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PLANNING COMMISSION MEETING
FOR THE CITY OF BENICIA
HELD ON 8-14-14

AUDIO TRANSCRIPTION OF DVD

TRANSCRIBED ON: SEPTEMBER 16, 2014
BY: Valerie E. Rasmussen, CSR 8900
Registered Professional Reporter
Nevada CCR 756
CCRR

1 Planning Commission Meeting for the City of Benicia

2 August 14, 2014

3 Beginning of DVD audio transcription at 32:00

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6 COMMISSIONER DEAN: This is a public hearing on the
7 Draft EIR for the Crude-By-Rail Project. I know that a
8 lot of people feel passionately about this, both for and
9 against the project, and there's a lot of temptation to
10 speak, to tell the Commissioner, "We think this is a good
11 project" or "this is a bad project," but I would really
12 like people to focus their comments on the EIR: Be as
13 specific as you can, what is your comment, what item does
14 it relate to.

15 Ultimately, the staff and consultants are going
16 to have to respond to all those comments in writing, and
17 the more specific you are, the more it helps everybody to
18 get to the real issue at hand. So, with that, I think
19 we're ready to go.

20 Commissioner? Yeah?

21 COMMISSIONER YOUNG: I just wanted to make an
22 acknowledgment. There was a donation made by Mildred
23 Brennan of this book called The CEQA Desk Book, and it's
24 available to other Commissioners or I guess to the public,
25 I'm not sure. But it's a very good resource. I wanted to

1 publicly thank Mildred Brennan for that donation.

2 COMMISSIONER DEAN: Okay. Are we ready to go?

3 MS. WELLMAN: Chair Dean? If I could just clarify.

4 There were, I believe, 13 people, who submitted
5 speaker cards, and who spoke at the last hearing. And
6 you've had your chance, so if your name was called and you
7 spoke last time, you need to give those who have not had
8 an opportunity to speak this time. Thank you.

9 COMMISSIONER DEAN: Thank you.

10 Okay. So typically we let people representing
11 groups go first and they get 15 minutes. I understand
12 that we have one speaker for a group, Marilyn Bardet, for
13 Benicians for a Safe and Healthy Environment.

14 Do we have any other groups present tonight who
15 have designated speakers?

16 Okay. Then, Ms. Bardet, if you're ready to go,
17 we'll start with you, and then after you finish, we'll
18 call the first five additional names.

19 And before you get started, can I ask, you're
20 speaking for a group. Can we have a show of hands for
21 people who are in the group that Marilyn represents.

22 Okay. Thank you.

23 (Inaudible comment from the audience.)

24 COMMISSIONER DEAN: Understood. We have some people
25 in the other room. Thank you.

1 MS. BARDET: Thank you, Commissioners --

2 Thank you, Commissioners, for this opportunity to
3 speak with you tonight. I'm speaking on behalf of
4 Benicians for a Safe and Healthy Community. On September
5 15th we'll be turning in our full set of comments.

6 Tonight I'll focus, along with Ed Ruszel, our
7 invited speaker, on issues surrounding who and what
8 ultimately governs the logistics operations of Valero's
9 Crude-By-Rail Project in the industrial park, and why this
10 is of great concern in examining the claims of the Draft
11 EIR.

12 After my comments, Ed will give a visual
13 presentation of specific rail issues in the park,
14 describing certain conditions and effects that the layout
15 of trackage in the park represents for project operations,
16 issues which are obscured or inaccurately portrayed in the
17 draft report. Valero characterizes the project as their
18 logistics operation, the term used by the initial study.

19 The draft report sticks to the concept, limiting
20 sense the total scope and extent of the project, in its
21 myriad foreseeable impacts and risks to public safety and
22 health here in Benicia, uprail, and down-wind. Local and
23 regional impacts would spiral out from the project's
24 operations in all directions.

25 We understand that crude trains moving between

1 distant sources on their way to Roseville and Benicia are
2 part of the totality of the project's logistics operation.

3 However, the draft reports curtail the counting
4 of the totality, mostly points to Union Pacific's business
5 and/or suggests that such concerns would be beyond the
6 scope of CEQA.

7 The report describes the physical components that
8 would allow Valero to import by rail, off-load and store,
9 up to 70,000 barrels of crude oil every day, and that's
10 counting the 100 loaded tank cars arriving each day for
11 that purpose, 100 empty rail cars departing, and one
12 50-car train at a time to be unloaded at the terminal.
13 The draft report, however, does not state the exact number
14 of locomotives involved each day, each way. Why?

15 Union Pacific is not part of the Valero project
16 application. The report doesn't describe how the
17 contractual relationship would work between the two
18 corporate giants, or might not work. Yet UP's logistics
19 operations and performance would be pivotal and would
20 override Valero's criteria for operations cited in the
21 report. It would appear, therefore, that the project's
22 rail activity would largely represent a Union Pacific
23 logistics operation.

24 To grasp Union Pacific's role, we must consider
25 the limiting effects of the federal exemption rule as it

1 would apply to the Valero project.

2 Under federal exemption, UP retains exclusive
3 authority to control all train movements, train
4 scheduling, train composition, type and number of
5 locomotives, volumes of product transported in a single
6 train, train speed, train routes, maintenance, et cetera.
7 UP is not required to inform the public about these
8 movements, including about parking tank cars on sidelines.
9 The U.S. Department of Transportation also governs all
10 rail safety issues.

11 The federal exemption rule is therefore a
12 defining factor for project rail operations; yet, the
13 first place the rule is mentioned in the report is at the
14 end of a brief description of Project Alternative, One.
15 This first alternative suggests that the number of trains
16 per day could be limited to one. But the DEIR hedges,
17 trying to explain why it must be rejected. And the quote
18 is: "UP has taken the position that" ... then referred
19 the reader to the last appendix, Appendix L, where UP's
20 own statement of their authority under the federal
21 exemption is outlined.

22 So the alleged advantage of the project is nil.
23 Valero couldn't enforce the alternative.

24 Federal exemption bears down hard on the draft
25 report's traffic and transportation analysis, and thus

1 casts doubt on the credibility of the draft report itself.

2 The foreseeable effects of UP control project
3 rail activity on or off-site of refinery property are
4 myriad, but the DEIR touches on those effects very
5 lightly, incoherently. There is no accounting of possible
6 train delays or troubles with UP switching operations.

7 So let's look at the draft report's expectations
8 for project logistics. The report describes optimal
9 operating conditions, desired by Valero, but who's to say
10 that Valero's request can be complied with 24/7 365 days a
11 year?

12 I might say that it seems that the DEIR expects
13 that the project would work like a clock with Valero's
14 invisible hand guiding all movements and with full
15 compliance by UP.

16 Any DEIR description, claim, assumption or impact
17 analysis that assumes optimal conditions and could invite
18 questions about the effects of UP's federal exemption
19 deserves further evaluation.

20 So what kind of future does the project suggest
21 for the industrial park? With the project operations
22 intensifying, doubling and tripling rail use become a
23 lulu, a local undesirable land use. The report doesn't
24 consider public perception, how project logistics could
25 turn the park into a mini-rail switching yard, mainly

1 serving Valero's interest. The report doesn't even
2 discuss the foreseeable daily increased risk posed by a
3 threat of derailment, involving flammable Bakken oil
4 within the park, a real threat that would be posed to its
5 occupants, immediate environs, vital infrastructure, the
6 refinery itself, and the community every day.

7 Now I'll hear from Ed Ruszel.

8 MR. RUSZEL: Good evening, Commissioner, staff,
9 neighbors. Let's see if I can make this play.

10 I'm going to try to give you a quick overview of
11 the railroad infrastructure in the industrial park. This
12 is about what we see today. For the most part, that's the
13 basics of the railroad infrastructure in the industrial
14 park. The dark blue lines indicate the main lines. We'll
15 be coming back to this slide.

16 And here's what Valero's been telling us in
17 public. They say it's just a railroad -- it's just an
18 infrastructure project, it's a logistics project and it
19 basically ends at their fence line, which happens to be
20 right adjacent to Park Road.

21 But this is what -- how the infrastructure really
22 works here. This is what the Army left us in the 1960s.
23 This map is showing the railroad infrastructure that the
24 arsenal built in the '40s during wartime for the sole use
25 of the Army. There was no public access. There was no

1 freeways. There was no private enterprise in this area.

2 One thing to notice here is these loops that give
3 good circulation to the park -- to the railroad activity,
4 and also a little Y-connector in here. This gave great
5 flexibility in circulation. It was quite modern for its
6 time.

7 What we see today is a bunch of cul-de-sacs. We
8 notice these loops have been eliminated. This area in
9 here is where the Valero property is. These tracks go to
10 the Coke silos here. And they're loading terminals for
11 propane. And this is the large storage area alongside
12 Industrial Way, in the industrial park. They have six
13 tracks there, and along with this area here. Another two
14 tracks. It's about 20,000 feet of trackage. They can
15 store about 300, 350 cars there.

16 And here's what we see today.

17 And if I can -- I need to put the cursor on here.

18 What you're going to see here is an animation of
19 traffic moving through the industrial park.

20 Jump to the next slide, Amy.

21 The purple highlighted area is Park Road. The
22 red line would represent a train of approximately 3,500
23 feet, very close to the length of a unit train.

24 UNIDENTIFIED FEMALE SPEAKER: Excuse me, please. Will
25 you please speak into the microphone.

1 MR. RUSZEL: Sorry.

2 UNIDENTIFIED FEMALE SPEAKER: Thank you.

3 MR. RUSZEL: Thank you. And if you can stand by, sir,
4 we have one more animation to play.

5 So you can see this train moving in and out of
6 the siding areas in the industrial park, across Park Road.
7 The other circled areas are private driveways along
8 Bayshore Road.

9 And any kind of switching activity, shunting,
10 making and breaking in trains, requires those trains to
11 back up and go back and forth across the Park Road
12 intersection and along Bayshore Road. That's the only way
13 in, the only way out.

14 So again, a quick overview of that area. You can
15 see where the crossings are. This area is a park. This
16 area is at Bayshore and West Channel, and along Industrial
17 Way, also.

18 So, again, back to the overview here. So we saw
19 the dark blue lines, the major -- the main lines.

20 The green lines are the surface connector tracks.

21 And there's also two little red dots here, those
22 are the two ways the trains get off the main line tracks
23 and come into the industrial park.

24 The yellow areas or orange areas, here and here,
25 are where tracks have been extensively improved, both

1 increased their weight-carrying capacity and their storage
2 capacity. Tracks have been revitalized that have been
3 derelict and unused for years.

4 This area right in here, there's no rail users,
5 but it's a place where the Union Pacific had parked
6 numerous trains.

7 And as Marilyn mentioned, the Appendix L, the
8 railroad exemption, she gave a pretty good description, so
9 I'm going to breeze right through here.

10 And that is what we see today.

11 If you can please start the video.

12 So this is March 28 of this year. It was about
13 Friday at noontime. I happened to catch a small manifest
14 train. It was a train made up of all different
15 commodities moving into industrial park, along Bayshore
16 Road across Park Road. This is the kind of traffic delay
17 we see daily. Daily. This was only a 20- or 30-car
18 train. So you can look up there -- sorry for the
19 resolution -- but numerous cars on the offramp. And
20 here's what it looked like moments later on the interstate
21 highway. You could see cars backed up. This guy is
22 barely out of the traffic lanes, trying to get onto the
23 offramp. This happens on a daily basis.

24 This is what the EIR shows us, the draft shows
25 us, the purple lines, what happens today. The yellow line

1 is the cumulative effect, which makes it appear the
2 traffic will be even less impacted with two or three times
3 train cars.

4 Thank you for your indulgence. This is the
5 second-to-last slide.

6 So this is a letter that I've been
7 hand-delivering to all my neighbors, or many neighbors in
8 the industrial park. To date I've contacted over 25
9 businesses. More than half have expressed serious levels
10 of concern, and 11 have agreed to allow me to use their
11 name in public on a letter stating our concerns with the
12 traffic level here in the industrial park.

13 That concludes my discussion. And I do have a
14 brief list of several of my neighbors that I would like to
15 have included.

16 COMMISSIONER DEAN: Okay. Does that conclude your
17 presentation?

18 MS. BARDET: Yes, it does, thank you.

19 COMMISSIONER DEAN: Okay. Thank you.

20 Additional speakers, the first five -- and I
21 apologize if I mispronounce your name --

22 Rick Slizeski. Stan Lawson. Aline Nunes.
23 Hadieh Elias. And Ron Dial. We'll give you a minute to
24 come forward. Whoever comes first can just come right on
25 down, of those first five.

1 Hi. Good evening.

2 MR. DIAL: Good evening. Mr. Chairman, Commissioners.
3 These comments are a summary of a letter, a written
4 comment I sent to Amy Million on July 28, 2014. My
5 name --

6 COMMISSIONER DEAN: Sir, do you want to identify
7 yourself, for the record.

8 MR. DIAL: Sure. I was just going to do that.

9 COMMISSIONER DEAN: Okay.

10 MR. DIAL: My name is Ron Dial. I'm a Benicia
11 resident of 24 years. I can see the refinery from my home
12 and I support the Valero Crude-By-Rail Project.

13 I worked in risk management for over 20 years,
14 and worked in local government for 15 years. My
15 background gives me some insight into the issues spelled
16 out in the Draft EIR.

17 The report is an imposing document that's
18 appropriate for the technical nature of this project.
19 Yet, if the report were any shorter, it would be
20 insufficient to address the risk factors and regulatory
21 realities of the project. The Bakken crude oil is needed
22 to improve the U.S. energy independence. By refining the
23 Bakken crude in the Dakotas, requires an infrastructure
24 that is still years away. Thus, in the near term, by
25 necessity, the oil must be transported either by pipe,

1 truck or rail to existing refineries.

2 Research conducted by Dagmar Etkin of the
3 Environmental Research Consulting Group, ERC, a firm
4 specializing in environmental impacts of oil spills,
5 stated that rail transport is much less prone to spill
6 than hauling oil by truck or pipeline. And their website
7 is www.environmental-research.com.

8 ERC analyzed rail truck and pipeline spills into
9 waterways from 1980 to 2003, and found spillage rates for
10 truck to be nearly double the rates by rail. And this
11 information is not even taking into account the use of the
12 safer 1232 tank car that's specified in the report.

13 The stabilization process for crude oil should be
14 addressed in the final EIR. This process is currently
15 undergoing regulatory discussion. Stabilization is
16 identified as a process to remove the volatile top-end
17 elements in crude oils such as Bakken light crude, and
18 results in a product that is much safer to transport by
19 rail.

20 Stabilization has been used extensively in the
21 Texas oil fields where similar crude oil safety issues
22 were found and the crude had to be transported by oil.
23 The one stabilization plan in the Bakken field is due to
24 come on line soon, is not sufficient size to handle the
25 demand. Reports state that additional stabilization

1 facilities would likely be constructed if there were
2 regulatory pressure on the industry to do so.

3 The report takes into account the risks, the
4 regulatory environment, and the mitigation factors for
5 transporting crude by rail.

6 The report also identifies the continuous dynamic
7 nature of the regulatory and legislative agencies
8 overseeing transport of oil by rail. Valero's offer to
9 reduce incoming crude by marine source is an important
10 benefit. Reducing the amount of crude oil transported
11 over the North Bay and Sacramento River inherently lowers
12 the risk of the inland waterways.

13 Point Number 7, City of Benicia needs the
14 economic stimulus of the new jobs and added tax revenue
15 attached to this project. This is something of
16 significance that should not be overlooked.

17 In conclusion, some West Coast refinery somewhere
18 will get the Bakken crude and refine it into the needed
19 products. That's the bottom line.

20 I would much rather see the crude center refinery
21 with a safety record and reputation such as Valero
22 Benicia, than a refinery where the transportation refining
23 is not done with the same degree of safety. There's an
24 opportunity for Benicia to be a front-runner in setting
25 standards for handling Bakken light crude.

1 Perhaps the City of Benicia should make
2 recommendations to state and national regulatory agencies,
3 as well as national and state legislators in favor of
4 crude oil stabilization. Such recommendations would carry
5 more weight if Benicia were already the home of the safest
6 Bakken crude refinery with a model EIR.

7 We should recognize that rejection of this
8 project will not stop Bakken crude from being shipped by
9 rail; it's going to be shipped. It will just go elsewhere
10 and likely without the safety mitigation offered by
11 Valero --

12 COMMISSIONER DEAN: Sir, you've used your five
13 minutes.

14 MR. DIAL: Thank you very much.

15 COMMISSIONER DEAN: Thank you very much.

16 Next speaker, please. I'm going to read those
17 first five names again. Rick Slizeski. Stan Lawson.
18 Aline Nunes. Hadieh Elias.

19 And then a couple of additional ones: Rick
20 Stierwalt, Joshua Cross and Lisa Reinerton.

21 Good evening.

22 MS. ELIAS: Hi. My name is Hadieh Elias. I'm a
23 resident of Benicia for more than 35 years. I also have a
24 structural engineering business in town for more than 25
25 years.

1 I'm going to address the seismic aspects of the
2 EIR. Seismic design is basically ensuring that the demand
3 side of the equation is always less than the capacity side
4 of the equation.

5 EIR is not the review of the demand side only, it
6 is also review of reasonableness and realistic estimate of
7 the capacity side of the design.

8 The DEIR has been silent on how Valero is
9 proposing to achieve the capacity of the railroad cars and
10 tracks to perform safely while traveling or stationary,
11 and being subjected to a large seismic acceleration and
12 displacement demand.

13 The DEIR discusses demand to a limited extent,
14 but not how they're going to address that. So for us now,
15 in terms of design, this is a pie in the sky.

16 Moreover, they refer in the DEIR to building
17 code, but there are -- but there are no explicit
18 provisions in the code for a lot of the things that they
19 are doing here.

20 Example: How are they going to address
21 liquefaction and lateral spreading of the rails in an
22 earthquake?

23 Later on when they submit plans, we are not going
24 to be there, just the City Plan Checker and Valero
25 representatives. None of us citizens and interested

1 parties will be there. This shortchanges the democratic
2 process, as you will not see what they are submitting.

3 Moreover, they can elect at that time, as they
4 have done in this DEIR, to classify most of what they are
5 doing as proprietary, and thus not subject to review. If
6 the solution is obvious, they should define it now.

7 Either descriptive example, remove certain batch oil and
8 replace it, et cetera, or prescribe criteria for the
9 design to meet. Example: Solution shall result in a
10 maximum of refresh segment of half an inch, et cetera.

11 If they do not provide the criteria now, then
12 later on they are going to bargain with the City on what
13 is appropriate, reasonable or reasonable limit, and then
14 we are left out of the democratic process; and moreover,
15 the City will be pressured that they are delaying the
16 project, et cetera. City will be in a tough position.
17 They are going to get into an argument with the City on
18 what is reasonable, customary and economical criteria,
19 thus, forcing the City to agree and comply to lower
20 standards.

21 We do not accept this process of removing this
22 decision from more democratic review by citizens and
23 unloading it to a few City representatives in the future.

24 They have to give an assessment now of what the
25 quantitative criteria for an acceptable solution is for

1 this nonstandard project. The City will then have this
2 criteria to check against in future to see if they meet
3 that. The mechanism of design despite this criteria will
4 be in the future, but the specific criteria of acceptable
5 limits needs to be set now.

6 It is also prudent for us to keep in mind that
7 there will be unknown hazards that will show up in the
8 future when the project begins. Example: New (inaudible)
9 substances, like with other project. Example, Fukushima.
10 Who is going to bear the cost of that? Valero would say,
11 "We did the best we can at time we did the project, which
12 was approved by the City, so society and the committee
13 will have to bear the cost." Is the City going to be left
14 holding the bag for these unforeseen future costs?

15 Benicia is a healthy, beautiful community. We do
16 not want it to become a heavy industrial-polluted city.
17 This project will produce poor air quality, health risks,
18 home dropping in value, put us at risk of major
19 catastrophe in the future. You are long-term planners.
20 You have to consider the potential risks in the future,
21 not short-term, rosy scenarios by Valero.

22 Valero is misrepresenting the pollution picture
23 for Benicia by looking at the whole bayonet increase. Are
24 they going to put in writing guarantee that the pollution
25 air quality in Benicia itself will stay the same or

1 improve? They mention that this project makes U.S. energy
2 independent. Are they going to put in writing guarantee
3 that they will not export any of that oil? They dangle
4 the promise of 20 full-time jobs and increase tax income.
5 For how long? How much more tax? The only extra jobs
6 will be for Kaiser to cure our citizens that will suffer
7 illnesses due to this project.

8 Lastly, you are reminded of what your attorney
9 said in the last meeting. The City will have no control
10 on the type of cars that will be used, what type of oil
11 they will bring -- transport, what schedule the trains and
12 the rails --

13 COMMISSIONER DEAN: I'm sorry. You'll have to -- your
14 time is up. You'll have to stop there.

15 MS. ELIAS: You cannot make any requirements on that.
16 When you allow someone to come --

17 COMMISSIONER DEAN: I'm sorry, we have a lot of
18 speakers.

19 MS. ELIAS: This is our home --

20 COMMISSIONER DEAN: You're going to have to stop right
21 there.

22 MS. ELIAS: -- you allow somebody to come and live in
23 your home --

24 COMMISSIONER DEAN: I'm sorry. You're going to have
25 to yield the -- you'll have to yield the microphone.

1 MS. ELIAS: -- decide against this project and protect
2 Benicia, which is your home and my home.

3 COMMISSIONER DEAN: Thank you.

4 Next speakers. Some of these names we've called
5 a couple of times. Rick Slizeski. Stan Lawson. Aline
6 Nunes. Rick Stierwalt. Joshua Cross. And Lisa
7 Reinerton.

8 And then a couple of new ones. Shannon
9 Walsh-Hill. Roger Straw. Ken Miller. And Tim Rose.

10 Hi. Good evening.

11 UNIDENTIFIED FEMALE SPEAKER: Microphone, please.

12 MR. CROSS: Commissioners, I've been a Benicia
13 resident for 24 years. My son just graduated from Benicia
14 High School last year. My daughter goes to school at the
15 middle school. My wife is also a teacher for the school
16 district here. My children had an opportunity to take
17 advantage of the Valero volunteer tutoring at the middle
18 school and high school. I played baseball on the fields
19 that Valero has sponsored and help make improvements. I
20 have coached soccer teams that Valero helped sponsor. I
21 participate in charity walks that Valero supports. I
22 enjoy events like the Waterfront Festival and Heather's
23 Fair where Valero supports both financially and with
24 volunteers.

25 Valero donated significant amounts of money to a

1 foster children's camp that my parents direct and is close
2 to my heart. I'm happy to see the provisions that
3 Valero's put in place for this infrastructure rail
4 project. Valero's made good effort to ensure that the
5 project does not alter the safety and the facility or the
6 neighboring areas. They've also made efforts to minimize
7 impacts on traffic by scheduling rail activities during
8 nonpeak hours.

9 They've agreed to use better rail cars even
10 though the federal regulations don't require them.

11 They're providing training both locally and
12 uprail for first responders.

13 The project has many positive benefits for
14 Benicia; adding tax dollars to the community through
15 construction and property tax. It adds a significant
16 number of both short-term construction jobs, as well as
17 additional permanent jobs to run this facility.

18 Increasing domestic rail crude to Valero reduces
19 the overall emissions in our Bay Area. This project also
20 ensures Valero will be able to sustain its good reputation
21 as a good corporate citizen to Benicia, and continue to
22 provide for our community both financially and through
23 volunteerism.

24 I urge you to consider the role this project
25 plays on our ability to keep good, safe companies like

1 Valero, and their supporting businesses, here in Benicia
2 for the years to come. Thank you.

3 COMMISSIONER DEAN: Sir, can you give your name for
4 the record.

5 MR. CROSS: Joshua Cross.

6 COMMISSIONER DEAN: Thank you.

7 Next speaker, please.

8 MR. STIERWALT: Hi. I'm Rick Stierwalt. I've lived
9 here in town for 28 years. And I just want to speak a
10 minute.

11 The DEIR, as I see, is unsafe, it's incomplete,
12 and it falls in unsafe industry standard.

13 One of the biggest issues I see about the whole
14 thing is, it isn't so much Valero, it's that the industry
15 standard is very low and unsafe.

16 The questions that come up: What happens at the
17 time of the spill if there was an accident? Who is to
18 blame? How soon does compensation happen? What about the
19 immediate cleanup? Valero has said that because they're
20 making the railroad like a subcontractor, that if there
21 ever is a spill, that spill is gonna be on the hands of
22 the railroad itself.

23 So if you make the railroad responsible -- to me
24 there seems to be some kind of a contractual relationship
25 between Benicia and the railroad, because regardless of

1 what Valero's safety record is, their whole thing is
2 subbed out. They're putting the entire responsibility on
3 the railroad. I think that's a big issue, and it's
4 unaddressed.

5 So the DEIR is incomplete.

6 And what I want to do -- I know that we've talked
7 on many, many issues. I've been through some of this and
8 you've heard a lot of different stories. One thing that I
9 want to bring up is the aftermath of what happened at
10 Lac-Megantic. Okay? And these are issues that aren't
11 addressed in the DEIR and, to me, are very, very
12 important. Okay?

13 Another thing -- okay, before that, okay, what is
14 the railroad route? Do we know that? Has that been said?
15 Where does it go from Benicia to North Dakota? That's
16 like top secret. And I've even written to the railroad
17 line asking for that information. And there's many
18 secrets that are held back, so many parts I believe of the
19 DEIR. It's not what's in it, it's what is not in it, is
20 what scares me. And that's a big part of the DEIR.
21 Shouldn't some of these other cities know what's happening
22 through their road, through their tract?

23 So what happens in that entire rail line should
24 be public record, in my opinion. Fewer people know the
25 route and these cities should know.

1 And see there's several ways of talking about
2 this. We can describe one train has either 1.4 million
3 gallons of crude oil or we can say it's 9.8 million
4 pounds. But I'd like to describe one train a little bit
5 differently. According to Russell Gold and Betsy Morris
6 of the Wall Street Journal, one train car is equal to an
7 energy of 2 million sticks of dynamite. So that's 2
8 million sticks. So if we're having 50 trains -- so each
9 train that goes through here has the energy of a hundred
10 million sticks of dynamite. And I think, you know, things
11 like that should be brought up in the DEIR about safety,
12 about what we're really talking about here. That's a lot
13 of blast that can happen.

14 So if you were to put -- take the hundred million
15 sticks, you'd have to put 7 in a bundle, and that would be
16 enough to go -- they're about a foot long -- end to end
17 from the Pacific Ocean to the Atlantic Ocean bundled of 7
18 all the way across, that's how much energy there is in one
19 train.

