

Rev. Mary Susan Gast

766 West J Street • Benicia, CA 94510

30 October 2015

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 Revised DEIR

Over and over the Revised Draft EIR fails to properly analyze, disclose, and posit mitigation for the Project's impacts on air quality, water quality, hazards, potential disasters, biological resources, and public health. The RDEIR inappropriately limits the geographic scope of the impacts it does consider, and makes no reference at all to possibly disproportionate impact of the Project on low-income communities of color. Those who are scientific and legal experts will have supplied details on these concerns. I write as a citizen and an ethicist.

Particularly troubling to me are the RDEIR's arguments regarding the safety of rail transport, including the assumption that only CPC-1232 tank cars will be used for the Project, when (a.) use of these improved tank cars will not be legally mandated for years to come and (b.) the CPC-1232s, while improved, still explode. Coupled with its assertion 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, the RDEIR violates the ethical principal of veracity.

Veracity is truth-telling. 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>] Adherence to medical ethics for example, precludes a surgeon from saying, "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 RDEIR cordons off part of the information regarding risk by limiting itself to consideration of what occurs within the Valero refinery property, and dismissing the possibility of the City's ability or responsibility to limit the number of tank cars that can be unloaded per day or otherwise set railroad measures that are necessary to eliminate a local safety hazard. (49 U.S.C. 20106(a)(2)).

There is always public commentary 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 maybe 20 new highly technical 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 and Canada

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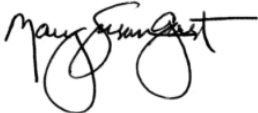
over the past two years, or the state of the railroad bridges and tracks that will be transporting Bakken crude into Benicia if Valero's plan is approved.

I encourage the Planning Commission, in assessing the RDEIR and in determining whether to give a go-ahead to the Proposal, to be guided by two ethical principles: nonmaleficence and beneficence.

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, because most every course of action involves some risk. 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 [others] to unnecessary risk you have violated this principle." ["Ethics At A Glance," <http://rhchp.regis.edu/hce/ethicsataglance/Nonmaleficence/Nonmaleficence.pdf>]

Nonmaleficence and beneficence are the route to what's really 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