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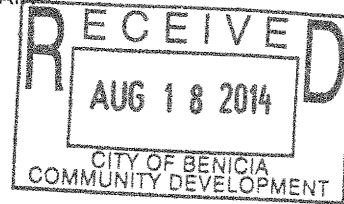
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# California State Senate

## SENATOR TED GAINES

FIRST SENATE DISTRICT

REPUBLICAN CAUCUS CHAIR



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HOUSING  
VICE CHAIR  
APPROPRIATIONS  
PUBLIC EMPLOYMENT &  
RETIREMENT

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

Mr. Kilger,

I am writing to express my full support for Valero's proposed Benicia Crude-by-Rail project.

The Valero Benicia Refinery will operate with safety standards and protocols that exceed Cal/OSHA standards, which exemplifies Valero's commitment to protecting its employees and the communities where it does business. Union Pacific Railroad shares a similar commitment and has deservedly earned a reputation for safe operations. I am confident that their philosophies, expertise, extensive planning and cooperation will ensure a safe project.

In addition, more than a dozen regulatory agencies oversee the transportation of crude-by-rail. Comprehensive federal regulations ensure that crude transport by rail continues to be safe for our communities – just as it has been for decades. These regulations are currently being evaluated federally and Valero and Union Pacific Railroad have guaranteed full cooperation with any changes that result from this evaluation. Piecemeal rules and regulations would only interfere with what is now a seamless regulatory scheme and unduly interfere with the federal rail experts who have been monitoring this method of transport for more than 40 years. This is the basis for preemption of local regulation of rail activities.

The Draft EIR is a comprehensive analysis of the risks associated with this project by a variety of independent experts hired by the City of Benicia. Their report affirms that this project is beneficial environmentally and economically and can be done safely given the prevention, preparedness and response measures in place by both Valero and Union Pacific Railroad.

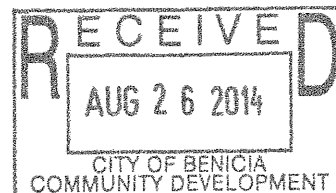
Sincerely,

A handwritten signature in black ink, appearing to read "Ted Gaines".

TED GAINES  
Senator, 1<sup>st</sup> District

August 25, 2014

Amy Million, Principal Planner  
Community Development Department  
250 East L Street  
Benicia, CA 94510  
[amillion@ci.benicia.ca.us](mailto:amillion@ci.benicia.ca.us)



**RE: Valero Crude by Rail Project (SAC201401503)**

Ms. Million,

The Sacramento Metropolitan Air Quality Management District (The District) thanks the City of Benicia for the opportunity to comment on the proposed project to build and operate an off-loading crude-oil rail terminal at the Valero Refinery. The District is required by law to "represent the citizens of the Sacramento district in influencing the decisions of other public and private agencies whose actions may have an adverse impact on air quality within the Sacramento district."<sup>1</sup> We offer our comments in that spirit.

Disclosure of Operational Emissions in the Sacramento Federal Nonattainment Area

The Draft Environmental Impact Report (DEIR) demonstrates that operating the project will result in significant Oxides of Nitrogen (NO<sub>x</sub>) emissions within the District.<sup>2</sup> However, the analysis fails to take into account the full impact the proposed project will have on the District as well as the entire Sacramento Federal Nonattainment Area (SFNA).

- Transit Losses: The project will utilize 1232 Tank cars<sup>3</sup>, which are unpressurized and contain pressure release valves.<sup>4</sup> As the tank cars pass through the SFNA, transit losses will occur when loaded with product and returning with vapor,

<sup>1</sup> California Health and Safety Code §40961

<sup>2</sup> Table 4.1-6 of the DEIR, Annual Operational Exhaust Emissions Within The Sacramento Valley Air Basin

<sup>3</sup> Page 3-20 of the DEIR

<sup>4</sup> Electronic Code of Federal Regulations, Title 49: Transportation, Part 179—Specifications for tank cars, §179.15 Pressure relief devices

creating Reactive Organic Gas (ROG) and toxic air contaminant<sup>5</sup> emissions within the air basin. The EIR should quantify these transit losses and toxic health risks as well as analyzing the significance of the emissions. Since the project is already significant for NO<sub>x</sub>, the EIR should also consider feasible mitigation measures to reduce ROG emissions (or an equivalent amount of NO<sub>x</sub>)<sup>6</sup> to a less than significant level.

While the DEIR identified that diesel exhaust as a potential source of objectionable odors<sup>7</sup>, the DEIR fails to identify transit losses from the crude oil cargo as a potential source. As the oil tank cars will pass through populated areas with sensitive receptors<sup>8</sup>, the EIR should conduct an odor analysis, determine significance, and if significant, identify potential mitigation measures.

- Locomotive Emissions: The DEIR estimates locomotive emissions west of the Roseville Railyards, but substantial locomotive emissions will also occur within, north, and east of Roseville and within the SFNA. While the precise route used by the trains may vary, all routes to the Roseville Railyards are located within the SFNA<sup>9</sup>, the range of potential routes is small and readily identifiable, and the associated emissions are reasonably foreseeable. The EIR should quantify these locomotive emissions, analyze their significance, and, if they are significant, identify potential mitigation measures.

### Mitigation

The DEIR asserts that there is no available feasible mitigation for air quality impacts in the SFNA because the City of Benicia has no authority to impose emission controls on the tanker car locomotives.<sup>10</sup> While regulating the tanker car locomotives may be federally preempted, mitigating the emissions of the project is not. The District has existing programs that provide off-site mitigation for CEQA purposes, and the City can require the project proponents to fund cost-effective mitigation to reduce the impact of the project to less than significant levels. The District routinely collects mitigation fees from projects and uses the fees to fund mitigation projects throughout the entire SFNA. These projects involve promoting clean technology for use in locomotive engines, on-road heavy-duty trucks, farm equipment and wood stoves. We also promote other cost-effective mitigation projects, and all of these efforts reduce ROG and NO<sub>x</sub>.

<sup>5</sup> Valero's Material Safety Data Sheet for Crude Oil (version #05, issued 8 November 2011, revised 16 December 2013) identifies many volatile toxic compounds such as n-Hexane, Pentane, Benzene, Ethylbenzene, etc [http://www.valero.com/V\\_MSDS/501%20-%20Crude%20Oil%20Rev%204.pdf](http://www.valero.com/V_MSDS/501%20-%20Crude%20Oil%20Rev%204.pdf)

<sup>6</sup> SMAQMD Recommended Guidance for Land Use Emission Reductions, v3.1, Protocol for Ozone Precursors, Page 4

<sup>7</sup> Page 4.1-26 of the DEIR

<sup>8</sup> Page 4.7-23 of the DEIR

<sup>9</sup> Union Pacific in California - Fast Facts 2013. Accessed August 5, 2014.

[http://www.up.com/cs/groups/public/documents/up\\_pdf\\_natedocs/pdf\\_california\\_\\_usguide.pdf](http://www.up.com/cs/groups/public/documents/up_pdf_natedocs/pdf_california__usguide.pdf)

<sup>10</sup> Page 4.1-20 of the DEIR



emissions in the SFNA. District staff is available and would be happy to work with the City and Valero to develop appropriate mitigation for this project.

General Comments

To summarize, the District requests that the EIR analyze and, where appropriate, mitigate the transit losses anticipated from the tank cars and the locomotive emissions generated within the full SFNA.

The SMAQMD thanks the City of Benicia for the opportunity to comment on this project. If you have additional questions or require further assistance, please contact me or Paul Philley at [pphilley@airquality.org](mailto:pphilley@airquality.org) or (916) 874-4882.

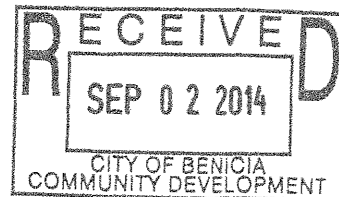
Sincerely,



Larry Greene  
Executive Director/Air Pollution Control Officer  
Sacramento Metropolitan Air Quality Management District  
777 12<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814

August 29, 2014

Amy Million, Principal Planner  
Community Development Department  
250 East L Street  
Benicia, CA 94510  
SENT VIA E-MAIL: [amillion@ci.benicia.ca.us](mailto:amillion@ci.benicia.ca.us)



**RE: Valero Crude by Rail Project, Draft Environmental Impact Report**

Ms. Million,

The Placer County Air Pollution Control District (PCAPCD) has reviewed the Draft Environmental Impact Report (DEIR) and associated air quality analyses prepared for the Valero Crude by Rail Project (Project). The Project proposes to build and operate an off-loading crude oil rail terminal at the Valero Refinery in the City of Benicia in order to receive up to 70,000 barrels per day of crude oil by train. The crude oil would be shipped by tank cars operated by the Union Pacific Railroad (UPRR), from various locations in North America to the Roseville Railyard in Placer County, to be assembled into a train for shipment into the Valero Refinery in the City of Benicia<sup>1</sup>. The PCAPCD provides the following comments relating to the Project's air quality impacts for consideration.

**Incomplete Analysis for Project-related Operational Emissions Occurring in Placer County and Northern California**

In Section 4.1 "Air Quality", the DEIR estimates the operational emissions for criteria pollutants from the locomotives that would occur from two daily round-trips of 50-car trains traveling between the Roseville Railyard and the Valero Refinery. The portion of the operational emissions within the PCAPCD jurisdiction is calculated based on the assumption of 2.5 miles of railroad track length within Placer County and from the Roseville Yard activities<sup>2</sup>. The DEIR, however, fails to include the emissions resulting from the Project-related locomotive trips for transport of the crude oil delivered from north or east of the County boundary line to the Roseville Railyard.

The DEIR explains that the analysis for the operational emissions is focused on the locomotive trips between the Roseville Railyard and the Refinery, and states "...there is no way to estimate with any certainty the net effect of the Project on areas outside of the Bay Area and Sacramento Basins because there is no way to predict the length of locomotive trips that could occur if the Project were approved, or the length of marine vessel trips that would occur if the Project were not approved"<sup>3</sup>. Yet in Section 4.6, "Greenhouse Gas Emissions", the DEIR states "... an average of the track length between the Roseville rail yard and the Nevada state line and the track length between the Roseville rail yard and the Oregon state line (approximately 195 miles of mainline track) was used, to estimate in-state GHG emissions from large line haul."<sup>4</sup>

Given that an estimated average track length between the state lines and the Roseville Railyard has been identified by the DEIR in the GHG emission analysis, the PCAPCD believes that the DEIR should identify the additional criteria pollutant emissions resulting from the Project-related locomotive trips delivering crude oil to the Roseville Railyard, as these trips would be associated with the approval of

1 DEIR, Project Description

2 DEIR, Table 4.1-6, page 4.1-20 and Appendix E.5 Air Quality and GHG Emission Supplement, page 3

3 DEIR, Discussion of Operation Outside the San Francisco and Sacramento Basin, page 4.1-21

4 DEIR, Section 4.6.3 Significance Criteria, under Analysis Methodology, page 4.6-9

the Project and result in reasonably foreseeable criteria pollutant emissions within Placer County<sup>5</sup>. Table 4.1-6 should be revised to include these additional criteria pollutant emissions within Placer County.

