014 8:42 AM
Subject: Re: CORRECTION: P66 is the Worst Toxic Offender in the STATE

The Bay area refineries take up the lion's share of the total as well, with only two refineries in LA area even I the same league... this suggests a possible impact of regional regulatory, management and operational issues more than the inherent nature of refining itself.... and 4 of the 5 Bay Area facilities are in CCC.

P66 Rodeo is just shy of 20% of the **state total** toxicity source from refineries.

P66 will have to upgrade their community monitoring to meet the upcoming BAAQMD refinery monitoring rules, placing PPT level monitors in their downwind impacted communities, and adding lasers and detectors to cover areas not currently monitored. This will help us see their releases.

I would point also to very shoddy security at these facilities, with the ability to drive directly into the facility still possible, even after there have been just such breaches at local facilities (the old Wickland/Shore terminal).

If there were any real regulatory oversight, such obvious errors and omissions in operational

security would not exist, as these could cause a severe process upset, fire or explosion, or even a terrorist attempt to disturb the facility.

There are secure truck-stopping gates at some of their primary entrances, but others are open access, including truck exits without gates.

You or I could penetrate their perimeter or the associated hydrogen plant perimeter deep into the refinery with our car, or a small truck... what about this doesn't seem to be a problem worth addressing??

It has been nearly 25 years since the catacarb issue, and though there have been positive changes, the depth of the regulation/government management of these potentially explosive and toxic sites still seems "hands-off" and without a really complete scope of the management being handled. The county seems under-staffed with few real refinery engineering experts. This lack of real specialized expertise is unnecessary, as the refineries all pay directly for the county's management and regulatory expenses... it just is not being done. This is entirely under the County's control. The county could place an engineer with refinery experience directly on the site, at the expense of the refinery to monitor the operation, but this is not even considered.

The old relationship before catacarb was "benign neglect"... the refinery neglected the community and the community was benign as a neighbor. this improved briefly, but not for long... they backed away from their agreement at the 15th year. This has to change. The refinery backed away from community funding it had provided to the heavily impacted communities, and their operational management has changed... and Conoco-Phillips spun off the refinery business, so they will have a change in their backing from 'corporate'... we will see in the next few years what that change provides for the neighbors in deferred maintenance... and process upsets.

At the time of the catacarb release, the County was not supportive of the new fenceline monitoring, with the health department refusing to even look at the data and the BAAQMD refusing to even accept a monitor to view the system. The county failed to implement on-line access with their half-heard attempt. Internet access to the data was developed by the community itself (Thanks Ed Tannenbaum!).

Luckily the last 24 years have validated the fenceline system designed by the community, as they are now being mandated by the BAAQMD, and are in use in Japan, So.Africa, Texas EPA, and the use is increasing due to the effectiveness of the approach.

It would be nice if the county was a partner in these efforts, not opposing the progress or refusing to be involved in the process of the fenceline working group, or if the county regulators would sit on the refinery's community advisory panel where operational insights would be gained.

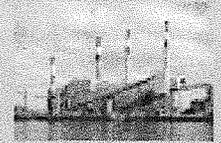
24 years later, the community is better equipped than it was, as now there are more interested local folks looking at the issues, but the county still seems to be "reactive"... again, this is a management issue.

It would be nice to see the county make a concerted effort to help the local communities help themselves.

Jay



U.S. Environmental Protection Agency
Pacific Southwest/Region 9



Serving Arizona, California, Hawaii, Nevada, the Pacific Islands and 147 Tribes

Enforcement Division
Air & Toxics Release Inventory (TRI) Section

75 Hawthorne Street (ENF-2-1) San Francisco, CA 94105
866-EPA-WEST • www.epa.gov/region9

Toxics Release Inventory 2012 California Refineries Report

Refinery Releases in California

Twenty-one refineries in California reported a total of 5,937,697 pounds (lbs) of toxic chemical releases during 2012. Total on-site and off-site releases reported by these refineries increased 10% (393,990 lbs), when compared to 2011 data. Refineries make up 19% of the State's total reported releases and 3 million lbs (42%) of its releases to the air.

What is a Release?

A TRI "release" is defined by Federal reporting laws as the amount of a toxic chemical released on-site (to air, water, underground injection, landfills, and other land disposal), and the amount transferred off-site for disposal; it is measured in lbs, unless stated otherwise.

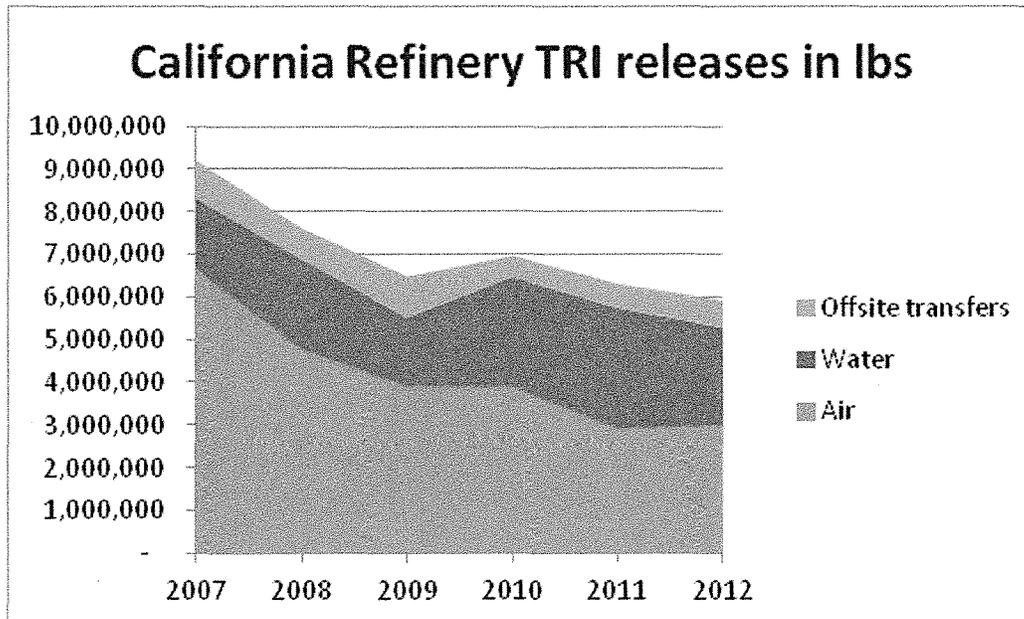
Each year, facilities are required to report on July 1 their releases for the previous calendar year to the United States Environmental Protec-

tion Agency (EPA). For example, on July 1, 2014, facilities will be required to report releases that occurred during calendar year 2013. EPA posts the raw data in the summer. Subsequently EPA reviews the data quality of these submissions. In winter, EPA publishes analysis of the most recent available data.