20 Now, some of the things that really happened at
21 the Lac-Megantic crash, it happened a year ago, in Quebec,
22 that there was a train which was put on a hill and it had
23 a bad piston in it, but the engineer was tired, he put in
24 his 12-hour day, it was 11:00 o'clock at night, he didn't
25 put enough brakes on, but what he did, he kept the engine

1 running, in order so the brakes could hold the train
2 there.

3 Well, the fire department came and saw the spill,
4 and then the fire department said, "Well, our brochure
5 says we have to turn the train off." So they turn the
6 train off and they went home. And this is 11:00 o'clock
7 at night when the engineer left.

8 So this train took off for seven miles, and it
9 dropped 1300 feet in elevation, and it hit the city at --
10 it was at 1:30 at night on a Saturday night. There were
11 47 died; 10 of those people were vaporized. There were 30
12 millions leveled.

13 Now, you really have to have an idea what it's
14 like -- this is what truly happened about 10 people being
15 vaporized. When you're vaporized, they don't find one
16 self of you there.

17 COMMISSIONER DEAN: Sir, I'm going to have to ask you
18 to stop right there. Your time is up.

19 MR. STIERWALT: Thank you.

20 COMMISSIONER DEAN: Thank you.

21 Next speaker, please.

22 MS. REINERTON: Good evening.

23 COMMISSIONER DEAN: Good evening.

24 MS. REINERTON: My name is Lisa Reinerton. I live
25 here in Benicia. I'm going to jump right into this.

1 Many of the conclusions in this DEIR are based on
2 questionable assumptions that lead to false claims that
3 there are no significant impacts. Is there anything in
4 this report that states that Valero would legally be bound
5 to limiting their crude rail to the 70,000 barrels a day?
6 The rail industry is not bound to this. There's nothing
7 that legally binds the railways to limiting their traffic
8 in the industrial park area to nonrush hour times, or to
9 limit the rail cars used to the new safer cars.

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

14 Is there anything that requires Valero to be
15 legally responsible for the cost of cleanup, if there is a
16 spill, or the liability if there is an explosive accident
17 in which people are killed and property destroyed?

18 Would the City share in this liability since we
19 approve the project?

20 The effects of the magnitude of this project are
21 vastly greater than the localized risks and impacts
22 mentioned in the DEIR. For example, if there is a
23 catastrophic spill in the Sierras, dumping oil into the
24 Feather River, due to ignoring the outdated infrastructure
25 of the rails and car rails being used, will Valero be held

1 responsible?

2 If a rail car explodes in a Davis neighborhood
3 killing innocent people, will Valero and our city be held
4 responsible?

5 If waterways in the delta are contaminated, which
6 impact all of us in the entire state, who can fix that?
7 Who will be held responsible? It is easy to say that the
8 risk of an accident is minimal, that Valero or our City
9 Planners will not be held completely responsible.

10 The statistical methodology in this EIR is not
11 just flawed, it is carefully crafted to skew the reality
12 of the actual risks. And unfortunately it takes more than
13 five minutes to untangle the faulty arguments in any given
14 topic addressed in which no significant risk is claimed.

15 This is like the story of The Emperor's New
16 Clothes. We all can see this huge increase in bringing
17 volatile crude oil by rail poses a substantial increase in
18 risk and safety, pollution, and risks of spills and
19 dangerous explosions as it moves through our communities,
20 but we are being told by the Powers That Be that there is
21 no significant impact. And not only that, that this is a
22 "green plan" that will be more environmentally friendly.

23 Valero paid for this DEIR. Was the purpose of
24 this report to address real concerns and environmental
25 impacts because we care about our earth and its

1 inhabitants? Or was it drafted to find ways to downplay
2 and negate these real concerns so that Valero's project
3 can move forward?

4 Checking my time.

5 Steve Hampton, an economist with the State Office
6 of Spill Prevention Response, said the Benician report
7 gives a false air of certainty about something that has
8 far too many unknowns.

9 This is a quote by him: This is so new. Anyone
10 who says they know exactly what the spill rate is, they
11 don't.

12 He noted the analysis spill to look at risks the
13 project poses on the rail route east of Roseville where
14 trains will pass through areas designated by the state as
15 "high hazard" for derailments.

16 Jeff Mount, a natural resource management expert
17 at Public Policy Institute of California said a one in
18 111-year spill event for the Valero trains refers to a
19 long-range -- to long-range averages. It doesn't preclude
20 a spill from happening at any time. If several oil trains
21 come through as expected, the spill risks increase.

22 The EIR needs to realistically address these
23 questions, including the broader geographical scope of
24 environmental impacts and the potential impact and
25 magnitude of explosive derailment.

1 The truth is, if we realistically look at this
2 scenario, we cannot in good conscience approve it. In
3 actuality, this is not something that should be determined
4 by our local City Planners. The impact of what Valero and
5 the rest of the oil industry are doing is statewide and
6 nationwide, and should be addressed at the state and
7 national level, before we as a town agree to anything.

8 Please postpone your response to this proposal by
9 Valero until the risk factors and environmental impacts of
10 crude-by-rail have been addressed and the resolutions to
11 these issues are worked out at a national level.

12 Thank you very much.

13 COMMISSIONER DEAN: Thank you.

14 Next speaker, please.

15 And we are looking for Shannon Walsh-Hill. Roger
16 Straw. Ken Miller. Tim Rose. Jim Jacobs, John -- Jim
17 Ponder, Gordon Thielvoldt and Greg Yuhas.

18 Good evening.

19 MS. WALSH-HILL: Hi. My name is Shannon Walsh-Hill.
20 I'm a 31-year member of Local 343 Plumbers and
21 Steamfitters. I'm a lifelong resident of Benicia. The
22 facts associated with this project are clear. This
23 project is good for Benicia. It will reduce air
24 emissions, provide jobs, generate additional revenue,
25 support our largest business in the city.

1 Thank you very much.

2 I have a hundred cards from people who feel
3 likewise, and I'd like to turn them in. Thank you.

4 COMMISSIONER DEAN: You can give these to staff.
5 Thank you.

6 Next speaker, please. Good evening.

7 MR. STRAW: Good evening, Commissioners, City staff,
8 consultants, my name is Roger Straw. I'm a 15-year
9 resident of Benicia, publisher and editor of the Benicia
10 Independent, and online blog currently dedicated to
11 covering local and international news and events on
12 crude-by-rail.

13 I put a big "X" on all the part of my speech that
14 was going to talk about why I don't want you to pass this
15 because Chair Dean said we shouldn't talk about that
16 tonight.

17 So tonight I'm going to use my time just to offer
18 a few comments and questions on the DEIR.

19 You're welcome.

20 First, about tank car standards.

21 In April of this year, yet another crude oil train
22 derailed in Lynchburg, Virginia resulting in explosion,
23 fire and a near catastrophic spill into the James River.
24 The significance of the Lynchburg tragedy is that one of
25 the ten cars that ruptured and failed was the upgraded

1 version of the Legacy tank cars, meeting the Association
2 of American Railroads CPC 1232 standard.

3 Between the violent detonations in January in New
4 Brunswick, and April in Lynchburg, many people don't
5 realize there were another 21 lesser known derailments of
6 trains carrying hazardous materials. Luckily none of them
7 exploded.

8 So far in North America this year we are
9 averaging a derailment with hazmat every four days. The
10 DEIR's estimate of a spill once in every 111 years, I
11 think, is an insult, and perhaps a threat, to those whose
12 lives are put at risk all along the rails and to those who
13 work the trains and the mines and the refineries.

14 Note that both the National Transportation Safety
15 Board and the Association of American Railroads have
16 stated publicly that the improved CPC 1232 tank cars are
17 inadequate and unsafe.

18 The Feds, and the rail industry, both, are
19 calling for a brand-new design.

20 The DEIR states that Valero will only lease or
21 buy tank cars that meet that 1232 standard. I have four
22 questions:

23 First of all, how will Valero's commitment be
24 monitored for compliance? And what consequences will
25 follow if Valero is found to be out of compliance?

1 Secondly, what would happen if Valero was unable
2 to locate enough of these cars for their purposes?

3 Thirdly, and most importantly, how would Valero's
4 use of 1232 tank cars assure the safety of Benicia and our
5 uprail neighbors when the NTSB, and even the railroad
6 industry, are on record stating that these cars are
7 unsafe? In other words, how can this project be certified
8 when tank car standards are currently in process of review
9 and reform with design and manufacture somewhere off in
10 the distance?

11 Fourth question, can this project be put on hold
12 until a new standard is finalized and an adequate supply
13 of post 1232 new -- new design tank cars is built and sold
14 or leased by Valero?

15 A secondary of concern -- I better hurry up
16 here -- automated collision avoidance systems. Positive
17 train control is a federally mandated automated
18 crash-avoidance technology that can prevent deadly
19 disasters on the rails. Congress passed a measure in 2008
20 requiring PTC to be installed on 60,000 miles of rail
21 lines in the United States to be completed by the end of
22 December 2015. But as I understand it, implementation of
23 this system is not on schedule.

24 Six questions, as fast as I can -- one minute.

25 I raised this issue with the City in prior

1 communications, but I find no mention of the positive
2 train control or any of the other automated collision
3 avoidance systems in the DEIR. Where is it in the DEIR?

4 Is positive train control now in place or
5 scheduled for activation in Northern California? And most
6 particularly, along Union Pacific lines leading to and
7 from Benicia?

8 Third, what other automated technical mechanisms
9 are available? Do any of them guard against hot spots or
10 wheel failures or track failures or other sources of
11 accidents derailments -- switching failures?

12 Fourth question, how can our Commissioners find
13 out more about automated collision-avoidance systems in
14 Northern California?

15 Number 5, has Union Pacific been approached about
16 these concerns, and if so, what is their response?

17 Final question, can this project be delayed until
18 federal and State authorities implement positive train
19 control and similar systems?

20 Thank you.

21 COMMISSIONER DEAN: Thank you.

22 Next speaker, please.

23 MR. THIELVOLDT: Hello Commissioner and board members.
24 I'm Gordon Thielvoldt, a current resident of Benicia.
25 Been a property owner of Benicia for 45 years.

1 When I first got here, it was not the greatest
2 place to live. I think Vallejo was the place to go.

3 In my talk here, I want to talk about what John
4 Hill said last meeting, when he said Valero is the
5 refinery you want to run Benicia -- the Benicia Refinery.
6 I don't -- I'm not sure everybody really understands why
7 that's important. I have a unique bit of experience
8 having been in a refinery early days, 1968, and then did
9 retire from Valero in 2005. And what I observed is that
10 Exxon, in its early days, has tremendous standards,
11 engineering excellence, and that's built into the
12 refinery.

13 Valero has the highest community values of any
14 refinery I've seen anywhere in the world. How do I know
15 that? Since 2005, I've been all over the world working
16 international and joint venture projects. I have never
17 seen anything, any caring for the community like I saw at
18 Valero.

19 So you have the benefit of this unique experience
20 here in Benicia with Valero running this refinery of this
21 engineering excellence and the community values that
22 Valero brings.

23 Now, what's that mean to this project? Well,
24 this project I see as a tipping point for, okay, you're
25 going to continue -- Valero is going to continue with

1 Benicia? It's not making money right now, but with the
2 project, yeah, they will. Is that a big deal? Ahh, maybe
3 there's a way around it, maybe not. But it is one of
4 those factors that if it doesn't work out, it makes
5 decision-makers point in one direction or another.

6 So is that important? I think that you don't
7 have to look too far. You look over at Vallejo was --
8 when I first came to Benicia -- was the place to be, the
9 place to live, the shipyard is going strong. And now it's
10 gone. Certainly with the changes since the refinery,
11 maybe that wasn't all, but it certainly sure did help.
12 And here we are today, and Benicia is definitely the place
13 to be. And I think the community's made excellent use of
14 the funds that have come their way through the industry
15 and the industrial park and all the things that have been
16 gained from that experience.

17 I know the early days, industrial park, they had
18 to look really hard to find the first few people in there,
19 and the refinery was the first one.

20 So, my experience is, yeah, we need to support
21 our industry. We don't want to put them at a competitive
22 disadvantage in the marketplace because that doesn't work
23 for anybody.

24 Thank you very much.

25 COMMISSIONER DEAN: Thank you.

1 Okay. And we're at Ken Miller. Tim Rose. Jim
2 Jacobs. Tim Ponder. Greg Yuhas, Y-U-H-A-S. Jack
3 Bethards, B-E-T-H-A-R-D-S. And Rudy Holthuis.

4 Hi, good evening.

5 MR. JACOBS: Good evening, Commissioners. And thanks
6 for the opportunity. My name is Jim Jacobs. I'm a
7 representative of the International Union of Operating
8 Engineers, Local 3. Trying not to repeat some of the
9 things that have already been said tonight.

10 Operating Engineers is absolutely behind this
11 Crude-By-Rail Project, and we feel that Valero has gone
12 completely over the top with preparing this DEIR. And
13 we're urging the community of Benicia to listen to what
14 the gentleman before me said, about business, about
15 safety, and about his running the Benicia Refinery,
16 because it's spot-on factual. I think they've gone over
17 and above. And I wanted to stand here and publicly
18 express my support as an operating engineer and a
19 representative of the Operating Engineers to push this
20 DEIR forward and get this thing going.

21 Thank you for your time.

22 COMMISSIONER DEAN: Thank you.

23 Okay. Next speaker, please.

24 And also Sam Scrutchins. Adrienne Sterrano.
25 Paul Leimone. Herb Forthuber. Again, I apologize if I'm

1 butchering your names.

2 Good evening.

3 MS. RUBINSTEIN: Hi. My name is Bobbi Rubinstein and
4 I am speaking out of turn because I just spent this
5 afternoon in the emergency room with my husband, and I
6 want to get home to him, so I hope you'll allow me to just
7 speak very quickly.

8 COMMISSIONER DEAN: I'm sorry. What is your name
9 again?

10 MS. RUBINSTEIN: Bobbi Rubinstein, and I'm a resident
11 of Benicia.

12 COMMISSIONER DEAN: Okay. Go ahead.

13 MS. RUBINSTEIN: Yeah, I really want to get home to
14 him, since we were in the emergency room, and I hope
15 that's okay.

16 During the course of the public comments today,
17 I've heard repeated testimony regarding the projects newly
18 created jobs and their significant positive impact and
19 their importance in value to the city of Benicia and its
20 residents.

21 While I applaud bringing new jobs to Benicia, I
22 take issue with the fact that the Valero project would
23 bring new jobs to our community. Unfortunately,
24 throughout the DEIR document, the references to the impact
25 of such newly created jobs, note that the number of jobs

1 is not significant. For example, regarding the DEIR's
2 conclusion about population and housing, the temporary
3 addition of a construction workforce would not be
4 considered a significant impact, nor would the addition of
5 approximately 30 full-time equivalent permanent employees.

6 The proposed project would require access to an
7 available construction labor pool. Adequate labor exists
8 in the Bay Area to fill the number of jobs the project
9 would create, and the project would not require to import
10 labor. I'm quoting from the DEIR, and in the letter that
11 I submitted to Amy; I have the exact page reference. I
12 don't think I should go over that right now.

13 Referencing the DEIR's conclusion regarding
14 growth inducing impacts, construct -- quote, construction
15 and operations associated with the project would not
16 encourage new development or induce population growth, and
17 the project would neither directly nor indirectly induce
18 support short-term or long-term population growth.

19 Again, I have the reference.

20 The DEIR's transportation impact analysis states
21 flatly, the proposed Valero/Benicia Crude-By-Rail Project
22 would not increase the number of employees at the
23 refinery. And again I cite the area in the DEIR.

24 According to my understanding of the DEIR, the
25 jobs created by the project, both temporary construction

1 and long term, will have no significant impact for the
2 City of Benicia in any category examined. Based on the
3 DEIR, I can only include (sic) that the jobs are not a
4 significant factor for purposes of the DEIR analysis.
5 Shouldn't the final environmental report clarify the
6 effect of the project on jobs?

7 I really don't fully understand. It seems that
8 it's saying one thing; it's saying another thing. I'm
9 just trying to clarify. But I understand that from the
10 DEIR there is not an impact on jobs in a positive way.

11 Thank you very much and thank you for your
12 indulgence so I could get home.

13 COMMISSIONER DEAN: You're welcome. Thank you.

14 Next speaker, please.

15 And again Ken Miller. Tim Rose. Jim Ponder.
16 Greg Yuhas. Jack Bethards. Rudy Holthuis. Sam
17 Scrutchins. Adrienne Sterrano.

18 Hi, good evening.

19 MR. HOLTHUIS: Hi. I'm Rudy Holthuis and I've lived
20 in Benicia for about 23 years. There was a letter in the
21 Opinion section of the Vallejo Times on July 10th that
22 said "Why the Rush on Crude?" And I could fully
23 understand the perspective, as mentioned here by a few
24 folks, in terms of the risks and such, and asked, "Why the
25 rush? Why don't we wait on the Valero plan?" And I'm

1 asking: "Why wait?"

2 Years ago I lived in this vault of countries
3 where we seeked about nine to 10 percent of our oil:
4 Venezuela. We left it because it was getting more and
5 more unstable, especially after they nationalized the oil
6 companies. That was over 50 years ago. Has Venezuela
7 improved since then? Has the Middle East gotten any
8 better in the past 10, 20, 30, 50 years? What's the rush?
9 Are they asking, Why can't we just continue with business
10 as usual with the East countries? Because that's what
11 some may be saying.

12 Valero's plan is to bring the majority of its oil
13 from North America, and drastically reduce its dependency,
14 which is our dependency, on foreign oil.

15 Why don't we choose an alternative? Why don't we
16 get another incremental step towards freeing ourselves
17 from foreign, unstable countries, where we often may be
18 paying, even indirectly, from our gas money to other
19 governments?

20 In short, I support Valero's effort to bring in
21 more domestic oil. I support the move towards energy
22 independence. I support Valero's effort that will bring
23 20 new jobs to the city via their company.

24 After paying foreign countries -- many of those
25 in effect do not align with our interest -- for

1 many decades, I don't think it's a rush. I think it's
2 finally time.

3 Thank you.

4 COMMISSIONER DEAN: Thank you.

5 Good evening.

6 MR. LEIMONE: Good evening. My name is Paul Leimone,
7 resident of Benicia for 23 years, retired Oakland
8 firefighter on the hazmat team for approximately 15 of
9 those years.

10 I just want to say that I think that the risk of
11 a big accident is very minimal, and I think it's worth the
12 risk that we take. I don't see people giving up their
13 cars and riding bicycles. They're still a lot of people
14 on the road. We need the fuel, and I think that Valero is
15 very conscious of being very safety-oriented. Just look
16 at Chevron with their incidental fire and all the costs
17 that that caused. And none of the refineries want any
18 accidents, and I think they are very conscious of trying
19 to be very safe.

20 And I do, like the last gentleman, think it's
21 very important for us, as citizens of the U.S., to keep
22 our money here, and keep it out of the hands of some of
23 the other unstable countries that we give money to.

24 I just want to thank you for your time and I hope
25 that we can get Valero moved on as quickly as possible.

1 Thank you.

2 COMMISSIONER DEAN: All right. Thank you.

3 Next speaker, please.

4 MR. FORTHUBER: Mr. Chairman, Commissioners, I'm Herb
5 Forthuber. I've lived in Benicia since 1990. As a
6 resident since 1990, and a local business manager in
7 Benicia, I have been following the Valero Crude-By-Rail
8 Project with extensive interest. This project is worthy
9 of support from multiple perspectives.

10 First, as the EIR report states, compared to the
11 project, the no-project alternative would result in higher
12 emissions of criteria pollutants and greenhouse gases
13 within California. Global greenhouse emissions would be
14 higher with the no-project alternative than with the
15 project.

16 One of the main interests of Benicia, as
17 evidenced by the activities of the Sustainability
18 Committee, is to reduce the total amounts of greenhouse
19 gases produced in Benicia. As the manager of Alfred
20 Conhagen, Inc. of California, located in the industrial
21 park, we received a BRRIP grant for installing
22 energy-efficient lighting in an effort to reduce our total
23 power consumption and reduce our carbon footprint. This
24 was a highly successful project with reductions of over 31
25 percent in our carbon footprint.

1 Valero has already improved the environment by
2 drastically decreasing air emissions in the past three
3 years. The Crude-By-Rail Project will allow them to
4 continue to decrease air emissions. I feel strongly that
5 the Crude-By-Rail Project will have a positive impact on
6 the reduction of the total greenhouse gases generated,
7 thus is worthy of support by the Planning Commission.

8 Valero has shown a major commitment to the local
9 community through millions of dollars in taxes paid,
10 support of local charities, and has created high-quality
11 jobs for Benicia residents. Many of the local businesses
12 in the industrial park rely heavily on the support work
13 provided by the Valero refinery.

14 Speaking as a business manager, Valero is our
15 largest customer. Conhagen supports 25 good jobs in
16 Benicia. Without Valero, I do not know if we could
17 continue to be a viable business in Benicia. We must not
18 take for granted that Valero will keep this refinery open
19 for an indefinite period, if the economics do not support
20 keeping the refinery operating on a profitable bases.

21 History has shown that Valero-owned nonprofitable
22 refineries have shut down. Examples are both the Aruba
23 and Delaware City refineries. The economic impact of
24 these closures on the local towns where the refineries are
25 located was severe. I quote from 2009: It was

1 devastating when we heard that Valero was going to close
2 the doors, says Delaware Governor, Jack Markell, Democrat.
3 I went in shortly thereafter and talked to the workers,
4 and honestly, I walked in, I was sick to my stomach. The
5 news stunned workers on the site like Ken Garbenger. It
6 was a shock and it was a change in mind-set. A lot of us
7 that had been there for a while never thought we would see
8 the day that the refinery would be shut down.

9 I would not want to see the impact on the city of
10 Benicia if the refinery closed or was sold. One only
11 needs to look at an example close at hand at the impact
12 that the closure of Mare Island Naval Shipyard had on
13 Vallejo.

14 We have no idea what type of corporate citizen we
15 would see under a new company ownership if the refinery
16 were sold.

17 Valero has gone out of its way to show that it
18 takes the concerns of the community seriously. The
19 Environmental Impact Report proves that this project will
20 reduce air emissions and create opportunities for Benicia.
21 Continuing to stand in the way of this project is a
22 disservice to Benicia.

23 Thank you.

24 COMMISSIONER DEAN: Thank you.

25 Also, before you start, let me call some more

1 names: Pat Toth-Smith. Jackie Prange. Michelle
2 Rowe-Shields. Don Shields. And Jim Stevenson.

3 Hi, please go ahead.

4 MR. BETHARDS: My name is Jack Bethards. I represent
5 Schoenstein & Company, pipe organ builders in Benicia.

6 We moved here after 124 years in San Francisco.

7 Benicia is a picture-perfect town, and we want to
8 keep it that way. Benicia wouldn't be what it is today
9 without a thriving industrial park. And everybody knows
10 that a shopping mall needs an anchor store. The same is
11 true of an industrial park, it needs a large,
12 well-financed, well-managed company that brings a lot of
13 business to town. Our anchor is Valero.

14 One reason we moved here was the economic
15 viability assured by Valero. It is in the best interest
16 of Benicia to help Valero maintain its profitability and
17 stay in Benicia rather than moving to Texas as so many
18 California businesses do. Everyone knows what happens
19 when a small town, such as Vallejo loses its anchor
20 industry.

21 Valero is not only a very well-managed company
22 with a proven environmental and safety record, but also an
23 outstanding corporate citizen. They have done a lot for
24 this town, purely on a voluntary basis.

25 I have reviewed the current Crude-By-Rail

1 Project; it involves some risk. All human endeavor
2 involves some risk. The prudent approach is to balance
3 risk against reward. I believe that the risk in this case
4 is very small, and that the reward that is successful and
5 thriving Valero brings to Benicia are very large. I'm
6 also convinced that Valero has outstanding environmental,
7 safety and security programs, as does the Union Pacific
8 Railroad. It is in their best interest to assure the
9 safest equipment and operation as possible. After all,
10 they will bear the brunt of costs if they fail to do so.

11 I hope that the Commission will give the Valero
12 project a fair hearing based on a realistic risk-benefit
13 analysis.

14 Thank you.

15 COMMISSIONER DEAN: Thank you.

16 Next speaker. Comments on the EIR.

17 Good evening.

18 MS. TOTH-SMITH: Hi. I'm Pat Toth-Smith, a Benicia
19 resident.

20 Here are my comments on the DEIR -- some of my
21 comments on the DEIR.

22 I disagree with the Crude-By-Rail Project because
23 of the type of transport that is proposed. Presently the
24 majority of domestic frack oil is transported in .111
25 Legacy rail tanker cars, with disastrous results. There

1 have been over eight major derailments and explosions in
2 the past year. These cars were deemed unsafe by the
3 National Transportation Safety Board in the 1990s for
4 transporting oil that ignites at room temperature.

5 Bakken crude has a low flash point and has been
6 compared to jet fuel. New federal recommendations will
7 require a phase-out of these cars, but only over the next
8 three years, by October 1, 2017.

9 As I read in a DEIR, Appendix L, Union Pacific
10 Railroad statements regarding preemption, the U.S.
11 Department of Transportation confers all authority for
12 rail activity and train movement, train composition, train
13 scheduling to Railroad companies -- in this case Union
14 Pacific -- which I interpret as the Railroads have the
15 authority to decide which tankers will make up the train
16 configuration, the length of the train, which routes are
17 taken, and the times these trains will come into Benicia,
18 not the shipper Valero.

19 As stated in the DEIR, Valero plans to use 39
20 different crude sources. So in light of all these issues,
21 how can Valero guarantee that these dangerous .111 Legacy
22 tank cars will not be used? The upgrade .1232 version
23 that Valero has stated they will lease or purchase, have
24 fared no better. 10 of the 13 tank cars that jumped the
25 tracks near downtown Lynchburg, Virginia, were model CPC

1 1232, said Eric Weiss, a spokesman for the National
2 Transportation Safety Board in a Reuters article on May 9,
3 2014. And I have the article here, which I'm going to
4 submit in.

5 The April 30 Lynchburg, Virginia derailment and
6 explosion leaked a large amount of toxic pollutants into
7 the St. James River affecting the drinking water of
8 downstream towns. Unlike ship transport that has been
9 time-tested and built with double hulls for safety, the
10 railroad tankers have not.

11 The DEIR is flawed because it does not include
12 uprail Sierra Nevada Mountain areas that these crude
13 trains will traverse. If Valero's permit goes through
14 without scrutiny of these areas, Valero's oil, which may
15 include Bakken and/or tar sands, which is an exceeding
16 hard oil to clean up after an oil spill, contained in
17 these unsafe tank cars, would travel alongside our
18 precious Sierra snow-melt water routes. These trains
19 would barrel along paralleling the Feather River, past
20 Lake Oroville, a reservoir which supplies a large
21 percentage of California's drinking water and/or the Yolo
22 River.