Additionally, the PCAPCD recommends that the DEIR also include the analysis within the Impact, 4.1-1b discussion, to determine if the Project-related operational emissions would result in a net increase for the other areas in Northern California. It should be noted that in addition to Placer, Sacramento, Solano, and Yolo Counties, there are many other counties within Northern California (including the portions of Sacramento Valley and Mountain Counties Air Basin) designated as nonattainment for the federal and state ozone standards<sup>6,7</sup>. Since the DEIR has identified the track length between the Roseville Railyard and the Oregon and Nevada state line, the analysis should be able to determine the Project-related operational emissions occurring within each of the applicable air districts along the UPRR routes in Northern California. Table 4.1-6 should include the results and determine the associated air quality impacts with applicable CEQA thresholds in each air district.

#### Reconciliation of the No Project Alternative Conclusion

Section 6.4.1 of the DEIR states that the No Project Alternative would emit higher GHG emissions compared to the Project<sup>8</sup>. However, in Section 4.6, the DEIR indicates that the Project's Operational Emissions in California would have higher GHG emissions compared to the baseline emissions analysis<sup>9</sup>. The District recommends the DEIR reconcile the conflicting conclusions.

#### Disclosure of Related Information and Data in Appendices

The PCAPCD recommends citing the source for the emission factors used in Appendix E.2 and E.5 of the DEIR to estimate the marine vessel engine and locomotive emissions. In addition, the appendices should explicitly present all assumptions used within the calculations, such as the number of locomotives used for the delivery train. The City may consider consulting with the California Air Resources Board for data verification.

The PCAPCD appreciates the opportunity to comment on the DEIR prepared for the Valero Crude Oil Project. We would like to request future notification on the progress relating to the Project and request written responses to all comments contained herein prior to the certification of the Final Environmental Impact Report.

If there are any questions regarding the comments made within, please do not hesitate to contact me at 530.745.2333 or [agreen@placer.ca.gov](mailto:agreen@placer.ca.gov).

Best Regards,



Angel Green  
Associate Planner  
Planning & Monitoring Section

cc: Yushuo Chang, Planning & Monitoring Section Supervisor

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5 CEQA Guidelines Section 15378. PROJECT (a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

6 Area designation map for federal ozone standards [http://www.arb.ca.gov/desig/adm/2013/fed\\_o3.pdf](http://www.arb.ca.gov/desig/adm/2013/fed_o3.pdf)

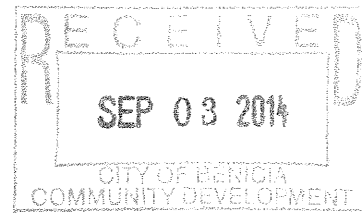
7 Area designation map for state ozone standards [http://www.arb.ca.gov/desig/adm/2013/state\\_o3.pdf](http://www.arb.ca.gov/desig/adm/2013/state_o3.pdf)

8 DEIR Section 6.4.1 No project Alternative discussion page 6-6

9 DEIR Section 4.6 Table 4.6-5 PROJECT ANNUAL NET GHG EMISSIONS GENERATED WITHIN CALIFORNIA



August 28, 2014



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

**Re: Valero Benicia Crude by Rail Project Draft Environment Impact Report**

Dear Ms. Million:

On behalf of its 22 city and 6 county member jurisdictions, the Sacramento Area Council of Governments (SACOG) submits the following comments on the Draft Environmental Impact Report (DEIR) for the Valero Benicia Crude by Rail Project.<sup>1</sup> The Project, as described in the DEIR, proposes daily shipments of 70,000 barrels of crude oil to the Valero Benicia Refinery. The crude oil tank cars would originate at unidentified sites in North America, would be shipped to the Union Pacific Railroad Roseville Yard, and would be assembled there into two daily 50-car trains to Benicia.

Over the last several months, we have been meeting with our members to discuss this Project, to become informed about the risks associated with crude oil transportation by rail, and to discuss measures to avoid or minimize the serious risks associated with operating crude oil trains through the communities in our region. We have discussed our concerns with representatives from Union Pacific Railroad and the Valero Benicia Refinery. As our Board of Directors has made clear, SACOG's interest is to ensure that all appropriate measures, based upon a full investigation of the risks, are taken to protect the safety of our residents and their communities, and businesses and property throughout the region. In that regard, our Board has indicated that, at a minimum, the measures to protect our region should include the following:

- Advance notification to county and city emergency operations offices of all crude oil shipments (to facilitate more rapid and appropriate public safety responses);
- Limitations on storage of crude oil tank cars in urbanized areas (of any size), and appropriate security for all shipments;

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<sup>1</sup> SACOG submits this letter as a joint powers agency, exercising the common powers of its members pursuant to a joint powers agreement. However, this letter is not an exhaustive treatment of the DEIR's compliance with the California Environmental Quality Act or of the concerns of all of its members, many of whom may also provide separate comments.

- Support, including full cost funding, for training and outfitting emergency response crews;
- Utilization of freight cars, with electronically controlled pneumatic brakes, rollover protection, and other features, that mitigate to extent feasible the risks associated with crude oil shipments;
- Funding for rail safety projects (e.g., replacement/upgrade of existing tracks, grade separations, Positive Train Control, etc.);
- Utilization of best available inspection equipment and protocols;
- Implementation of positive train controls to prioritize areas with crude oil shipments; and
- Prohibition on shipments of unstabilized crude oil that has not been stripped of the most volatile elements, including flammable natural gas liquids.

Unfortunately, the DEIR never gets to a discussion of these measures—or any other measures that might ensure the safety of our region—because the DEIR concludes that crude oil shipments by rail pose no “significant hazard” whatsoever. We believe that conclusion is fundamentally flawed, disregards the recent events demonstrating the very serious risk to life and property that these shipments pose, and contradicts the conclusions of the federal government, which is mobilizing to respond to these risks.

On May 7, 2014, the United States Department of Transportation in fact concluded that crude oil shipments by rail pose not merely a significant hazard, but an “*imminent hazard*,” stating:

“Upon information derived from recent railroad accidents and subsequent DOT investigations, the Secretary of Transportation (Secretary) has found that an unsafe condition or an unsafe practice is causing or otherwise constitutes an imminent hazard to the safe transportation of hazardous materials. Specifically, a pattern of releases and fires involving petroleum crude oil shipments originating from the Bakken and being transported by rail constitute an imminent hazard under 49 U.S.C. 5121(d).”

...

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

completion date of a formal proceeding begun to lessen the risk that death, illness, injury or endangerment.”<sup>2</sup>

Under these circumstances, we urge the City of Benicia to revise the DEIR so that it will fully inform decision-makers and the public of the potential risks of the Project and address adequate mitigation measures to ensure the safety of our communities. With that objective in mind, in the following pages we address some of the very substantial deficiencies in the DEIR—deficiencies which apparently have caused the DEIR to fail to analyze and consider the significant adverse impacts of the Project and to evaluate all feasible mitigation to reduce those impacts to a less than significant level.

### **Comments on the DEIR**

The California Environmental Quality Act (CEQA) mandates that an EIR identify and analyze all potentially significant adverse effects of a project, including both direct and indirect impacts, and short-term and long-term impacts. (Pub. Resources Code, § 21100; Cal. Code Regs., tit. 14, §§ 15126, 15126.2.) The DEIR is deficient in numerous respects, as set forth below.

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

Although the sample Initial Study checklist found in Appendix G to the CEQA Guidelines is an obvious and commonly used source of thresholds of significance, agencies may not rely on it exclusively when a particular project, or particular circumstances, gives rise to environmental concerns not addressed in the checklist. In *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4<sup>th</sup> 1099, the court held that an agency cannot rely on a reflexive determination to follow the significance thresholds in Appendix G without regard to whether those standards are broad enough to encompass the scope of the project at issue. The court explained that, “in preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met with respect to any given effect.” (116 Cal. App. 4<sup>th</sup> at p. 1109.)

In this instance, in complete reliance on Appendix G, and without considering the very real and substantial risks of the transportation of crude by rail, the DEIR does not address the risk of fire and explosion in its thresholds of significance. Specifically, in the only threshold of significance potentially applicable to the risk of transportation, the DEIR adopts the following for Hazards and Hazardous Materials:

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<sup>2</sup> Emergency Restriction/Prohibition Order DOT-OST-2014-0067 (May 7, 2014) (<http://www.dot.gov/briefing-room/emergency-order>).

“Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the *release of hazardous materials into the environment*.”<sup>3</sup>

As has been reported widely over the last several years, the character and quality of the domestic and Canadian crude oil currently being transported by rail across the United States has dramatically shifted the public safety concern from a hazardous material release to fiery explosions. A series of oil derailments in just the last two years has created a policy imperative in both Washington, D.C., and Sacramento. As United States Secretary of Transportation Anthony Foxx recently stated, “as a nation we are a little bit caught off guard by the growth of our energy production and we have to catch up very quickly.”<sup>4</sup>

Indeed, the following major accidents have heightened concern about the risks involved in shipping crude by rail.

- **Lac Mégantic, Quebec**—On July 5, 2013, a train with 72 loaded tank cars of crude oil from North Dakota moving from Montreal, Quebec, to St. John, New Brunswick, stopped at Nantes, Quebec, at 11:00 pm. The operator and sole railroad employee aboard the train secured it and departed, leaving the train on shortline track with a descending grade of about 1.2%. At about 1:00 AM, it appears the train began rolling down the descending grade toward the town of Lac-Mégantic, about 30 miles from the U.S. border. Near the center of town, 63 tank cars derailed, resulting in multiple explosions and subsequent fires. There were 47 fatalities and extensive damage to the town. 2,000 people were evacuated. The initial determination was that the braking force applied to the train was insufficient to hold it on the 1.2% grade and that the crude oil released was more volatile than expected.
- **Gainford, Alberta**—On October 19, 2013, nine tank cars of propane and four tank cars of crude oil from Canada derailed as a Canadian National train was entering a siding at 22 miles per hour. About 100 residents were evacuated. Three of the propane cars burned, but the tank cars carrying oil were pushed away and did not burn. No one was injured or killed. The cause of the derailment is under investigation.
- **Aliceville, Alabama**—On November 8, 2013, a train hauling 90 cars of crude oil from North Dakota to a refinery near Mobile, Alabama, derailed on a section of track through a wetland near Aliceville, Alabama. Thirty tank cars derailed and some dozen burned. No one was injured or killed. The derailment occurred on a shortline railroad’s track that had been inspected a few days earlier. The train was traveling under the speed limit for this track. The cause of the derailment is under investigation.