Refineries with Largest Chemical Releases
The top facilities located in each of the major geographic areas in California are as follows:

San Francisco Bay Area

	Facility Name	City	County	Total Releases (in lbs)
1	PHILLIPS 66 SAN FRANCISCO REFINERY	Rodeo	Contra Costa	1,097,117
2	VALERO REFINING CO. CALIFORNIA BENECIA REFINERY	Benecia	Solano	655,285
3	CHEVRON PRODUCTS CO. RICHMOND REFINERY	Richmond	Contra Costa	611,255
4	SHELL OIL PRODUCTS US MARTINEZ REFINERY	Martinez	Contra Costa	529,045
5	TESORO REFINING & MARKETING CO. LLC.	Martinez	Contra Costa	507,714
TOTAL:				3,400,416



Southern California

	Facility Name	City	County	Total Releases (in lbs)
1	CHEVRON PRODUCTS CO. DIV. OF CHEVRON USA INC.	El Segundo	Los Angeles	901,930
2	BP WEST COAST PRODUCTS LLC. CARSON REFINERY	Carson	Los Angeles	671,163
3	EXXON MOBIL OIL CORP. TORRANCE REFINERY	Torrance	Los Angeles	363,278
4	TESORO LOS ANGELES REFINERY	Wilmington	Los Angeles	242,676
5	PHILLIPS 66 LOS ANGELES REFINERY - WILMINGTON PLANT	Wilmington	Los Angeles	134,564
6	ULTRAMAR INC. WILMINGTON REFINERY	Wilmington	Los Angeles	110,020
7	PHILLIPS 66 LOS ANGELES REFINERY	Carson	Los Angeles	39,224
8	PARAMOUNT PETROLEUM CORP.	Paramount	Los Angeles	8,653
9	LUNDAY-THAGARD CO.	South Gate	Los Angeles	2,195
10	EDGINGTON OIL CO.	Long Beach	Los Angeles	616
TOTAL:				2,474,319

San Joaquin Valley

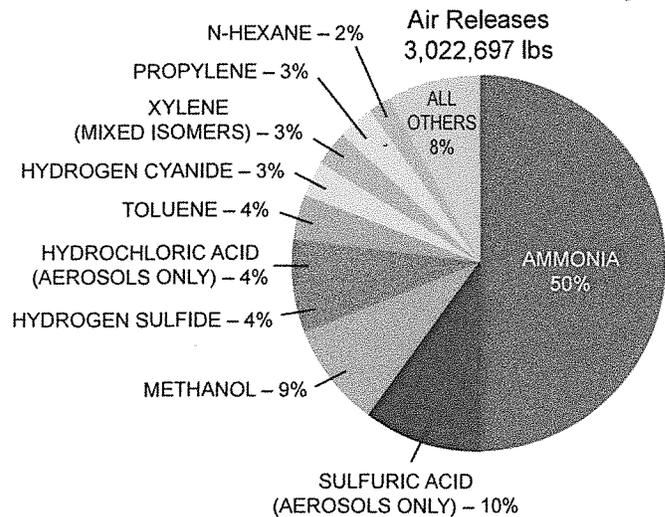
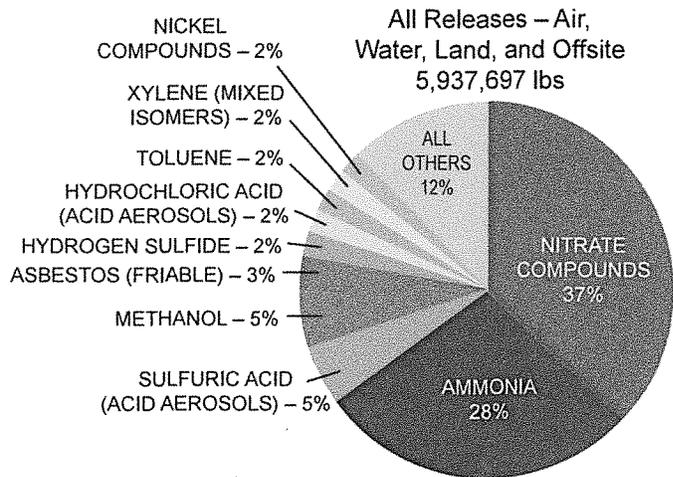
	Facility Name	City	County	Total Releases (in lbs)
1	PARAMOUNT PETROLEUM BAKERSFIELD REFINERY AREAS 1 & 2	Bakersfield	Kern	9,656
2	SAN JOAQUIN REFINING CO. INC.	Bakersfield	Kern	7,252
3	KERN OIL & REFINING CO.	Bakersfield	Kern	6,364
4	PARAMOUNT PETROLEUM BAKERSFIELD REFINERY AREA 3	Bakersfield	Kern	2,009
5	TRICOR REFINING LLC.	Bakersfield	Kern	54
TOTAL:				25,335

Central California

	Facility Name	City	County	Total Releases (in lbs)
1	PHILLIPS 66 CO. SANTA MARIA REFINERY	Arroyo Grande	San Luis Obispo	38,297

Top 10 Released Chemicals

Here are the top 10 chemicals released by refineries in California (based on releases to all media):



For More Information

For more information, see www.epa.gov/tri for national TRI information;

or www.epa.gov/region09/tri for Regional TRI information;

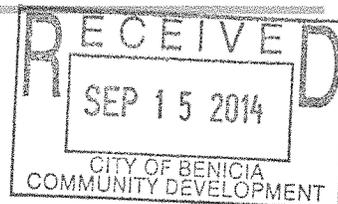
Please direct questions to Lily Lee, U.S. EPA Region 9, at lee.lily@epa.gov or 415-947-4187.