23 In the process, they would traverse antiquated
24 iron bridges such as a thousand-foot Clio Trestle,
25 spanning the Feather River Canyon, and built in 1909, and

1 other antiquated trestles on the way to the Bay Area.

2 The trains would have to traverse the densely
3 populated areas of Roseville, Sacramento, Davis, Benicia
4 and also the sensitive Suisun Marsh. So a derailment and
5 explosion in any of the state of California's high-hazard
6 areas, areas of vital national resources and nearby
7 waterways cited in a June 10th, 2014 oil-by-rail safety
8 and California report, could cause a fire that could last
9 for weeks, pollute our precious water supply and cause
10 human casualties.

11 I disagree with the statement in the DEIR that
12 crude-by-rail transport is more environmental than ship
13 transport, because this past year with all the train
14 derailments and explosions that have occurred, the human
15 casualties, the polluted waterways and the toxic chemicals
16 released in the air, these facts paint a very different
17 picture.

18 Thank you.

19 I'd like to submit this, this and this. And I've
20 also submitted this in a comment section, so I don't know
21 if I need to resubmit it, in the DEIR. But it's a safety
22 report.

23 COMMISSIONER DEAN: I'm sorry, I didn't catch your
24 name. Could you state that again.

25 MS. TOTH-SMITH: I'm sorry. For the third time, Pat

1 Toth-Smith.

2 COMMISSIONER DEAN: Thank you.

3 Next speaker, please.

4 Hi, good evening.

5 MS. ROWE-SHIELDS: Good evening. I'm Michelle
6 Rowe-Shields. And again, I concur with exactly everything
7 Pat Toth-Smith said. Pretty much it would be a repeat.
8 So, that's it.

9 COMMISSIONER DEAN: Oh.

10 MS. ROWE-SHIELDS: So that's it. And in opposition to
11 this project.

12 COMMISSIONER DEAN: Okay. Thank you.

13 Everybody, if you agree with previous speakers,
14 you can just say that. You don't need to walk through the
15 whole presentation if somebody just said it before you.
16 We have a lot of speakers to get through tonight, so we
17 appreciate being concise, to the degree possible. Thank
18 you.

19 Good evening.

20 MR. SHIELDS: Evening Commissioners. My name is Don
21 Shields and I'm going to alert Kitty, in IT, that when I
22 finish my brief comments, if she could have the DVD cued
23 and play that for me.

24 Dr. Constance Beutel and I collaborated on the
25 development of a computer simulation of derailing tank

1 cars in Benicia's industrial park. This is a short video;
2 it's less than two minutes in length. The scene is played
3 twice. The first is just with audio. And the second
4 time, there are titles overlay that essentially commentary
5 on the action sequences.

6 There are three issues I would like the
7 Commission to consider:

8 CPC 1232 tank cars are not proven as safe.

9 Number 2, how will Waters End, Hillcrest
10 residents and the industrial park workers be trained,
11 warned and provided with protective materials in the event
12 of a disaster.

13 Number 3, what are the economic and environmental
14 disaster recovery and business continuity plans to make
15 the community whole after a disaster?

16 We urge you to make clear in writing to the City
17 Council, whatever your recommendations are, with your
18 rationale for your decisions for the benefit of all
19 Benicians. Thank you.

20 And if you could play the video. Thank you.

21 COMMISSIONER DEAN: Do we have that video?

22 (Video playing.)

23 COMMISSIONER DEAN: Okay. Thank you.

24 Next speaker, please.

25 MS. PRANGE: Good evening. My name is Jackie Prange,

1 and I'm an attorney with the National Resources Defense
2 Council.

3 So I don't think there's any need to repeat a lot
4 of the valid community concerns that have already been
5 raised here, and I'd like to focus on the EIR itself as
6 you guys have requested.

7 As it stands now, the Draft EIR is legally
8 inadequate. We'll elaborate more in our written comments
9 but I'd like to just give you -- highlight a couple
10 important areas.

11 First, the EIR does not disclose all significant
12 impacts, nor does it identify all feasible mitigation
13 measures and alternatives.

14 On air quality, the major flaw of the EIR is the
15 improper base line. This is a new project; therefore, you
16 must use the actual, physical existing conditions, not
17 hypothetical, permitted conditions as a baseline. That
18 includes disclosing what the actual three putt is right
19 now; that information is missing from the DEIR. It also
20 includes disclosing what changes in crude slate will
21 happen, and how those changes will impact air emissions.

22 Those changes will cause significant air quality
23 impacts that must be disclosed and analyzed in the EIR.

24 API gravity and sulphur content are -- pardon the
25 pun -- crude measures, of the overall environmental

1 impacts on emissions. Bakken crude is more volatile, that
2 means it has more reactive organic gases, higher levels of
3 toxic air contaminants. Tar sands is also very dirty and
4 poses unique air quality concerns as well.

5 Similarly, transportation emissions are
6 significant in the Bay Area, not just in the Sacramento
7 area.

8 The EIR admits that rail is more polluting than
9 re-transportation.

10 Another major area that needs to be addressed is
11 the hazards. The EIR must disclose and analyze the
12 significant impact that an accident would have. There's
13 no doubt that Bakken crude is extremely volatile and that
14 tar sands is incredibly difficult to clean up.

15 If -- there's virtually no discussion of what
16 would happen to communities on the rail line if there were
17 a major accident.

18 Simply put, the City can't have it both ways. It
19 can't claim that there's no significant risk because of
20 mitigation measures, and also claim that those same
21 mitigation measures are not enforceable because they're
22 preempted.

23 And even assuming some of those mitigation
24 measures would be implemented, such as the use of the 1232
25 tank cars, the risk would still be significant here. And

1 I think as Mr. Straw and others have pointed out tonight,
2 those are the exact same type of rail cars that were
3 involved in the Lynchburg accident in Virginia. And
4 that's why you're seeing concerns raised, not just from
5 environmental groups and community groups here, but other
6 public agencies.

7 Because air and hazard impacts are significant,
8 the EIR must evaluate all feasible mitigation measures.
9 There are many mitigation measures available. We'll
10 detail those in our written comments.

11 And, at the very least, the project could reduce
12 offloading capacity.

13 In sum, the EIR must be revised to address these
14 and other concerns raised, and it must be recirculated for
15 public comment.

16 Thanks.

17 COMMISSIONER DEAN: Thank you.

18 Okay. Our next -- looking for Jim Stevenson,
19 Norma, we have no last name for Norma, but Norma. Damien
20 Luzzo. Jon Van Landschoot. James Kreidler. And Giovanna
21 Sensi-Isolani.

22 Are any of those people present? We'll give them
23 a minute.

24 Jim Stevenson. Norma. Damien Luzzo. Jon Van
25 Landschoot. James Kreidler. Giovanna Sensi-Isolani.

1 And then following them, Madeline Koster, Matt
2 Biers-Ariel, Katherine Black, Kathy Kerridge and Rebekah
3 Ramos.

4 Good evening. Just come on down to the
5 microphone.

6 MS. SENSI-ISOLANI: Good evening. My name is
7 Giovanna Sensi-Isolani and I am a 21-year resident of
8 Benicia, and I have a business in Benicia for the last 10
9 years. And I am very concerned about approval of this
10 project for many reasons that have already been stated.

11 One of them is the whole idea of the cars that
12 are not safe, and we have found out from the previous
13 speakers that the new cars that have actually been tested
14 are no safer than the present cars, and that last
15 accident, 15 of the cars that tipped over were the new
16 ones and exploded. So it is really important that we keep
17 that thing in mind.

18 I'm carrying Sunflowers today, like we did last
19 time, because we are trying to remember the 48 people who
20 died in Canada a little bit over a year ago. And I don't
21 want to see somebody else in a few years carrying
22 Sunflowers for people in Benicia who died from a similar
23 accident.

24 The other areas that I'm really concerned about
25 are the rail bridges and the tracks. I know that there's

1 been a lot of talk about bridges recently, and a lot of
2 talk about their actual safety, and that there is very,
3 very few inspectors that are actually going out and
4 checking the bridges, that this would come through as one
5 of our previous speakers talked about. So it's really
6 important that that be addressed in the DEIR, that the
7 tracks are actually safe, and especially the bridge that
8 actually would carry the crude right into Benicia.

9 The other area that I'm concerned about was the
10 idea of air quality. I don't believe that the air quality
11 in Benicia is going to improve. Maybe the air quality in
12 the middle of the Bay, where these ships will not be going
13 will improve, but I don't live in the middle of the Bay, I
14 live in Benicia. And the air quality is already very,
15 very touchy in this area, as we all know. Many of us
16 suffer from asthma and coughs, and that is because of that
17 air quality. So I think the report should reflect the air
18 quality in Benicia, not in the middle of the Bay.

19 The other areas that I'm concerned about is some
20 sort of assurance that if something does happen, we're not
21 left holding the bag like the town up in Canada was. The
22 railroad went out of business, and the town was left
23 holding the bag.

24 I know that personally I have to pay insurance
25 when I get in my car and drive, with the possibility that

1 something might happen, and then I am covered and insured,
2 that my responsibility will be met. I do not see why
3 Valero does not hold insurance for some sizable amount of
4 billions of dollars to assure that they would be held
5 responsible if anything should happen in Benicia. I doubt
6 very much whether any insurance company would cover them,
7 and if no insurance company would cover them, then maybe
8 the risk is too big for us, all the citizens in Benicia.

9 I have a business on First Street and I've talked
10 to some -- quite a few of the people on First Street and
11 they feel the same way as I do. I will make sure that
12 before the 15th that we get letters from them.

13 And I do agree that a lot of people in town are
14 not very well-versed and do not know what is going on,
15 because it has not been publicized very much. It has
16 begun to be publicized. On my way here today, I heard on
17 KQED that this meeting was being held and that the public
18 opinion was open until the 15th of September. So I
19 applaud you for doing that.

20 So I really think that as a Commission, you
21 really need to represent all of the citizens of Benicia
22 and all of the businesses. Last meeting I heard one of
23 the businesses that is right along the railway tracks
24 saying that they have over 25 employees, and they are not
25 sure whether they would be able to stay if the Bakken

1 crude oil comes through on these rail bombs, as they
2 approach our town. So if Valero does increase the jobs by
3 25 people, and other businesses in the industrial park
4 leave because they do not feel that they can hold their
5 businesses there and be safe, then it isn't like we are
6 really improving the total job situation in Benicia.

7 The last thing I want to say is the line that
8 everybody's heard is we are going to have our own oil
9 here, we won't be expecting to get oil from other
10 countries, but the reality is there is no guarantee that
11 the oil that comes into the Valero refinery is going to
12 stay in California or even in the United States. There's
13 a very good chance it will go to the highest bidder and
14 that probably will be China.

15 So I want you to keep your mind on all of us as
16 citizens, and remember that if we have to carry flowers
17 for people who died in Benicia, you're the ones who have
18 to make a decision for all of us.

19 Thank you very much.

20 COMMISSIONER DEAN: Thank you.

21 Good evening.

22 MS. BLACK: Good evening. Good evening, Mr. Chair,
23 and members of the Commission. My name is Katherine
24 Black, I am a Benicia resident. I'm with Communities for
25 a Better Environment, the Sunflower Alliance and the Bay

1 Area Refinery Community's Coalition, but I speak today as
2 a member of the Benicians For a Safe and Healthy
3 Community.

4 I'm going to talk today about the consultants who
5 were involved with drafting the DEIR. I mean no
6 disrespect to City staff with my comments.

7 I was a lead litigation trial paralegal for over
8 30 years. I handled mostly complex civil litigation cases
9 at a federal court level in many jurisdictions throughout
10 the country and literally several hundred cases over the
11 years. I was deeply involved with trial preparation and
12 assisted attorneys at the counsel table while in court.
13 In my position, I worked directly with high-level, highly
14 educated expert witnesses and consultants. One of the
15 things I learned is how these consultants work. It works
16 like this:

17 They are given an answer that the attorney wants
18 them to testify about, and then they work backwards to
19 come up with the ways to reach that conclusion. This
20 practice is common knowledge in the legal industry. The
21 consultants that prepared this DEIR are no different. As
22 an example, Valero has stated in the DEIR and in its
23 propaganda, that the chances of a derailment are one in
24 111 years. This gives the impression that the chances of
25 a derailment are very slim.

1 In order to say that, the consultants work
2 backwards from that conclusion, manipulated the data, and
3 use statistics going back 40 years when in reality, the
4 shipments of dangerous Bakken crude exponential increase
5 of rail-car derailments and disasters has only been going
6 on intensively in the past few years.

7 In 2008 there was an average of 9,500 crude oil
8 cars shipped annually. In 2013 there was an average of
9 434,000 crude oil cars shipped annually. That's a 40-fold
10 increase with exponential increase in rail-car
11 derailments.

12 If the consultants were to refine their data to
13 cover since, let's say, 2010 through 2013, which would
14 make the data more contemporary and accurate for today,
15 their risk-analysis figures would be vastly different. I
16 would like to know what that risk would be for that
17 period. That is my question.

18 This is a clear example of how consultants start
19 with their answer, then misrepresent or manipulate the
20 data, or if need be, mischaracterize the truth and bury
21 that mischaracterization deep in the DEIR where it can't
22 be easily found, then come up with the answer that would
23 be palatable for the Planning Commission and the public.
24 Don't buy it.

25 Consultants that work on environmental reviews

1 come from the industry which gives them a bias towards
2 industry from the onset. Although the City pays them, the
3 City actually gets the fee directly from the applicant:
4 Valero. This was confirmed to me by Valero at their last
5 propaganda meeting at the Ironworkers Union Hall.

6 So in essence, it's Valero who pays the
7 consultants. He who pays the Piper chooses the song.
8 Make no mistake, these consultants have no interest in
9 making Benicia safe and healthy, they have no interest in
10 clean air or clean water or keeping you or your family
11 safe with this project. Their only interest is doing what
12 they need to, say what they need to say to keep their
13 client Valero happy, and get this project passed. If they
14 didn't operate in this manner, they would be ostracized by
15 their industry and not be able to obtain clients
16 elsewhere. This is their job.

17 I implore the Planning Commission and citizens of
18 Benicia, please do not consider the DEIR to be without
19 huge flaws or Valero to be an authoritative figure and
20 believe that they have your best interest at heart. They
21 simply don't.

22 This project is all about maximizing Valero's
23 project or otherwise it would not be doing it, and it
24 would continue to obtain its crude by marine delivery.
25 There is no upside for the City of Benicia. Only an

1 upside for Valero, and a downside for Benicians by the
2 increased noise, pollution, traffic, potential property
3 devaluation and daily increased risks, which are huge.

4 I implore the Planning Commission to please
5 consider the health and safety of the citizens, workers
6 and business owners of Benicia before Valero's profit.

7 Please do not approve this project.

8 COMMISSIONER DEAN: Thank you.

9 Next speaker, please.

10 MR. VAN LANDSCHOOT: Hi, I'm Jon Van Landschoot. I've
11 lived here since 1986, I guess that's 28 years. I want to
12 identify myself with Roger Straw, what a great minister he
13 is. And the lawyer who was here a little while ago, made
14 me proud to be an ex-lawyer. And the video, I hadn't seen
15 that before.

16 My first thing is, to Amy, if I could, we've been
17 having trouble with water lately, and so the City twice
18 has sent everybody in town two things about water. Once
19 was odd/even days, and then Monday, Wednesday, Friday;
20 Tuesday, Thursday, Saturday. That was about water and
21 that was all good.

22 Why in -- and I don't want to swear so I'll just
23 say "bleep" -- doesn't the City tell everybody in town
24 with an ad in the Vallejo paper, the CC Times and the
25 Benicia paper what's going on? I'm the guy -- one of the

1 guys who puts up signs. I get people coming out saying:
2 What's this all about? I heard about it. They know
3 nothing about it.

4 We've also had an enormous number of thefts of
5 signs that have been stolen. A lot. But we've got a lot
6 more, and I just keep putting them up.

7 I have four quick things I want to talk about.
8 One is safety. Pollution. Water. And Petco. And
9 really? An environmentally superior project? I'm going
10 to try not to laugh on that one.

11 Safety: Now, I heard -- I know some folks that
12 work for Vallejo, and a member of the fire department guy
13 was here last evening, and he said, You know, we've been
14 getting all kind of kudos and we got trophies. And, you
15 know, for the last few years you've been getting from the
16 State of California really good stuff, "We're really safe"
17 and all that stuff. I say, "Cool. That's really cool.
18 But I suggest two problems with that ...," the lawyer
19 here. There's a different product, and there's a
20 different delivery system. It isn't the same ol' product
21 and it isn't the same ol' delivery system that got them
22 those medals and those trophies.

23 The different product is that muck. And I'm not
24 swearing, I'm just saying the word "muck" with an M.
25 Because that's what it is. If you see it, you could

1 actually make a snowball out of it, except you wouldn't
2 want to touch it with your hands. And I'm embarrassed
3 because I'm from Canada and some of this stuff has come
4 out of my old country, and I'm sad about that, but we
5 don't need to use that here.

6 That stuff has a flash point after you add all
7 the Benzene and stuff, on the offgas is 73 degrees.
8 Somebody said earlier that's room temperature. How many
9 days in this town do we have 73 degrees weather if that
10 thing spills? A lot.

11 The other one is -- oh, and the firefighter said
12 "We've been trained." Not on this stuff you saw on that
13 video. The trains aren't going to explode or derail in
14 front of a police or a fire department or an emergency
15 response group. They're gonna blow up or derail wherever
16 they want to. Just recently, three or four weeks ago, in
17 Seattle, underneath I think it's the Marigold Bridge.
18 Luckily they did not explode. What if they would have
19 done that? Boy oh boy. Seattle is a pretty city.

20 The other one is the delivery system. The idea
21 that -- and it says in here, and it says in the newspaper
22 and stuff that it's better to come by rail because there's
23 less accidents. Maybe I got it wrong, but was it a boat
24 that wiped out Lac-Megantic? Was it a boat that wiped out
25 Lynchburg and the James River, historic river, Jamestown?

1 How many boat accidents have you heard in the
2 world, not even in California, that have spilled oil in
3 the last, say, 10, 15 years, because of the double- and
4 triple-hull tankers? None. But they want you to believe
5 that the train is better.

6 They also want you to believe that there will be
7 less pollution. Well, they count the pollution only when
8 it's here, because the Bay Area. But for the boats, they
9 count the pollution all the way from the Golden Gate up
10 here and all the way back. One way you can get rid of
11 that is electrify our dock. That way the ships do not
12 have to keep their diesels going to keep power for the
13 pumps. You don't have to do that.

14 Okay. I'm going to skip ahead.

15 The environmentally superior project would be to
16 keep Valero doing what it's doing right now. You say:
17 "Where you gonna get the oil from?"

18 Well, North American crude oil. We want North
19 American crude oil. Mexico. Pemex will sell it here.
20 They have West Coast terminals. You can go on the
21 Internet; there's four or five of them together. Not too
22 far from Mazatlan. Check it out. They can get their oil.

23 Don't do this. Don't saddle this town with a
24 bomb.

25 Thank you.

1 COMMISSIONER DEAN: Thank you.

2 Next speaker, please.

3 MS. RAMOS: Good evening.

4 COMMISSIONER DEAN: Can I just hold you right there?

5 You want to take a break? Okay. I'm sorry to
6 interrupt, but I think we'll take a quick break after this
7 speaker. So if you want to go ahead.

8 MS. RAMOS: Sure. Thank you.

9 COMMISSIONER DEAN: Thank you.

10 MS. RAMOS: My name is Rebekah Ramos. And I'm a
11 homeowner here in Benicia and I'm opposed to the project.
12 I won't go and reiterate many of the questions and the
13 gaps and the holes in the DEIR that have already been
14 reiterated. I'll try to focus on some unique things that
15 I did not hear.

16 One of the things that -- you know, I know we
17 talk about this DEIR as being this incredibly technical
18 document, 800-plus pages. But based on all the questions
19 and holes in the DEIR, it really ought to be twice as
20 thick, and I know that doesn't make any of your jobs
21 easier, and nobody is looking forward to doing that kind
22 of due diligence, but I think we owe it to ourselves in
23 this community, and not just in this community, but for
24 all the communities that are along the railroads that do
25 not get a vote. We are the only ones that get a vote in

1 this, and that's incredibly profound when you think about
2 it.

3 This group of people standing here in front of us
4 are going to decide the fate of not only our community and
5 the trajectory that we take in the future, but the future
6 of all communities that are on the rail. They get a
7 voice, they can voice their opinions, but that's it. They
8 do not get a vote, because of the way this process works.
9 And I think that's incredibly significant and we cannot
10 forget that. So please keep that in mind. We really do
11 need to do our due diligence.

12 One of the other things that I noticed is that I
13 don't feel this project is really consistent with
14 Benicia's own Climate Action Plan, which makes a
15 commitment to reduce emissions and to seek out alternative
16 forms of energy. So I think that this project is entirely
17 inconsistent with that.

18 One of my biggest concerns is really our ability
19 to respond to a catastrophe, such as a derailment, a
20 spill, or explosion. I did not see anything in the DEIR
21 and I did not hear anything in the last month's
22 presentations that convinced me that we're adequately
23 prepared, except to call for help, because we do not have
24 the resources to tackle this kind of catastrophic event;
25 yet, there's plenty of data to be had just in the last

1 year. So many communities have suffered what we may be,
2 ourselves, be putting us in peril. We can pull that data
3 and use it in the DEIR to see what would actually be
4 required to respond to an event that would take place if
5 we had a derailment, a spill or an explosion. That data
6 is not there. Are we prepared? We have not asked that
7 question, and I'm really concerned that we are not
8 prepared.

9 Now, I know, and respect that Valero contributes
10 a significant amount of money to our coffers.
11 Significant. 25 percent is no chump change. However,
12 what would happen to our coffers if we had a catastrophic
13 event, not even one as big as the Lac-Megantic? What if
14 we had some kind of derailment, some kind of spill, some
15 kind of explosion, if there was property values to be
16 devalued? What happens to us in our City coffers when
17 property values go down? What happens to our City coffers
18 if we're found liable because we're the only ones that get
19 a vote? No other communities get a vote. What if they
20 find us liable? What happens to our coffers? I know
21 Valero significantly contributes to our coffers, but that
22 doesn't mean that we are obligated to put ourselves and
23 other communities in harm's way by keeping them
24 profitable, by allowing them to continue to do more
25 dangerous types of operations that have not even been

1 federally regulated yet. Why would we do this?

2 I heard earlier that Valero is an anchor store.
3 Benicia is not a shopping mall, and we should not be
4 making our decisions based on such models. This is about
5 safety. This about our future, and what trajectory are we
6 going to take our community and the communities in this
7 country into the future.

8 Thank you.

9 COMMISSIONER DEAN: Thank you. Okay.

10 So the Commission is going to take a quick break.
11 Can we hold it to 10 minutes or so, and be back about
12 9:15?

13 Speakers: Hold your positions. We'll just start
14 up right where we left off and get back. Thank you.

15 (Recess taken.)

16 COMMISSIONER DEAN: Can we get started again? Thank
17 you.

18 We've called a number of names, and the people
19 have not come forward, but I'm going to go back to the
20 beginning of the list, in case there's any late-comers who
21 haven't heard their name called and have arrived in the
22 meantime. So names we've called previously: Rick
23 Slizeski. Stan Lawson. Aline Nunes. Ken Miller. Tim
24 Rose. Jim Ponder. Greg Yuhas. Sam Scrutchins. Adrienne
25 Sterrano. And Jim Stevenson.

1 And also Norma. Damien Luzzo. James Kreidler.
2 Madeline Koster. Matt Biers-Ariel.

3 And I think we have Kathy Kerridge ready to come
4 forward. Why don't you come forward and we'll get started
5 again. Thank you.

6 Good evening.

7 UNIDENTIFIED WOMAN SPEAKER: Microphone, please.

8 MS. KERRIDGE: Is it on? Great.

9 I have a few comments just to make about the
10 DEIR. It's inadequate in many ways. I'm just going to
11 address a couple. Valero is and the DEIR is very
12 secretive about exactly what type of oil will be brought
13 here and exactly the sources that are crude. But we do
14 know from the listing that they provided, they want to
15 bring in Canadian tar sands crude and Bakken crude.

16 Jim Hanson, a noted climate scientist, has said
17 the development of the tar sands means game over for the
18 climate.

19 Valero may reduce greenhouse gases here by this
20 project, but there's no discussion or analysis of how that
21 will be offset by bringing in tar sands, which releases
22 many more greenhouse gases in its production than regular
23 crude. This is a major deficiency.

24 What are the true greenhouse gas emissions
25 considering everything? You can't just pick and choose

1 here, and that appears to be what the DEIR did.

2 What kind of crude will they be processing? What
3 are the emissions from production of the crude through the
4 refining of the crude for tar sands? Where is this in the
5 DEIR?

6 Regionally we can focus much more on the safety
7 of the transport of these extreme crudes. The DEIR
8 overlooks its safety between Roseville and Benicia, as if
9 these trains originate in Roseville. That's an extreme
10 deficiency.

11 Every train route going into California passes
12 through mountains. We know that these trains will come
13 across the Donner Pass, through Feather River Canyon or
14 through Dunsmuir. That's where the railroads go. These
15 are all areas that have been designated as rail
16 high-hazard areas by the California Office of Emergency
17 Services; yet, there's no discussion of rail safety in
18 these areas in the DEIR.

19 Dunsmuir had a horrendous rail derailment not so
20 long ago that destroyed all life in the river for about 20
21 miles. The rail lines in California go over 7,000 water
22 crossings. Five cups of oil can create a sheen of one
23 acre of water.

24 I haven't come up with anything in the DEIR about
25 these risks. Where is the analysis of the risk of these

1 dangerous rail routes in the DEIR?

2 Bakken crude has been involved in too many fire
3 and explosive derailments to keep track of. The National
4 Transportation Safety Board said in January 2014, as far
5 as routing these trains, where technically feasible
6 require rerouting to avoid transportation of such
7 hazardous materials through populated and other sensitive
8 areas. Yet they'll go through Sacramento, Davis,
9 Fairfield, Dixon, Truckee and Benicia, as well as numerous
10 other communities.

11 The idea of a derailment in a town like Davis,
12 where the tracks run parallel to downtown and which has a
13 history of recent derailments isn't really even discussed.

14 There's no discussion of what would happen if
15 there was a major fireball derailment in the Sierras
16 during the dry season.

17 Where is the analysis of the gravity of the risk
18 in the DEIR? There's nothing that I have found. There's
19 just a simple statement that says, "one every 111 years,"
20 when they've looked at 40 years, instead of the last two
21 or three when all these accidents have happened.

22 There's no analysis of any depth about the
23 emergency response teams in rural California. There
24 aren't hardly any.