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<sup>3</sup> DEIR, p. 4.7-13 (emphasis added).

<sup>4</sup> Politico, Morning Transportation (April 24, 2014), <http://www.politico.com/morningtransportation/0414/morningtransportation13715.html>.

- **Casselton, North Dakota**—On December 30, 2013, an eastbound BNSF Railway train hauling 106 tank cars of crude oil struck a westbound train carrying grain that shortly before had derailed onto the eastbound track. Some 34 cars from both trains derailed, including 20 cars carrying crude, which exploded and burned for over 24 hours. About 1,400 residents of Casselton were evacuated but no injuries were reported. The cause of the derailments and subsequent fire is under investigation.
- **Plaster Rock, New Brunswick**—On January 7, 2014, 17 cars of a mixed train hauling crude oil, propane, and other goods derailed likely due to a sudden wheel or axle failure. Five tank cars carrying crude oil caught fire and exploded. The train reportedly was delivering crude from Manitoba and Alberta to the Irving Oil refinery in Saint John, New Brunswick. About 45 homes were evacuated but no injuries were reported.
- **Philadelphia, Pennsylvania**—On January 20, 2014, 7 cars of a 101-car CSX train, including 6 carrying crude oil, derailed on a bridge over the Schuylkill River. No injuries and no leakage were reported, but press photographs showed two cars, one a tanker, leaning over the river.
- **Vandergrift, Pennsylvania**—On February 13, 2014, 21 tank cars of a 120-car train derailed outside Pittsburgh. Nineteen of the derailed cars were carrying crude oil from western Canada, and four of them released product. There was no fire or injuries.
- **Lynchburg, Virginia**—On April 30, 2014, 15 cars in a crude oil train traveling at low speed derailed in the downtown area of this city. Three cars caught fire, and some cars derailed into a river along the tracks. The immediate area surrounding the derailment was evacuated. No injuries were reported.<sup>5</sup>

Notwithstanding that the United States Department of Transportation, among others, has determined that Bakken Crude “has a higher gas content, higher vapor pressure, lower flash point and boiling point...which correlates to increased ignitability and flammability,”<sup>6</sup> and that the

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<sup>5</sup> Congressional Research Service, U.S. Rail Transportation of Crude Oil: Background and Issues for Congress (May 5, 2014). In March and April 2013, there were also two derailments of Canadian Pacific trains, one in western Minnesota and the other in Ontario, Canada; less than a tank car of oil leaked in each derailment and neither incident caused a fire. While operators may have implemented safety precautions to address the operational deficiencies exposed over the last few years, these incidents also demonstrate the unpredictability of what can happen by transporting such volatile materials by rail. Addressing safety concerns on such an ad hoc basis will not reduce the overall risks.

<sup>6</sup> Report summarizing the analysis of Bakken crude oil data:  
[http://www.phmsa.dot.gov/pv\\_obj\\_cache/pv\\_obj\\_id\\_8A422ABDC16B72E5F166FE34048CCCBFED3B0500/filename/07\\_23\\_14\\_Operation\\_Safe\\_Delivery\\_Report\\_final\\_clean.pdf](http://www.phmsa.dot.gov/pv_obj_cache/pv_obj_id_8A422ABDC16B72E5F166FE34048CCCBFED3B0500/filename/07_23_14_Operation_Safe_Delivery_Report_final_clean.pdf).



recent events listed above have spurred a massive emergency effort at the federal level to address safety concerns,<sup>7</sup> the DEIR dismisses them in a footnote, stating that “Not every tank car derailment results in a spill, fire, or explosion.”<sup>8</sup> With that simple artifice, the DEIR justifies limiting its analysis to “derailments that result in a release of crude oil.”<sup>9</sup> As discussed below, even the Release Rate Analysis used to conclude that there is a less than significant impact from Hazards and Hazardous Materials completely ignores the risk of fire and explosion.<sup>10</sup>

Having failed to establish a significance threshold that addresses the most critical health and safety risk from crude oil shipments by rail—fire and explosion—the DEIR fails to conduct the necessary analysis of such risks and fails to identify the mitigation measures necessary to protect the communities along the rail routes to the Project site.

**The Project poses a “significant hazard” to the public and the environment through reasonably foreseeable upset and accident conditions.**

By any measure or standard, the Project poses a “significant hazard” to the communities along the rail routes to the Project site. First, the Release Rate Analysis used to conclude that the transportation of crude oil by rail poses a less significant hazard to people and the environment is fundamentally flawed in numerous respects. Second, even if the Release Rate Analysis were accurate, its findings do not support the conclusion of less than significant impacts.

**The Release Rate Analysis is flawed as a tool to assess the potential environmental impacts of the project.**

As a threshold matter, it should be noted that the Release Rate Analysis is the sole basis in the DEIR for concluding that the hazards posed by the Project are less than significant. That Analysis is flawed.

First, the Analysis does not even address the most significant risks to persons, property, businesses, and the sensitive lands along the rail routes to the Project site. As noted above, the risk of fire and explosion are substantial, as evidenced by the series of events over the last two years which have attracted national and international attention and a call for immediate rail operations reforms. In fact, the Analysis does not even consider the recent events, limiting its analysis to derailments over the 5-year period from 2005-2009. This narrow focus misses most of the massive growth in crude oil shipments nationwide. Since 2007, crude oil by rail has seen a 6000% increase, driven largely by the extraordinary increases in energy development in the

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<sup>7</sup> DEIR at pp. 4.7-5 to 4.7-10.

<sup>8</sup> DEIR, at p. 4.7-17, fn. 4.

<sup>9</sup> DEIR, at p. 4.7-17, fn. 4.

<sup>10</sup> See Railroad Crude Oil Release Rate Analysis for Route between Roseville and Benicia, DEIR, Appendix F.

Bakken Formation in North Dakota and Montana.<sup>11</sup> The Analysis never, in fact, analyzes the impact of this tremendous growth in dangerous crude oil rail shipments.

Second, as discussed in more detail below, the Analysis does not accurately assess the potential environmental impacts of the Project because it disregards the full geographic scope of the Project. Specifically, the Analysis only considers potential derailments from Roseville to Benicia. This Analysis does not evaluate potential derailments along the entire rail routes from the oil fields to Roseville, the assemblage and other activities in the Roseville Rail Yard, and the utilization of siding or storage tracks during transportation.

Third, the Analysis minimizes the potential risk of derailment by assuming a “just-in-time” supply chain—that is, that Union Pacific 50-car unit trains will travel from Roseville to Benicia without incident and will be immediately available for processing at Valero, that the trains or tank cars would never be stored or moved to sidings, and that no incidents (including accidents or maintenance) would ever delay delivery to Valero. As the DEIR readily acknowledges, however, Valero does not control the movement of tank cars on the rail line—Union Pacific does. And freight shipments do not operate on regular schedules. Valero can request Union Pacific to meet certain schedules, but has no ability to control the ultimate schedule of the rail operations. As such, it cannot guarantee the “just-in-time” service assumed in the Release Rate Analysis. The shipments also may come with greater frequency and fewer tank cars, which would increase traffic on the alignment and substantially increase the risk.

Fourth, by using national derailment rates the Analysis does not assess the Project specific conditions of these shipments. Of particular note, the Analysis reveals that over 1.3 miles of rail from Roseville to Benicia is FRA Class 1 track—track which has a 15.5 times greater risk of derailment than FRA Class 5 track.<sup>12</sup> However, the Analysis does not consider the location of the Class 1 track, the operational components of the track, the proximity of the track to highly populated areas, schools, hospitals, dangerous facilities, or sensitive lands or habitat.<sup>13</sup>

In light of these flaws, the Rate Release Analysis does not adequately assess the risks associated with the Project’s crude oil shipments.

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<sup>11</sup> <http://www.franken.senate.gov/files/letter/140404RailSafety.pdf>. Note that in Northern California alone, crude oil shipments by rail increased by 57% in 2013. (<http://www.planetizen.com/node/67904>.) Crude oil production in the Bakken region has nearly tripled from 2010 to 2013. ([http://www.phmsa.dot.gov/pv\\_obj\\_cache/pv\\_obj\\_id\\_8A422ABDC16B72E5F166FE34048CCCBFED3B0500/filename/07\\_23\\_14\\_Operation\\_Safe\\_Delivery\\_Report\\_final\\_clean.pdf](http://www.phmsa.dot.gov/pv_obj_cache/pv_obj_id_8A422ABDC16B72E5F166FE34048CCCBFED3B0500/filename/07_23_14_Operation_Safe_Delivery_Report_final_clean.pdf).)

<sup>12</sup> Railroad Crude Oil Release Rate Analysis for Route between Roseville and Benicia, DEIR, Appendix F, at p. 6.

<sup>13</sup> Although the DEIR lists schools within a quarter mile of the rail line (DEIR, at p. 4.7-23), it does not analyze the risks associated with the risks associated with such proximity other than the air quality impacts.

Even were it not flawed, the Release Rate Analysis does not assess the potential environmental impacts of the Project or support the conclusion that crude oil by rail shipments do not pose a significant hazard.

While the DEIR adopts a “significant hazard” test as the threshold of significance, the DEIR never defines or describes the nature of that test. Rather, it merely determines that, under the optimum conditions described in the DEIR, a crude oil train release incident exceeding 100 gallons will only occur every 111 years and then concludes on that basis that the Project poses no significant hazard risk. The DEIR can only reach that conclusion by ignoring the nature of the crude oil being shipped, the specific risks posed by such shipments, and the circumstances of the shipments (including all operational possibilities, specific track and facilities in use, and operating conditions) in relation to the communities, populations, businesses, and land through which the shipments will travel.

At a common sense level, the conclusion that no “significant hazard” exists is absurd in light of the massive mobilization at the federal level to intervene to make crude oil transport by rail safer. As noted above, the United States Department of Transportation recently concluded that crude oil shipments by rail pose an “imminent hazard.”<sup>14</sup> And while the DEIR cites the extensive and repeated federal regulatory calls to improve the safety of crude oil shipments,<sup>15</sup> the DEIR simply concludes that no significant hazard exists.

