

September 15, 2014

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



Dear Ms. Million:

At the Planning Commission meeting of September 11, 2014 Planning Commissioners were advised to submit written comments on the Draft Environmental Impact Report (DEIR) for the Valero Crude By Rail Project (Project). The Project would allow the Benicia Valero Refinery to receive a portion of its crude via rail. Since there has been substantial comment on the DEIR and many comments for which I share a similar concern, I have limited my comments to those I feel have not been highlighted.

My written comments are intended to provide clarification of some of the issues I raised at the Planning Commission of September 11, 2014, but not to the exclusion of my verbal comments. I have reviewed the DEIR and offer the following comments:

- Chapter 1 Purpose of the Document it states “The document assesses the environmental impacts that might result from the Project, as it is described in the application to the City, as well as the cumulative impacts in the vicinity of the project area.”

CEQA requires that the description of the physical environmental conditions must include both local and regional perspectives. The DEIR uses several descriptors such as “project area” “vicinity of the project area” “immediate vicinity of the project area” and “outside the project area”

Please provide clarification of each of these descriptors.

- Location - The DEIR is deficient in site specific information (physical conditions) of the project setting within the refinery. CEQA requires an EIR to describe the environmental setting to establish a baseline to determine whether project impacts are significant. 14 Cal Code of Regulations §15125 states, The EIR must describe “the physical environmental conditions in the vicinity of the project” as they exist when the Notice of Preparation for the EIR is published. The description of the pre-existing environment helps so that changes can be seen in context and for reviewers to check the Lead Agency’s identification of significant effects.

The DEIR provides scant information on the actual area where the project is to be located. “New rail would be installed in the northeastern section of the refinery between the tank farm and fence line adjacent to Sulphur Springs Creek.” Without knowing the conditions and possible current use of the “northeastern section of the refinery between the tank farm and fence line adjacent to Sulphur Springs Creek” (rail site), the reviewer does not have a clear understanding of any significant effects of the project.

What is the approximate size (length/width) of the rail site?

What is the topography of the rail site?

Are there any structures on the rail site?

Are there dikes on the site?

Is there native vegetation in or adjacent to the rail site?

Another section mentions Avenue A and D, and 9th and 14th Streets in the area. Are the avenues and streets within the rail site?

Are they actively used for on-site traffic? If so what is the level of usage?

Are the streets and avenues paved?

Will the streets and avenues be relocated?

Are there street lights?

As an example if the rail site is used on a regular basis for internal truck, car, and heavy equipment traffic the reviewer would have some concept of noise generation, water run-off, exposure for ground water infiltration, removal, etc.

While much attention was paid to potential residential impacts there was no discussion of industrial users near the rail site that could be impacted.

What is the distance from the rail site to the nearest industrial use?

Was any analysis undertaken to determine impacts to industrial uses in terms of noise, vibration, lighting, etc.?

- Tank Cars - Valero states that they will buy or lease 1232 tank cars. Section 3.4.1.3 states "All tank cars used to transport crude oil from Roseville to Benicia would be owned or leased by Valero."

Will Valero also use 1232 tank cars from points north/northeast to Roseville?

There are several safety initiatives some of which are specific to braking systems. Do 1232 tank cars have brakes, and if so will the Valero owned or leased tank cars be fitted with these recommended braking systems?

The DEIR states that "Each tank car is nominally 60 ft long, has an approx. capacity of 700 barrels and a max gross weight on rail of 286,000 pounds."

Is this the weight of a filled tank car or empty tank car?

How does weight affect the rate of inspection and was this factor used for safety inspections?

- Air Quality - The public has raised a number of issues related to air quality. Of concern are the air quality impacts in air basins outside the Bay Area Air Quality Management District (BAAQMD). Solano County is located in two air quality basins, the BAAQMD and the Yolo Solano Air Quality Management District (YSAQMD). While boundaries have been established to distinguish between the two air basins, pollutants do not make that distinction.

What is the level of transport of air pollution between the two air basins?

Was this factored into the analysis?

Were foreseeable increases in rail traffic included in the analysis?

- Biological Resources – As noted in Location above little information is provided on the rail site. Additionally, there is emphasis on project construction and minimal information on ongoing operation of the project and potential impacts to biological resources. Of special concern is the potential for run-off into Sulphur Springs Creek.

The DEIR states “Project operation would not significantly increase surface runoff”, additionally on pg 4.8-3 Crude tank farm it states “Runoff from areas outside of diked areas surrounding the crude tanks would not come into contact with crude oil; therefore, it is discharged to Sulphur Springs Creek (and ultimately to Suisun Bay) through NPDES-permitted discharge point 006”, There is further discussion on the relocation or abandonment of groundwater monitors in the rail site.

Since current use of that area is not adequately described how can these conclusions be supported? How can the reviewer properly assess this conclusion?

Was there an analysis of run-off in comparison with the current conditions and conditions with rail/tank/engines?

How will rain water be handled in the offloading rack basin, and how will it be handled during extreme storm conditions?

Without an analysis of current conditions and conditions with project operation how can the relocation or abandonment of groundwater monitors be justified?

While protection of nesting birds is discussed during project construction, it is left to chance if birds return. The conclusion is that if birds nest nearby after project operation they are presumed to be tolerant. If birds are present during construction the logical conclusion would be they would continue to habituate the area unless they were impacted by the ongoing operation of the project. Reliance on past studies is not equivalent to information on current conditions and is leading to unsubstantiated conclusions.

Has an assessment of plant, birds, and other wildlife been conducted under current conditions?

Are there planned post-operation assessment planned to determine any impact to plant and wildlife communities?

- Noise – The DEIR does provide rail site specific ambient noise levels, thank you. It further provides noise standards for trains, however no noise standards were provided for run whistles. Although other industrial related activity is not considered a sensitive receptor, there should be some consideration for those working in facilities in the industrial park.

Were the ambient noise levels for the site and the dBA standards for trains combined to create an estimated noise level?

Were any impacts assessed for industrial uses near the rail site?

Was vibration a consideration when evaluating biological resources?

- Cumulative impacts -A number of other crude by rail projects are identified under cumulative impacts. *What consideration was made regarding the use of UPRR rail lines through Solano County by the future proposed rail project?*

This concludes my written comments on the DEIR.

Sincerely,

Belinda Smith, Member
Benicia Planning Commission