25 Take a look at the Rail Report that was submitted

1 earlier about the emergency response teams and the lack
2 thereof, and the fact that they don't have training and
3 they don't have equipment. Doesn't matter what Benicia
4 thinks; what about when this is going over the Donner
5 Pass? What about their emergency response teams?

6 It states that Valero will use the 1232 rail
7 cars, but these, as many people have said, have split and
8 broken open already. There's no real analysis of why they
9 would be safer. Where is the analysis of those rail cars
10 in the DEIR?

11 Locally there have been a couple recent
12 derailments. July 7th there was some kind of spill. As
13 safe as Valero is, accidents happen. And the long and
14 short of it is, is Valero doesn't control most of this
15 project.

16 The DEIR does an inadequate job of dealing with
17 the risk of derailment and subsequent explosions and
18 spills for the whole of California, and it does virtually
19 no job whatsoever when it talks about the actual risks.

20 COMMISSIONER DEAN: Thank you.

21 Next speaker.

22 MS. KOSTER: Hello, my name is Madeline Koster, and
23 I'm here because I live within 300 feet of the Valero
24 property in what used to be called The Old Highlands.

25 And I understand that Valero pays quite a bit in

1 taxes, and taxes are based on profit. And we all pay
2 taxes, and I buy Valero gas at quite a high price, so I
3 guess that helps Valero with their profits. And also they
4 give donations, and I also give donations, even though I'm
5 a retired teacher and I've been working class my whole
6 life, but it turns out that when you give donations,
7 charitable donations, it also reduces your taxes. So it's
8 kind of a win-win.

9 And I'm glad that Valero is making a profit, and
10 that from that profit we get taxes, that's somehow how our
11 nation is working, but from the DEIR -- I don't understand
12 why this hasn't been read before, but this is the Table
13 2-1, Summary of Impacts and Mitigation Measures for the
14 Valero Benicia Crude-By-Rail Project, Impact 4.1-1B:
15 Operation of the project would contribute to an existing
16 or projected air quality violation. Significant and
17 unavoidable.

18 Impact 4.1-2. The project could result in a
19 communi -- a cumulative (sic) considerable net increase in
20 criteria pollutant and own its own precursor emissions.
21 Significant and unavoidable.

22 Now, you probably all heard the song from long
23 ago, it was kind of like the Star Bangled Banner in '76:
24 "The sky was red thunder rolling overhead." Well, this
25 was June 27 -- sorry, June 26th, exactly seven weeks

1 before tonight, there was thunder rolling over my house at
2 25 Corte Dorado. Thunder, thunder. My husband and I were
3 outside, and it was like: What's going on? The thunder
4 in the sky? And one of my wonderful neighbors called me,
5 whose property is actually -- her fence line is on Valero
6 property, and she said, "Please call the Air Quality --
7 Bay Area Quality Management District and find out what's
8 going on. And she said the sky is absolutely black with
9 smoke here. I'm talking about something on June 26th,
10 just seven weeks ago.

11 So I did call, and they explained to me that a
12 pipe had broken and there was a fire at Valero. Okay.
13 This is just an ordinary thing happens, accidents happen.

14 So we've heard at least 20 people here, and in
15 July say that Valero is perfectly safe about everything.

16 Well, you know what? No one is perfect. So an
17 accident happened, and pretty soon we heard all the fire
18 engines going up East 2nd Street. And so the fire didn't
19 reach my backyard, I'm really glad about that.

20 And later I heard that Valero has paid the Bay
21 Area Air Quality Management District hundreds of thousands
22 of dollars for violations of air quality. And I'm going:
23 "What?" And I'm told also that the City of Benicia never
24 gets a penny of this. And the City isn't notified of
25 this.

1 So, actually, just the other night, I did call
2 myself again, 1-800-334-OGOR, and I was told that this is
3 true, and I was told that the City is not notified when
4 violations occur, and does not receive any part of the
5 fine.

6 So I am urgently begging the Planning
7 Commission -- I actually gave Amy a envelope with the
8 phone number, in case you don't have it. And you ask for
9 the refinery inspector, and I think that the City of
10 Benicia deserves to have a complete write-out of the
11 frequency of these violations, how often they've occurred,
12 how drastic they are, and what fines have been collected.

13 COMMISSIONER DEAN: I'm going to ask you to stop right
14 there. You've run out of time.

15 MS. KOSTER: Okay. Better safe than sorry. Thank
16 you.

17 COMMISSIONER DEAN: Thank you.

18 Next speaker. Not to my knowledge.

19 Hello.

20 COMMISSIONER DEAN: Good evening.

21 MS. NORMA: Hello. My name is Norma. I think my card
22 was called earlier. I just want to speak to this one item
23 of the question of how is it -- how are the citizens of
24 this town being informed in either -- are they given an
25 accurate picture of Valero? Because I got a mailer --

1 probably everyone in town did -- from Valero, and it spoke
2 about -- it was -- one of the points -- one was talking
3 about how this would actually low -- improve air quality.
4 You know, I'm skimming through it, wow. How can -- great.
5 And then it said, you know, that the ships wouldn't be
6 leaving their, you know, gas in the air.

7 But as somebody else said, that should have long
8 since been fixed by electrifying the dock so they can turn
9 off their engines.

10 Anyhow, I looked at it carefully and it really
11 meant -- implied to me very much that this project was
12 going to improve -- and they show -- here too, on this
13 thing, they cite a particular item in the DEIR, and they
14 say that this will be a beneficial impact to air quality
15 in the Bay Area, BAAQ, whatever -- people don't know what
16 that means. "Oh, says right there they researched it and
17 it's going to benefit," and they think -- they're thinking
18 right here in Benicia. So that's not true.

19 I want -- is it average of air quality of the
20 whole Bay Area? What's air quality going to be right here
21 in Benicia? I'm afraid to say that it's going to be
22 probably much worse. And I want to know if in this DEIR
23 if I dig deep enough, am I going to find a data table with
24 hard data showing what -- what the air quality is now,
25 given the shipping and the transportation we right now

1 have, compared to reliable, accurate data about what it
2 would be if this project were fully implemented?

3 If there isn't, I implore you to require them to
4 do that research and present it to you.

5 But I also -- I'm really shocked that Valero
6 would keep putting these little bullet points in there and
7 not saying at least a footnote that, oh, of course it may
8 be much higher in Benicia, but average for the whole Bay
9 Area would be improved. That would be truth in
10 advertising. But this is -- I think they should be above
11 doing these slight-of-hands, and people in the town here,
12 they're not going to go to DEIR. They're just going to
13 say, "Oh, what are these people complaining about? It's
14 going to improve our air quality."

15 So I would like you to ask Valero to not be
16 pulling these snowjobs on our citizens and go specifically
17 footnote, so nobody is fooled, you know.

18 Okay. I think I'm done. There, I gave you two
19 minutes. Bye, thank you.

20 COMMISSIONER DEAN: Thank you.

21 Okay. Next speaker. And while this gentleman is
22 coming forward, Nancy Reiser or Reeser. Jan Cox Golovich.
23 Paula Szloboda. Roberta Rubinstein. And Aimee Durfee,
24 D-U-R-F-E-E.

25 Hi. Good evening.

1 MR. CARROLL: Good evening, Commissioners. My name is
2 Tom Carroll. I live at 495 Camellia Court here in
3 Benicia. I've lived there for 26 years. My wife and I
4 have raised three children, all went through the Benicia
5 schools. Been a great place to live.

6 During that time, Benicia really has prospered
7 and we've all benefited from that. And during that time I
8 saw really a partnership between the community and the
9 refinery.

10 The refinery benefits from the location close to
11 transportation, all the infrastructure available in the
12 former arsenal. Of course it's near the Greater Bay Area,
13 so a lot of customers nearby, and there's a well-educated
14 and skilled workforce here in Benicia.

15 The community benefits from all of the jobs, from
16 the refinery being the largest employer, a lot of good
17 paying, middle-class jobs, all the property and use taxes
18 that the refinery generates that support essential City
19 services, critical funding for our school district. So
20 it's in our mutual best interest that the refinery remain
21 a viable entity.

22 Unfortunately, our energy markets have changed.
23 It's no longer really possible to be competitive
24 processing all the imported crude oil.

25 Our current president and the presidents before

1 them -- or him, have stated that as a nation we should
2 have a goal of energy independence. American-produced
3 crude oil means jobs for other Americans and their
4 communities, which we should also support.

5 Most new American crude oil, it's new in fields,
6 is transported by rail, because pipelines do not exist to
7 move it any other way.

8 Crude-By-Rail means less crude moving through the
9 Bay and less exposure to oil spills.

10 But rail safety is a concern, as it should always
11 be. The City should require the rail offloading facility
12 is designed with current best practices. It should engage
13 with our elected federal representatives to urge the
14 federal government to improve rail safety requirements
15 related to oil.

16 But in summary it's in our mutual best interest
17 for our community to ensure that the refinery remains a
18 viable entity. This project is needed both by the
19 refinery and the community to ensure our future
20 prosperity.

21 And Crude-By-Rail can be designed, operated and
22 built safely and I urge you to support the project. Thank
23 you.

24 COMMISSIONER DEAN: Thank you.

25 Hi. Good evening.

1 MS. GOLOVICH: Hi. Jan Cox Golovich, and I'm going to
2 talk about the DEIR.

3 Now, last time I was here, I handed out to all of
4 you one of these little packets. I had it all prepared
5 and I know you took it home and read every word with bated
6 breath, but there's been some updates since then and I
7 want to talk about those.

8 My packet was about the letter that our four
9 congressmen wrote to the Feds because they were so
10 concerned about the risks of crude-by-rail. And in that
11 letter, they asked the Feds to do four things. One of
12 them was to provide a report to the level of compliance by
13 the railroad and petroleum industry to the May 7th
14 Emergency Order. As we all know, the Order was
15 called -- the Feds called crude-by-rail "an imminent
16 hazard." So we all know that it's dangerous. So any talk
17 up here about how safe it is, the Feds have already said
18 that it's a danger.

19 So what is the status of that? Well, I don't
20 know if the Feds have provided a report to our
21 congressmen, but I can tell you from my own research that
22 one of the -- at least one of the voluntary measures that
23 was in this Emergency Order has not been followed; and in
24 fact, it's been openly defied, and that is, the voluntary
25 measure to slow down the trains to make them safer. When

1 in fact, last week, BNSF announced that not only weren't
2 they going to go slower, that they were going to double
3 the speed from 30 to 60 miles per hour. Okay.

4 Why is this important? It's important because in
5 the DEIR, the assumption is that all of these voluntary
6 regulations are going to be followed and everything is
7 going to be wonderful, when in fact the DEIR needs to make
8 the assumption that these aren't going to be followed,
9 that they're only voluntary and there's no way to enforce
10 them. So in that way, this DEIR is totally inadequate.
11 It needs to go back and be redone and recirculated.

12 Why did BNSF do that? Why did they say they need
13 to make the trains go faster? Well, as it turns out, our
14 rails are overcapacity, and the crude-by-rail is just in
15 its infancy. If all of the projections pan out for
16 crude-by-rail, there's going to be double the rail cars,
17 and our rail system will be in really big trouble.

18 At this point in time the Farmers Union, the
19 National Farmers Union, have written to the Feds to say
20 their agricultural crops are not getting to market on time
21 because the Crude-By-Rail is clogging up the rails.

22 There is nothing in the DEIR that addresses the
23 fact that when buildout is done, that our rails are going
24 to be over-capacity, that it's going to impact Amtrak
25 across the nation, and it is already impacting our

1 agricultural products that are so vital to our nation,
2 including our big wheat production.

3 The letter asked that the Feds expedite their
4 regulations on the rail cars because there is none right
5 now for crude-by-rail. And the Feds did put out a draft
6 regulations about a month ago. They're very, very, very
7 weak, and they don't address the issues that the
8 congressmen asked for. One was the positive train control
9 that I won't go into because Roger Straw already brought
10 that up. There's no mention in the DEIR about positive
11 train control, and that's a mandated legislation. It's
12 supposed to be in place by the end of 2015. It will not
13 be. The railroads haven't even been close to complying
14 with that. But it should be addressed in the DEIR.

15 They asked that the Feds expedite the phasing out
16 of the .111 trains rail cars. These draft regulations do
17 not do that. It's a slow -- a slow phase-out of them.
18 And there's also exemptions.

19 So again, our DEIR assumes that the upgraded
20 trains will be on the road, and they need to not do that.

21 Thank you. I saw the light.

22 COMMISSIONER DEAN: I'm going to have to stop you
23 there.

24 MS. COX GOLOVICH: I'll just send you another lovely
25 packet that you can spend your evenings reading. Thank

1 you.

2 COMMISSIONER DEAN: Thank you.

3 Next speaker, please.

4 MS. DEMPSEY: Hello. I'm Mrs. Dempsey from the Glenco
5 Vallejo/Benicia community. I'm not sure if my card got --

6 COMMISSIONER DEAN: I'm sorry, I missed your name.

7 MS. DEMPSEY: Mrs. Dempsey.

8 COMMISSIONER DEAN: Oh, thank you.

9 MS. DEMPSEY: I'm not sure if my card got shuffled
10 somewhere in the process.

11 I am here in opposition of the Valero project.
12 In review of the Environmental Impact Report, there
13 appears to be numerous questionable assertions in support
14 of the Valero Crude-By-Rail Project. For the most part,
15 nearly all of the various potential impacts on the
16 environment and risks to public safety have been deemed as
17 less than significant and with no mitigation required.

18 Some of the EIR contentions are flappable and
19 would be laughable if the circumstances were not of such
20 dire significance.

21 There's a couple of examples I want to bring up.
22 Under Impact Item Number 4.2-7, it's noted that the annual
23 output of 730 annual cars passing through the Suisun
24 Marsh, a federally protected wetland, that we as a public
25 should not worry about any of the potential derailment, or

1 breach of the integrity of any tank car, because the
2 statisticians have estimated that such an event would not
3 likely occur within 262 years. I don't know where they
4 pulled that number from.

5 As you are aware, the DOT has indicated that over
6 the last year we've had more derailments than we have over
7 the past 40 years.

8 There's also, under item -- the DEIR Item Number
9 4.3.4, we've been advised that as a public we shouldn't
10 worry about our historical resource and unique
11 architectural resource of Benicians as our California's
12 first state capital. You know, we don't -- there are so
13 many things that we have to be concerned about.

14 Obviously, loss of limb and life is at the premium, but we
15 also need to take into account that this is a very
16 precious gem as California's first capital that we need to
17 ensure its continuance.

18 I am aware that Valero has a very active
19 philanthropic contribution program, which is admirable,
20 but it should be noted that these contributions are only a
21 minuscule representation of Valero's total profits, and
22 that their contributions are tax deductible.

23 And in closing what I would like to say that:
24 Benicia Officials, please remember that the short-term
25 financial benefits of the proposed Valero project can

1 never be outweighed by the huge public health and safety
2 risk that are at stake. You officials may be in your
3 positions for a limited period. But your decisions
4 regarding this project may sentence the public to a legacy
5 of harm that might span over decades, perhaps a century,
6 and for our future generations to inherit. Thank you.

7 COMMISSIONER DEAN: Thank you.

8 Next speaker, please.

9 Okay. Then -- hi. Yeah, just come forward.

10 Good evening.

11 MS. DURFEE: Hi. My name is Aimee Durfee. I live in
12 Martinez, and I'm with the Martinez Environmental Group.
13 As you know, Martinez is the home of Shell and Tesoro
14 refineries. And we currently have volatile Bakken oil
15 trains coming through our town every seven to ten days in
16 the east. We didn't have any public hearing to stop them.
17 So we know how those Davis and Sacramento people feel
18 about this project. And we're kind of starting to feel
19 like collateral damage between all of these different oil
20 projects, and this one is no exception.

21 There's a few reasons why Martinez residents are
22 concerned about this project. There are a few of us here
23 tonight. The first issue is actually relevant to broader
24 than just Martinez, which is: What are the precautions
25 being made to protect the water supply in Contra Costa

1 County? We are in a drought, and if there was a
2 derailment in Yolo County or Sacramento County, that's
3 where most of Contra Costa gets our water. So where is
4 that in the EIR?

5 The second question: What if the Valero refinery
6 has a temporary shutdown? I know that refineries do that
7 from time to time. If the cars keep coming in, they're
8 going to backup, and where are they going to go? They may
9 end up in Martinez, because we have a large switch yard
10 over there. Has our city been notified? The DEIR doesn't
11 address this.

12 And the third issue is: What are the plans to
13 respond to a spill? If there was a spill on this side of
14 the Bay, it would head on over to us, and it would poison
15 our marina. It would affect many other towns in the
16 Carquinez Straits. Is Valero going to assist our town
17 when that happens? "When" it happens. Is Valero going to
18 assist other surrounding towns?

19 I just want to finish with another point, which
20 is a lot of people have been coming up here and saying
21 that they're worried about Valero not being competitive,
22 Valero going out of business, about Benicia becoming like
23 Vallejo. I just want to remind you, as the Planning
24 Commission, that you have the responsibility to take the
25 long view. And that according to British Petroleum, we

1 only have 53 more years of oil left on the entire earth.
2 So in my lifetime, all five of these refineries are going
3 to be out of business. And so why would you endanger our
4 towns, our health, our livelihood for such a short-sided
5 reason? Thank you.

6 COMMISSIONER DEAN: Thank you.

7 Next speaker, please.

8 Hi. Good evening.

9 MR. KIRCHOFFER: Gentlemen, good evening. My name is
10 Jim Kirchoffer. I'm from Benicia.

11 The Draft EIR in Section 4.72, states that,
12 quote, A project could pose significant hazard to the
13 public or the environment through reasonable foreseeable
14 upset and accident conditions -- I think that means a
15 wreck -- involving the release of hazardous materials into
16 the environment, parentheses, less than significant,
17 parentheses, quote.

18 That sounds like an oxymoron, but whatever.

19 The consultant for this project, for this EIR,
20 provided a figure of the quote, estimated risk of an
21 accident resulting in a release of more than 100 gallons
22 is approximately 0.009 per year, which corresponds to an
23 estimated frequency of occurrence of once per 111 years.
24 We've heard that figure mentioned two or three times
25 tonight. I've seen it two or three times in newspapers,

1 the last one in the Sacramento Bee. It seems to have
2 taken a life of its own.

3 Since the section itself notes four derailments
4 involving, quote, a significant fire and/or explosion,
5 quote, in the past year, I was puzzled about the 111-year
6 estimate, and asked an actuary friend of mine in San
7 Francisco to confirm the consultant's estimate. He said
8 he would need to see the actual figures used in order to
9 give an answer. I request, therefore, that until the
10 actual figure which the consultant used are made available
11 for confirmation by independent actuaries, further action
12 on this entire area be delayed.

13 Numbers are important. Let me share a personal
14 experience with numbers and percentages. When requesting
15 a second cortisone injection in my back for pain, I was
16 told that those on warfarin for anti-coagulation
17 therapy -- that's me -- ran the risk of even the slightest
18 amount of blood going into the spinal column and causing
19 one to become a paraplegic. I asked what were the
20 percentages. He said .05. I passed on that injection.
21 The risk-reward was, shall I say, unacceptable.

22 So is Section 4.7-2. Thank you.

23 COMMISSIONER DEAN: Thank you.

24 While you're coming forward, still looking for
25 Nancy Reiser. Paula Szloboda. Adela Fernandez, followed

1 by Rodney Robinson and Cheryl Zook.

2 Hi. Go ahead.

3 MS. SZLOBODA: So I'm Paula Szloboda.

4 COMMISSIONER DEAN: Oh, hi.

5 MS. SZLOBODA: And I have been a resident in Benicia
6 for 22 years. I'm also health educator and a health
7 activist and a professor.

8 I would like to concur with many of the
9 statements that were previously made by other speakers,
10 especially the one that the DEIR draft is flawed, because
11 it only looks at the best possible outcome, and it fails
12 to look at all of the possible problems for upline people.

13 Like the previous gentleman who spoke right
14 before me, I'd really like to see the actual figures that
15 were used to calculate the risk of an explosion happening
16 once in 111 years, given how many explosions there have
17 been just recently.

18 I'm also really wondering how we can call this a
19 "clean project," when we're using the dirtiest possible
20 oil in Bakken crude, and how are we calculating that the
21 greenhouse gases will be reduced when we're using oil that
22 is known to produce much more greenhouse gases in its
23 production.

24 I've attended all of the meetings that Valero has
25 sponsored, and a couple of things have really struck me.

1 I've heard many times when people have asked what is the
2 plan for dealing with the catastrophic emergency. The
3 answer seems to be: We have a great safety record. The
4 true answer, when pushed, is: We don't have any
5 additional safety plan in place.

6 I haven't seen any blast zones calculated. That
7 information hasn't been given to the people who live and
8 work in those areas.

9 And I think also we need to think about the
10 totality of this project. As a community, we have a grave
11 responsibility to the other communities who we are putting
12 at risk by this decision.

13 Two speakers ago or three speakers ago, there was
14 a woman who spoke about not just thinking about the
15 immediate profitability, but thinking about the long-term
16 cost. And I would also like us, and all of you who will
17 be making these decisions, to think about our
18 grandchildren's grandchildren, and what decision will
19 ensure the safety of our environment and our future, not
20 just in the immediate future, but in the long-term future.

21 Thank you.

22 COMMISSIONER DEAN: Thank you.

23 Do we have another speaker lined up back there?
24 Again, Adela Fernandez. Rodney Robinson. Cheryl Zook.
25 Followed by Andres Soto. Sheila Clyatt. Ethan Buckner.

1 And Jane Koski.

2 Hi. Why don't you just come forward. Yeah.

3 Hi. Good evening.

4 MR. SOTO: Good evening. My name is Andres Soto and
5 I'm a resident here in Benicia and my son, his wife and
6 his two sons also live here in Benicia.

7 And I'm here to urge you to find that you need to
8 recirculate this EIR because it is fatally flawed.

9 I've spent most of my life in Richmond, and I
10 currently work in Richmond for Communities for a Better
11 Environment. Also a member of Benicians for a Safe and
12 Healthy Community; Sunflower Alliance. And this is like
13 déjà vu all over again.

14 You know, when we were in Richmond dealing with
15 the project and their Environmental Impact Report, we
16 heard folks from building trades unions come up and say,
17 "Oh, you know, Chevron is like the Cadillac of
18 refineries," and we're hearing that same kind of refrain
19 here about Valero.

20 And then, of course, there's always the threat
21 that: "If the project is not approved, well, we may have
22 to reassess, you know, whether or not we can viably stay
23 here and move out."

24 These guys aren't going anywhere. It's all about
25 location, location, location. Access to deep-water ports,

1 and urban populations. That's why they came here and
2 that's why they're going to stay here. All that's just,
3 you know, Chicken Little.

4 I do know one thing is that when these
5 refineries, because their management makes decisions to
6 override workers, as well as OSHA, what you find is that,
7 you know, you get a catastrophic event like we did in
8 Richmond in 2012, and Richmond's property values went
9 down, because the refinery's operations were shut down, as
10 well as the general harm to the business properties and
11 the residential properties. And now the City of Richmond
12 is dealing with the debt because of that, and slashing
13 services.

14 Valero's business model does not involve
15 extraction. So these guys are depending upon the open
16 market. They're going after the Bakken crude and the tar
17 sands, because it's discounted. It's cheap. They're
18 being cheap about this.

19 And so if we can stop projects like this that put
20 our communities at risk, we will actually help to stop the
21 demand for this project -- for this product.

22 And we also know that Valero is a nonunion
23 facility. So that's also part of their business model.
24 And, you know, so you're going to have to ask yourself a
25 question: Do you trust big oil and big rail to protect

1 your safety? I think the history of the United States
2 shows otherwise.

3 This whole idea about energy self-sufficiency, 39
4 of the sources listed in there are only 6 from the United
5 States. 39 are from outside of the United States.

6 When they derail, this material cannot be
7 extinguished. It burns out. The result is contaminated
8 land, contaminated air, and contaminated soil.

9 And we already know that the dot 111s, 112s and
10 1232s, the 1232s may be safer than these others, but they
11 are not safe, and we have to put our health and safety
12 first.

13 The whole idea of electrification of the port is
14 not even examined, and it should be if they're really
15 about reducing emissions. But we know they're not about
16 reducing emissions; they're about making profits.

17 They can use solar, just like Chevron finally
18 agreed to install 60 acres of solar because of community
19 pressure at the Richmond refinery.

20 And then, you know, when it comes to the
21 cumulative impacts, that's not even really accurately
22 discussed. Another grounds for the recirculation.

23 What about water consumption? This refinery
24 consumes the equal amount to the rest of the City of
25 Richmond. What kind of water diet are they going to be

1 on? Are they going to comply with that? Those signs up
2 there?

3 And then, you know, we also know we can't trust
4 the Air Quality Management District right now. We're
5 actively in a suit against their district and Kinder
6 Morgan for giving them a permit to bring in this Bakken
7 and tar sands into Richmond, without any kind of CEQA
8 review. And that hearing date is on September 5th. Come
9 to it, in San Francisco.

10 And then I'm really ashamed of the Solano County
11 Board of Supervisors for not weighing in on this. Yolo
12 County has already done it. We know the Attorney General
13 is going to do it. And I think that the City of Benicia
14 and the County of Solano should consider, like Contra
15 Costa did, and the City of Richmond did, in establishing
16 an industrial safety ordinance, an ordinance that actually
17 gives you some authority to regulate the activities of
18 safety in the refinery beyond relying upon regional
19 sources.

20 So once again, urge you to recirculate this
21 fatally flawed EIR.

22 Thank you.

23 COMMISSIONER DEAN: Thank you.

24 Any more speakers in the back? Adela Fernandez.
25 Rodney Robinson. Cheryl Zook. Sheila Clyatt. Ethan

1 Buckner. James Koski.

2 Okay. How about Mark Sally? Bobbi Rubinstein.

3 Greg Mitchell. Davita Atwood -- or C-A-W-O-O-D. John

4 Matthews. Bill Welch.

5 Hi, just come forward.

6 MR. MATTHEWS: Mr. Chairman, Commissioners. My name
7 is John Matthews. As a long-time resident of Benicia, and
8 as a chemical engineer retired from the petroleum refining
9 industry, I ask that you approve the Draft Environmental
10 Impact Report for Valero's Crude-By-Rail Project.

11 Preventing (sic) the refinery from bringing in
12 crude-by-rail will be beneficial not only for the economic
13 effect on our community, but also for our nation, by
14 providing Valero greater flexibility to choose crude oils,
15 especially those from domestic sources.

16 The Draft EIR has shown environmental benefits
17 for our community by reducing air emissions, and economic
18 benefits by creating additional local jobs.

19 Valero's commitment to safety and operations is
20 demonstrated by the excellent safety record that the
21 refinery has maintained over the years.