In a similar context, the National Inventory of Dams classification system defines as a significant hazard circumstances when “Failure or misoperation results in no probable loss of human life but can cause economic loss, environmental damage, disruption of lifeline facilities, or can impact other concerns.” As noted, the DEIR does not even attempt to define a significant hazard, and it never gets to the real crux of risk assessment because it never evaluates—either on a general basis or on a community-specific basis—the specific nature of the hazard, the potential risk of harm to people, property, or human activities, and the potential impacts and magnitude of the hazard.<sup>16</sup> It merely concludes that a crude oil release every 111 years is not significant.

The critical component missing from the DEIR’s analysis is the magnitude of the risk, even from events that may only occur rarely, because small risks of serious illness or death are potentially significant. For example, Sacramento Metropolitan Air Quality Management District’s evaluation criterion for cancer risk is 276 *in a million*.<sup>17</sup> And in this regard the DEIR completely

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<sup>14</sup> Emergency Restriction/Prohibition Order DOT-OST-2014-0067 (May 7, 2014) (<http://www.dot.gov/briefing-room/emergency-order>).

<sup>15</sup> DEIR, at pp. 4.7-5 to 4.7-10.

<sup>16</sup> See, e.g., FEMA Risk Assessment Process, at <http://www.ready.gov/risk-assessment>.

<sup>17</sup> See, e.g., SMAQMD Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways (March 2011), at <http://www.airquality.org/ceqa/SLUMajorRoadway/SLURecommendedProtoco2.4-Jan2011.pdf>.)

fails. Not only does it completely disregard the magnitude of the risk to the communities along the rail alignment, it appears to assume that they do not even exist.<sup>18</sup> It fails to discuss the impact of a crude oil release in those communities and, as noted, it specifically excludes any discussion of fire or explosion. The DEIR also fails to discuss or analyze the specific nature of the crude oil likely to be shipped to Valero. Clearly, the flammability and volatility of the Bakken Formation crude oil, and the high viscosity and toxicity of the Canadian bitumen, were not previously anticipated by the shipping industry. Only now—after significant loss to life and property—is the federal government responding to this emergency. The facts are that qualities and characteristics of crude oil in the United States are not even known at this point. Sixteen United States Senators recently called for funding of Operation Classification, a study of the crude oil properties by the Pipeline and Hazardous Materials Safety Administration (PHMSA), that is viewed as an important step in informing future regulatory actions.<sup>19</sup>

A September 2013 report from the National Oceanic and Atmospheric Administration highlighted the risks of Canadian bitumen. In order to transport bitumen, natural gas condensate or synthetic crude oil is typically added, which may contain elevated benzene levels and sulfur content that is heavier than air, and has a relatively low flash point and flammability. Bitumen is also heavier than water, unlike most crude oil, which poses other risks. These facts lead to the conclusion that there is the potential for both environmental and human hazards from exposure to bitumen, whether leaked or burned.<sup>20</sup>

Canadian bitumen also has raised particular concerns in the aftermath of a 2010 pipeline spill into Talmadge Creek, which flows into the Kalamazoo River in Michigan. The observations from the spill strongly suggest that the bitumen may pose different hazards, and possibly different risks, than other forms of crude oil. Approximately 850,000 gallons of oil spilled into the Creek. After three years of cleanup activities, the EPA observed that the bitumen “will not appreciably biodegrade,” which has led to a decision to dredge the river. As of September 2013, the response costs were \$1.035 billion, substantially higher than would be anticipated to remediate conventional oil.<sup>21</sup>

The properties of Bakken shale oil, although highly variable even within the same oil field, are generally much more volatile than other types of crude. In January of this year, PHMSA issued

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<sup>18</sup> The DEIR makes passing reference to the cities between Roseville and Benicia, but even then it does not list the cities of Citrus Heights or West Sacramento, nor the unincorporated areas of Placer, Sacramento, and Yolo counties. DEIR, at p. 4.7-16.

<sup>19</sup> <http://www.franken.senate.gov/files/letter/140404RailSafety.pdf>. The letter erroneously referred to the study as “Operation Backpressure.”

<sup>20</sup> Transporting Alberta Oil Sands Products: Defining the Issues and Assessing the Risks (September 2013) NOAA Technical Memorandum NOS OR&R 44.

<sup>21</sup> Congressional Research Service, U.S. Rail Transportation of Crude Oil: Background and Issues for Congress (May 5, 2014), at p. 13.

a safety alert warning that recent derailments and resulting fires indicate that crude oil being transported from the Bakken region may be more flammable than traditional heavy crude oil.<sup>22</sup>

But the federal response to these, whatever its final form, does not relieve the DEIR of fully analyzing the nature of the potential crude oil to be shipped, regardless of the source, and of mitigating the risks presented by the Project's crude oil shipments.

**The DEIR fails to analyze the potential environmental impacts of crude oil transport beyond the Roseville to Benicia alignment.**

Although the DEIR concedes the necessity to analyze the environmental impacts beyond the immediate Project site to include the crude oil transportation route, the analysis falls far short of the requirements of CEQA. As a threshold matter, the DEIR improperly limits its analysis to the route from Roseville to Benicia, claiming as "speculative" the originating site of the crude oil. In fact, within the Sacramento region there are only five rail subdivisions which lead to the Roseville Yard: Fresno, Martinez, Roseville, Sacramento, or Valley.<sup>23</sup> Of these, only the Roseville, Sacramento, and Valley subdivisions connect to the north or east where such shipments will originate. Limiting the analysis to Roseville to Benicia is arbitrary and the DEIR must analyze the full environmental impacts of each potential route.

In *Muzzy Ranch v. Solano County Airport Land Use Commission* (2007) 41 Cal. 4<sup>th</sup> 372, the California Supreme Court made clear that it is a lead agency's responsibility to consider even geographically distant environment impacts. CEQA broadly defines the relevant geographical environment as "the area which will be affected by a proposed project." (Pub. Resources Code, § 21060.5.) Consequently, "the project area does not define the relevant environment for purposes of CEQA when a project's environmental effects will be felt outside the project area." (*County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4<sup>th</sup> 1544, 1582-1583.) Indeed, "the purpose of CEQA would be undermined if the appropriate governmental agencies went forward without an awareness of the effects a project will have on areas outside of the boundaries of the project area." (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4<sup>th</sup> 342, 369.) The DEIR cannot just assume that crude oil tank cars will magically appear in Roseville, but must account for the potential impacts of transporting those cars through other communities and property in the Sacramento region.

Additionally, as noted above, the DEIR completely disregards the train assembly activities in the Roseville Yard in close proximity to residential neighborhoods. It also assumes that a "just-in-time" supply chain can and will be used for the Project. As a consequence, the DEIR's

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<sup>22</sup> PHMSA, Safety Alert—January 2, 2014, Preliminary Guidance from OPERATION CLASSIFICATION.

<sup>23</sup> See State Office of Emergency Services Rail Risk Map (<http://california.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=928033ed043148598f7e511a95072b89>).

evaluation of the Project's potential impacts does not consider the risks associated with crude oil tank cars being stored before they can be processed at the Valero facility and does not discuss the possible locations for such storage. As noted, since Valero concedes that it ultimately cannot control the timing of the crude oil shipments, it must account for such events. By failing to discuss these storage needs, the DEIR fails to analyze the entire project. As set forth in the CEQA Guidelines, a "project" is "the whole of an action" that may result in either a direct physical environmental change or a reasonably foreseeable indirect change. (CEQA Guidelines, § 15378; see also *Habitat & Watershed Caretakers v City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1297; *Banning Ranch Conservancy v City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1220.) In *Whitman v Board of Supervisors* (1979) 88 Cal.App.3d 397, for example, an EIR for oil facilities was overturned in part because it failed to analyze the impact of pipelines that would need to be built to service the facilities. Similarly here, the Project analyzed must consider all of the reasonably foreseeable operational details.

**The DEIR fails to analyze the cumulative impacts of the Project.**

While the DEIR's purported cumulative analysis identifies some 17 crude oil by rail, refinery, and refinery related projects, it does not assess the increased risk of multiple crude oil rail shipments, from multiple trains, serving multiple projects in California.<sup>24</sup> The DEIR dismisses the potential for any increase in risk due to multiple crude oil rail projects by opining that any explosion/leakage from a rail car would be separate and apart from any other such explosion/leakage and thus there could be no cumulative impact. However, this omits the fact that a key factor in the risk analysis relied on in the DEIR is the number of train-miles traveled.<sup>25</sup> Therefore, as the cumulative number of train trips increase along a particular rail alignment, the risk of accidents increases. The DEIR should have considered whether the proposed Project's contribution to this risk is cumulatively considerable. And at least two of the projects identified in the DEIR are expected to result in new crude oil shipments along the same rail alignment: the WesPac Pittsburg Energy Infrastructure Project and the Phillips 66 Company Rail Spur Extension Project. The DEIR fails to analyze those cumulative impacts.

Additionally, when, as here, a DEIR's evaluation of cumulative impacts is based on a list of past, present, and probable future projects, it must include in that list any project "producing related impacts, including, if necessary, projects outside the lead agency's control." (CEQA Guidelines, § 15130(b)(1)(A).) Here, the DEIR has failed to consider in its list of reasonably foreseeable future projects the full potential for overall increase in rail cars traveling along the paths that will be taken by the Valero rail cars. Surely any addition of rail cars on the tracks would produce related impacts (e.g., collisions).

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<sup>24</sup> DEIR, at pp. 5-6 to 5-11, 5-16.

<sup>25</sup> See Univ. of Illinois, Railroad Crude Oil Release Rate Analysis for Route between Roseville, CA and Benicia, CA (June 2014), p. 3, at [http://www.ci.benicia.ca.us/vertical/Sites/%7B3436CBED-6A58-4FEF-BFDF-5F9331215932%7D/uploads/Appendix\\_F\\_Railroad\\_Crude\\_Oil\\_Release\\_Rate\\_Analysis.pdf](http://www.ci.benicia.ca.us/vertical/Sites/%7B3436CBED-6A58-4FEF-BFDF-5F9331215932%7D/uploads/Appendix_F_Railroad_Crude_Oil_Release_Rate_Analysis.pdf).

