

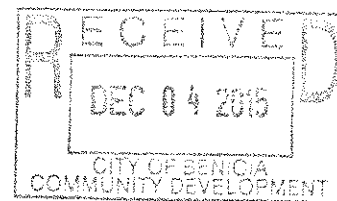


City of Oroville

OFFICE OF THE MAYOR

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www.cityoforoville.org

LINDA L. DAHLMEIER
MAYOR



December 1, 2015

City of Benicia
Community Development Department,
250 East L Street,
Benicia, CA 94510
1400
Attention: Amy Million

**RE: COMMENTS REGARDING THE REVISED DRAFT ENVIRONMENTAL IMPACT
REOPRT (RDEIR) FOR THE VALERO BENICIA CRUDE BY RAIL PROJECT**

The City of Oroville has reviewed the Revised Draft Environmental Impact Report (RDEIR) for the Valero Crude by Rail Project ("Project") and has significant concerns, as outlined below. Although Oroville is located many miles away from Benicia, one of the rail lines that is proposed to serve the Project passes through Oroville City limits. Overall, Oroville believes Benicia has not adequately evaluated and developed adequate mitigation measures to address the potential impacts to cities like Oroville and other developed areas along the rail lines that would supply the Project.

By way of background, we note the DEIR issued for the Project in June 2014 analyzes the direct, indirect, and cumulative impacts of the Refinery's proposed receipt of up to 70,000 barrels per day of North American crude oil by railroad tank cars (up to 100 railcars per day). The amount of crude oil delivered by railcar is to be offset by a corresponding decrease in crude oil that currently is delivered by marine vessels (ERM, 2012; ERM, 2013). The Project states that it will not increase the Refinery's total crude oil throughput or result in an increase in the production of existing products or byproducts; however, the proposal of delivery by rail comes with a high rate of concern and multiple potential environmental impacts.

Notably, the RDEIR discusses impacts of derailment in consideration of biological resources, geology and soils, hazards and hazardous materials, cultural resources, hydrology and water quality. The subsequent adverse effects to people and structures, in addition to the previously identified resources, is even higher in local safety hazard sites as identified by the California Public Utilities Commission (Pg. 2-66). As identified

on Page 10 of Appendix F, one such site is the UPRR Feather River Division known as the Nevada to Roseville (northern), or Feather River Canyon track, that has had two derailments between 2009-2013, and most recently November 26, 2014, and happens to be one of the three routes most likely to be used by Project-related crude oil trains to transport materials between the State border and the Roseville Yard. This area of Butte County is also designated by Cal Fire as a Very High Fire Hazard Severity Zone on statewide Cal Fire maps for State Responsibility Areas and Local Responsibility Areas, further adding to the potentially significant impact of a derailment. The rough mountainous and other wildland terrain could have a very high danger of wildfire due its virtual inaccessibility, dense vegetation and/or tree cover, and intensifying drought conditions. If a Project-related train derails in such an area, a fire or explosion could result in a wildland fire. Depending on the location of a potential accident and subsequent fire, emergency response personnel may be not available to contain the fire before people and/or structures are exposed to injury, loss of life, or damage to property.

Considering that Oroville is located at the head of the California State Water Project, any potential spill may have a widespread impact to water sources statewide, impacting residences, commercial, farming, etc. The derailment, on November 26, 2014, of a Union Pacific train is an example of the potential impact. Fortunately the train was only carrying corn; as explained by State Office of Emergency Services Deputy Director Kelly Huston, "an oil spill could have caused serious contamination in the Feather River, which flows into Lake Oroville -- California's second largest reservoir that supplies water to the California Water Project and millions of people."

In addition to the drought California is facing, an oil spill in the Feather River Canyon would increase the devastation. Additionally, the Feather River which runs through Oroville is a spawning ground for Chinook salmon (*Oncorhynchus tshawytscha*), with the Central Valley spring-run currently listed as a threatened species under the Endangered Species Act, and the more abundant fall and late fall-runs are listed as a Species of Concern.