Note: Release data alone are not sufficient to determine exposure or to calculate potential risks to human health and the environment. TRI data, in conjunction with other information, such as the toxicity of the chemical, the release medium (e.g., air), and site-specific conditions, can be used as a starting point in evaluating exposures that may result from releases of toxic chemicals.

Amy Million - CCTimes headliner: all about CBR & California bridges

From: "BenIndy - Roger Straw" <rogrmail@beniciaindependent.com>
To: "Amy Million" <amillion@ci.benicia.ca.us>
Date: 9/13/2014 8:34 AM
Subject: CCTimes headliner: all about CBR & California bridges
CC: "Brad Kilger" <bkilger@ci.benicia.ca.us>, "Belinda Smith" <bsmitgo@hotmail.com>, "Don Dean" <donaaldjdean@sbcglobal.net>, "George Oakes" <oakes@earthlink.net>, "Stephen Young" <escazuyoungs@gmail.com>, "Susan Cohen Grossman" <susancg@pacbell.net>, "Suzanne Sprague" <Suzanne@solanolawgroup.com>, <aschwartzman@ci.benicia.ca.us>, "Christina Strawbridge" <cstrawbridge@ci.benicia.ca.us>, <Heather.McLaughlin@ci.benicia.ca.us>, "Mayor of Benicia Elizabeth Patterson" <epatterson@ci.benicia.ca.us>, <mhughes@ci.benicia.ca.us>, <tcampbell@ci.benicia.ca.us>

Attachments: image001.jpg; image002.jpg



Amy – Please add this incredibly important article to the public record on Valero Crude By Rail. We owe a huge thanks to Matt Gafni of the Contra Costa Times for his investigative reporting on our Benicia-Martinez Railway Bridge and other California bridges. Among MANY significant quotes is this: *“Based on total track miles and federal estimates of a bridge occurring every 1.25 miles of track, the CPUC estimates there are about 5,000 California railroad bridges. ¶ Most are old steel and timber structures built more than 100 years ago, and “actual railroad bridge plans or records are either absent or unreliable,” the CPUC report found.”*

Roger Straw
 Benicia CA

Crude-by-rail: One federal inspector oversees all California’s railroad bridges, no state oversight

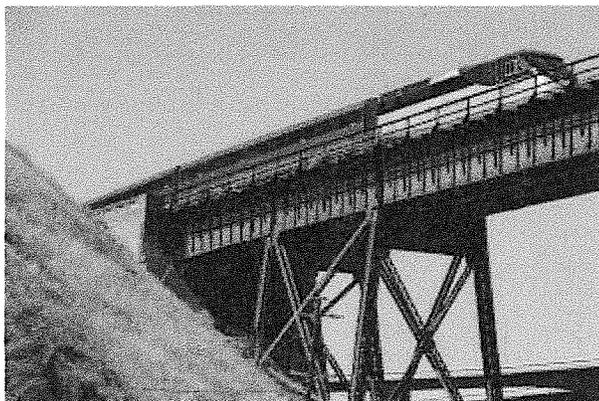
By Matthias Gafni, 09/12/2014 [The Contra Costa Times](#)



View of the underside of the Benicia-Martinez Railroad Drawbridge in Benicia, Calif., on Friday, Aug. 15, 2014. (Jose Carlos Fajardo/Bay Area News Group)

As concerns grow over aging rail infrastructure, earthquake readiness and a dramatic increase in crude oil shipments by train, state railroad regulators are scrambling to hire their first-ever railroad bridge inspectors — two of them.

Once they are hired, the California Public Utilities Commission plans to create a state railroad bridge inventory to determine which are most at risk. That's right — neither the state nor federal government has a list of railroad bridges for California or the rest of the country. Until that happens, the safety of California's thousands of railroad bridges — key conduits that carry people and hazardous materials over environmentally sensitive ecosystems and near urban areas — is left up to rail line owners and a single federal inspector who splits his time among 11 states.



An Amtrak train crosses the Benicia-Martinez Railroad Drawbridge in Benicia, Calif., on Friday, Aug. 15, 2014. (Jose Carlos Fajardo/Bay Area News Group)

“Two more inspectors is better than none, but it’s really a Band-Aid,” said Suma Peesapati, attorney with Earthjustice, an environmental group fighting the oil rail influx. “I think there should be no crude by rail over those bridges until there’s a comprehensive look at all of them.”

No California rail bridges have failed in recent memory, but the 6.0 earthquake that rattled the Napa area on Aug. 24 provided a reminder that California must monitor its aging rail infrastructure.

Following the quake, the Federal Railroad Administration worked with Caltrans to contact railroads within a 100-mile radius and ensure bridges and tracks were inspected for damage before resuming normal operations. The Napa Valley Wine Train, which was closed for two days after the quake, had its own private inspector go over the tracks and numerous bridges, including one traversing Highway 29. The inspector gave the green light to continue running Aug. 26.

Caltrans employs 120 inspectors and 80 specialty personnel to inspect the state’s public automobile highway bridges to ensure the integrity of the elevated structures, in comparison to the one federal inspector for all of California’s rail bridges, most of which are privately owned.

Those railroad bridges are inspected, maintained and regulated by company personnel, but watchdogs say that’s far from adequate.

In its annual Railroad Safety Activity Report to the state Legislature in November, the CPUC identified the state’s railroad bridges as a “potential significant rail safety risk.”

“There are many unknown questions regarding bridge integrity that need to be answered to ensure public safety,” the report found.

The Benicia-Martinez Rail Drawbridge, built in 1930 and tucked between the automobile spans, carries hazardous material shipments across the Carquinez Strait to East Bay refineries, along with 30 Amtrak Capitol Corridor passenger trains each weekday. The bridge is owned by Union Pacific and is safe, the company’s spokesman said.

“We regularly inspect all of our bridges in California,” said Union Pacific’s Aaron Hunt. “We perform necessary maintenance required to assure the safe use of our bridges. Bridges and culverts are a critical part of our 32,000-mile network.”

Union Pacific has spent more than \$42 billion on infrastructure, Hunt said, not specifying what portion of that was devoted to bridges, including \$4.1 billion scheduled for this year. “These are private investments, not taxpayer dollars,” he said.