22 For these reasons, I believe the Valero
23 Crude-By-Rail Project deserves your support. Thank you.

24 COMMISSIONER DEAN: Thank you.

25 Next speaker, please.

1 MR. SAITZ: Hello. My name is Frank Saitz. I'm a
2 54-year resident of Benicia, California. I'm only here
3 today to speak on behalf of the project and I just want to
4 remind everybody in this room of 9/11, the day of infamy
5 and epiphany, when all those planes crashed.

6 If we could have foreseen that event, we wouldn't
7 have had those planes fly that day. But we couldn't see
8 it coming, could we? And all we're doing today is talking
9 about what could have, should have, and might happen. We
10 don't know.

11 But at the end of the day, Valero has done their
12 due diligence. They went out of their way to provide this
13 Commission, the City, and so on, so forth, with all the
14 information required and necessary to get this project off
15 the ground.

16 I think the opposition, in their minds, are in
17 the right, because of what they're seeing as derailments.
18 But, you know what? At the end of the day, you know, the
19 marine life and waterways, are just as much impacted if
20 something goes wrong, too. And the only thing is, nothing
21 has yet, but if it does, we'd be complaining about the way
22 we bring the oil in through the waterways.

23 So we're always looking for an out: We can't do
24 it this way because of this. We can't do it that way
25 because of that. At the end of the day, I believe that if

1 there was an emergency, it would be handled. Nobody would
2 be harmed; minimal damage would be done. It's not like
3 everybody is just going to turn their cheek and look the
4 other way. Responders would be there, and the cleanup
5 would take place, and it would be minimal to any
6 environment.

7 And as far as wetlands and protected refugees --
8 refuges around the areas where the rail cars would be
9 coming in and out, I believe a hundred percent that the
10 Union Pacific Railroad, they might have a lot of traffic
11 on the railways, but they have controllers who watch that.
12 They're not trying to put trains to where they're going to
13 collide with each other and have emergencies. They're
14 very due diligent about how they transport anything on the
15 rails, whether it be produce, like the one lady spoke of,
16 or cars, or oil, whatever it may be.

17 I think a lot of the talk here tonight has been
18 about the derailment, the crowded railways, so on, so
19 forth.

20 At the end of the day, it really comes down to:
21 Is Valero doing their due diligence in providing the oil
22 to arrive here safely and efficiently and still be able to
23 make a product where they can make money, keep their gates
24 open so they continue to employ, not only Benicians, but
25 other surrounding areas?

1 And that's all I have to say.

2 And I hope the Commission, when they go down and
3 they go over all the statements, and all the paperwork
4 they have in front of them, they look at the big picture,
5 which is: You can't predict the future. And if we could
6 have, 9/11 would have never happened.

7 That's all I've got. Thank you.

8 COMMISSIONER DEAN: Thank you.

9 Next speaker, please.

10 Hi. Good evening.

11 MR. MITCHELL: Good evening. I'm Greg Mitchell and
12 I'd like to yield my time to Phil Daum, who is a rail car
13 expert.

14 COMMISSIONER DEAN: Okay.

15 MR. DAUM: Hi. Good evening, Commissioner, Chairman,
16 and all Commissioners. My name is Phil Daum. I am a
17 senior managing consultant for Engineering Systems,
18 Incorporated in Aurora, Illinois.

19 I have attended a couple of Valero-sponsored
20 public outreach meetings in March and June of this year,
21 and I'm glad to be here tonight to be a resource to you.

22 In evaluating the Valero Crude-By-Rail Project,
23 you are faced with making decisions and applying your
24 knowledge on railroad operations on hazardous material
25 transportation safety, on tank car design, on tank car

1 derailment performance, and on risk management strategies.

2 Valero has asked that I be here tonight to be a
3 resource for you on these topics.

4 You should know a bit about my background and
5 experience. I have 33 years of experience in the rail
6 industry. This includes my work as director of
7 engineering for Union Tank Car Company, and my selection
8 as a program director for two international consortiums
9 that improve tank car safety through research.

10 A current focus of my career is in accident
11 investigations to determine root causes, and to use that
12 information to continuously improve the safety of
13 hazardous material shipments.

14 Based upon my experience, I was selected to
15 investigate the derailments at Lac-Megantic, Quebec; at
16 Casselton, North Dakota; at Plaster Rock, New Brunswick
17 and at Lynchburg, Virginia.

18 This is important to you because these are some
19 of the accidents that are being presented by opponents,
20 that -- where they point to these as the reasons to not
21 pursue the Valero Crude-By-Rail Project here at Benicia.

22 I want you to benefit from some of my personal
23 experiences as an investigator on these accidents. This
24 will allow you to identify the facts and the opinions that
25 matter in the decision regarding rail safety, and the

1 industry's continued focus on safety.

2 One of the issues is federal preemption, which
3 holds that the authority to regulate railroad operations
4 and tank car standards belongs to the federal government.
5 Note that the rail cars delivering crude oil to Valero
6 comply with the current -- comply with and will be current
7 with federal regulations as they develop. All the
8 relevant rail cars such as the -- referred to as the
9 Legacy DOT 111 tank cars will not be used or accepted by
10 Valero for delivery of crude on this project.

11 Valero rail cars have thicker shelves, stronger
12 steel, rollover protection for the top fills, external
13 head shields that guard against puncture in the event of
14 derailment.

15 A few weeks ago DOT announced proposed rules for
16 crude oil and other flammable materials. Among other
17 things, these rules proposed enhanced tank car standards,
18 a testing and classification program for the materials
19 that are being handled by the tank cars, railroad
20 operational requirements for high-hazard flammable trains,
21 or trains that carry more than 20 cars.

22 Note that Valero is ahead of the proposed
23 requirements, as they will not be using any of the Legacy
24 DOT or 111 rail cars on this project.

25 I mentioned some of the accidents and

1 investigations in which I participated. My work was
2 sponsored by the RSI-AAR Railroad Tank Car Safety Research
3 and Test program.

4 Since the 1970s, the railroads, the tank car
5 owners, the (inaudible) industries, have worked together
6 with U.S. and Canadian governments to improve tank safety
7 standards for railroad tank cars. This tank car safety
8 project conducted research and testing with U.S. DOT and
9 Transport Canada to evaluate design concepts for improving
10 the survivability of tank cars in the -- tank cars in
11 accidents.

12 This research led to safety features such as the
13 head shields, the double-shelf couplers, the bottom
14 fittings protection, the top fittings rollover protection,
15 and other features that are incorporated on the newer rail
16 car designs that Valero will be using in Benicia.

17 Union Pacific's plan to split the unit train into
18 two equal halves, and to use two locomotives, one at the
19 head end, and one imbedded further back, in each 50-car
20 split, also contributes to safety. This provides
21 exceptional control for braking the 50-car split which, if
22 it must be stopped quickly, in an emergency.

23 This will also reduce the time required at grade
24 crossings for switching the cars in the facility.

25 I'm glad to be here tonight to answer any

1 questions. And I thank you.

2 COMMISSIONER DEAN: Okay. Thank you.

3 Next speaker, please. Hi.

4 MS. CAWOOD: Hi. My name is Davita Cawood. I'm a
5 resident of Benicia. I've been a resident of Solano
6 County for almost 20 years.

7 I am -- I'm a concerned citizen because I feel
8 like I have lack of information. And I live up near 5th
9 Street, up the hill, and I feel several of my
10 common-resident area people have had lack of information.

11 I feel that I'm gonna have some noise pollution,
12 air pollution, quality-management issues, that haven't
13 really been addressed.

14 And I'm not totally against this project, it's
15 great that we have jobs, but the thing is, I think you
16 guys really need to just look into this a little bit
17 further before making a hasty decision.

18 And I'm concerned, what is it going to be like 50
19 years down the future? 20 years down the future? Are you
20 guys going to be here on this Council saying yes or no?
21 Is the next generation going to be able to handle this
22 okay? I think we need a little bit more safeguards in
23 place. I think we need to say, if there was an accident,
24 we have the resources to handle this.

25 I really think that we need to look into it a

1 little bit further. Thank you.

2 COMMISSIONER DEAN: Thank you.

3 Okay. Mark Sally. Bobbi Rubinstein. Bill
4 Welch. Desiree Labar. Gino DiCaro.

5 Hi. Good evening.

6 MR. WELCH: Good evening. My name is Bill Welch.

7 Dear Planning Commissioner, Members. Thank you
8 for the opportunity to speak this evening about this vital
9 project that affects the future of the Valero Benicia
10 Refinery and also the city of Benicia.

11 I am a resident of Benicia and lead chemist for
12 the Valero Benicia Refinery laboratory, and I would like
13 to make -- read a statement for your consideration.

14 Please think for a moment about what makes
15 Benicia such a wonderful place to live: Vibrant parks, a
16 public library and community center, and safe streets,
17 just to name a few.

18 Now imagine Benicia, if the tax revenues used to
19 fund vital sources like our fire department and police
20 department were severely reduced.

21 That is what would happen if Valero no longer
22 operated in our community. 25 percent of the annual
23 general fund revenue would vanish.

24 It is an ever-changing economy, many industries
25 are adapting and finding better and more efficient means

1 of operation to ensure continued stability.

2 In Benicia's case, this new means of productivity
3 is the addition of a third-option transport: Crude oil by
4 rail.

5 Crude-By-Rail is a cost-effective method crude
6 transport that would allow Valero Benicia Refinery to
7 remain competitive in a shifting marketplace, and among
8 the other Bay Area refineries. It would also reduce the
9 risk of spill compared to current modes of crude
10 transportation. Benicia has thrived since the addition of
11 Valero to our community.

12 According to a recent economic study, Valero
13 contributes 7 million in taxes to the City of Benicia each
14 year, and has donated 13 million to local charity causes
15 in the last decade.

16 The refinery directly employs 450 local workers,
17 and requires an additional 250 contract workers on site
18 each day. The economic activity associated with the
19 refinery supports 3,900 jobs in the region. Allowing the
20 Valero Benicia Refinery to implement their proposed
21 Crude-By-Rail Project would only see these numbers
22 increase. More jobs and tax revenues are good for
23 Benicia.

24 I encourage you to support Benicia's future and
25 the future of our wonderful town by approving this

1 project. Thank you very much.

2 Respectfully submitted, Bill Welch.

3 Thank you.

4 COMMISSIONER DEAN: Thank you.

5 Next speaker, please.

6 MS. LABAR: Hello.

7 COMMISSIONER DEAN: Hello. Good evening.

8 MS. LABAR: I'm Desiree Labar. I'm a Benicia resident
9 and I'm here this evening to express my support for the
10 Valero CBR project.

11 This project will benefit our community in a
12 variety of ways, including, most importantly, an overall
13 net decrease in greenhouse gas emissions.

14 The project will also help ensure Valero's
15 viability as a source of jobs and economic activity for us
16 here in Benicia, Solano County, and statewide, where this
17 industry directly or indirectly employs more than 300,000
18 people.

19 The Environmental Impact Review process found
20 that the project will not adversely impact the
21 environment. In addition, it complies with all California
22 Environmental Quality Act requirements.

23 Valero Benicia's a responsible company and a good
24 neighbor. They are committed to safety and to the
25 community. Please take the necessary steps to approve

1 this project so that our community can start to benefit
2 from the project's positive impact.

3 The Valero CBR project is good for our economy
4 and good for our air. Please join me in advocating a
5 swift approval on this project. Thank you.

6 COMMISSIONER DEAN: Thank you.

7 Good evening.

8 MR. DiCARO: Good evening. Thank you, Commissioners.
9 My name is Gino DiCaro, and I'm the vice president of
10 Communications with California Manufacturers and
11 Technology Association.

12 CMTA has been around since 1918. I certainly
13 have been around only since 1996 at CMTA.

14 CMTA represents manufacturers on many issues,
15 helping them to operate competitively in California. Of
16 course, it's important that we all support manufacturers,
17 as our workers earn some of the highest wages among all
18 sectors, and the manufacturing sector investments create
19 tremendous ripple effects in our economy.

20 Valero's Crude-By-Rail infrastructure Project
21 will ensure the refinery remains a strong, healthy and
22 safe member of the local community. By investing in the
23 refinery's ability to remain flexible and competitive --
24 underscore "competitive" -- the City of Benicia will
25 benefit from the strong tax base and high-paying jobs it

1 provides the community.

2 As manufacturers, decreasing our dependence on
3 foreign oil, of course, is very important, as our fleets
4 require the least expensive fuel to get our products to
5 market.

6 By allowing Valero to access North American
7 crudes that, as of now, as you know, are not readily
8 accessible in Benicia, we are lessening our dependence on
9 foreign oil, and providing consumers and the manufacturing
10 community with discount fuel that will help the economy
11 grow.

12 We'll see jobs grow at Valero in Benicia, but
13 also within the rest of the manufacturing community in
14 California and Valero's supply chain. That benefit can be
15 realized with a positive environmental impact.

16 The Environmental Impact Report conducted by the
17 City of Benicia shows there will be no net increase in
18 emissions from refining crude oil, and a reduction in
19 marine delivery of crude, which will result in lessening
20 of emissions of delivery. I apologize for the duplication
21 there.

22 The environmental and cost benefits, along with
23 Valero's impeccable safety record, and its commitment to
24 using railroad tank cars that meet or exceed all rail
25 safety standards should give Benicia and other communities

1 ample reason to support this project.

2 I myself live in West Sacramento, and I work in
3 downtown Sacramento, both locations of which are close to
4 the rail proposal from Rocklin to Benicia. I as an
5 individual support this proposal, as well.

6 And I can't, of course, leave tonight without
7 emphasizing how your decision will help the overall
8 business climate for manufacturing. California's
9 manufacturing growth currently lags the rest of the
10 country. Since 2010, California's grown its manufacturing
11 employment base by less than half percent. The rest of
12 the country has grown by more than 6 percent.
13 Manufacturing investments also lag the rest of the
14 country. In 2013, we had only -- California had only 1.5
15 percent of the country's new and expanded manufacturing
16 facilities. We were among the worst in per-capita
17 investments among all states.

18 California and Benicia simply must do better to
19 attract its fair share. This project in Benicia, by all
20 accounts, is a win for everyone: The economy, our
21 middle-class workers, manufacturers, the environment,
22 Benicia and Valero.

23 CMTA asks for your full support in Valero's
24 proposal to bring less expensive crude safely to the City
25 of Benicia. Thank you.

1 COMMISSIONER DEAN: Thank you.

2 Mark Sally. Bobbi Rubinstein. Alan Miller.

3 Dale Cross. Dan Smith.

4 Hi. Just come on down to the front, whoever's
5 ready to go.

6 MR. SMITH: Hi. I'm Dan Smith. I've lived in Benicia
7 since 1987. I'm a homeowner and a former member of the
8 City Council on the Economic Development Board.

9 Valero and the fossil fuel industry are currently
10 a huge part of Benicia's economy. Given the realities of
11 the peak oil science, this apparently may not always be
12 the case. I, like many people in Benicia, hope that the
13 Benicia Refinery can remain competitive throughout the
14 rest of the fossil fuel era.

15 Recent financial statements show that Valero, as
16 a company, is doing quite well indeed. And the Benicia
17 Refinery is one of the newest and youngest in the nation.

18 The job of this Draft Environmental Impact
19 Report, however, is not to ensure Benicia refinery's
20 competitiveness in the industry. It is to measure the
21 prospective environmental impacts for expanding the
22 refinery's rail yard.

23 Simply put, I think the recent safety history of
24 transporting oil by rail is given very short script in the
25 Draft EIR.

1 Union Pacific's federal exemption, in particular,
2 makes this history a critical environmental factor.

3 For reasons enumerated by my predecessors up
4 here, I think that the evidence that this is a significant
5 safety risk to Benician residents and workers is so
6 underestimated, that the Commission should reject this
7 Environmental Impact Report as inadequate.

8 Thanks for your attention.

9 COMMISSIONER DEAN: Thank you.

10 Hi. Next speaker.

11 MR. MILLER: Hello. I'm just taking pictures of
12 myself. There I go. There I am.

13 My name is Alan Miller. I represent the group
14 SOFIVA, S-O-F-I-V-A. It means sticking our foot in
15 Valero's ... it's actually not a real group, it's just me.

16 I have lived 50 feet from the railroad tracks in
17 the City of Davis, California since 1987.

18 I felt very safe until the year 2006, when I was
19 standing next to the tracks, next to my house, and Union
20 Pacific ran a liquid petroleum gas train westbound,
21 through a left-handed crossover, with a posted speed of 10
22 miles an hour at 47 miles per hour. If you want to have
23 the crap scared out of you, you should see liquid
24 petroleum gas cars rocking back and forth.

25 The train damn near derailed. And a friend of

1 mine who is a track engineer said, "It probably should
2 have."

3 I didn't think much of it until in 2009, Union
4 Pacific ran an eastbound train, with hazardous materials
5 in it, that I also witnessed, through the same switch,
6 going over 30 miles an hour, a 10-mile-an-hour switch. At
7 that point, I realized this was not just one engineer who
8 messed up, this was a problem.

9 So I called the Surface Transportation Board, who
10 told me, "Well, there was no accident, so we can't
11 investigate it."

12 So I called the FRA, who investigated it, and
13 said, "Oh, yes, in the Union Pacific manual, the west
14 switch at Davis actually should have had the numbers
15 reversed."

16 And I said, "What the hell does that have to do
17 with the near accident that I just witnessed and reported
18 to you?"

19 And they said, "Oh, we don't regulate that. It's
20 a crew issue with Union Pacific."

21 These are the federal bozos who investigate
22 safety.

23 Now, apparently, according to Valero, there is
24 unlikely to be a similar accident to the one in Canada
25 because, well, in Canada, that was a human error. I ask

1 you: What is going through a switch at 47 miles an hour?
2 It's supposed to be 10. That's human error.

3 What about, when on the sidetrack -- what they
4 call the "West Pass" in Davis -- the California Northern
5 ran the train too fast and shoved a bulkhead flatcar
6 across both main lines? Had an oil train been going by,
7 such as happened in North Dakota: "Boom." That's what
8 would have happened. That was human error.

9 What about when a car got stuck on the tracks --
10 due to human error -- and the capital corridor rammed into
11 it and the car burst into flames and derailed the train,
12 just outside of Davis? More human error.

13 What about when a train running through Davis
14 westbound in about 2005 -- eastbound in 2005, and a
15 trailer fell off the side of the car, holding onto the
16 side of the train, scraped the side of the train that was
17 parked in the tracks next to it. Right in the middle of
18 Davis. Human error, they didn't tie down the car well
19 enough.

20 Okay. How do we prevent this? You can't have
21 flammable liquids going through the middle of the
22 population centers of California. Must be nice to live in
23 this town, you have a big hill in between you and the
24 refinery and the railroad. The upline towns do not.

25 Therefore, I present to you:

1 The Oil, Flammable and Hazardous Gas Cargo
2 Northern California Rail Bypass of Populated Areas. 103
3 miles long. Approximately three to four billion dollars
4 in cost. This will bypass every single town that is
5 currently threatened: That includes Oroville, Marysville,
6 Roseville, Sacramento, West Sacramento, Davis, Dixon and
7 Fairfield.

8 It uses mostly old rail routes. There are 11
9 major civil structures that would have to be constructed.
10 I have this entirely mapped out, and it is a viable
11 alternative.

12 There was \$2 billion potential harm in Canada.
13 So this will cost Valero three or four. Pretty good
14 insurance, if you ask me.

15 So I say to you -- I say to you this evening,
16 that not only should Valero build this rail bypass, I
17 demand it. I demand it.

18 Smile, everybody.

19 COMMISSIONER DEAN: Thank you.

20 Next speaker, please.

21 MR. CROSS: I'm not sure I can top that. My name is
22 Dale Cross. I'm a resident of Benicia. I've lived,
23 worked here, most of the last 45 years.

24 My children and grandchildren were raised here,
25 and have attended or are still attending Benicia schools.

1 We greatly enjoy the small-town, family-friendly
2 atmosphere of Benicia. We enjoy the city parks,
3 recreational areas, the waterfront, public library, public
4 schools, and the great infrastructure that the City
5 enjoys, made possible, in large part, by the tremendous
6 tax base and philanthropic efforts of Valero.

7 I'm also director of a local camp and mentoring
8 program for foster kids. And Valero has generously
9 supported this program for the last 10 years, and a
10 tremendous number of foster kids have benefited from that.

11 I have read the Benicia Crude-By-Rail Project,
12 Draft EIR report, that I found with no problem at all by
13 Googling and getting onto the City website, which I found
14 lots more information about the project.

15 The Draft EIR shows that there will be a net
16 decrease in greenhouse gas emissions. It will result in
17 no significant environmental quality impact for Benicia in
18 California, including refinery emissions, rail safety,
19 noise and traffic.

20 It will significantly boost the local and
21 regional economy by creating over 20 full-time jobs,
22 good-paying jobs, and 120-skilled craftsman jobs during
23 the construction period, and generating millions in taxes,
24 wages and economic benefits. It will also reduce -- help
25 reduce the U.S. dependence on foreign oil.

1 Valero is working to ensure they stay competitive
2 in this commodity market, while at the same time creating
3 as little impact to Benicia residents and businesses as
4 possible.

5 Valero's Benicia Refinery is constantly monitored
6 by multiple government agencies, including the Bay Area
7 Air Quality Management District, and is required to meet
8 or exceed the criteria, as set forth by these numerous
9 agencies.

10 With the Valero Benicia Refinery being one of the
11 most advanced refineries in the nation, and having a
12 commendable safety record, this project will allow them to
13 stay competitive and continue doing what the refinery was
14 designed to do: Be one of the safest and most
15 environmentally friendly refineries in the country.

16 Thank you.

17 COMMISSIONER DEAN: Thank you.

18 Next speaker, please.

19 Okay. How about Sil Preciado? Craig Snider.
20 Dave Fry. Larry Oppenheimer. Jasmin Powell.

21 Hi. Good evening.

22 MR. FRY: Good evening. My name is Dave Fry. I'm a
23 13-year resident of Benicia.

24 First off, I'd just like to state that I support
25 the Crude-By-Rail Project here in Benicia.

1 I wrote this great monologue here, but most of
2 it's been said, so I'm going to summarize.

3 So the Crude-By-Rail Project provides Valero
4 Benicia Refinery a third means of receiving crude oil,
5 while reducing emissions, increasing jobs in Solano
6 County, and reducing foreign crude (inaudible).

7 The crude-by-rail is a safe, cost-effective
8 method of crude oil transport that allows the Valero
9 Benicia Refinery to remain competitive in a shifting
10 marketplace and gain a competitive edge among the Bay Area
11 refineries.

12 A reputable third-party company hired by the
13 elected Benicia officials compiled and quantified the data
14 in the Draft EIR. The data is real and accurate.

15 Many folks have called the data in the Draft EIR
16 voodoo magic. But just because we do not understand how
17 the mathematic computations work, does not mean the data
18 is false. Commission must look at the facts, decide
19 without bias, on this matter, and not rely on newspaper
20 write-ups as appropriate, variable data.

21 Benicia needs Valero. And Valero needs the
22 Crude-By-Rail Project to stay competitive. Without
23 crude-by-rail, the Valero Benicia Refinery will cease to
24 exist, and so will Benicia in the long run.

25 Do not let our beautiful town turn into oil.

1 Thank you for your time.

2 COMMISSIONER DEAN: Thank you.

3 Hi. Good evening.

4 MS. POWELL: Good evening. My name is Jasmin Powell,
5 I'm a resident of Benicia, and have been for the past 42
6 years.

7 I'm also a business owner in the industrial park
8 and I am currently president of the Benicia Industrial
9 Park Association.

10 I support the validity of the EIR and believe
11 that the EIR to be complete and acceptable. There's no
12 guarantees in this world; however, if I was going to
13 choose a company to be in charge of this project, I would
14 choose Valero.

15 Valero has proven itself over the years to be a
16 good community partner and a safe employer. Valero has
17 such a high safety history and safety standards that
18 Valero's earned the Cal/OSHA VPP Star Site designation.
19 There's only two refineries in the state that hold this
20 designation. It's quite an honor and not something that's
21 easily achieved.

22 This is proof that Valero goes above and beyond
23 when it comes to setting, maintaining a safe work
24 environment for the company and its employees. Valero has
25 proven that safety is of the utmost importance to the

1 company and to our community. The Benicia Industrial Park
2 Association supports Valero and this project and requests
3 that the Planning Commission approve this project.

4 Thank you.

5 COMMISSIONER DEAN: Thank you.

6 Hi. Next speaker.

7 MR. PRECIADO: Good evening.

8 COMMISSIONER DEAN: Good evening.

9 MR. PRECIADO: My name is Sil Preciado, and I'm a
10 Benicia resident for 20 years, and I'm here in support of
11 the project. I'm going to leave my notes in my pocket to
12 try to abide by your request to not repeat.

13 I agree with the folks that are speaking in favor
14 of the project.

15 Just mention two points. One, there was mention
16 about refineries not being shut down in urban areas,
17 earlier. All you've got to do is look down in the L.A.
18 Basin, there's been a shutdown there, and other places
19 across the nation.

20 The other point that I want to make is, you know,
21 as long as we keep driving, these fuels are going to come,
22 whether they come in these crude rail cars, to be refined
23 at Valero. If they don't come in the crude rail cars,
24 they'll come in gasoline, diesel. As long as we are
25 driving, there's a demand for them; they're going to show

1 up. They're going to show up in rail cars and by ship.
2 So it's going to happen. And that's all I have to say.

3 COMMISSIONER DEAN: Okay. Thank you.

4 Looking for Larry Oppenheimer. Craig Snider.
5 Followed by Dave Dickey. Rick Stierwalt. And Frank
6 Saitz.

7 Hi. Good evening.

8 MR. SNIDER: Hi. My name is Craig Snider. I was the
9 regional environmental coordinator for the Forest Service
10 for about 10 years out on Mare Island, basically all the
11 national forests in California, looking at a lot of
12 environmental impact statements, environmental analyses,
13 and so forth.

14 My wife and I, during our weekend, reduce our
15 carbon footprint. We put some solar panels on the roof,
16 we drive an electric car, and recently acquired a hybrid
17 for longer distances. I would submit that if more people
18 did that, we wouldn't even be talking about this right
19 now.

20 One of the concerns that I have right away
21 looking at this is that, as somebody earlier pointed out,
22 the DEIR seemed pretty biased, as if it was designed to
23 basically rubber-stamp the Valero proposal as they wanted
24 it.

25 One reason for that, an obvious one to me, is

1 this Alternative 3, the offsite unloading terminal. That
2 alternative alone should have been more of a preferred
3 alternative, or at least an environmentally better one,
4 because that essentially would eliminate all of the issues
5 that people are having in town here, with the proximity of
6 the tank cars and so forth to the people in town, and all
7 the impacts it would have on the industrial park, and so
8 forth. And yet when you read the Impact Report, it just,
9 you know, kind of: Well, yeah, I guess, you know, it's
10 not really all that much better. But, wow, it would be
11 like night and day to pipe the crude in from someplace
12 else and have the depot, basically the terminal, at a
13 different location. It would be a game-changer, really,
14 as far as Benicia goes, and allow the refinery to tap that
15 crude without bringing the risk into town.