Some preliminary findings and recommendations published by the State of California Interagency Rail Safety Working Group on June 10, 2014 found that the Feather River Canyon, one of the three routes most likely to be used by Project-related crude oil trains, is a High Hazard Area for derailment, as identified in Decision 97-09-045 of the California Public Utilities Commission, and identified either by a statistically significant high frequency of derailments, or by the existence of restrictive railroad operating rules to address unusually risky operating characteristics, such as steep grade and sharp curves with considerable overlap between the two identification criteria. It was also found that the high hazard areas for derailments, such as the Feather River Canyon, are generally located in areas with high natural resources vulnerability and nearby waterways, placing waterways and sensitive ecosystems at risk if a derailment were to occur, as further discussed above. Additionally, it was found that emergency hazardous material response teams in California have generally good coverage of urban areas, but none are located near the high hazard areas in rural Northern California. Some areas such as Yuba City and Monterey only contain "Type III Hazmat" teams, units that are

equipped to perform only in a support rather than lead role during a major chemical or oil incident.

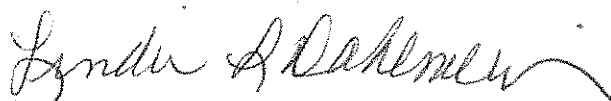
In addition, one of the identified Significant Unavoidable Environmental Impacts is to air quality and Greenhouse Gas Emissions (GHGs). As identified on Page 2-152 of the RDEIR, implementation of the Project would result in a cumulatively considerable increase of emissions in Butte County AQMD and the associated cumulative impact within the air district would be significant, thus conflicting with applicable air quality plans and contributing to existing and projected air quality violations. The operation of the Project would also conflict with the City's existing Climate Action Plan and GHG reduction goals the State of California's existing climate change legislation. Additionally, Page 2-159 specifies that assessment of significance is based on the determination of whether the GHG emissions from the project represent a cumulatively considerable contribution to the global atmosphere. This threshold of significance should be reconsidered as it appears to be a misapplication of the Assembly Bill 32 threshold-of-significance standard.

Although it will be the City of Benicia as the decision-making agency, if this project is approved, to adopt a Statement of Overriding Considerations for the project, we would urge that the potentially significant impacts and their effects to outside communities be strongly considered. The impacts of this project have the potential to be widespread, affecting communities in ways they may consider unacceptable. However, as the City of Benicia is the decision-making agency, we urge you to strongly consider if the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of this proposed project outweigh the unavoidable adverse environmental effects. We believe the answer to be no and the adverse environmental effects to be unacceptable.

The Oroville City Council and the citizens of the City of Oroville ask Valero to reconsider their proposal to deliver North American crude oil by railcar "uprill" from the Nevada border and down through Roseville to the Benicia refinery due to the potential devastation of California wildlife, water resources, and air quality.

If you have any questions regarding the above comments, please contact Donald Rust, Acting City Administrator, by phone: 530.538.2433, or email: drust@cityoforoville.org.

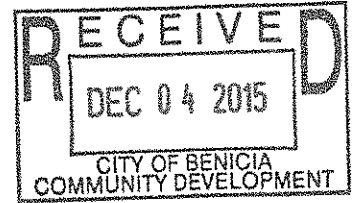
Respectfully,



Linda L. Dahlmeier, Mayor
City of Oroville

Amy Million

From: Linda Wesling <bounce@list.credoaction.com>
Sent: Monday, November 30, 2015 2:03 AM
To: Amy Million
Subject: Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

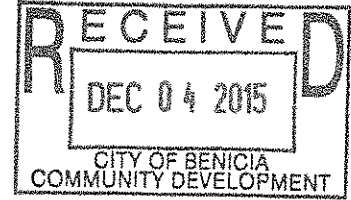
If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Linda Wesling
SAN FRANCISCO, CA

Amy Million

From: Donna Parker <bounce@list.credoaction.com>
Sent: Sunday, November 29, 2015 10:35 AM
To: Amy Million
Subject: Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

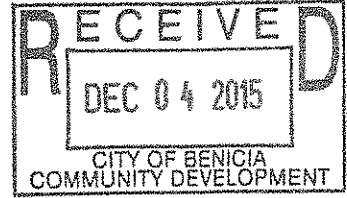
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I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Donna Parker
Camino, CA

Amy Million

From: Judi Leff <bounce@list.credoaction.com>
Sent: Saturday, November 28, 2015 10:03 AM
To: Amy Million
Subject: Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