However, the state report found many bridges are owned by smaller short-line railroads that “may not be willing or able to acquire the amount of capital needed to repair or replace degrading bridges.”

Crude by rail

Concern has grown about bridge safety and rail safety in general with the increase of crude oil shipments by rail. They’ve jumped 158 percent in California from just September to December 2013, according to the state energy commission.

This year, the CPUC created the Crude Oil Reconnaissance Team to monitor the oil-by-train boom to ensure federal and state safety laws are followed.

In June, federal rail chief Joseph Szabo spoke to an Indiana newspaper about the crude-by-rail boom: “The movement of this product is a game changer. We have to rethink everything we’ve done and known in the past about safety.”

In response to the increase and some deadly accidents, including a derailment last summer in Quebec, Canada, that killed 47 people, the U.S. Department of Transportation proposed tank car safety upgrades.

As of now, about 100 rail cars of crude roll through populated areas of the East Bay each week along the BNSF line from Stockton to Kinder Morgan’s rail depot in Richmond. The route traverses the 1,690-foot-long, 80-foot-high Muir Trestle, above Alhambra Avenue in Martinez. The trestle was constructed in 1899 and rebuilt 30 years later. Those rail cars rumble through Antioch, Pittsburg, Bay Point, Martinez, and Hercules, said Contra Costa Hazardous Materials chief Randy Sawyer.

Aging

Based on total track miles and federal estimates of a bridge occurring every 1.25 miles of track, the CPUC estimates there are about 5,000 California railroad bridges.

Most are old steel and timber structures built more than 100 years ago, and “actual railroad bridge plans or records are either absent or unreliable,” the CPUC report found.

“It’s part of the infrastructure that’s dilapidated, not only in California, but across the country,” Peesapati said. “Bridges are really an example of the problem.”

American Society of Civil Engineers past President Andy Herrmann, a bridge consultant, said companies balk at releasing bridge data for competitive reasons, but he believes bridges are maintained safely.

“There’s a very strong profit motive to keep the bridges open,” Herrmann said. “Detours will cost them a fortune.”

However, the 2007 Government Accountability Office report also found that “Because bridge and tunnel work is costly, railroads typically make other investments to improve mobility first.”

Are they safe?

In 1991, a freight train traversing steep switchbacks in Dunsmuir, Siskiyou County, derailed, sending rail cars tumbling off a bridge and resulting in 19,000 gallons of metam sodium, a concentrated herbicide, leaking into the upper Sacramento River. The accident killed all vegetation, fish and other aquatic animals 45 miles downstream, rendering some invertebrate species extinct. Several hundred people exposed to the contaminated water required medical treatment in what’s still considered the worst inland ecological disaster in the state.

Although the accident was not caused by bridge failure, it led the railroad to build a derailment barrier on the Cantara Loop bridge to prevent it happening again. And the Federal Railroad Administration expressed concern about the condition of bridges generally in a wide-ranging review after the crash.

“The review was prompted by the agency’s perception that the bridge population was aging, traffic density and loads were increasing on many routes, and the consequences of a bridge failure could be catastrophic,” according to a report published in 1991, the same year as the crash.

From 1982 to 2008, records show there were 58 train accidents nationwide caused by the structural failure of a railroad bridge, causing nine injuries and about \$26.5 million in damages.

State hires

As of July 2010, new federal rules require rail companies prepare bridge management programs — including annual inspections, maintenance inventories and more — that are made available to federal inspectors when asked. The Federal Railroad Administration can levy fines up to \$100,000 for failure to comply.

Federal inspectors audit railroad bridge inspections done by the companies and personally perform observations of 225 to 250 bridges each year. Based on those CPUC calculations, it would take the California inspector 20 years to visit and observe all of the state’s estimated 5,000 bridges, if that was all he had to do. But in reality, it would take much longer because California’s inspector splits his time

among 11 states, leaving the CPUC to conclude in its 2013 report that the feds “cannot provide adequate oversight.”

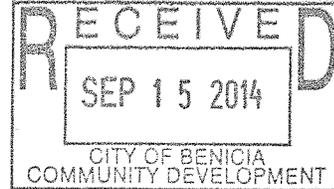
That shortfall prompted state regulators to hire their own bridge inspectors, and they have already designed a bridge evaluation form and experimented with performing inspections.

“Railroad bridges carry thousands of cars of hazardous materials and thousands of passengers daily,” said CPUC spokesman Christopher Chow. “The Federal Railroad Administration (FRA) has new, general bridge regulations ... but employs only five inspectors for the entire U.S. The CPUC’s bridge inspectors will be able to augment the FRA’s efforts.”

Laurie Litman
301 27th St
Sacramento, CA 95816

September 13, 2014

Brad Kilger, City Manager
250 East L Street, Benicia, CA 94510
bkilger@ci.benicia.ca.us



Amy Million, Principal Planner
Community Development Department
250 East L Street, Benicia, CA 94510
amillion@ci.benicia.ca.us

Re: Comments on the Valero Crude By Rail Project DEIR

Dear Mr. Kilger and Ms. Million,

Please add these comments to the public legal record on Valero's Crude By Rail Project and incorporate them as part of the review of its DEIR. *In addition*, please forward my comments to the Planning Commissioners.

My family lives a block away from the railroad tracks, at a location where there is a difficult railroad crossing and a new development that will bring over 1000 additional cars a day over that crossing. Many years ago a train derailed there and a few years ago a man was struck and killed by a train at that crossing. This is not a safe place to be--if there were an explosion of the type that killed 47 people in Lac Megantic we would be incinerated.

The DEIR is totally inadequate in its almost taunting dismissal of the risks from these oil trains. Over the past 18 months we have seen numerous incidents that show that it is just a matter of time before another tragedy.

In addition, the cumulative analysis fails to take into account the ever-increasing numbers of oil trains that will be going through our neighborhoods. Right now there are 4 oil trains a day already approved and more proposed. The cumulative effects must take into account all of the current and anticipated trains and their cumulative effects.

The DEIR is inadequate in countless other ways. SACOG (Sacramento Area Council of Governments) made excellent comments on the DEIR and, without repeating all their arguments, I would like to go on record with the same concerns.

- The DEIR fails to consider the risk of fire and explosion as a threshold of significance.