**The DEIR improperly conflates its description of the Project with measures intended to reduce or avoid the clear impacts of the Project.**

In at least two respects, although it is ambiguous at best on these points, the DEIR describes what purport to be elements of the Project intended to reduce, avoid, or mitigate the potential environmental impacts of the Project. The first is the general “commitment” to use CPC-1232 tank cars, rather than the legacy DOT-111 tank cars for transporting crude oil.<sup>26</sup> The second is the incorporation of the “General Railroad Safety” measures to be undertaken by Union Pacific.<sup>27</sup> Such a device was rejected by the court in *Lotus v. Dep’t of Transportation* (2014) 223 Cal. App. 4<sup>th</sup> 645.

The *Lotus* court held that measures designed to avoid, minimize, rectify, reduce, or compensate for a significant impact are not “part of the project,” but should be presented as mitigation measures in response to the identification of significant environmental effects. “By compressing the analysis of impacts and mitigation measures into a single issue, the EIR disregards the requirements of CEQA.” This “short-cutting of CEQA requirements...precludes both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences.” CEQA requires a lead agency to consider a proposed project, evaluate its environmental impacts and, if significant impacts are identified, to describe feasible mitigation measures to reduce the impacts. The court explained that simply stating there will be no significant impacts because the project incorporates special attributes is not adequate or permissible. Among other things, the device avoids the requirement to adopt an enforceable mitigation monitoring program. (223 Cal. App. 4<sup>th</sup> at pp. 656-58.)

Similarly, conflating the mitigation measures with Project description shortcuts full disclosure of the potential environmental impacts and risks of the Project, avoids a full exploration of the feasible mitigation measures to address those impacts and risks, and circumvents a mitigation monitoring program, which is essential to make all of these elements enforceable.

**Conclusion**

We urge the City of Benicia to substantially revise the DEIR for this Project so that it will fully inform the public and the City Council of the full impacts of this Project and analyze all available mitigation to reduce those impacts to a less than significant level.

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<sup>26</sup> DEIR, at p. 4.7-17.

<sup>27</sup> DEIR, at p. 4.7-15 to 4.7-16.

Ms. Amy Million  
August 28, 2014  
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We appreciate your consideration and would be happy to answer any questions you may have about our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cohn", with a stylized, cursive script.

Steve Cohn  
SACOG Board Chair

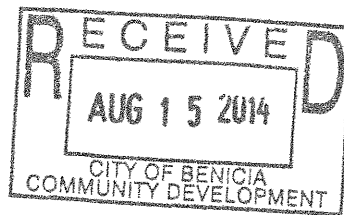
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BENICIA INDUSTRIAL PARK ASSOCIATION  
A COMMITTEE OF THE BENICIA CHAMBER OF COMMERCE  
601 First Street, Suite 100, Benicia CA 94510  
707-745-2120 / Fax 707-745-2275  
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August 12, 2014



Planning Commission  
City of Benicia  
250 East L Street  
Benicia, CA 94510

RE: Emergency Shelters, Supportive Housing, and Transitional Shelter Ordinance

Dear Commissioners,

Please accept this correspondence as the position of the Benicia Industrial Park Association (BIPA) per your recent discussion relating to California Legislature, Senate Bill 2 under the Housing Accountability Act.

The Benicia Industrial Park Association (BIPA) maintains its opposition to housing in the Benicia Industrial Park. Housing in the Industrial Park defeats the City's efforts to recruit and retain business. We respectfully request that you do not jeopardize the integrity of Benicia's Industrial Park which, as you know, provides thousands of jobs and contributes significant revenues to our city's general fund.

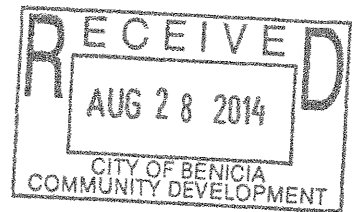
Our businesses rely heavily on the ability to operate in our Industrial Park without negative impacts that housing of any kind, be it emergency, supportive, or transitional, can bring to this revenue generating area of our community.

We thank you in advance for not considering this area as a location for housing and for your support of Benicia's working Industrial Park.

Sincerely,

A handwritten signature in cursive script that reads "Jasmin Powell".

Jasmin Powell, President  
Benicia Industrial Park Association



To: City of Benicia  
250 East L Street  
Benicia, Ca. 94510

Attn: Amy Million, Principal Planner, Community Development Department  
([amillion@ci.benicia.ca.us](mailto:amillion@ci.benicia.ca.us))  
Brad Kilger, City Manager ([bkilger@ci.benicia.ca.us](mailto:bkilger@ci.benicia.ca.us))

Re: Valero Refinery Crude by Rail Project

Permit #: 12PLN-00063

Date: September 5, 2014

From: James Neu / Martinez Environmental Group  
3334 Ricks Ave.  
Martinez, Ca. 94553  
[Jjneusies2@gmail.com](mailto:Jjneusies2@gmail.com)

Ms. Million and Mr. Kilger,

Please address my/our concerns and comments on the Valero Refinery Crude by Rail Project Environmental Impact Report and incorporate them into the public record. Please address any questions and sections marked by an \*.

Thank you for your time and I/we look forward to your response to our concerns,

James Neu

Martinez Environmental Group

1.10 Permits: This project will require permits and approvals before construction and operation can begin including a use permit, grading and building permits that will require regular inspections. As the project progresses, inspections of on site grading, mechanical, electrical, pipe fitting, form framing, dewatering, storm water management, and railroad track laying will need to be performed by certified building, mechanical, electrical inspectors and civil, mechanical, and electrical engineers as well as railroad inspectors.

Sections 3.6 Project Construction, 3.6.1 Schedule, 3.6.3 Construction Labor Force, 3.7 Federal Preemption of Railroad Regulation:

None of the sections listed above or any section within the EIR address the labor force of qualified inspectors that will be needed for the inspection process of this project.

\*Does the City of Benicia Engineering Department have all the certified inspectors and engineers to perform all the different types of inspections required for a project of this magnitude or will the city contract this out to a private engineering firm?

\*If this part of the construction process will be contracted out, who pays for these services and what are the detailed economic estimates for these services and impacts to city staff?

\*Does the City of Benicia have an inspector qualified in track inspection?

This project has a construction timeline of six months.

\*If the city has qualified inspectors, will this project impact their services in fulfilling other city obligations, or will temporary staff need to be hired?

\*How many existing inspectors have prior experience of construction projects of this magnitude?

\*A detailed description of inspection services should be addressed in the EIR.

3.4.1.1 Tank Car Unloading Rack: The new crude oil unloading rack will be capable of unloading two parallel rows of 25 tank cars according to Figure 3.3, x-section BB totaling 50 cars on the unloading rack. A liquid spill containment sump with the capacity to contain the contents of one car will be at the rack. A roadside curb will be provided on the downhill east side

of the rack nearest the property line at Sulphur Springs Creek. In addition, a tank spill containment berm uphill and west of the unloading rack will be removed and modified to allow for the new unloading rack.

A typical rail tank car holds 30,000 gallons of liquid and there will be 50 rail cars at the unloading rack at one time. There will be a total of 1,500,000 gallons of liquid at the rack with a sump that has the capacity to contain approximately 30,000 gallons. The EIR does not address the capacity of the sump specifically or to contain or pump the 1.5 million gallons at the rack to another storage facility in case of an emergency. The EIR does not specifically address the modified containment berm and whether it would accommodate the 1.5 million gallons of liquid on the rack plus the size of the tanks up hill of the unloading rack.

\*These issues of containment, sump capacity in relation to rail car volume and alternate storage need to be addressed and specified.

The unloading rack is directly uphill, 24' from the property line, and less than 60' from the Sulphur Springs Creek. A significant leak breaching the unloading rack would immediately drain into the Sulphur Springs Creek and consequently into the adjacent marsh and Carquinez Strait. There is no tidal gate at the mouth of Sulphur Springs Creek. Other than the sloped unloading rack and the sump, there isn't any containment berm or wall between the unloading rack and the creek.

\*The National Transportation Safety Board (NTSB) recommends to the Federal Rail Administration (FRA) to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the ENTIRE QUANTITY of product carried on a train. This was not done in the EIR for the unloading rack area.

\*This concern of contamination of hazardous material into the creek, Suisun Marsh and Carquinez Strait from a failure of containment at the rack needs to be addressed in the EIR.

\*A design change at the rack site needs to accommodate a perimeter capable of holding the amount of oil in the loaded cars at the rack.

3.3.1.1 Types of Crude Oil: The EIR goes to great lengths describing the different types of crude oils refined at the Valero refinery and how a mix of light, sweet, and heavy crudes are blended in the Valero refinery process. Valero selects crudes based on a range of variables that can change over time and may choose any feedstock from Table 3-1. Heavier crudes are diluted with other chemicals, diluted bitumens (dilbits), to make them flow easier and have to be heated to flow. Table 3-1 lists 38 different North American crudes available to Valero, almost half of which are categorized as heavy sour crude.

On July 1, 2014, Senator's Miller, Matsui, Thompson, and Garamendi, issued a letter to Secretary of Transportation, Anthony Foxx, requesting a rulemaking that requires stripping out the most volatile elements of crude oil before it is loaded into tank cars. Should this rule be implemented, the use of dilbits and heat would be necessary to get the heavier crudes out of the tank cars.

There is no mention of a heating unit at the rack to remove heavier crude oils from the rail cars. -

\*Should the refinery receive heavier crudes by rail, how will they get it from the rail cars and into the refinery for processing?

\*Will there be a heating unit installed at the unloading rack now or in the future?

\*Why was this aspect of transporting heavier crudes by rail not discussed or addressed in the EIR, whether it was in the immediate plan or future plans?

3.3.2.1 Crude Oil Processing: The EIR states that Valero currently exports petroleum coke and LPG from the refinery to off site customers. Twelve rail cars loaded with petroleum coke leave the refinery to the AMPORTS Benicia Terminal daily where the product is loaded into storage silos and is eventually loaded into marine vessels for export. The Valero Improvement Project

enabled Valero to process crude blends that are heavier and sourer than previous blends, reducing the use of gas oil as a feedstock and increasing the amount of pet coke.

Petroleum coke is the most toxic byproduct of tar sand heavy crudes and because pet coke is considered a refinery byproduct, its emissions are not included in assessments of climate change impact. A ton of pet coke yields 53% more CO<sub>2</sub> than a ton of coal. Pet coke is the coal hiding in the North American tar sand oil boom and the bay area refineries are becoming coal factories where they then sell it to countries that have less stringent regulation such as China.

\*Other than mentioning the existing conditions of the pet coke transport, the EIR does not detail any expected amounts of pet coke movement from the refinery to the AMPORTS terminal or how much is exported annually. This needs to be addressed in the EIR.