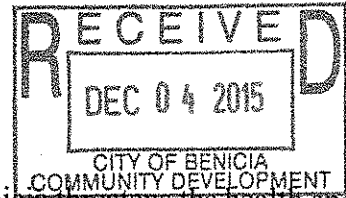
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I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Judi Leff
San Francisco, CA

Amy Million

From: Anthony Wong <bounce@list.credoaction.com>
Sent: Wednesday, November 25, 2015 5:01 PM
To: Amy Million
Subject: Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

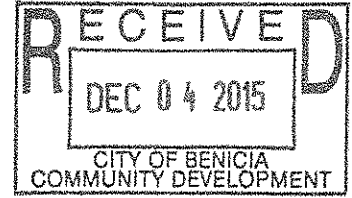
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I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Anthony Wong
Vacaville, CA

Amy Million

From: Keiko Martinez <bounce@list.credoaction.com>
Sent: Wednesday, November 25, 2015 3:17 PM
To: Amy Million
Subject: Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

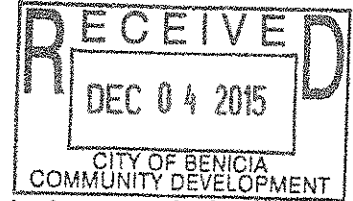
If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Keiko Martinez
San Francisco, CA

Amy Million

From: Edith Carrick <bounce@list.credoaction.com>
Sent: Saturday, November 21, 2015 7:33 PM
To: Amy Million
Subject: Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

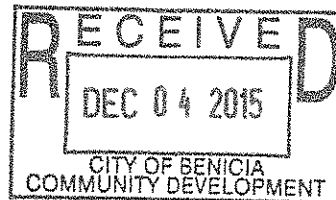
If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Edith Carrick
Palo Alto, CA

Amy Million

From: Marsha Hoff <bounce@list.credoaction.com>
Sent: Saturday, November 21, 2015 4:53 PM
To: Amy Million
Subject: Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

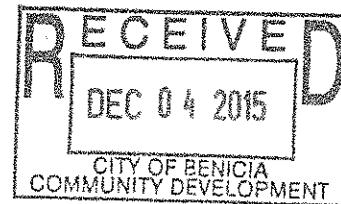
If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Marsha Hoff
Stockton, CA

Amy Million

From: Kira Schabram <bounce@list.credoaction.com>
Sent: Friday, November 20, 2015 2:49 PM
To: Amy Million
Subject: Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

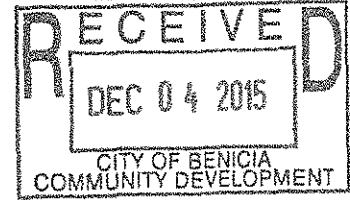
If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Kira Schabram
Valley Springs, CA

Amy Million

From: Angela Riewe <bounce@list.credoaction.com>
Sent: Wednesday, November 18, 2015 1:32 PM
To: Amy Million
Subject: Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

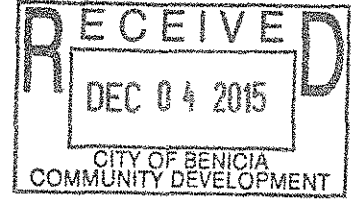
If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Angela Riewe
Alameda, CA

Amy Million

From: Nancy Cole <bounce@list.credoaction.com>
Sent: Tuesday, November 17, 2015 8:16 AM
To: Amy Million
Subject: Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

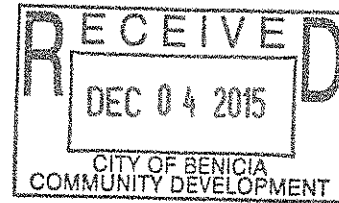
If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Nancy Cole
Danville, CA

Amy Million

From: Karen Jolliffe <bounce@list.credoaction.com>
Sent: Monday, November 16, 2015 4:26 PM
To: Amy Million
Subject: Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

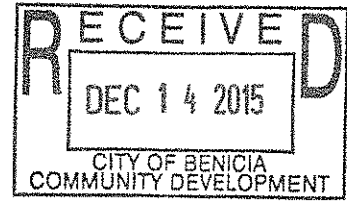
If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Karen Jolliffe
San Francisco, CA

Amy Million

From: Katie Berryhill <bounce@list.credoaction.com>
Sent: Saturday, December 12, 2015 7:23 PM
To: Amy Million
Subject: Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Katie Berryhill
BENICIA, CA