- The Project poses a significant hazard to the public and the environment through reasonably foreseeable upset and accident conditions.
- The Release Rate Analysis is flawed as a tool to assess the potential environmental impacts of the project.
- The DEIR fails to analyze the potential environmental impacts of crude oil transport beyond the Roseville to Benicia alignment.
- The DEIR fails to analyze the cumulative impacts of the project.
- The DEIR improperly conflates its description of the project with measures intended to reduce or avoid the clear impacts of the project.

Another major issue that wasn't adequately addressed is that there are the proven ways to make the oil trains less dangerous: removal of the more volatile chemicals before transport, safer routes that avoid waterways and populated areas, Positive Train Control, slower speeds, higher standard tank cars, more frequent inspection of rail tracks and bridges, etc. It is insanity and totally immoral to send these dangerous trains through populated and sensitive areas when there are safer alternatives. *Before* this project is allowed to go forward, ALL possible safety measures must be in place. Until then, there needs to be a moratorium on transporting toxic tar sands or volatile Bakken crude.

But even the best safety measures are not enough to protect people and the environment. Each oil train goes by countless communities, waterways, and other precious and sensitive habitat and endangers millions of people and thousands of miles as it travels from the Bakken oil fields or Canadian tar sands to the refineries in the Bay Area. The DEIR must analyze risks to the entire route of the trains, not just the arbitrary section between Roseville and Benicia.

Our waterways are very vulnerable to an oil spill. A spill of toxic tar sands into the Kalamazoo River has still not been cleaned up after 3 years and over \$1 billion dollars spent. California is in a drought and cannot afford the risk of a spill from even one of these trains, which could destroy the water supply for millions of people and have disastrous effects on wildlife. These concerns have not been adequately addressed in the DEIR.

But even if the oil is transported with all the safeguards in place, the cumulative effects of the oil trains from the Valero Project plus all the other projects in the planning stages for the Bay Area refineries and other locations in California will exacerbate climate change, possibly to the tipping point of no return. According to the latest IPCC (Intergovernmental Panel on Climate Change) report, we are already experiencing the effects of climate change; extreme weather, sea level rise, droughts, floods, extinctions, etc. will continue to increase and worsen. The tar sands and Bakken crude being transported in these oil trains are extreme fossil fuels that require an intensive amount of energy and cause toxic pollution in their extraction and processing. These are all significant cumulative effects that have not been adequately addressed in the DEIR, especially given their extreme risk to the planet, future generations, and all we hold dear.

California has set commendable goals for greenhouse gas reduction through AB32, the California Global Warming Solutions Act. As a State, we have lowered our carbon emissions significantly. These oil trains are going in the wrong direction. They will increase our carbon emissions and slow efforts to convert to renewable energy and address climate change; this is the direction we must go if we are to have a livable planet.

The DEIR must address how the increase in oil trains will affect the goals of AB32.

The DEIR fails to provide an adequate No Action alternative. No Action means maintaining the status quo, i.e., not doing the project. If the crude by oil project does not go forward, the risk to people and the environment will not occur. In a cost/benefit analysis the great benefit of the No Action alternative to the vast majority of the population is apparent.

Here are some questions that must be answered in the DEIR:

1. How will Valero guarantee that tank cars meet the DOT standards currently under review immediately—not phased in over years—so uprail communities are protected, plus implement the previously mandated Positive Train Control technology?
2. What are the daily and cumulative impacts and risks of transporting two extreme crude oils—tar sands and Bakken crude—through our cities, through our sensitive habitats, and over our water supplies?
3. What are the cumulative impacts of the Valero daily train in the context of the additional 3 daily oil trains currently being approved in Bakersfield, 1 daily train to San Luis Obispo, and all other proposed and anticipated oil trains that will potentially travel through Sacramento? Include the increased potential for spills, accidents, greenhouse gas emissions, conflicts of interest on the rails, etc.
4. What is Valero's liability should there be a spill or accident on the oil trains en route to Benicia? Who carries enough coverage for a catastrophic incident? Will the taxpayers ultimately be responsible?
5. Why are the boundaries of the DEIR limited only to travel from Roseville to Benicia and not extended at least to the borders of CA if not all the way to the extraction sites? The impact and risk analysis area should be considerably extended.
6. How does this project fit into the larger context of global climate change?

We urge you to redo the DEIR with an honest assessment of the true impacts and cumulative effects of this project, including the lifecycle effects of the products transported, and with answers to the preceding questions. With such an assessment it is obvious that this project should not go forward.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Litman". The signature is written in black ink and has a long, sweeping horizontal line extending to the right.

Laurie Litman

Crude Oil Train Derailment Risk Zones in Sacramento, CA

Sacramento Population at Risk*

0.5 mile	135,864
1.0 mile	256,299

*The number of residents of the City of Sacramento living within these impact zones

Legend

- Schools (K - 12)
- ≡≡≡ Active rail lines
- 0.5 mile US DOT Evacuation Zone for Crude Oil Train Derailments
- 1.0 mile US DOT Potential Impact Zone in case of Crude Oil Train Fire