3.4.1.3 Tank Cars: In 2011 the Association of American Railroads (AAR), voluntarily imposed more stringent standards on the design of the DOT 111 tank cars that were originally designed to carry corn syrup. Tank cars that meet the new standards with thicker tank shells, higher tensile strength steel, protective head shields at both ends of the car, consolidated top fittings under a protective cap, and reclosing pressure relief devices, are now referred to as CPC-1232 tank cars. DOT 111 cars ordered after October 1, 2011 must meet the standards for CPC-1232 tank cars and tank cars ordered before 2011 that do not meet the standard for 1232 tank cars are referred to as “legacy” DOT 111 tank cars. According to the EIR, Valero has committed that when Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations call for the use of a DOT 111 car, Valero will use the CPC-1232 tank car rather than a legacy DOT 111 car.

According to Christopher Hart, vice chairman of the National Transportation Safety Board (NTSB), “the continued use of the CPC-1232 to ship flammable liquids poses an unacceptable risk to the public”. He also stated the CPC-1232 design standard needs additional design changes to “improve the crash worthiness” of tank cars used to carry crude oil and flammable liquids.

Edward Hamberg, president and chief executive officer of the AAR told the Senate Commerce, Science, and Transportation Subcommittee on Surface Transportation and Merchant Marine Infrastructure at a March 6, 2014 meeting “that since filing its 2011 petition the association has changed its position and now recommends that the Department of Transportation (DOT) require new tank cars to be built to meet specifications exceeding the CPC-1232 standard”. USDOT Secretary Anthony Foxx confirmed that 10 of the 13 tank cars that leaked and exploded into the James River in Lynchburg, Va. in April 2014 were CPC-1232 tank cars and departing chairwoman of the National Transportation Safety Board, Deborah Hersman, warned of the risks “of a higher body count” if regulators did not upgrade rail tank car standards.

Given the fact that the Mr. Hart, vice chairman of the NTSB and Mr. Hamberg, the president and chief executive officer of the AAR stated that the CPC-1232 train car needs improvement in design to safely transport hazardous and flammable crude oil, the Valero Crude by Rail Project should be put on hold until these agencies can provide a safer means of transporting hazardous materials from Stockton to the Valero refinery in Benicia.

\*This issue of establishing development on tank car regulation and mitigation of unsafe crude by rail transport vessel needs to be decided on by lawmakers, made into law and adopted by the Valero project before this project can be approved.

\*The EIR fails to recognize possible upgrades and changes in regulation to the CPC-1232 rail car.

\*The EIR also fails to consider whether the CPC-1232 standards are sufficient to mitigate the risk of an oil spill.

3.4.1.4 Ancillary Facilities: An existing 5’-10’ earthen berm that contains the lower tank farm would be removed and modified to allow for the unloading platform. 1,800’ of the existing earthen containment berm along the eastern edge of the tank farm would be removed and an 8’ tall concrete berm will be constructed west of the earthen berm and the unloading rack providing containment requirements for the storage tanks.

\*There is no containment berm, new or existing, located between the unloading rack and the Sulphur Springs Creek to prevent the 1.5 million gallons of crude oil from escaping into the creek, Suisun Marsh or Carquinez Strait and this concern needs to be addressed in the EIR.

3.4.1.4 Ancillary Facilities: According to the EIR, existing groundwater monitoring wells along Avenue A interfere with the project and would have to be relocated or removed to accommodate the project.

4.7.5d Discussion of No Hazards and Hazardous Materials Impacts: Hazardous properties of crude oil to be shipped by rail to a site which is included on a list of hazardous materials sites compiled by U.S. Government Code Section 65962.5, and as a result would create a significant hazard to the public or the environment. The Valero Benicia Refinery is listed by the State Water Resources Control Board as having potentially contaminated ground water and performs ongoing ground watering monitoring, remediation and reporting activities.

Section 4.8.2.2; Project Setting, Water Quality: The EIR states the prevailing direction of groundwater flow within the refinery property is towards Sulphur Spring Creek which flows in a channel that parallels the eastern edge of the property and the unloading rack project. Free phase liquid hydrocarbons have been observed in monitoring wells at various locations within the refinery property.

These monitoring wells are a substantial and significant resource in water quality monitoring. The intention of capping or removing the monitoring wells along the Sulphur Spring Creek / Avenue A area to accommodate the unloading rack and the project would violate State policy for water quality control managed by the San Francisco Regional Water Quality Control Board (SFRWQCB).

\*How can ongoing ground water monitoring, remediation, and reporting be accomplished if these wells were capped or removed?

\*New ground water monitoring should be required to mitigate and monitor ground water contamination. These monitoring wells within the project should not be capped or removed and this issue of ground water monitoring should be addressed in the EIR.

3.4.2.1 Tank Car Transport and Unloading: The EIR goes into great detail to explain the handling scenario of getting the two 50 car trains from the UPRR Roseville rail yard to the Valero refinery. Scenario 2 states the UPRR –operated locomotives would travel up to 50 mph from Roseville to Park Rd. in Benicia where they will go 5 mph.

\*The EIR does not mention the reduction in speed recommended by the AAR to 30 mph for trains carrying crude oil through residential areas and this needs to be declared and specified in the EIR.

The EIR does not mention the mainline cross over in Davis at L Street where the crossover speed limit is 10 mph. This section of track is a documented concern by the City of Davis to Union Pacific Railroad as a location of possible derailment. UPRR freight trains have been documented going through this cross over section of track at 30 mph.

\*This concern by the City of Davis and its request for a track realignment of the crossover on the mainline at the L Street crossing needs to be declared and specified in the EIR with a track correction completion date specified before hazardous crude oil may be moved across this section of tracks.

Positive Train Control (PTC) is an advanced technology that incorporates GPS tracking to automatically stop or slow trains prior to collisions and derailments. The Rail Safety Improvement Act of 2008 requires Class 1 railroads to install PTC on tracks that carry poison or toxic products by the end of 2015. In Senators Matsui, Thompson, Miller and Geramendi's letter to Anthony Foxx, Secretary of Transportation, one of their requests of immediate action was to expedite the issuance of a final rulemaking to require the full implementation of Positive Train Control (PTC) technology for all railroads transporting crude oil by rail and to provide status on the progress of PTC implementation to date.

\*Positive Train Control was not mentioned in the EIR and should be addressed as a measure to curb track deficiencies and prevent derailments with locations specified in the EIR. Electronically-Controlled Pneumatic Brakes (ECP) instantly signal a brake application to all cars which provides faster application of brakes and reduces the chances of brake failure and crude oil trains represent the ideal application of this new technology. It is recommended by the Oil by Rail Safety in California Governor's Report that ECP monitors should be installed every 40 miles of track.

\*Union Pacific Railroad (UPRR) is not part of the Valero EIR as it never mentions the number of locomotives that will be necessary to transport the 50 rail tank cars of crude oil. Will it be the same number of locomotives from where the train enters the state, reduced up rail at a distribution yard east of Valero and how many will be used to remove the empty rail cars?

\*How many ECP monitors are on the UPRR tracks between Roseville and Benicia?

\*ECP was not discussed in the EIR and should be addressed as a measure to mitigate the risks of run a way trains and its effectiveness in bringing crude by rail into the project.

\*The EIR fails to address where two 50 car trains or more full of crude oil will be sided should there be an unexpected shutdown, emergency, or maintenance at the refinery which would require holding trains off project site for an undetermined amount of time.

\* The Azol Martinez Rail Yard is the overflow siding area for the UPRR Benicia – Martinez area and the siding of 100 loaded crude oil tank cars was not addressed in the EIR as to how or if this facility will be used.

\*Will these trains be held up rail at sidings along the Suisun Marsh, Roseville Yard, Yolo or Sacramento sidings?

3.6.2 Site Preparation: Most of this project's construction will take place along Avenue A; between the tank farm berm and property fence along Sulphur Springs Creek. The EIR construction schedule timeline is for construction to begin in fall 2014 and be completed in late 2014 or early 2015, last approximately 25 weeks or 6 months, with two 10 hour shifts per day, seven days per week.

According to the EIR, the new track area will need an excavation of 16,000 cu.yds. cut volume and fill volume of 2000 cu. yds., the containment berm area will need an excavation of 3,000 cu.yds. cut volume, the new rail unloading rack will require an excavation of 1,500 cu.yds. cut volume giving the project a net cut volume of 18,500 cu.yds.

Environmental Impact 4.2-2: According to the California Department of Fish and Wildlife or U.S. Fish and Wildlife, the project could have a substantial adverse effect on the Sulphur Springs Creek riparian corridor from excessive sediment loads generated by grading and other soil – disturbing activities adjacent to the creek that are carried into the stream. The EIR states the proposed project construction would occur primarily during the low flow period of April 15 through October 15 when rainfall is not anticipated and the transport of sediments by surface flow would be unlikely.

\*This mitigation statement in the EIR contradicts the proposed project construction schedule and needs to be addressed in detail.

\*A solution needs to be established that falls within the mitigation measures proposed in the EIR before this project can be approved.

\*Therefore, it should be documented, to mitigate adverse effects on the riparian habitat from project sediment run off, the proposed project construction schedule would be allowed from APRIL 16 THROUGH OCTOBER 14.

4.2.4.1 Project Study Area, Environmental Impact 4.2-1: The EIR states the project could have a substantial adverse indirect effect on nesting birds due to noise, vibrations, visual disturbances and increased human activity associated with project construction. This could result in nest

failure such as nest abandonment which would lead to unsuccessful reproduction or cause flight behavior that exposes an adult or it's young to predators.

Mitigation Measure 4.2-1 states project construction activities should avoid the nesting season of February 15 through August 31. This mitigation statement in the EIR contradicts the recommended project construction schedule of Environmental Impact 4.2-2 above and needs to be addressed in detail.

\*A solution needs to be established that falls within the mitigation measures proposed in the EIR before this project can be approved.

\*Therefore, it should be documented, to mitigate adverse indirect effects on nesting birds due to construction activity associated with the project, the proposed construction schedule would be allowed from SEPTEMBER 1 THROUGH FEBRUARY 14.

However, due to the Environmental Impact 4.2-2 above, where stated mitigation measures to limit sediment runoff, construction is allowed to be from April 16 through October 14. This conflicts with bird nesting mitigation dates of construction to be allowed from September 1 through February 14 and only allows construction of the project from September 1 through October 14.

\*Therefore, according to dates recommended in the EIR, it should be documented to mitigate sediment runoff into riparian habitat and to mitigate construction noise, vibration, and visual activity which would have an adverse affect on nesting birds, construction of the project can only be allowed from SEPTEMBER 1 THROUGH OCTOBER 14.