16 Second thing that I was concerned about were the
17 human effects, particularly as they relate to the section
18 on hazards, Hazardous Materials Analysis, Section 4.7,
19 because it's going to affect communities, not just this
20 community, but communities elsewhere, as other people have
21 pointed out. So the idea is that by inviting 100 tank
22 cars a day into the Valero refinery, that action adds to
23 the significant risk caused by the recent uptick in these
24 high-hazard flammable trains that we're seeing throughout
25 the country.

1 And you don't have to really take it from me.
2 One of the gentlemen back here pointed out, we've got some
3 new regulations proposed to deal with these types of
4 trains. And I was looking to see, you know, why do they
5 want to do these regulations. And so this is what they
6 say. They say, this notice of proposed rule-making is
7 intended to address serious safety and environmental
8 concerns revealed by various recent train accidents and
9 incidents involving high-hazard flammable trains.

10 This rule-making is proposing requirements
11 designed to lessen the frequency and consequences of train
12 accidents involving unintentional release of flammable
13 liquids and high-hazard flammable trains.

14 The growing reliance on trains to transport large
15 volumes of flammable liquids, particularly crude oil and
16 Ethanol, poses a significant risk to life, property and
17 the environment. These significant risks have been
18 highlighted by the recent instances of trains carrying
19 crude oil that derailed in Casselton, North Dakota,
20 Aliceville, Alabama, and Lac-Megantic, Quebec, Canada, and
21 recent instances of trains carrying Ethanol that derailed
22 in Arcadia, Ohio, and Cherry Valley, Illinois.

23 These regulations just came out on August 1, a
24 couple weeks ago. They're just starting to look at them
25 now and make some -- you know, think about them, and get

1 some comments on them, and you have an opportunity for the
2 public to weigh-in, and experts to decide whether or not
3 these regulations are adequate or not. And some folks
4 here have indicated that they don't think that they are.

5 But some of the things that they address are
6 really important, I think, to what is going on here.
7 These regulations include things like notification of
8 State Emergency Response Centers, or other appropriate
9 state-delegated entity of petroleum/crude oil train
10 transportation.

11 Phase-in requirements for updated braking devices
12 and braking systems. Sounds to me like we've got outdated
13 braking systems and devices now if we need to update them.

14 And speed restrictions for rail cars that do not
15 meet the State for DOT specification, as well as a slow
16 phase-out of the .111 cars.

17 So, you see, there's a lot of things in these
18 regulations that are important to be settled and
19 determined before approving this project. And that would
20 be just --

21 My final point is, no decision on the proposal
22 should be made until these new regulations governing
23 high-hazard flammable trains -- that's their term. A new
24 term, because it's a new concept that hasn't been dealt
25 with well in the regulations up until now. Until those

1 regulations are fully vetted and finalized in accordance
2 with law, there should be no decision on this proposal.
3 Thank you.

4 COMMISSIONER DEAN: Thank you.

5 Next speaker, please.

6 Larry Oppenheimer. Dave Dickey. Rick Stierwalt.
7 Frank Sautz or Saitz. I'm not sure if it's S-A-U-T-Z or
8 S-A-I-T-Z.

9 Okay. Already spoke.

10 Anna Rikkelman. Teresa Jensen. Larry
11 Fullington.

12 Hi.

13 MS. RIKKELMAN: Good evening. My name is Anna
14 Rikkelman. I've been residing in the Bay Area for 25
15 years.

16 I'm speaking in front of you tonight to highlight
17 my support of progress, protection of the environment,
18 positive influences on our Bay Area economy and the
19 creation of jobs, all of which are noted in the EIR draft.

20 I'm here tonight to speak in support of Valero
21 refinery's Crude-By-Rail Project.

22 First and foremost, my reference to environment:
23 Valero has consistently supported and worked to improve
24 the environmental safety and modernize the refinery in
25 Benicia. Past projects approved by the Benicia Planning

1 Commission have seen success in reducing emissions,
2 waste-water discharge and overall energy consumption.
3 Transport of crude-by-rail will significantly reduce air
4 emissions by shifting away from transport-by-ship, just as
5 noted in the Draft EIR. The Crude-By-Rail Project is the
6 next step to improve the refinery while keeping in
7 compliance with the strict environmental standards set
8 forth by local, state and federal regulatory agencies.

9 Regarding progress, the project is not the first
10 of its kind, so why all of this attention and hullabaloo?
11 The need to transport crude-by-rail has grown
12 significantly in the past few years as America has found
13 significant domestic energy sources throughout the U.S.
14 Just as recent in the August 1st and June 11th Wall Street
15 Journal, it was reported that crude-by-rail projects to
16 help transport domestic resources to other parts of the
17 country are growing. These projects are growing. These
18 projects are being approved in other parts of the country.

19 The project here provides more of an opportunity
20 to also buy American by using domestic sources instead of
21 sources outside of the U.S. and abroad.

22 When you look around this room at those who
23 oppose the Valero Crude-By-Rail Project, I really have to
24 question: Is the opposition really about the technical
25 aspects of this project? Is it about the Draft

1 Environmental Impact Report? Or is it really about
2 progress and opposition; opposition to anything and
3 everything that may look, smell or feel like progress?

4 And finally, regarding positive impacts to our
5 Bay Area economy and job creation. These Bay Area
6 refineries are huge employers in our communities. They
7 provide great paying jobs and they have wonderful
8 benefits, even into retirement. There aren't that many
9 employers or that many industries out there anymore that
10 offer such.

11 The Valero refinery alone employs 450 workers,
12 with an additional 250 contractors and consultants who
13 support this refinery on a daily basis. It's projected
14 that this project would create about 120 skilled craftsman
15 jobs during construction, and at least 20 additional
16 full-time jobs.

17 And the refineries are also, as well as Valero,
18 very good charitable supporters of the community. This
19 refinery alone, I understand, has given almost \$14 million
20 to local charities over the past 10 years. Comments were
21 made earlier tonight sort of sneering at those statistics.
22 You know, for any of those of us in the room who have been
23 unemployed in the past, as I have, you know, one job, even
24 if it's 20 jobs, just to have one of those 20 would be a
25 great asset to have.

1 If anyone in this room has ever fund-raised,
2 maybe \$14 million to local charities over the past 10
3 years isn't a big deal, but if you've ever fund-raised or
4 had some personal pet causes of charitable organizations,
5 even a \$100 donation means a whole lot.

6 I do believe that this Valero refinery's proposed
7 Crude-By-Rail Project does provide a new opportunity to
8 continue to refine crude oil in a very safe,
9 environmentally conscious way. It's also going to
10 decrease emissions, increase domestically source crude and
11 create jobs, all of which are stated in the Draft EIR.
12 It's a good thing. It represents progress. I'm happy to
13 speak tonight in support of the project. Thank you.

14 COMMISSIONER DEAN: Thank you.

15 Hi. Good evening.

16 MR. FULLINGTON: I'm Larry Fullington. I've lived in
17 town for 29 years. I think history, reputation and track
18 record are important segments in responsibility in
19 handling -- I'm sorry -- in sustainability of a project,
20 especially one of this degree. This refinery has been in
21 this town since 1969, much longer than many of the homes
22 in our town. It was built and operated by Humble, and
23 then Exxon, and then ExxonMobil until Valero came in in
24 2000. During that entire time of 45 years, I don't
25 believe there's been even one recorded case of a tank car

1 overturning, rupturing and exploding on the refinery
2 grounds. This seems to me like a whole lot of safety and
3 good responsibility.

4 As to safety of Valero specifically, they are one
5 of the safest in the nation. They have received the
6 prestigious VPPP Star award from Cal/OSHA for going above
7 and beyond the Cal/OSHA safety standards and procedures.

8 They have maintained this every year since 2006
9 and have gotten recertified three different times since
10 that time. They truly care about safety and they practice
11 it.

12 Now, let's talk about the volatile cargo that
13 will be coming in. There are many types of crude used in
14 processing the finished products, some more volatile than
15 others. But there is no crude coming in now, or will be
16 coming in, that comes even close to the volatility of some
17 basic, everyday products. These products, such as propane
18 and butane, have been produced at refineries for years. I
19 don't recall anyone protesting the production of these
20 products. The protest started because the Benicia
21 refinery, Valero, wanted to get a permit to upgrade their
22 premises and to make their business more efficient safely.

23 As to the transporter, the Union Pacific company
24 is one of the most prestigious firms in the country, and
25 has a long and distinguished safety record in our nation's

1 history.

2 The Draft EIR says that an all-train release
3 accident from Roseville -- not all over the country --
4 from Roseville to here, is a probability factor -- and
5 there's where the "111 years" comes from. In the Suisun
6 Marsh, the factor is once every 262 years. That's pretty
7 much off the charts. And these people are qualified
8 people. They're doctorate degrees, they worked hard, they
9 earned what they got, and I suspect they are integrity.

10 One of the favorite examples used by the
11 opponents of this project seems to be the terrible
12 accident that happened in Lac-Megantic, Canada, last year.
13 As we know, an unmanned train got loose, ran down a hill
14 doing 60 to 70 miles an hour, derailed and blew up. It
15 killed 47 people. It was tragic.

16 Also, the circumstances up there were not even
17 close to the situation here in the Valero refinery area.
18 There's no comparison. And the reason I say that,
19 Valero's project would be on level land, no hills to race
20 down, the speed limit is 10 miles per hour, which it would
21 probably be much less than that on numerous occasions. If
22 a car derailed at that speed on level ground, it would
23 probably do exactly what it did do recently, just sit down
24 on the road dead, with no significant damage. As I
25 recall, they were back in business in about half a day.

1 Also, Valero will be using only the new
2 reinforced cars for the project. And they're gonna be
3 made by reputable, first-class companies; Greenbrier is
4 one of them and Trinity is another one.

5 After 45 years, with no tank car explosions at
6 this refinery's entire history, I would say that bodes
7 well for the next 45 years.

8 Now, let's look at some of the other benefits
9 that Valero brings. I don't want to go into too much
10 repetition, because you've already heard them. But the
11 20, full-time jobs, good-paying jobs, Benicia needs those.
12 The 120 skilled craftsman that will be here during the
13 construction phase, Benicia needs those. The millions in
14 taxes, wages, economic benefits, of course.

15 Reduce our dependence on foreign oil, that's
16 number 2, behind safety, with me. That's absolutely
17 vital.

18 Ensuring our city can continue to provide by the
19 services that, yes, they gave 24 percent of our general
20 fund last year; I won't dwell on that too much, you've
21 heard that recently, but it is significant.

22 In the last decade Valero and their employees, as
23 previously mentioned, \$13.7 million to various charities.
24 These are good citizens who care about their city.

25 Valero is a responsible, safety-oriented company,

1 and we are fortunate to have them as a good corporate
2 neighbor and partner.

3 I urge you to support this project.

4 COMMISSIONER DEAN: Thank you.

5 Next speaker.

6 Okay. Teresa Jensen. Nick Daspota. Dan
7 Broadwater. Wafa Alfatesh. Jimmy Zimmerman. Tamara
8 Barjick.

9 Hi.

10 MR. DASPOTA: Good evening, Commissioners. My name is
11 Nick Daspota. I'm a resident of Richmond. I've lived
12 there for 30 years.

13 A lot of the discussion tonight has focused on
14 the benefits of the project, but I want to focus your
15 attention more carefully on the question exactly who
16 benefits. All of the assertions made over the last couple
17 of hours need to be examined more closely.

18 Perhaps you've heard, perhaps you know this, that
19 since 2005, the average consumption of petroleum, gasoline
20 in particular, in the United States, has been declining
21 since 2005. Over the last 10 years there's been a decline
22 in the consumption of gasoline, according to the U.S.
23 Energy Information Administration. And the reason is,
24 because of greater fuel efficiency and more locally
25 because of the recession, people drive less, they don't

1 use their cars as much, consumption goes down.

2 Corporation invested in the current paradigm, no
3 less than Exxon, forecasts that by 2035 there will be a 20
4 percent decline in the consumption of petroleum products,
5 and Cambridge Energy Association makes the same prediction
6 of 20 percent decline. So why this enormous increase in
7 the transport of crude?

8 Well, the answer is obvious. It's for the export
9 market. It's not for the domestic market. So we have to
10 ask ourselves: Who benefits from this? It's not that we
11 will enjoy greater energy dependence or lower prices,
12 because those prices are set on world market. The people
13 who benefit are not residents of this area. They're the
14 entities that license the land, they're the shareholders
15 of the energy companies, they're the shareholders of the
16 railroad companies. Those are the people who benefit.

17 And who bears the burden? Long term, the people
18 who bear the burden are in this room, are in this
19 community. They bear the risks. And the longer that we
20 delay a transition into a clean energy future, the longer
21 we put off the support for wind, hydro, solar, the more we
22 risk long term. There's a kind of a technological
23 imperative that works here. Maybe it's a capitalist
24 comparative: Because it's possible, it's necessary.

25 Well, because it's possible, it isn't necessary.

1 We don't want to go down this route. Thank you.

2 COMMISSIONER DEAN: Thank you.

3 Next speaker.

4 Good evening.

5 MR. BROADWATER: Yes. Good evening, Commissioners.

6 And thank you very much for your time allowing me to
7 speak. My name is Dan Broadwater. I'm business manager
8 of IBEW Local 180 in Napa, California, but my jurisdiction
9 is part of Solano County, which entails the Valero
10 refinery. I did turn in a letter of support for the
11 project. A lot of the items that I've put in my letter
12 have already been spoken about tonight. So there were a
13 couple other items that I heard this evening that I
14 thought was worth addressing.

15 And several of the speakers have been very
16 passionate about their opinion, you know, on the project,
17 and I just keep going back to the fact that, with your
18 position up there: It's about the law and it's about the
19 facts, and that's what you're going to base your opinion
20 on. It doesn't matter about how I feel or what any of
21 these other folks feel about this project. It's about
22 facts-specific about this project, and about this document
23 that we're talking about here.

24 If I'm not mistaken, you know, the way I
25 understand it, the Draft Environmental Impact Report will

1 become the Environmental Impact Report, and hopefully be
2 approved, and approved by the City Council, is it's a
3 local document. I hear all of this talk about the
4 upstream issues with the railroad and Bakken crude and all
5 of this stuff. I think all the facts are in the
6 Environmental Impact Report. If those folks don't choose
7 to do the research and read it themselves, it's a
8 complaint that maybe they haven't been informed about it
9 and stuff, get online like the rest of us did, and read
10 the thing. It's not our fault that some people aren't
11 savvy enough to get the information on their own.

12 You know, talk about being personally involved
13 with a project like this. My family moved to Benicia
14 right at the beginning of the war, and my grandmother
15 loaded bullets out there at that place, and all during the
16 war. Grandfather was a carpenter. When that refinery was
17 built, he worked out there, you know.

18 So, I do have ties to this city. I have more
19 ties than just my family. I represent the people that
20 make their living out there, that help support this city.
21 I hear all this talk about these billionaire oil
22 refineries and big business and stuff. Man, I wish every
23 person that worked out there at that refinery was a
24 millionaire. Due to the stock that they own in that
25 thing, they deserve it. They work hard for it. And who

1 am I to tell somebody how to do their business, how
2 they're going to bring their crude in here? Shame on
3 anybody that would dictate to a company how to run their
4 business. You know?

5 So, please: The facts. Utilize the facts to
6 make your decision. Thanks.

7 COMMISSIONER DEAN: Thank you.

8 Hi, good evening.

9 MR. RYBARCZYK: Mr. Chairman, Mr. Tom Rybarczyk is
10 yielding his time to another person who has a speaker card
11 submitted, Mr. John Flynn.

12 COMMISSIONER DEAN: Okay.

13 MR. FLYNN: Chair Dean and members of the Commission,
14 my name is John Flynn. I'm an attorney assisting Valero
15 on various legal aspects related to the Crude-By-Rail
16 Project. Good evening.

17 What I'd like to do tonight in these brief
18 remarks is add some additional, and I think essential
19 context, to the discussion about the review process for
20 the project DEIR. The purpose of an EIR, as you've heard
21 already, is to disclose project impacts, project
22 alternatives, and to propose mitigation measures where
23 necessary. But there are numerous exemptions under CEQA.
24 Not every development project approved by a government
25 agency in the state of California is subject to CEQA

1 environmental review. That's how the law works. That's
2 how it's worked from the beginning.

3 More to the point: CEQA applies only to
4 discretionary approval. And there is no City discretion
5 involved in the operation of railroads. That's a
6 fundamental fact about this project. That's because we
7 decided as a nation, not as a state, not as a county or as
8 a city, but as a nation, a long time ago that railroads
9 were so important to moving people and goods around the
10 country, that a patchwork of rules that change from state
11 to state, county to county, and city to city, would be
12 completely unworkable.

13 It doesn't take much imagination to comprehend
14 that reality.

15 So the exclusive right to regulate railroad
16 operations belongs to the federal government. The word we
17 use to express that reality is "preemption."

18 So what are the implications of preemption for
19 the DEIR review process?

20 First of all, it means that the DEIR, now out for
21 public comment, goes above and beyond -- far above and
22 beyond -- what CEQA requires. In fact, it is our view
23 that the DEIR even goes beyond what the federal law
24 permits. Since the City has no legal authority to
25 regulate railroad operations, the City could, therefore,

1 have legally excluded impacts of rail operations from the
2 DEIR altogether, but the City has not done so, with the
3 obvious intent of promoting full disclosure.

4 The City has also correctly acknowledged in the
5 Draft EIR that there are federal limits on the City's
6 discretion to approve railroad operations and to impose
7 mitigation measures and conditions of approval.

8 I know that everyone in this room would agree the
9 context is essential to any fair discussion about anything
10 important. Half-truths of course serve no good purpose.
11 And context in this case includes the reality of our
12 federal legal system, and the preemptive right of the
13 federal government to regulate the railroads.

14 The effects of rail operations are, therefore,
15 outside the discretionary authority of the City of
16 Benicia, and are, in addition, therefore, outside the
17 scope of CEQA, and certainly cannot justify any delays in
18 the review process for the DEIR, and it is precisely
19 because of that federal preemption. That the fact that
20 there is a rule making pending currently with respect to
21 tank car safety standards, that that cannot be an
22 excuse -- one that's been kind of urged upon you by a
23 number of speakers so far tonight -- that cannot be a
24 reason because of federal preemption. It's a
25 decision-making process that belongs exclusively to the

1 federal government. That cannot be a reason for delaying
2 the permitting process for this project.

3 Now, does that mean your voice -- and I'm talking
4 now to everybody who is listening in the room, otherwise,
5 television, wherever they might be listening -- does that
6 mean you don't have a voice about tank car safety? No, it
7 doesn't. It does mean that the right agency is the
8 Pipeline and Hazardous Materials Administration in D.C.
9 And that comment period is still open. It's open until
10 September 15. It's not right, fair or reasonable for
11 anybody in this room to say or make demands upon this City
12 to do things that it doesn't have the power to do. But
13 there is an agency where that voice can be heard, and
14 that's where those comments should be directed.

15 The City has drafted an EIR for review that it
16 can be proud of, going above and beyond. The importance
17 of that aspect of this process cannot be overlooked in
18 tonight's discussion or hereafter.

19 We look forward to a full hearing on the EIR and
20 on our project application at the earliest time possible,
21 and I thank you for your consideration of my comments.

22 COMMISSIONER DEAN: All right. Thank you.

23 Hi. Good evening.

24 MS. ALFATESH: Hi. Good evening, Commission, Board,
25 Staff and my fellow neighbors. My name is Wafa, and I'm a

1 Benician citizen. I'd like to begin by thanking you for
2 giving me and the people before me an opportunity to get
3 up here and voice our opinions on this project.

4 And as a Benicia citizen and someone who's had
5 some background in environmental engineering, I gave the
6 City of Benicia's Draft Environmental Impact Report a very
7 thoughtful consideration. And after my review, I really
8 did believe that it was very thorough, complete and
9 comprehensive and pretty clear. And like people said
10 before me, just because we didn't understand some things,
11 doesn't mean they're not true. We should really be
12 focusing on the facts here.

13 And, yeah, so I do support the EIR going forward.
14 Thank you.

15 COMMISSIONER DEAN: Thank you.

16 Jerry Zimmerman. Tom Rybarczyk. Chris Price.
17 Kevin Coleman. Ed Yarbrough.

18 Hi. Just come forward, whoever's ready.

19 Good evening.

20 MS. PRICE: Good evening, Mr. Chairman, members of the
21 Planning Commission.

22 COMMISSIONER DEAN: Could you say that again.

23 MS. PRICE: I said, Good evening, Mr. Chairman, and
24 members of the Planning Commission.

25 My name is Christine Price. I've been a Benicia

1 resident for two years, so I'm very new to this, and I
2 just would like to reiterate that I'm not a supporter at
3 this point of time for this rail project going through.

4 My property backs onto Valero open space, and my
5 personal experience -- well, first of all, when I bought
6 my property backing up onto the open space, nothing was
7 disclosed to me by Realtors or anything, that this project
8 was even in the works. I would have seriously considered
9 buying a property in Benicia had I known these things.

10 Anyway, I'm a concerned citizen, that not enough
11 information has been made public. I knew nothing about
12 this project until somebody called me and said, "Get a
13 copy of this report." And I'm not saying that I don't
14 know all of the things that have been staged about Valero.
15 I believe tonight you wanted comments on the draft report.
16 I believe it is flawed based on many things that have been
17 said tonight. I have read it. There's a lot I do and I
18 don't understand, and I come from nearly 30 years as a
19 legal professional.

20 So I'm just standing up here to say, I'm a
21 regular, retired person, come to live in Benicia. I
22 believe my house property will go down if this project
23 goes through.

24 And I would ask that you would very carefully
25 tonight, would discern between what's been said at this

1 meeting regarding the EIR report and everything else,
2 because that's what I -- we were informed by Mr. Chairman,
3 that we were to speak on tonight.

4 And I just appreciate everybody who spoke from
5 the opposition of this report going through at this time.
6 It needs to be looked at very, very carefully, from every
7 angle. And I believe that you have a responsibility to
8 get more information out to the Benicia public, regular
9 people. People in my area know nothing about this
10 project.

11 There's another thing I'd like to say is:
12 Accidents do happen. It happened to me two weeks ago.
13 Not one accident happening is worth the loss of a human
14 life, because when you have had like a child die
15 prematurely in a tragic accident, nothing stands the risk
16 of you not looking at what the risks are of bringing a
17 project like this, the impact on Benicia that it will
18 have, if there is an accident.

19 Thank you very much.

20 COMMISSIONER DEAN: Thank you.

21 Hi, next speaker.

22 MR. YARBROUGH: Hello. My name is Ed Yarbrough. I've
23 lived in Benicia for 42 years. My wife Linda and I have
24 raised our family here. I have two sons and four
25 grandchildren that live in this wonderful community. And

1 I support this project one hundred percent.

2 And I'm also a retiree of the Benicia Refinery.
3 I worked there 35 years. In my work there, I was over the
4 fire department. I was over the rail lines. I was over
5 the docks. All of oil movements. I had responsibility
6 for equipment reliability. And the one thing I can say is
7 that I'm really proud that I worked for employers that
8 were honest, believed in excellence in operation, and
9 honesty. And if you wanted to get in trouble for any one
10 of these employers, was to go out and lie to the community
11 on behalf of the company. Your career would be over.

12 What I'd like to say, too, is that I've been fire
13 trained Texas A&M up in Reno. Nevada, as well. I have
14 taught those classes. I have coordinated the schools, in
15 fact. I've worked with the City of Benicia's Fire
16 Department -- it was Ken Hanley back then -- but worked
17 with them extensively. I have fought petroleum fires. I
18 know a little bit about it.

19 What bothers me, one of the things that bothers
20 me, when they talk about propaganda, is that people want
21 to compare the energy that's in dynamite to the energy
22 that's in a rail car. It's true the energy is the same.
23 You can compare them on energy. But not on explosiveness.
24 What you have in dynamite, it detonates. All the energy
25 is released in fractions of a second. It's huge. And

1 there's a massive wave of energy and damage from that.

2 What you have in petroleum products is a boiling
3 liquid expanding vapor explosion. What that is, is in a
4 container, you heat the container, it gets hot enough,
5 container fails, and you have a large fire, and a minor
6 explosion, as compared to dynamite. So it's not even
7 comparable. Dynamite, you have that match of it down
8 there, and it exploded. I'd want to be miles from that.

9 Rail car on fire, worst-case situation -- I've
10 read the EIR -- it says the nearest resident is 3,000
11 feet, the closest one. If that ever happened, I'd be glad
12 to go stand at that residence and watch the City's
13 professional Fire Department and Valero's professional
14 Fire Department control, contain and extinguish that.
15 There's just no comparison of those.

16 Secondly, another thing that bothers me, is if
17 you're against crude-by-rail, you're against domestic
18 crude. That is the only way that domestic crude can be
19 ran on the West Coast. There are no pipelines. There's
20 no other way to get it here. So if you're against
21 domestic crude, don't want the country to run that, that
22 means by default you're for foreign crude.

23 Now, we talk about relative risks. The risk of
24 someone in Benicia being injured by this Crude-By-Rail
25 Project is minuscule. But the risk to our children, our

1 grandchildren, of depending on foreign crudes, is our
2 government will go to a shooting war in a heartbeat over
3 crude and energy supplies. They have done it. They will
4 do it. They have to do it. And certainly there would be
5 a risk to the youth of Benicia in the military to go and
6 try to continue to secure those things.

7 So we ought to all be doing everything we can to
8 get on domestic crude, and that includes crude-by-rail.
9 The risks are far greater than they are if you leave it
10 like it is.

11 The EIR is good. I've read it. It's done by
12 professionals who have integrity. They're not gonna lie
13 in these things, they're going to give their best
14 estimates. If the situation were reversed, and Benicia
15 Refinery had been bringing in crude-by-rail for all these
16 years, and they wanted to change and start bringing in
17 more by ships, we'd have the same activist groups that
18 would be bringing in all kinds of issues and question the
19 EIR for doing that. So this is change, and it's change
20 for the better.

21 We should all back this, support this, and do our
22 best to see that it's approved.

23 Thank you very much.

24 COMMISSIONER DEAN: Thank you.

25 Hi. Next speaker.

1 MR. COLEMAN: Good evening, Commissioners. My name is
2 Kevin Coleman. I'm a business agent for the International
3 Brotherhood of Electrical Workers, Local 180.