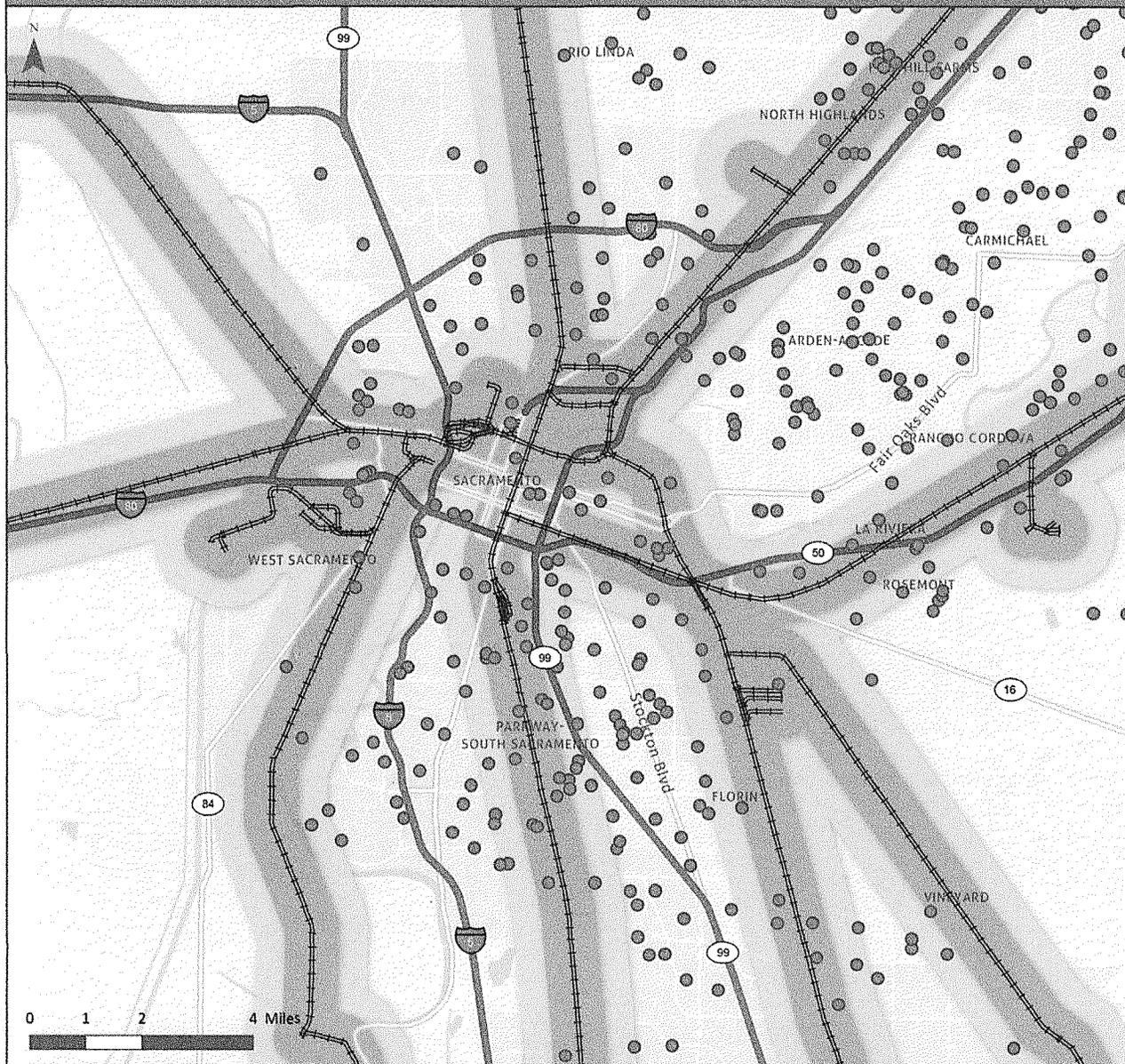
Sources:

Population (2010): Estimates based on US Census 2010 Block Centroid Populations. Estimates were calculated within buffers located within US Census "Place" boundary (not shown).

Schools: <http://portal.gis.ca.gov/geoportal/catalog/main/home.page>

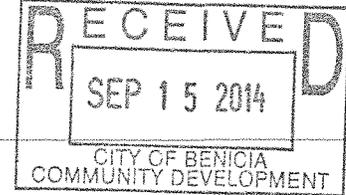
NTAD Rail Lines: 2013 National Transportation Atlas Database http://www.rita.dot.gov/bts/sites/rita.dot.gov/bts/files/publications/national_transportation_atlas_database/2013/polyline.html

Rail Line Buffers: Zones indicating risks around rail lines in the event of crude oil tanker car derailments, based on the US Department of Transportation Emergency Response Guidebook used throughout North America. This guidebook recommends a standard evacuation zone of 800 meters (0.5 miles) for accidents involving railcars filled with flammable liquids and gases and an isolation zone of 1600 meters (1 mile) in all directions around any railcar filled with those materials if they are on fire. <http://phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/Hazmat/ERG2012.pdf>



Amy Million - In Support of Valero CBR DEIR

From: Cara Bateman <cara_n@yahoo.com>
To: AMillion@ci.benicia.ca.us; BKilger@ci.benicia.ca.us; cara_n@yahoo.com
Date: 9/11/2014 6:47 PM
Subject: In Support of Valero CBR DEIR
CC: info@beniciacbr.com
Attachments: FRA Data.pptx