\*Considering this project is scheduled to last 25 weeks or 6 months, and can only be active from September 1 through October 14 due to biological mitigation measures recommended in the EIR, it will take this project 4 years to be completed.

4.1 Air Quality: The U.S Environmental Protection Agency (EPA) has identified criteria air pollutants that are a threat to public health and welfare. Examples of criteria within the Valero project area are ozone, nitrogen dioxide, carbon monoxide, particulate matter, and sulfur dioxide. A system that utilizes a combination of fence line, community, and mobile monitoring should be required to adequately define exposures during normal operations and when upsets and accidents occur. Fence line monitoring would be to identify non- routine emissions during normal operation, while community monitoring would be utilized to develop special gradients of chronic exposures. Mobile monitoring would be used to supplement on going monitoring during major upsets and incidents and to help develop information on spatial variability with volatile organic compounds (VOC) being the primary focus.

The closest BAAQMD air monitoring station to the Valero project is 5.5 miles upwind in Vallejo which monitors carbon dioxide, nitrogen oxide and particulate matter. Air monitoring as part of the project was not discussed in the EIR.

\*The following air monitoring methodology should be implemented as part of the project and addressed in the EIR:

\*Information should be provided to the community through a well designed web site that provides appropriate context with a means for the public to provide their observations and should be informed of actions taken in response to their observations.

\*A regular review of available instrumentation should occur with a methodology to cost effectively update the in place network.

\*Lines of communication should be established between industry, the community, and regulators to ensure appropriate value is provided by the developed network.

\*Emissions from coker units, storage tanks, pressure valves, couplers, and by passes should be monitored, documented and regulated.

\*Simultaneous detection of benzene, carbon dioxide, chlorine, ozone, phenol, p-xylene, sulfur dioxide, toluene should be collected on a real time basis.



\*Data from the air monitoring system will be collected and reported on an internet site that is publicly accessible.

\* Samples should be collected every five minutes and reported on a real time community website along with meteorological data.

\*This should be a 2-3 year operational analysis until a medium can be established.

4.2.4.2 Suisun Marsh, Impact 4.2-6: The project could have a substantial adverse effect on special-status wildlife species in the Suisun Marsh disturbed by an increased frequency (high traffic volumes) of railcars through the marsh. The Suisun Marsh is on the Pacific Flyway, the largest brackish water marsh on the west coast of North America. It is essential habitat for 221 bird species, 45 animal species, 16 different reptilian species, 40 fish species, and supports 80% of the state's salmon fishery. The project could impact species by the increased volume (number and duration) of railcars travelling through the marsh causing increased noise and vibration. Noise pollution is a concern to wildlife conservation. The effect of frequent and long term noise and vibration on insect pollinators, amphibians, birds or mammals has not been studied for this project. Birds are especially sensitive to noises as it interferes with vocal communication by effecting territorial behavior and mating success. The project addition of four trains per day increases the train volume disturbances by 9.5% where the total becomes 42 trains per day.

\*A noise pollution study needs to be performed to determine the adverse effects on birds, mammals, and amphibians before this project can be approved.

4.2-7 Environmental Impact: In the event of a train accident that involves large amounts of oil spilled from one or more tank cars, the project could have a substantial adverse effect on special status natural communities and special status species, including those in the Suisun Marsh. A significant oil spill is classified as any amount greater than 100 gallons.

Between 1975 and 2012, U.S oil spills from rail tank cars totaled 800,000 gallons. More than 1.15 million gallons spilled in the U.S. in 2013 alone. More crude oil spilled in the U.S in 2013 than has spilled in the last 40 years.

According to the EIR and a probability of an accidental release of crude oil from a Valero train study done by Dr. Christopher Barken, a release of more than 100 gallons of crude oil would have a .009 chance per year. This corresponds to an estimated spill frequency of occurrence of once per 111 years and in the Suisun Marsh of once every 262 years.

According to Appendix F in the EIR, Dr. Barken's study data was based on the U.S. Department of Transportation and the Federal Railroad Administration (FRA) Rail Equipment Accident (REA) databases over a five year period from 2005 through 2009. When this study was performed, California had less than 70 rail tank cars moved through the state per year. According to the California Energy Commission, California has gone from 70 tank cars in 2009 to 9,500 tank cars moved through the state in 2013. There were 70,000 barrels of oil moved by train in 2009 to over 6,000,000 barrels of oil moved in 2013 according to the Natural Resources Defense Council. The 2005-2009 study of Dr. Barken would have less than 123 barrels per day moving through the Suisun Marsh and with the proposed Valero project; there will be 70,000 barrels per day moved through the Suisun Marsh.

In July of 2014, the Yolo County Board of Supervisors sent a letter to the City of Benicia questioning Dr. Barken's study because it doesn't address the potential magnitude of oil spills. The letter states, "A catastrophic explosion and spill in a populated area is different from a 100 gallon spill in a shipyard that is quickly cleaned up."

Given that Dr. Barken's study was performed with data that does not reflect the current trends of the amounts of crude oil transported today by rail, this study should be treated as erroneous and irrelevant based on inaccurate and outdated information. This being said:

\*All sections referred to in the EIR basing a minimal risk or less than significant impact on the environment based on Dr. Barken's study, should be struck from the EIR and reexamined. These sections include 4.2-6, 4.2-7, 4.2-7c, 4.2-8f and should be reported as significant impacts.



4.4 Energy Conservation: In 2009, the City of Benicia adopted a Climate Action Plan to reduce greenhouse gas emissions (GHG) 33 percent below 2000 levels by 2020 and maintain 2005 emission levels by 2010. The city missed its reduction target of reduced emissions by 21%. As part of a 2010 GHG Inventory Update, the city excluded emission reports from large emitters and Valero's emissions were ultimately excluded from totals to allow the city to focus on entities which it has regulatory control. The City of Benicia Climate Action Plan (CAP) seeks to reduce reliance on non renewable energy resources and provide incentives to reduce current demand on resources. Impact 4.4-1 of the EIR states the construction and operation of the project would result in consumption of energy and could cause adverse effect on local and regional energy supplies or requirements.

As part of the 2003 Valero Improvement Project (VIP), Valero proposed to increase its electrical power use by 23 megawatts, import and process higher sulfur content in heavier crudes than current slate up by as much as 30% more than before the VIP. Appendix F of the EIR CEQA Guidelines provides guidance and three goals for assessing energy impacts: decreasing overall per capita energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. A proposed 51 mw cogeneration unit at Valero is still permitted by BAAQMD until the end of 2014.

\*According to CEQA guidelines and the Benicia General Plan, evaluation of the potential hazards and environmental risks to sensitive receptors should be conducted before approval of this project and establish whether significant air pollution problem exists in Benicia.

\*There is no green aspect of the Valero Crude by Rail Project despite discussion in the EIR for an increased demand of energy. Considering the goals of the City of Benicia CAP, the CEQA guidelines, and GHG reduction efforts of AB32, this project needs to investigate the use of solar and wind generation energy for future energy demands.

\*The Valero site has abundant open space for installing a 75mw solar array to offset future energy needs and renewable energy sources should be addressed in the EIR.

4.6 GHG Emissions: Approximately, one third of GHG emissions come from electricity production including power and coal plants and refineries. Oil refineries generated 7% of GHG emissions produced in California in 2012. According to 2010 Bay Area Clean Air Plan (CAP), ozone control measures and impacts of these control measures on particulate matter, air toxics, and GHG emissions in a single integrated plan, and rail emission analysis from source to refinery, would be included in this plan required by BAAQMD. Ozone, nitrogen dioxide (NOx), carbon monoxide (CO2), particulate matter, sulfur dioxide (SO2) is all products of incomplete combustion of motor vehicles.

\*GHG emissions should address the entire cycle of extraction of the crude oil, its transportation to the refinery, the refining process, its distribution to the world market, and its consumption by the consumer.

\*Air analysis must be performed from North Dakota or crude source to Benicia; not just from Roseville to Benicia.

\*A rail and ship emissions analysis as portable sources of emissions is required by BAAQMD and not mentioned in the EIR.

Table 4.6-6 states locomotives use 1,321 metric tons of CO2 per thousand miles hauled per million barrels delivered whereas marine vessels use 876 metric tons CO2 per thousand miles hauled per million barrels delivered. Table 4.6-7 equally states marine vessel transport uses less CO2 per barrels delivered per year than train locomotives.

\*Both tables in the EIR show less GHG emissions are used by marine vessel as compared to train locomotive to transport crude oil and the basis for the Valero crude by rail project consideration is unclear.

The EIR only considers GHG for rail operation from Roseville to Benicia and considers emissions from marine tankers only from 27 miles from the Golden Gate to Benicia. Unlike

localized air emissions, green house gases are global pollutants that have effects worldwide and in California regardless of where the emissions occur.

\*This project is causing new rail traffic from the source of the crude oil, not just from Roseville, resulting in a growth inducing aspect of the project that should be addressed in the EIR.

4.7 Hazards and Hazardous Materials: According to the EIR, the Valero refinery receives hazardous materials that exhibit hazardous characteristics such as combustibility, flammability, toxicity, and materials handled can ignite causing significant fires, explosions, or release of toxic material. Acting Chairman of the NTSB, Christopher Hart said, "All crude oil is flammable and can cause environmental damage". Analysis is done only on the rail corridor between Roseville and Benicia, the unloading facility, and the immediate Bay Area affected by a maritime spill.

\*The analysis does not attempt an impact study between the oil well head to Roseville and therefore is an incomplete study by the EIR.

The EIR states the project would reduce the risk of crude oil spill from a ship travelling through the bay to Benicia; however rail transport from the source to Roseville to Benicia has its own spill risks that could pollute the bay, Suisun Marsh, and drinking water to millions of Contra Costa County residents.

\*An impact mitigation study was not performed in the EIR for the effect of a spill into the Carquinez Strait and its effects on drinking water to the residents of Contra Costa County.

4.7.2.3 Regulatory Setting: Pipeline and Hazardous Materials Safety Administration (PHMSA) is a department within the U.S.D.O.T. and adopts regulations governing the transport of hazardous materials by rail, highway, air and water. PHMSA adopts regulations set forth in Chapter 1 of Subtitle B of Title 49 of the Code of Federal Regulations (CFR). The Federal Railroad Administration (FRA) enforces the requirements set forth in PHMSA regulations.