4 As a business agent of IBEW Local 180, I help
5 represent over 600 electricians throughout Napa and Solano
6 counties, including many who have worked at the Valero
7 Benicia Refinery and continue to do so on a variety of
8 projects.

9 Contrary to what was mentioned earlier by the
10 gentleman who works in Richmond, Valero has been a great
11 partner of the local building and construction trades.
12 While the work here is diverse, one thing remains the
13 same: Valero has demonstrated a consistent day-in,
14 day-out dedication to safety that is truly commendable.

15 The Valero Benicia Refinery is a model partner on
16 projects. The site is one of the newest in the nation.
17 And the refinery's emphasis on extensive standards and
18 protocols ensures a safe work environment for all.

19 Fair wages, economic activity stimulated by
20 construction, and the temporary jobs it requires, and a
21 commitment to community safety, these all make Valero a
22 community partner that benefits all of us.

23 The Crude-By-Rail Project is an opportunity for
24 the refinery to remain competitive, as you've heard, while
25 creating 20 permanent, full-time, good-paying jobs, and

1 requiring over 120 skilled craftsman jobs during
2 construction. This will provide the significant economic
3 boost to the region, and will help Benicia's largest
4 employer remain competitive.

5 The Draft EIR adequately and reasonably addresses
6 the risks involved and signifies a project that is a
7 win-win proposition for Benicia and Valero. I thank you
8 for your time.

9 COMMISSIONER DEAN: Thank you.

10 Looking for Jerry Zimmerman. Tom Rybarczyk. Jon
11 Youmans, Y-O-U-M-A-N-S. Then Jerry Stumbo. Tom Russell.
12 Any of those speakers available?

13 Rebecca Sgambati, S-G-A-M-B-A-T-I.

14 Hi.

15 MS. SGAMBATI: Good evening, Commissioners. I
16 appreciate your time. I appreciate your consideration of
17 this project. And I want to just start by thanking the
18 City staff for the Draft EIR and all the work that has
19 gone into that, and the thorough review that they've put
20 this project through.

21 I also want to thank the Valero employees that
22 have participated in development of this project, and
23 thank the hundreds of supporters that have made their
24 voices heard in support of the project.

25 I am the director of engineering of major

1 projects at the refinery, so my group has been very
2 involved in this project development, and we believe in
3 this project.

4 This project will provide us crude feedstock
5 flexibility, which allows us to remain as one of the
6 strongest regional refineries that produce clean burning
7 fuels. This project ensures our refinery is able to
8 employ over 450 local workers, with over 250 additional
9 contractors. It fuels the local economy, with an
10 additional 120 construction jobs. It also provides 20
11 additional full-time jobs upon completion.

12 In total, Valero's activities create or support
13 3900 jobs in the region, creating 1.6 billion in
14 additional compensation in the region. Annually, the
15 direct and indirect compensation Valero generates in the
16 region is comparable to the Solano County's entire
17 professional scientific and technical industries.

18 Since 2006, Valero has paid over \$3 billion to
19 contractors, with over two-thirds of that being to
20 businesses in the region, and 400 million to contractors
21 in Benicia, generating 4.3 billion in economic activity.
22 To put this in perspective, this is the equivalent of
23 completing the recent Carquinez Bridge upgrade 15 times
24 over.

25 Our tax contributions represent approximately 25

1 percent of Benicia's 2013 general fund. This \$7.7 million
2 is enough to fully fund the entire fire department, the
3 City Council, the City Attorney, and the City Clerk with
4 hundreds of dollars left over.

5 We are vested in this community on a charitable
6 level as well, and donating untold hours to several
7 programs, including our high school tutoring program.
8 Over \$13.7 million has been donated to local charities
9 over the last decade, including children charities and the
10 local food bank.

11 In closing, I'd like to ask that the Commission
12 approve our Crude-By-Rail Project request. Thank you for
13 your time.

14 COMMISSIONER DEAN: Thank you.

15 Next speaker, please.

16 MR. RUSSELL: Hello Commissioners. Thanks for the
17 opportunity. My name is Tom Russell. I'm a Benicia
18 resident for 24 years. I'd like to speak on a point on
19 the DEIR that I haven't heard yet discussed.

20 CEQA requires the Environmental Impact Report to
21 evaluate likely outcomes of this proposed project, and
22 they, as we know, are many and varied, the outcomes.

23 I'd like you to consider the following: First,
24 for many years now the oil industry as a whole has made it
25 clear that they want to move Canadian tar sands and Bakken

1 crude to the coast as quickly as possible for export.
2 Specifically for export as not refined fuel but as crude
3 oil.

4 In fact, President Barack Obama used his power of
5 executive office just last month to all but terminate a
6 four-decade restriction against exporting domestically
7 produced crude oil.

8 Secondly, in 2010 Valero applied for and received
9 free trade zone, protecting them from federal trade
10 tariffs.

11 Valero spokesman, Bill Day, was quoted as saying,
12 "This will assist with exporting finished fuels."

13 Thirdly, Valero is limited by the air quality
14 permit to a maximum amount of oil it can refine on any
15 given day, but there's no restriction on how much oil can
16 be brought in or shipped out of the refinery.

17 And this has been said over and over, but I think
18 it bears repeating, in the circumstance that Union Pacific
19 will not agree to any limitations on the volume of product
20 it ships, the frequency route, configuration of such
21 shipments, as we have talked about.

22 The fifth point here is, according to this
23 proposal, Valero's port asset is being idled; since
24 they'll be bringing in crude-by-rail, they will not have
25 any need for its port.

1 Return-on-investment theory suggests that that's
2 not in their best interest.

3 When I learned about all of these things, I
4 wondered what is keeping -- so let me go back two
5 sentences.

6 The likely outcome of this is that Valero will
7 bring in as much crude as is physically possible by crude
8 trains, in whatever configuration, and whatever times UP
9 sees fit. Valero will run their refinery capacity
10 regardless of what the domestic demand is. And then any
11 additional crude stock will be sold overseas and shipped
12 out of the port.

13 The claim of environmental impact there being
14 lessened will therefore be negated by using those ships.

15 When I learned about all these issues, I wondered
16 what is keeping the oil from being exported currently, and
17 it's one thing. The fact that Valero needs an offloading
18 rack to make this a workable situation.

19 By green-lighting this project you'll green light
20 that offloading rack and the refinery will have everything
21 it needs in place to turn Benicia into a major, if not the
22 largest, crude export hub on the West Coast.

23 The DEIR allows for it. It's a likely outcome.
24 And as such, it must be -- it must be -- addressed in the
25 EIR.

1 The last one thing I want to say is to the
2 previous speaker who called this project "progress" and
3 accused me of being just afraid of progress. I contend
4 that pumping chemicals into the earth to extract some of
5 the ugliest crude available, and then burning it, is far
6 from progress. Thank you for your time.

7 COMMISSIONER DEAN: Yeah. Thank you.

8 Before we call any more speakers, I get the sense
9 maybe the Commission should take a break. I guess the
10 question is how much longer are we going to be. We have a
11 lot of cards left. Keep going?

12 UNIDENTIFIED SPEAKER: Microphones, please.

13 COMMISSIONER DEAN: So the Commission says no, we'd
14 like to continue. And we'll keep going until we hear all
15 the speakers. Okay. We'll call some more names.

16 Okay. Chris Wilburn. Joe Muehlbauer.
17 M-A-C-H-L-bower. Cameron Wicklow. James Bolds. Don
18 Cuffel.

19 Hi.

20 MR. WILBURN: Good evening. My name is Chris Wilburn.
21 I work for the Valero Benicia Refinery as manager of
22 business services. That's basically the equivalent of the
23 financing accounting manager of the refinery. I live here
24 in town. My children attend school here. They're active
25 members of school sports and band. I've coached sports

1 teams in Benicia: Baseball, softball, soccer and
2 football. I volunteer for schools and other community
3 events. I support local businesses and I pay taxes. I'm
4 a part of this community.

5 The refinery is also a part of this community.
6 It provides volunteers for community service and purchases
7 goods and services from someone as small as the local hot
8 dog stand, to a multimillion-dollar scaffolding company.

9 I believe in this project. It provides
10 flexibility to our business. Any business owner wants
11 flexibility in the inputs they need to procure to make
12 their finished product, whether it's cabinets or tires,
13 concrete, jewelry, groceries, or our business: Refined
14 petroleum products.

15 It also adds jobs at the refinery to provide
16 additional economic impact to the community.

17 I believe in the safety culture of this plant and
18 this company. I know you've heard a lot of it before, so
19 I'm going to phrase it a little different way. In the
20 State of California, there are 1.8 million businesses.
21 Only 88 of them are certified as VPP Star sites. So I'll
22 do the math for you. That's five in one-thousandths of a
23 percent. So it's a very rare company, and that's the
24 company you're dealing with.

25 I believe in this Draft EIR. The City has met

1 its responsibility in preparing this Draft EIR and it
2 addresses all the pertinent impacts of this project. I
3 believe the City has, in providing sufficient time, for
4 the community to review the Draft EIR and provide
5 feedback.

6 I believe the Planning Commission should support
7 this project and approve as we move forward in this
8 process. Thank you.

9 COMMISSIONER DEAN: Thank you.

10 Next speaker, please.

11 MR. BOLDS: Good evening, Mr. Chairman, and members of
12 the Commission. My name is James Bolds. I am managing
13 consultant of Bolds & Associates from Montgomery, Texas.
14 My firm specializes in railroad tank car consulting. I
15 have 33 years' experience in the specification and
16 maintenance of railroad tank cars transporting hazardous
17 materials.

18 Since early 2012, I have been retained by Valero
19 to assist in the specification and acquisition of new rail
20 tank cars, including the tank cars that will be used for
21 this project. I am glad to be here tonight to lend my
22 expertise to the information being placed before this
23 Commission.

24 I have a Bachelor's degree in mechanical
25 engineering and a Master's in business. I have extensive

1 experience in the specification and maintenance of tank
2 cars. Through my experience at Union Carbide for 27
3 years, I became the subject matter expert in the
4 transportation of hazardous materials in tank cars for the
5 corporation.

6 Over the past 25 years, I have served as chairman
7 of numerous task forces of the AAR tank car committee.
8 The AAR is the Association of American Railroads, which is
9 an industry association whose membership includes all of
10 the major North American railroad companies.

11 AAR's mission includes development of technical
12 standards directed at the safe operation of railroads.
13 Please note, that the AAR is not a governmental agency.

14 One of the missions of the tank car committee is
15 to develop tank car standards, which include the CPC 1232
16 tank car, specifications for the safe transportation of
17 crude oil, Ethanol and petroleum products.

18 My role for Valero, in the acquisition of these
19 CPC 1232 tank cars, is to develop and recommend tank car
20 specifications, review construction drawings for the new
21 tank cars, and inspect the tank cars through the
22 fabrication and construction process.

23 Valero is committed to the acquisition of tank
24 cars that meet the CPC 1232 specification. And in
25 addition, they're committed to complying with federal

1 regulations. All tank cars that Valero has ordered for
2 this project indeed meet the CPC 1232 standards.

3 I would like to make it clear, that CPC 1232 cars
4 exceed the requirement of current federal regulations for
5 tank cars. The U.S. Department of Transportation
6 regulates and enforces tank car specifications. Tank cars
7 that transport crude oil are identified as Department of
8 Transportation or DOT 111 tank cars. DOT 111 tank cars
9 built to the CPC 1232 standard incorporate additional
10 safety features. The CPC 1232 tank car standards were
11 recommended by the Association of American Railroads. The
12 DOT is currently reviewing those standards for inclusion
13 into the federal regulations.

14 Please note, CPC 1232 safety features include:

15 One, fabricated from the best available,
16 high-strength steel for tank car construction.

17 Two, the steel is thicker than the Legacy DOT 111
18 tank car construction.

19 Number 3, they have re-closing safety valves
20 which allows for controlled release of pressure and
21 minimizes the release of the tank car contents.

22 Number 4, these tank cars have top fittings
23 protection which protect all of the top valves.

24 And Number 5, they're equipped with head shields,
25 which gives the car resistance against puncture potential.

1 The Legacy DOT 111 tank car is not equipped with
2 these additional safety features. Nor, will those cars be
3 used in this project.

4 Valero has acquired CPC 1232 specification tank
5 cars for this Benicia project. The AAR considers the CPC
6 1232 tank car safe for the shipment of crude oil, that's
7 why the specification was developed.

8 COMMISSIONER DEAN: Sir, I'm going to have to ask you
9 to stop there. You've run out of time.

10 MR. BOLDS: Very well. Thank you, sir. Appreciate
11 your time.

12 COMMISSIONER DEAN: Thank you.

13 COMMISSIONER YOUNG: I'd like to talk about how we're
14 going to continue this. It is 11:30. We previously said
15 11:30 was our cutoff time. I have to admit that I'm
16 starting to fade a little bit, and not giving all the
17 concentration that this project requires, and I'd like to
18 discuss whether or not we should continue this onto the
19 September meeting. None of the Commissioners have had a
20 chance to make comments yet, and I want to be able to do
21 that. And I think it's a little late in the night to
22 expect full concentration. This is a very important
23 project, and I think it deserves everybody's best
24 attention.

25 COMMISSIONER DEAN: Okay. Well, we have a number of

1 speakers standing. Why don't we go through the folks that
2 have been called so far, and then we'll have that
3 conversation.

4 Okay. Hi. Next speaker.

5 MR. MUEHLBAUER: Hi. My name is Joe Muehlbauer, and
6 I'm a Benicia resident. I'm a member of the Benicia
7 Community Sustainability Commission. I'm also a Valero
8 employee.

9 I also tutor at the Benicia High School through
10 the Valero tutoring program, that actually my wife started
11 a couple years back. I coach Little League baseball, and
12 I frequent the James Lemos Pool downtown where my kids are
13 enrolled in swim lessons.

14 Just as you all are, I am here tonight because
15 I'm an involved member of this community. And the reason
16 I am an involved member of this community is because I
17 really do value where I live and the community we live in.

18 To me the Crude-By-Rail Project really represents
19 an investment to the community. It's an investment in our
20 community and an investment in our safety. It allows
21 Valero refinery to continue to support the City, to
22 continue to support our police and fire departments with
23 the staffing, the state-of-the-art equipment, and the
24 training that they have.

25 And there have been a few fair comparisons made

1 tonight to Mare Island and Vallejo. I do offer one more,
2 just reading on my phone here during some of the talk,
3 found out that, according to The Times Herald, Vallejo
4 actually right now is in the midst of a 27-year-high crime
5 spree. This is the highest crime rate that Vallejo's had
6 in 27 years. And last year they had 14 homicides in 2013
7 alone; whereas, Benicia, much to the credit of our Police
8 Chief and officers, is at the lowest crime level in 27
9 years, and hasn't had a homicide since 2011.

10 So what I realized is that having a strong, and
11 well-supported police department really does save lives.

12 This project not only represents the investment
13 in safety, but it represents an investment in our
14 environment. As a state in 2006, we set a target to
15 reduce our greenhouse gas emissions to the year 2000
16 levels by 2010. As a City, we took this to heart and
17 developed a climate-action plan to achieve this goal. So
18 how are we doing?

19 Well, in accordance with the City of Benicia 2010
20 Greenhouse Gas Inventory Report, and that period where we
21 were starting to reduce our emissions, they actually went
22 up by 41 percent. They went from 487,000 metric tons a
23 year, to 689,000 metric tons a year.

24 I see this project as an opportunity. The
25 experts that put together the Draft EIR state that the

1 Crude-By-Rail Project will reduce greenhouse gas emissions
2 by 255 metric tons of CO2 every year. That alone, this
3 one, single project would help -- in the context of
4 Benicia's emissions, it would get our emissions levels
5 down to our Year 2000 targets, below our Year 2000
6 targets.

7 So I do see this project as an investment in our
8 community. An investment in our topnotch school system;
9 an investment in our homes and our property values. Much
10 as the gentleman that spoke before me, I'm also a chemical
11 engineer. I just got an MBA from UC Berkeley. And this
12 is an investment that I wouldn't miss. Thank you.

13 COMMISSIONER DEAN: Okay. Thank you.

14 Hi. Good evening.

15 MR. WICKLOW: Good evening. Thank you, Commissioners.
16 Out of respect for everyone's time, I'll be brief. My
17 name is Cameron Wicklow. I'm as a resident of Benicia.
18 I've lived here most of the last 15 years. And I support
19 the project because of what it means for Benicia. It's
20 rare to have a project that has so many benefits, to
21 energy dependence, to reducing greenhouse gases and local
22 job creations and emissions reductions.

23 I'm also an engineer who has worked in or with
24 all areas of the refinery, including the environmental,
25 safety and operations departments. My first-hand

1 experience with the policies, procedures and people --
2 great people -- in these areas and the rest of the
3 refinery, gave me the confidence to want to live in
4 Benicia, and specifically to buy a house practically on
5 the fence line, next to two coworkers, next to an employee
6 from Chevron, who choose to live this close to the
7 refinery, based on what we know about it, and to raise our
8 children here.

9 As an engineer in this industry for over 15
10 years, I may have a little additional understanding of the
11 EIR than the average resident, or at least I'd like to
12 think so. I also know I'd never be an expert in all the
13 areas covered by the EIR.

14 Honestly, I'm pleased to see everyone here. I
15 think we're all here for the same cause. We all have good
16 intentions. We all are trying to do the right thing. But
17 as an engineer, I can't use anecdotes, rumors or emotions
18 to make my decisions. We have to use the real data and
19 rely on real experts. And I'm really pleased to see that
20 the City has done that. And, in fact, the City has gone,
21 I believe, beyond that, based on the full EIR, which we've
22 had many experts consulting over for the last year.

23 Let's think about how long we've been talking
24 about this and working on it. It's been well over a year
25 now.

1 So as Commissioners, you should feel confident
2 that the City has done everything and more than is
3 necessary to evaluate the environmental impacts of this
4 project.

5 And as a resident of Benicia, I'm urging you to
6 move forward and capture the many benefits to the
7 community and the environment as soon as possible. Thank
8 you.

9 COMMISSIONER DEAN: Okay. Thank you.

10 MR. CUFFEL: Good evening, Commissioners -- pardon
11 me -- City staff, and members of the public who are still
12 awake.

13 My name is Don Cuffel. I'm the environmental
14 manager at the Valero Benicia refinery. I've worked there
15 for 33 years. I recognize that for many people -- excuse
16 me -- this may be the first time that they have attempted
17 to understand the complexities of a Draft EIR. So it's
18 understandable to me that some folks arrive at the wrong
19 conclusion, particularly if they don't have some
20 additional context. So my goal tonight is to replace fear
21 with understanding -- let's start that process -- because
22 many people who come to this podium come here with fear.

23 To do that, I'm going to explore two specific
24 areas in the Draft EIR, and I promise I'll get it done
25 under five minutes.

1 The air quality section in the Draft EIR states
2 that the locomotive emissions will result in a significant
3 and unavoidable impact. On the face of it, that sounds
4 really ominous and potentially harmful, but the reader has
5 to understand that the vocabulary in CEQA has a different
6 meaning than everyday language. The word "significant" in
7 CEQA context means that a significant threshold was
8 exceeded, but not that there are necessarily health
9 impacts or safety issues associated with that.

10 In the case of locomotive emissions of knocks,
11 which is a precursor to smog, the significant threshold
12 varies by county from a low of 54 pounds a day in Solano
13 and Yolo counties, to 65 pounds a day in Sacramento, and
14 to 82 pounds a day in Placer County. Because the
15 threshold varies by county, then the notion of
16 significance varies, too. The locomotive emissions, if
17 you read the EIR, are not significant in Placer County,
18 but they are significant in Sacramento and Yolo Counties.

19 So if you're a resident of Yolo county, how
20 worried do you need to be? Can anybody answer that
21 question?

22 Well, look at the health risk portion of the
23 Draft EIR. There are no health risks associated with
24 these knocks emissions. Let's put it into everyday
25 context. The knocks emissions are equivalent to 10 round

1 trips of a Diesel RV between Benicia and Lake Tahoe. 10
2 per day. That's the amount of emissions we're talking
3 about.

4 So when you translate the significant and
5 unavoidable impact into everyday language, it doesn't seem
6 quite so fearsome. At least I hope that's the case.

7 Now, let's talk about the word "unavoidable."
8 "Unavoidable" simply means there's no mitigation available
9 for that impact. And the reason that no mitigation is
10 available has already been discussed this evening quite a
11 bit; it's because of federal preemption. So nobody can
12 regulate the emissions of the operation of the railroad,
13 other than the federal government. And we've all
14 discussed that beyond any necessary additional information
15 from me.

16 But that being said, we're not hiding behind
17 federal preemption. Both Valero and Union Pacific are
18 absolutely committed to safe and reliable operations of
19 the trains running through our communities. As you've
20 heard tonight, Valero has committed to using exclusively
21 the CPC 1232 cars with all of their benefits in resisting
22 puncture, should the worst happen.

23 That being said, when the standards for rail cars
24 change -- and they will -- we will comply with whatever
25 the federal standard is. That's what our job is, is to

1 comply with all the applicable federal, state and local
2 regulations.

3 So back to replacing fear with understanding. If
4 you're living in a community where our trains will pass
5 through, how worried do you really need to be? Hopefully,
6 understanding that the locomotive emissions are equivalent
7 to 10 daily RV round trips to Tahoe, and that the rail
8 cars meet or exceed the current safety standards set by
9 the federal government, will bring some peace of mind.

10 I'll close with one last point. This refinery
11 has successfully and safely transported butane and propane
12 by rail since 1969. Butane and propane are far more
13 volatile than any crude oil you can imagine. We've
14 demonstrated that handling petroleum products by rail can
15 be done safely. Thank you.

16 COMMISSIONER DEAN: Thank you. Let's -- I have 25
17 more cards for speakers. So what's the pleasure of the
18 Commission?

19 UNIDENTIFIED FEMALE SPEAKER: Microphones.

20 COMMISSIONER DEAN: So I have 25 cards in my hand of
21 people who have said that they still want to speak. Is
22 there anybody in the audience here that we can see who has
23 not filled out a card? I just want to be confident that
24 we have most of the desired speakers on record here.

25 Okay. I guess the question is do we keep going

1 until we hear everybody?

2 COMMISSIONER COHEN-GROSSMAN: I have two comments.

3 COMMISSIONER DEAN: Okay.

4 COMMISSIONER COHEN-GROSSMAN: One is, I see empty
5 seats. You have 25 cards and no one raised their hand
6 saying they haven't filled out a card. So are the 25
7 people who still want to speak in this room or in this
8 building or in this facility? And I don't need an
9 immediate answer, but my suggestion is to confirm we
10 really have 25 more speakers. Suggestion might be that if
11 anyone is still in the atrium or wherever, that they show
12 up in the room and raise hair hand. That's number 1.

13 Number 2, my feelings, I really don't want the
14 meeting to go past midnight. I don't function well in
15 public after about 10:00, but midnight is really the
16 witching hour.

17 COMMISSIONER DEAN: Okay.

18 COMMISSIONER COHEN-GROSSMAN: Thank you.

19 COMMISSIONER DEAN: Any other comments from the
20 Commission?

21 MS. SPRAGUE: I think it's a good idea we get an idea
22 of how many of those people are actually here and an
23 estimate of how much longer, then decide.

24 COMMISSIONER DEAN: Okay. Having said that, a raise
25 of hands -- we'll take a quick hand-count of who is still

1 in the room that would like to speak -- that has not
2 spoken before, yeah.

3 10 to 12. Okay. All right.

4 COMMISSIONER YOUNG: Yeah, I think it's fair to the
5 Commission and to the public that these 14 people -- we
6 haven't had a chance to say whatever we want to say -- and
7 if we were to close the public hearing, that opportunity
8 would be lost, unless we wanted to have some other agenda
9 item in September to make that happen.

10 So I would propose that we continue the public
11 hearing into September, and give these last 15 people an
12 opportunity and give the Commission an opportunity to say
13 whatever it is -- to raise issues, questions that we may
14 have, that we want to be sure are addressed in the final
15 EIR.

16 COMMISSIONER DEAN: So in other words, give everybody
17 who is here an opportunity to speak.

18 Maybe we could -- does the Commission have to
19 make its comments during the public hearing or can we
20 close the public hearing and then have the Commission come
21 back and make comments at a future meeting?

22 MS. WELLMAN: No, it actually should -- if you're
23 going to make any comments, it really should be part of
24 the public hearing.

25 COMMISSIONER DEAN: Okay.

1 MS. WELLMAN: You can also, however, like every other
2 member of the public, you can put your comments in
3 writing. You do not have to actually make them in public.

4 And if I may just give you a little bit more
5 guidance here, if you did want to continue it, you would
6 have to pretty much do it the way you did it the last
7 time.

8 COMMISSIONER DEAN: Yeah, we would continue it to a
9 date-certain.

10 MS. WELLMAN: Continue it to a date-certain. You
11 would not want to have anybody speak again if they've
12 spoken already. We would have to do the names.

13 You also might want to remind the people who are
14 remaining that, you know, to try to stay on -- if you're
15 going to listen them -- if you don't want to continue it
16 and you want to hear everybody who's here and who is
17 waiting to speak, you might want to remind them to try to
18 focus their comments on the EIR, and that they don't have
19 to repeat things that have already been said, because
20 we're hearing quite a bit of repetition.

21 COMMISSIONER DEAN: Yes.

22 Well, you know, I'm willing to press on. I hate
23 to do this to the staff, but I'm willing to press on.
24 People made an effort to come, some of the them for the
25 second time.

1 So let's see if we can go through this as quickly
2 as possible. Then the Commission would like to make
3 comments. I'm not sure you're in a position to --

4 So if we're going to continue for the
5 Commission's sake, would we continue --

6 COMMISSIONER SMITH: One question of staff.

7 COMMISSIONER DEAN: Yes?

8 COMMISSIONER SMITH: So if we were to finish with the
9 14 people we have here tonight, would we need to keep the
10 public hearing open to the next meeting so that we can
11 make our comments?

12 MS. WELLMAN: Yes, you would. And also the other
13 thing I need to remind you of, is if you continue the
14 public hearing to the next meeting, you may have new
15 speakers that can also address.

16 COMMISSIONER DEAN: Right.

17 MS. WELLMAN: So you just have to keep that in mind.

18 COMMISSIONER SMITH: Well, I'm willing to stay for the
19 rest of the speakers, but I don't think based on all the
20 little tags I have here, that I'm going to be able to get
21 through my comments. And then I know that everybody else
22 has substantial comments, too. And if we do 14 speakers
23 at five minutes a piece, we're going to be here for
24 another hour and 10 minutes.

25 COMMISSIONER DEAN: So if we were going to continue

1 this to a date-certain, can we use the next Planning
2 Commission meeting in September?