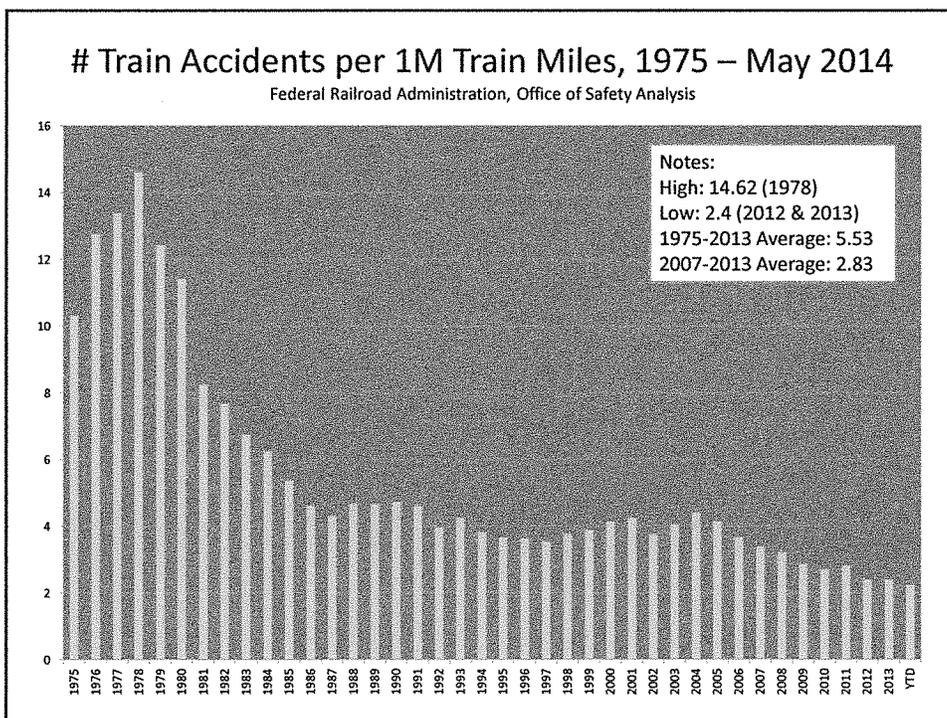
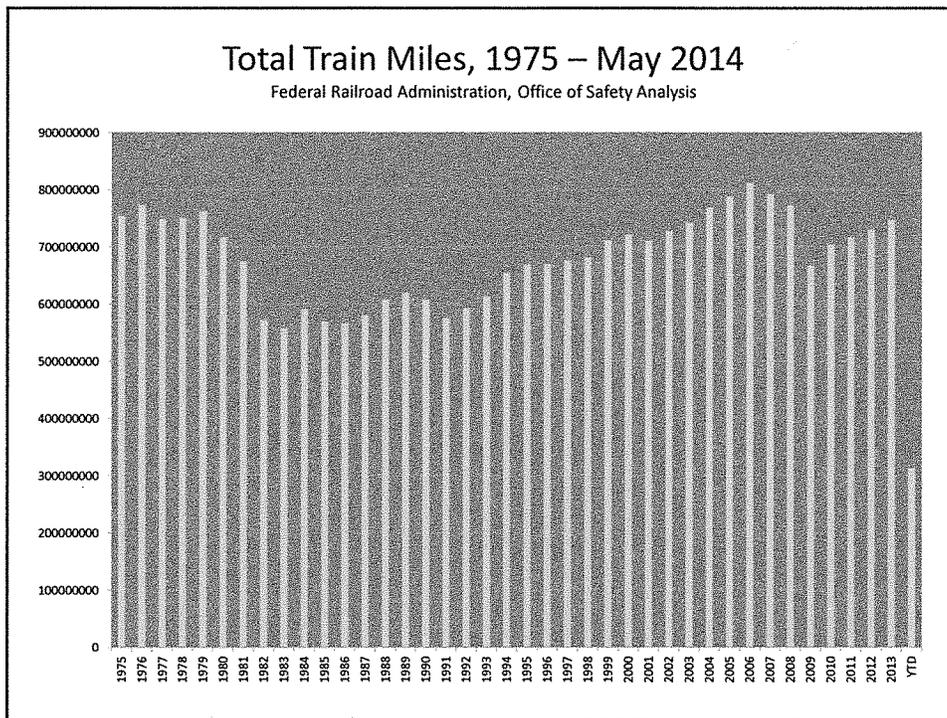
After hearing and reading countless public comments (including the comment letter recently submitted by the Sacramento Area Council of Governments) regarding the "Railroad Crude Oil Release Rate Analysis for Route between Roseville, CA and Benicia, CA" being fatally flawed, I set out to review the source data myself. Relevant data tabulated from the Federal Railroad Administration's Office of Safety Analysis can be found in the attached file.

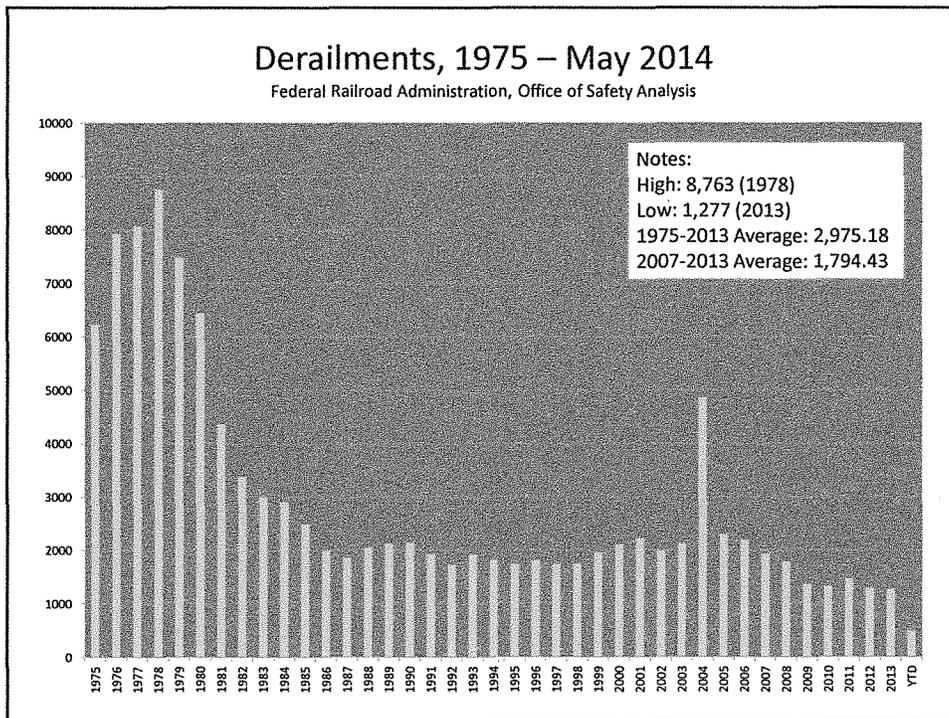
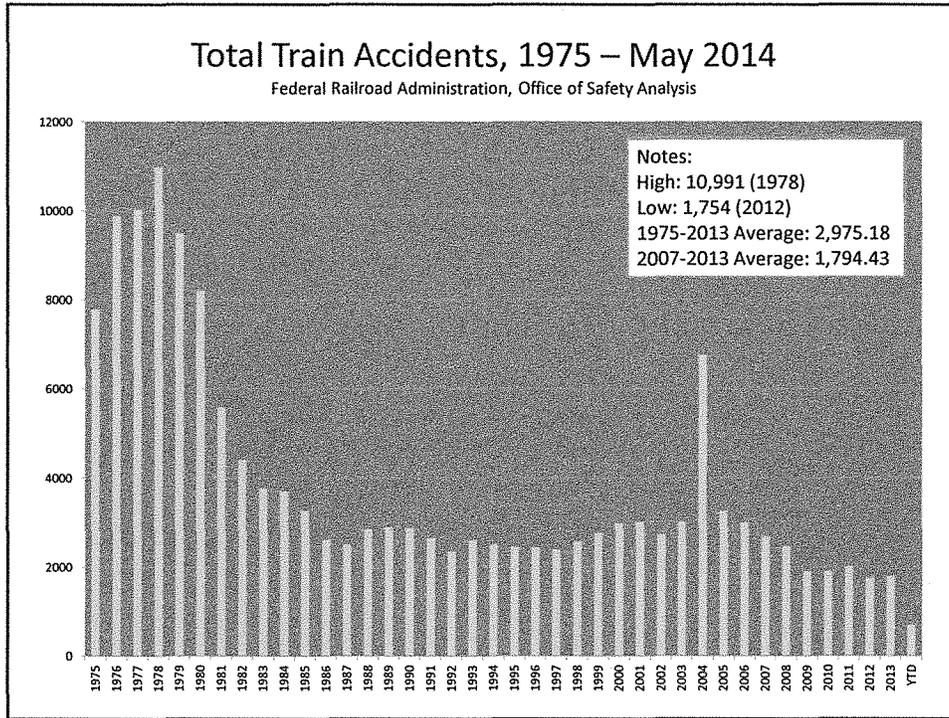
In short, the Release Rate Analysis (RRA) and its numerous references in the DEIR are NOT flawed. As evident in the attached file and as stated in Section 3.3 of the RRA, not only have the railroad industry's hazardous materials accident rates declined in the years since the RRA's rate estimates were developed (i.e., 2005-2009), but the accident rates have been declining for decades. Again, just look at the attached file where the raws facts couldn't be more clear.

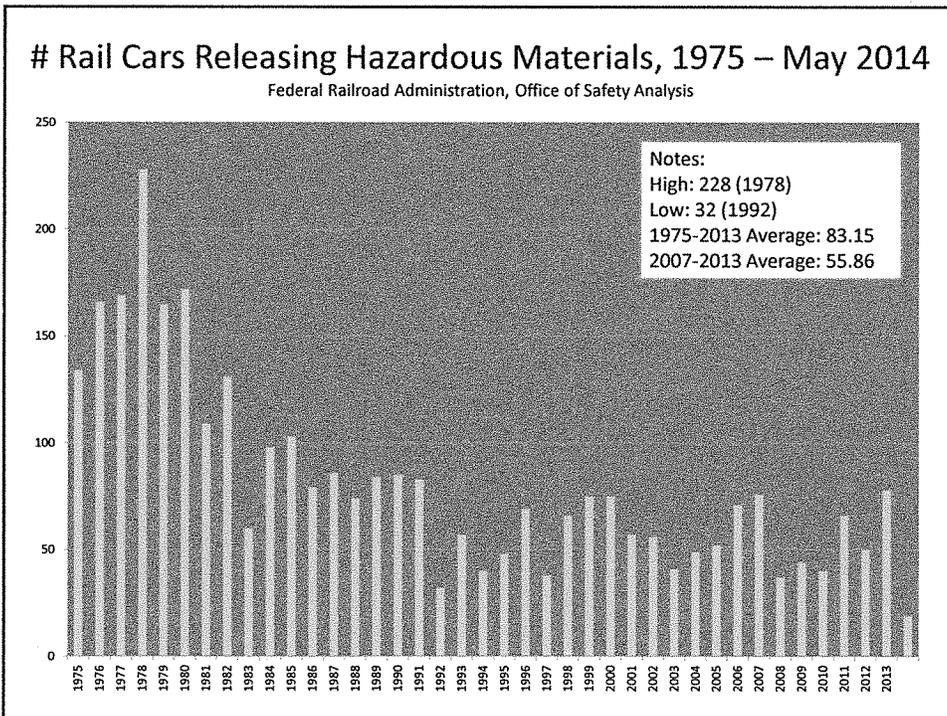
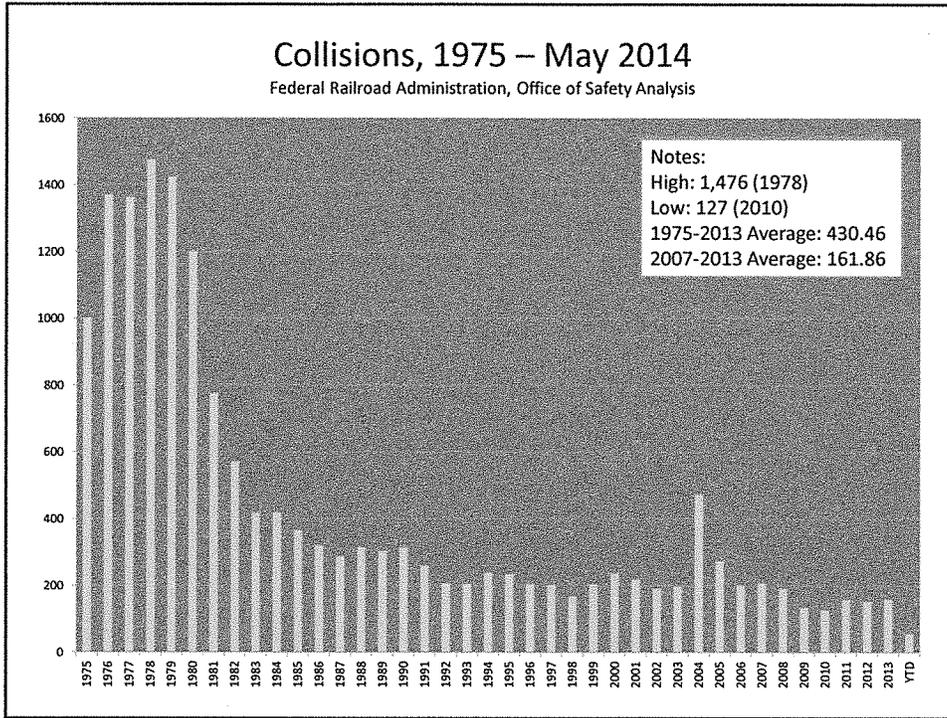
Facts are facts. This project isn't perfect, but this community deserves much more than the countless false claims and accusations from the opposition.

Thank you for your time,

Cara Bateman
Benicia Resident







Train Accidents Resulting in Release of HM, 1975 – May 2014

Federal Railroad Administration, Office of Safety Analysis