3 MS. MILLION: You have that option. You can do your
4 next meeting; that would be September 11th. The
5 Commission can also poll the Commissioners to see if
6 they're available, if we have a quorum, for next Thursday,
7 which is the 28th -- I'm sorry, the 21st.

8 COMMISSIONER DEAN: It would have to be --

9 MS. MILLION: It does not have to be renoticed if you
10 continue to a date-certain. So it can be next Thursday.

11 COMMISSIONER DEAN: Okay. Do you want to do that?
12 Check your calendars.

13 COMMISSIONER COHEN-GROSSMAN: Another possible date
14 question, Amy or Chair, would be the 28th.

15 MS. MILLION: The 28th, staff is not available. We
16 have another commission meeting already set for that
17 evening.

18 COMMISSIONER DEAN: What if we go to the next Planning
19 Commission meeting in September, which is the 11th?

20 UNIDENTIFIED FEMALE SPEAKER: We need microphones,
21 please.

22 COMMISSIONER DEAN: What we're saying is we --

23 That's correct. Okay.

24 So --

25 COMMISSIONER COHEN-GROSSMAN: I don't think that

1 process is quite what our attorney recommended, so we
2 might want to say it out loud so she can hear us.

3 COMMISSIONER DEAN: We're just talking about if we
4 continue this to a date-certain, what the next date would
5 be. And the staff suggested the 21st.

6 MS. WELLMAN: You could continue it to a date-certain
7 at a special meeting if you desire, and I think that staff
8 is available on the 21st, which would be a week from
9 tonight. You can also continue it to your next regularly
10 scheduled meeting.

11 COMMISSIONER DEAN: I think the next regularly
12 scheduled meeting, because Commissioner Smith has already
13 said she was not available for that date in August. Do we
14 have other agenda items that can be pushed from September?
15 Do we know?

16 MS. MILLION: It's fine. We'll work it out.

17 COMMISSIONER DEAN: Okay. So let's hear the rest of
18 the speakers.

19 We'll continue this item, at least, so the
20 Commissioners get a chance to comment, and any additional
21 speakers who come to that September meeting, that would be
22 at our next, regularly scheduled meeting, September 11th.
23 Okay. All right.

24 So we would appreciate, everybody, on the part of
25 the speakers, particularly people who have already

1 mentioned the topic you wanted to discuss -- we'll start
2 going through the cards again.

3 And focus on the EIR, please.

4 Liisa Stark. Andrew Hoseler -- Andrew Hosler.
5 Bob Livsay. And John Lazorik.

6 Do we have a speaker here?

7 MS. STARK: Good evening. Liisa Stark with Union
8 Pacific Railroads. Point of clarification, I thought that
9 the decision was going to --

10 COMMISSIONER DEAN: I'm sorry, can you speak up a
11 little bit.

12 MS. STARK: Yeah, I apologize. Liisa Stark with Union
13 Pacific Railroad. I apologize. I was just looking for a
14 point of clarification on what the decision is. I think a
15 lot of people thought that you were adjourning the meeting
16 this evening and carrying it over to September 11th. If
17 that is going to occur, and you are going to carry it over
18 to September 11th, I prefer to wait to be a little bit
19 more cognizant with my comments, instead of at midnight
20 this evening.

21 COMMISSIONER DEAN: Well, if you're here -- we're
22 staying to hear people's comments. We'd like to hear
23 everybody who is here. We're going to stay to hear those
24 comments.

25 MS. STARK: Okay. You're staying tonight, then?

1 COMMISSIONER DEAN: Yes.

2 MS. STARK: Until everybody who has a card has spoken?
3 Okay.

4 COMMISSIONER DEAN: Yeah, I understand people are
5 thinking that they can come back in September, but if
6 we're gonna stay and hear people's comments, we'd
7 appreciate if you are here tonight, we can hear those
8 tonight.

9 Please.

10 MS. STARK: Okay.

11 MS. WELLMAN: Chair Dean? If you recall last time, we
12 gave people the option if they wanted to wait until the
13 next public hearing, I think that anybody who would rather
14 speak at the next public hearing has the opportunity to do
15 so if they want to.

16 COMMISSIONER DEAN: Well, that's true. I guess I'm
17 just speaking from my own desire to hear as many as
18 possible.

19 MS. WELLMAN: Yeah, I just wanted to be clear.

20 COMMISSIONER DEAN: Yeah. Thank you for that
21 clarification. So, yes.

22 MS. STARK: Okay. Thank you for that clarification.
23 I'm actually going to take you up on that offer, as you've
24 done to other speakers, and speak at the next hearing.
25 Thank you.

1 COMMISSIONER DEAN: Okay.

2 MR. LUZZO: Good evening, Bob Luzzo. I'm a local
3 resident, property owner, et cetera. I would take up the
4 offer, too. I don't want to talk to some Commissioners
5 that are half asleep. And I understand that. That's not
6 a criticism. I'm just saying that I think it's fair to
7 the Commission, it would be fair to the speakers, that I
8 would be willing to wait and go.

9 The only thing that bothers me, is there going to
10 be additional cards put in? Will there be an opportunity
11 for other people to speak?

12 COMMISSIONER DEAN: Yes, there will be an opportunity
13 for other people to speak.

14 MR. LUZZO: So it would be like tonight, people came
15 here tonight, and another hundred people could put their
16 card in and speak, and so that the people that are left
17 over from tonight, such as myself, we would be first?

18 COMMISSIONER DEAN: You would go first. Yeah, we'll
19 keep your cards on file. Everybody who has filled out a
20 card for tonight will be at the top of the stack for the
21 next meeting.

22 MR. LUZZO: I'd rather take that offer, because I
23 think it's fair to the Commission, I think it's fair to
24 the public that everybody is alert and willing to listen.
25 And I do understand and it's not a criticism.

1 COMMISSIONER DEAN: Okay.

2 MR. LUZZO: It's something that I do understand, and I
3 would appreciate that.

4 COMMISSIONER DEAN: Sure.

5 MR. LUZZO: Thank you.

6 UNIDENTIFIED SPEAKER: And we are limiting it to new
7 people who have not spoken already.

8 MS. WELLMAN: Chair Dean, I was also realizing that
9 you should probably take a motion on the continuance, so
10 it's real clear that the Commission has made that
11 decision. You might also want to see if there's anybody
12 whose speaker cards you have held that have indicated that
13 they're in the room, actually want to speak tonight and
14 would rather wait, then it would give you an idea how much
15 longer you're going to be here.

16 COMMISSIONER DEAN: I'm sorry, I missed that. Say
17 that again.

18 MS. WELLMAN: You had a number of people who raised
19 their hands who still have cards.

20 COMMISSIONER DEAN: Right.

21 MS. WELLMAN: You might want to just poll if there's
22 anybody who would like to still speak rather than come
23 back at the next meeting.

24 COMMISSIONER DEAN: Yeah. Anybody who would still
25 like to speak, we would like to hear from you, yes.

1 Hi, good evening.

2 MR. HOSLER: Good evening. Thank you for hearing my
3 comments. I apologize for how late it is. Obviously it's
4 late, so I'll try and be brief.

5 My name is Andrew Hosler. I'm president and CEO
6 for Performance Mechanical, Incorporated. We're a heavy
7 industrial mechanical contractor. We're a local
8 contractor. We work primarily in California and Hawaii.
9 We build the things that power and fuel our economy.

10 Valero is a large customer of ours. We have done
11 business with Valero since they first took the facility in
12 2000. We've worked approximately 1.7 million man-hours in
13 their facility. We are also a VPP Star Certified company.
14 Our fabrication shop in Southern California has achieved
15 that certification. So I think the reason why I say these
16 things is I think it establishes my comments relative to
17 Valero a little bit unique.

18 I personally, and my employees, work in all of
19 the major Bay Area refineries, as well as throughout the
20 state. So I have a unique viewpoint on Valero, the way
21 they run their business, the people that are behind the
22 Valero corporate entity, and especially the people here in
23 Benicia.

24 I'm a local resident. I've lived in Martinez,
25 Concord, Clayton, personally worked in the petrochemical

1 industry for 23 years, both hands-on and as a manager and
2 a leader.

3 We're a union contractor, so all of the hours
4 that we perform for Valero are local union hours. My
5 local labor partners have also spoke tonight, and they're
6 here and we're in support of the project. If the project
7 gets built, which I anticipate it will, we'll be the
8 contractor performing the lion's share of those man-hours.

9 So, really, I represent the 120 people who would
10 be working on this project. It is significant. That's a
11 significant number of jobs. There's probably 38 people in
12 this room right now. So we're talking about 120 people,
13 who, many of them may not be working right now and we can
14 put them to work on this project. It's significant. It's
15 significant to our company, local business. Centered in
16 Pittsburgh, that's our corporate headquarters. It's a
17 very significant project. And a lot of the significant
18 projects in the area, honestly, are being held up by
19 processes like this, which are good and healthy processes,
20 but this project, in particular, I think, is ready to move
21 forward.

22 Specifically, what I'd also like to comment on,
23 is I can tell you firsthand, Valero has the highest
24 concerns for safety of their employees, their construction
25 workers, and the community, and the quality and

1 reliability of the refinery.

2 Valero has shown that in how open and transparent
3 they've been with this public process. There have been
4 several meetings. I've been to most all of them. It is
5 very easy to find this information. The Draft EIR is
6 clear. It is professionally assembled and it is complete.

7 So I would urge you to do what's best, first off,
8 by supporting the project. Thank you.

9 COMMISSIONER DEAN: Thank you.

10 MR. LAZORIK: Good evening. My name is John Lazorik.
11 My wife and I have lived in Benicia for 25 years, where we
12 raised our two children, and I share your desire to ensure
13 that Benicia remains the safe, clean and healthy community
14 that we all enjoy.

15 I hold a Master's degree in environmental
16 management and have worked in the environmental field for
17 over 27 years; the last 10 years as an environmental
18 engineer at Valero. I understand the risks associated
19 with the handling and transport of flammable materials,
20 but I also know the regulations, procedures and resources
21 that are in place to minimize those risks, and to respond
22 to them in the unlikely event of an environmental
23 incident.

24 My wife and I choose Benicia as our home, as many
25 other Valero employees. Like you and your families, we

1 all breathe this air, we drink the water, we fish and
2 recreate in and around the Bay. We are deeply vested in
3 this community.

4 This Crude-By-Rail Project is a critical step in
5 Valero remaining strong and viable in this extremely
6 competitive and challenging California energy market.

7 The health of the City and its industrial
8 constituents are very closely linked. As Benicians who
9 truly care about the overall health of our town, focus
10 should not be solely on preventing this project from
11 proceeding; rather, we should be working together to
12 identify the real facts associated with the project and
13 determine the appropriate mitigative measures necessary to
14 protect our environment.

15 This EIR was a massive undertaking by the City
16 and its consultants, to pull together the subject matter
17 as experts from multiple disciplines. It is time to
18 replace fear, drama and inaccurate speculation with facts
19 that are represented in this document, and basing
20 decisions on facts. One can clearly arrive at the
21 conclusion that the Crude-By-Rail Project has both direct
22 and indirect benefits to Benicia, benefits that outweigh
23 the risks.

24 It is important to understand that any of the
25 North American crude oils potentially made more readily

1 available by this project, fall squarely within the
2 spectrum of hazardous materials routinely moving through
3 Benicia today. It is neither the least hazardous nor the
4 is it the most hazardous. The fact is, all hazardous
5 materials transported in and out of our town, must be
6 managed and transported with great care. And history has
7 shown that this can be accomplished without incident.

8 As a Benicia resident, it is important for me to
9 know that a project such as Crude-By-Rail will not
10 jeopardize the safety of my family or cause harm to this
11 precious environment we all enjoy.

12 With that said, I fully support this project and
13 I'm confident that Valero, Union Pacific and all key
14 stakeholders will implement this project with great care
15 and the appropriate level of safeguards.

16 Thank you.

17 COMMISSIONER DEAN: Thank you.

18 MR. PARTCH: Good evening, I'll be brief. My name is
19 Greg Partch. I'm the business manager of Plumbers and
20 Steamfitters, Local 343, located in Vallejo, California.

21 I represent over 500 working families. As has
22 already been stated, the Crude-By-Rail Project will allow
23 the refinery to continue to invest in the community and
24 provide long-term tax revenue. The project will create 20
25 full-time jobs, good-paying jobs, and over a 120

1 skilled-craftsman jobs during construction. Benicia
2 Valero refinery is one of the safest refineries in the
3 nation and I stand in support of the project. Thank you.

4 COMMISSIONER DEAN: Thank you.

5 Good evening.

6 MS. GRAY: My name is Theresa Gray. I'm a Benicia
7 resident. In fact, I live very close to the Valero
8 refinery, up in the Hillcrest area.

9 It's very easy to point a finger at Big Oil.
10 Well, if I can, I'd like to give you a face. I work at
11 the Valero refinery. I don't have a day job. I don't
12 have a desk job. I'm a field operator. That means I'm
13 out there every day working on the equipment, running the
14 plant, ensuring the safety of myself, my coworkers and the
15 community around me.

16 I'm a taxpayer. I'm a homeowner. I live in this
17 community. I work in this community. I shop in this
18 community. I support this community.

19 I'd like to say firsthand that Valero is
20 committed to safety and the community.

21 Valero Benicia is the only refinery in Northern
22 California to be a Cal/OSHA certified VPP Star site. What
23 does it mean to be a Star site? A Star site goes above
24 and beyond the very minimum requirements to comply with
25 Cal/OSHA laws. Above and beyond. VPP Star sites are

1 inspected by Cal/OSHA, and its employees are interviewed
2 to make sure that what we say we do is what we actually do
3 and practice. Very few employers willingly invite any
4 government agency, let alone Cal/OSHA, into their work
5 site. They don't throw the doors open and say, "Come in.
6 See what we do. Talk to our employees and make sure that
7 what we're telling you we do, is what we do." And yet
8 Valero has done that repeatedly. We have been Star site
9 certified. We've been recertified twice.

10 This kind of recognition is only possible when
11 you have cooperation between the management and the
12 employees on the site, and a true commitment to safety.
13 This commitment to safety extends to every employee in the
14 plant, every contractor who works for us, and our
15 community around us.

16 My job at a Big Oil company, I have served
17 Thanksgiving dinner to people who might have gone hungry
18 otherwise. My work group provides backpacks to local
19 children who might go without, because education to
20 everyone being successful is very important to us. My
21 work group every Christmas adopts a family. We don't give
22 toys. We're talking about basic necessities: Coats,
23 jackets, gift certificates for food.

24 We like to think we're giving these families
25 hope, because when we work together, our environment, our

1 community, everything is better around us. We don't do
2 these things because we have to. Valero doesn't make us
3 do this. We do this because Valero truly encourages and
4 supports the belief in supporting the health of our
5 community around us.

6 I'm here tonight to voice my support for the
7 Benicia Crude-By-Rail Project. The Crude-By-Rail Project
8 is a business decision. After all, the refinery is a
9 business. So let's put emotion aside for a minute and
10 talk about business.

11 Valero is an important member of the Benicia
12 community. We provide about 25 percent of Benicia's
13 general fund. Crude-By-Rail doesn't change how the
14 refinery is operated. It simply makes a business decision
15 to keep the refinery competitive and viable.
16 Environmental laws and regulations in the U.S.,
17 particularly in California, are very strict and they're
18 strongly enforced. A project like this brings regulation
19 for the beginning of the supply chain to the final
20 product.

21 In the end, that can only have a positive impact
22 on the environment and protecting it. The Draft EIR finds
23 this project will have a positive impact on our community.
24 Crude-By-Rail represents jobs in our community, investment
25 in our community, and economic stability in our community.

1 I ask you to support this project. Thank you.

2 COMMISSIONER DEAN: Okay. Thank you.

3 Next speaker.

4 MR. GRAY: Hello. Thank you for the opportunity to
5 speak. My name is Art Gray. That was my wife that spoke
6 to you just a few minutes ago. Thank you for sticking
7 with us, there's only a couple of us left. Try to hang
8 with me here; I'll be brief.

9 Both my wife and I are proud residents of the
10 city of Benicia, employees of the Refinery, as you know.
11 I've been an employee there for over 23 years. I'm a
12 supervisor on the shift and I'm a long-time member of the
13 Refinery Fire Department.

14 Many of us employed by the refinery live here in
15 the city and in the surrounding areas. Many of us were on
16 shift last City Planning meeting and were unable to
17 attend. I'm unable to attend your next meeting, so that's
18 why I'm speaking tonight. Thank you.

19 However, almost every employee on the plant with
20 me that night watched closely the proceedings that you
21 guys had here. As a matter of fact, probably the only
22 people that are watching on TV are probably the refinery
23 workers that are on shift tonight.

24 Hey, guys. How you doing?

25 I would like to speak to you and say that around

1 town you may not know that we are always employed by the
2 refinery because we're in regular clothes, but you see us
3 working in our yards, picking up groceries at Safeway and
4 Raley's, dropping off our kids at school or daycare.
5 During the holidays we stand with you watching the
6 tree-lighting ceremony, the torch-light parade, and we sit
7 on blankets with you on the green watching fireworks on
8 the 4th of July. We eat with you down on 1st Street at
9 Matsuri because they have the best sushi in town; we shop
10 with you at the Farmer's Market, and we may drink coffee
11 or relax with a book with you at Rags or at Starbucks.

12 This is our town, and we are members of the
13 community.

14 The DEIR tells you about the refinery, tells you
15 many things that you may have already heard about, the
16 many contributions that the refinery gives to the City.
17 But I'd like to focus a little bit more on the
18 contributions by the Valero employees.

19 We speak about the \$13 million that have been
20 donated to nonprofits. Well, half of that has been
21 donated by the actual employees of the refinery. Valero
22 matches every dollar that we contribute with another
23 dollar. That's one of the reasons why we contribute
24 through the refinery.

25 Many of our workers do volunteer hours and have

1 worked for the community. These hours are worked in
2 places like the Solano Food Bank, at Loma Vista Farm,
3 Adopt a Family, which brings presents to families that
4 cannot afford them during the holidays. And even on East
5 2nd Street, collecting trash to keep the city clean. Many
6 of those families have delivered gifts during the
7 holidays. We send one of the refinery fire apparatus out
8 with guys dressed in Santa clothes and elf outfits to
9 deliver some of those gifts to the people that really
10 desperately need them.

11 The DEIR talks about emergency response. Perhaps
12 you don't know what the refinery has done in the past.
13 Long-time residents realize what we've done. Many times
14 when there's a large fire, grass fire, we respond with our
15 grass rigs. We have three of them. And we provide mutual
16 aid to the City.

17 Many of the large grass fires, we've helped put
18 out.

19 Vallejo and Suisun Fire Departments assist as
20 well, but we all try to keep your home safe. We have
21 helped Benicia put out large fires, as well, including the
22 old Big O Tire store fire a few years back, as well as
23 many years ago when we had huge flooding in the '90s, back
24 when we used to get rain, and the town was flooded out and
25 we sent our big pumper down there to help pump out the

1 downtown City of Benicia.

2 I remember that night being brought in by the
3 Benicia Yacht Club who invited us in to feed us, showing
4 their appreciation after we did 16 hours in the public.

5 While it's very easy to sit back and label Big
6 Oil as a "villain," and imagine big executives sitting in
7 even bigger chairs, I'm here to try to make you realize
8 that the refinery is made up of people like me, people who
9 are your neighbors and members of the community. We too
10 care about the environment and we too care about public
11 safety. My front door is only about 150 yards from the
12 refinery fence line, and if I thought the project was
13 unsafe, I wouldn't be here tonight supporting it.

14 The Project simply allows the refinery to use
15 domestic oil. It allows us to compete with new overseas
16 refineries that have recently been built that do not have
17 the same environmental compliance regulations that we have
18 here in California and the United States; environmental
19 rules that are extensive and difficult to comply with, but
20 which allow us to live in a community that is safe and
21 clean.

22 Not being able to compete could force Valero out
23 of the California market, which many in this room would
24 like, but which may not be the best for the people in this
25 room that actually live here.

1 This project represents tax revenue, economic
2 stability, investment in our community, and much, much
3 more.

4 As you decide how to vote on this project, I ask
5 that you not get lost in the confusion and only look at
6 the facts.

7 The Draft EIR is a comprehensive analysis of this
8 project, defines that this project will have a positive
9 impact on our community. Valero is a large part of what
10 makes Benicia a great place to live, and I ask that you
11 allow us to continue our efforts to remain a strong member
12 of this community. Thank you.

13 COMMISSIONER DEAN: Thank you.

14 Hi. Good evening.

15 MS. JAMES: Good evening. Thank you. My name is Dora
16 James, and I'm a transplanted Californian and living in
17 Texas.

18 I went to school in Southern California and
19 studied industrial hygiene at UCLA. The rival school, my
20 rival alma mater, is here at UC Berkeley. And the reason
21 I left California is there wasn't an opportunity for me.

22 In the field of industrial hygiene, we look at
23 the workplace. They call it a science and an art. The
24 science part I always feel is easy, because you can
25 anticipate, recognize, evaluate and control -- and now

1 manage -- chemical and physical agents in the workplace.

2 And the EIR is designed to give you a picture of
3 the anticipation and the management of potential hazards.

4 What I find is a lot of people are concerned
5 about the communication piece, and that's the art. The
6 art of communicating the hazards and having people
7 understand that risk can be managed. And depending on how
8 many tools that you have, you can do that successfully.
9 You're never going to get away with having something be a
10 hundred percent safe. But you are going to have success
11 in minimizing as many risks as possible.

12 One of the things that I found is that your local
13 emergency planning commissions and your mutual aid
14 agreements, along with departments like Homeland Security,
15 can help drill and bring agencies together to find out
16 what their capabilities are, and they do that through
17 tabletops and through actual drills, and I feel that
18 that's something that the community needs to understand,
19 if you're going to be moving forward in this direction,
20 that you're going to be looking at all those risks.

21 So with that, I would like to say, I've been to
22 the Middle East, and I've seen that environment, and what
23 everybody here discusses about opportunities for people
24 who want to have jobs and a future. It's a big sacrifice
25 to go to the Middle East and to work there. And domestic

1 oil is probably the best opportunity to help young people
2 today. Thank you.

3 COMMISSIONER DEAN: Thank you.

4 Hi. Next speaker.

5 MR. CASTELLBLANCH: All the speakers have been taking
6 five minutes, and I thought that one would.

7 My name is Ramon Castellblanch. I want to thank
8 you very much for sitting through this hearing. I
9 appreciate how many hours it's been and how long, you
10 know, you've been listening to people, maybe hearing a lot
11 of the same points.

12 The point I heard made quite a bit when I was
13 listening to the show on TV a little while ago is what a
14 good citizen Valero is and that we can trust Valero to do
15 the right thing, that they have, you know, a great record
16 for that kind of behavior.

17 So I just quickly went online. I went to the
18 Project on Government Oversight, which is the organization
19 that 30 years ago found the \$400 hammer that the Army is
20 paying for -- I don't know if you remember that. But they
21 look into entities that are getting government money and
22 see what they're doing.

23 They looked at Valero over a 10-year period, and
24 they found 28 violations across the country of
25 environmental laws, water laws, air laws, health and

1 safety laws, across the United States. And some of them
2 were exceptionally large. There was a finding in 2005,
3 Valero had to pay \$5.5 million in penalty to the EPA for
4 air pollution violations. At that point, that was the
5 largest settlement the EPA had gotten from the refinery
6 industry up until that date. They were the worst actor in
7 the refining industry as it went back in '05.

8 I was flipping through Texas, Delaware, New
9 Jersey, all these states where Valero has paid fines and
10 violated the law, and then of course I get Benicia. Oh,
11 my God, us too. This town. Yes. In 2008, 2009, 23
12 violations of air quality laws that Valero was found
13 guilty of and had to pay civil penalties for.

14 So it seems to me that this may not be a good
15 actor after all. This may be the kind of company, that as
16 a business model, breaks the law, gets caught, as long as
17 the penalties aren't any worse than the profits they made
18 breaking the law: Recycle, break law again. I think that
19 this company is probably a scofflaw and scofflaw is their
20 model for doing business.

21 And I think that the EIR should account for that,
22 that not only is this company unlikely to follow any
23 voluntary guidelines -- which I heard earlier tonight,
24 that this company is going to follow voluntary guidelines,
25 because they're such good people -- I don't think it's

1 their practice to even follow the law routinely.

2 So I think that if you're going to fix the DEIR,
3 one thing you need to do is account for a corporation that
4 routinely breaks the law. Thank you.

5 COMMISSIONER DEAN: Thank you.

6 Hi. Good evening.

7 MR. OVERMAN: Good morning.

8 COMMISSIONER DEAN: Well said.

9 MR. OVERMAN: My name is Glenn Overman. I've been a
10 resident of Solano County for over 48 years, resident and
11 native Californian, and I do work at Valero refinery. I
12 just -- all the points have been made. I'm not going to
13 reiterate those. I'm just going to say it's right there
14 in the Draft EIR. Please read that. Those are the facts.
15 Thank you very much.

16 COMMISSIONER DEAN: I'm sorry. I didn't get your
17 name, sir.

18 MR. OVERMAN: Glenn Overman.

19 COMMISSIONER DEAN: Thank you.

20 Okay. Any other speakers? Looking for anybody
21 else who would like to speak tonight. We do intend to
22 continue this meeting to our next regularly scheduled
23 Planning Commission meeting in September.

24 MS. WELLMAN: Yes, but can you do a motion, please.

25 COMMISSIONER DEAN: Yes. We're getting there.

1 COMMISSIONER SMITH: I move that we continue the
2 public hearing to our next regularly scheduled meeting,
3 September 11th.

4 COMMISSIONER DEAN: And a second by Commissioner
5 Young.

6 Okay. And then call the roll.

7 UNIDENTIFIED SPEAKER: Cohen-Grossman.

8 MS. COHEN-GROSSMAN: Yes.

9 UNIDENTIFIED SPEAKER: Oakes?

10 Smith?

11 Sprague?

12 Young?

13 Chair Dean?

14 COMMISSIONER DEAN: Yes.

15 Okay. So that ends this item for the evening. I
16 imagine I'll see most of you in September. Thank you.

17
18 (End of DVD audio transcription of the Planning Commission
19 Meeting for the City of Benicia, on August 14, 2014.)
20
21
22
23
24
25

1 STATE OF CALIFORNIA)

2) ss.

3 COUNTY OF ORANGE)

4
5 REPORTER'S CERTIFICATE

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

9 That the foregoing transcript was reported
10 stenographically and transcribed by listening to the audio
11 of a DVD of the Planning Commission Meeting for the City
12 of Benicia on August 14, 2014, through instruction by John
13 J. Flynn of Nossaman, LLP.

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

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

19 IN WITNESS WHEREOF, I have subscribed my name
20 this 16th day of September 2014.

21
22 

23 _____
24 VALERIE E. RASMUSSEN
25 CSR 8900

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