49 CFR 174 states carriage by rail specifies handling, loading, and placarding of rail cars to indicate the hazard classifications of the materials and segregation of incompatible materials. Through audits by the FRA, classifications were being based solely on Material Safety Data Sheets and not on testing the crude itself. Currently, there is no enforcement of segregation of incompatible materials in crude oil shipped from the Midwest crude fields. In Senator Thompson, Matsui, Miller and Garamendi's letter to Secretary of Transportation Anthony Foxx, they requested the removal of incompatible volatile gases at the terminal well head before the crude oil is loaded for transportation. Currently, there is no enforcement of placarding to designate empty rail cars from full or enforcement that crude oil is labeled Class 1, Packaging Group 1 material. An August 5, 2014 Reuters article stated the North Dakota Petroleum Council (NDPC) released final results from a wide scale study on the quality characteristics of Bakken crude oil and recommended oil by rail shippers to classify all Bakken crude oil as Packaging Group 1. In its own study in July 2014, PHMSA said most crude oil from the Bakken tested as Packaging Group 1 and 2 with a predominance of Group 1.

49CFR 179 addresses tank car specification and standards in construction for tank cars.

Currently, there is no enforcement or regulation adopted to upgrade the DOT111 or the CPC-1232 tank cars. Before this project is approved and crude oil is to be moved within the State of California, the EIR should address each of the following recommendations:

\*Complete phase out of the DOT 111 rail car and prohibit its use in the state

\*Classify tar sands and Bakken crude oils as hazardous with Class 1, Packaging Group 1 rating

\*Remove volatile gases and incompatible materials at the terminal well head before transporting crude oil

\*Properly placard all volatile and hazardous tank cars and devise a nationwide system of labeling that denotes whether the car is empty or full so first responders' have on site notification

\*Implementation of positive train control (PTC) monitoring system within the state

\*Implementation of the electronically-controlled pneumatic braking system (ECP) within the state

- \*Increase the number of track inspectors and frequency of track inspections
- \*Apply route planning and route selection requirements set forth in 49CFR 172.8 to routing of crude oil trains as the requirements do not presently apply to crude by rail trains
- \*Establish a maximum speed of 40 mph through urban areas
- \*Install wayside wheel bearing detectors on tracks at 40 mile intervals
- \*Increase emergency response training and conduct planning for emergency response capabilities
- \*Notify the state emergency response commission for each state and each community along the rail route that Bakken crude oil is transported as per USDOT Emergency Order DOT-OST-2014-0067.

Liability is another issue that has not been addressed by the fossil fuel market or by regulators. Costs associated with cleanups often exceed the ability of insurance to pay and it is unclear who will pay. August 1, 2014 conclusions from a Department of Transportation analysis of its own rule proposed to address the series of troubling derailments across North America as shipments of oil by rail surge found that most freight railroad insurance policies couldn't begin to cover damage from a moderate oil train accident, much less a major disaster.

\*Who is responsible for bearing the financial burden of any accident whether it be the shippers, offerors or the carriers, will be a significant part of the discussion as to who is at fault when accidents occur?

\*The EIR does not address the liability issue if there is a spill as to which entity, Valero, UPRR or the County of Solano, or the rail tank car company, will cover the costs of the cleanup.

4.7.2.3 Local- Benicia General Plan: The 1999 Benicia General Plan identified goals and policies relating to hazardous materials. Goal 4.7 ensures existing and future neighborhoods are safe from risk to public health resulting from exposure to hazardous materials.

\*The Valero project puts the Industrial Park and a day care at risk and needs to address the effects in the EIR.

Policy 4.7.1 actively recruits industries and businesses that sustain environmental quality and have sound environmental policies such as reduced use of volatile hazardous materials in production.

\*The Valero project does not meet the Benicia General Plan objectives and does not address the goals.

Goal 4.8 protects sensitive receptors from hazards. Policy 4.8.1 evaluates potential hazards and environmental risks to sensitive receptors before approving development.

\*The risks and potential hazards detailed in the EIR outweigh the goals of the Benicia General Plan to where the project should have "no project alternative" or "alternative #3"- offsite unloading terminal with pipeline to the refinery.

4.7.4 Hazardous Properties of Crude Oil to be shipped by Rail: It is stated in the EIR that lighter crude oils have a lower flash point than heavier crude oils making them much more combustible and more likely to ignite upon release causing a fire or explosion. It is also suggested that crude oil from a well usually goes through some processing, separation, or treatment near the well head location prior to being loaded for transportation. Shippers must characterize crude oil that they offer to railroads based on initial boiling points and flash points which designates the shipping class.

In a letter from Union Tank Chief Executive Officer Kenneth Fischl and CEO of rail car manufacturer GATX Corporation to Cynthia Quarterman, chief of PHMSA, the CEO's state, "the quickest and most meaningful way to improve crude by rail safety is to approve new regulations regarding railroad operating procedures and classification and testing of flammable liquids. Focusing only on tank car standards is simply not enough to immediately improve the safety of crude by rail shipments."

The most recent volatile crude by rail explosions in Lynchburg, Va., Casselton, ND, Aliceville, AL, Lac-Megantic, Quebec involved light Bakken crude oil that was not labeled correctly as Class 1 packaging, and did not have their contents processed prior to shipping.

\*Before this project is allowed to be approved and crude oil is to be shipped within the state, the federal, state and local governments have to establish guidelines and regulations as to the loading, handling, and movement, notification of movement, and emergency response training and ability to address events with the crude by rail process.

4.7.6 Discussions of Impacts and Mitigation Measures: The EIR states as part of Union Pacific Railroad (UPRR) efforts to improving safety when it comes to transporting crude by rail, UPRR inspects tracks, locomotives, and cars carrying crude oil and other hazardous liquids daily. According to the California Interagency Railway Working Group, California Public Utilities Commission (CPUC), there are 52 inspectors for the entire state of California.

\*These staffing levels are totally inadequate to properly inspect tracks on a daily basis and dispute the claim by UPRR that the tracks are inspected daily in relation to this project which needs to be readdressed by the EIR.

\*Before this project is approved, more UPRR inspectors must be hired, which the governor has requested at least seven more just to inspect tank cars.

Impact 4.7-2 states this project could pose significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. If a release in an urban area were to ignite and explode, the release could result in property damage, and /or injury and/or loss of life.

\*The EIR does not state the number of people affected in evacuation distances of ½ mile or 1 mile from Roseville to Benicia.

Again the EIR determines analysis by Dr. Barken that a spill greater than 100 gallons has a risk of 1 per 111 years per data collected between the years 2005-2009. Since 2009, crude by rail has increased 500 fold making the Barken study data based on outdated and erroneous information. Federal Railroad Administration Hazardous Materials Specialist, Ernie Sirotek stated, "Shipments of crude oil have increased 443% since 2005 and increased 166% from 2012-2013. It is the most frequently shipped hazardous material".

\*The Barken study should be omitted or re examined by the EIR and updated with crude by rail data from 2009 through 2013.

Impact 4.7-2 of the EIR states that according to the Barken report, the rate of hazardous materials releases from trains has declined since the rate estimate was developed, accident rates have been declining for decades and the trend will continue for decades. This is very far from the truth as the former NTSB chairman Deborah Hersman stated "the large scale shipment of crude oil didn't exist 10 years ago, and our safety regulations need to catch up". According to PHMSA, in 2013 alone, there have been 1.15 million gallons of crude oil spilled by trains. More crude oil was spilled in the US from rail cars last year than was spilled in nearly 40 years since the government began collecting data on such spills according to McClatchy news.

\*The Barken report again has cited erroneous information to base their argument on the safety of crude by rail and this report cited in the EIR should be disregarded and readdressed.

Impact 4.7-2 of the EIR states Lac Megantic, Quebec was the only incident involving injuries or loss of life, although the loss in that incident could be deemed catastrophic. Lac Megantic and Lynchburg, Va. events resulted in a significant discharge of crude oil into a waterway.

\*This EIR minimizes the risk assessment of Bakken crude by rail to blame operators or human error and to assume that a switch from DOT111 Legacy rail cars to CPC 1232 rail cars will eliminate risks of Bakken crude releases into the environment or urban areas. The president of the AAR, Edward Hamberg, stated, "since filing its 2011 petition the association has changed its position and now recommends that the DOT require new tank cars to be built exceeding the CPC-1232 standard". Christopher Hart, vice chairman of the NTSB stated, "the continued use of

the CPC-1232 to ship flammable liquids poses an unacceptable risk to the public” and “ the CPC-1232 design standard needs additional design changes to improve crash worthiness.”

\*The EIR defense that a change to the CPC-1232 rail car to make crude by rail safer is feeble and flawed and should be readdressed in the EIR.

\* There is no legally bound verbiage in the EIR that addresses the number of trains that can be brought in to the refinery in the future. All discussion was about what is proposed for the current project but it does not state that Valero cannot legally bring in more than two -50 car trains to the refinery or neighboring rail yards in the future or addresses if there is an over flow of trains because of a refinery setback from receiving the proposed amount.

Impact 4.7-6 states the project operation could emit hazardous emissions or acutely hazardous materials, substances or waste within ¼ mile of existing or proposed schools. According to Table 4.7-1 illustrates that between the Valero refinery project and Roseville, 27 school properties lie within ¼ mile of the mainline tracks. The EIR states these school facilities represent a less than significant impact from the emissions or from a spill or derailment. According to the National Resources Defense Council (NRDC) study on crude by rail in urban areas, ½ mile evacuation is required of derailment with no fire and 1 mile evacuation is required with derailment and fire from the tracks.

\*This EIR is incomplete as the source of the crude shipped to Valero is at the well head and how many schools and the number of people that have to be evacuated within the ½ mile and 1 mile zones from each well head and feed stock source is not included in the report. These figures need to be addressed in the EIR.

4.8.2.1 Hydrology and Water Quality: The EIR states storm water runoff is significant because of impervious surfaces through out the Valero refinery complex. The prevailing direction of storm water runoff is to Sulphur Springs Creek. Liquid hydrocarbons are observed in monitoring wells at various locations in refinery property. Section 3.4.1.4, ancillary facilities under tank car unloading rack, states existing ground water monitoring wells will be modified or capped.

\*Due to regular hydrocarbon observations in monitoring wells, wells should not be capped and should be monitored more frequently due to the new project.

\*The EIR should map and locate wells to be moved for project construction and mapped and located for new locations with the same number installed as moved or capped.

4.10 Noise: The EIR states there would be short term construction noise impacts, long term operational noise impacts, vibration impacts to humans and nesting birds. Noise impacts to the City of Benicia would be insignificant because the city is situated far enough away from the Valero project. However, up rail residential communities and the Benicia Industrial Park are immediately adjacent to the rail line crossing and the main line.

\*There was no noise or vibration study of construction or daily train operation on birds according to section 4.2-6 and a study of this kind should be done to mitigate adverse effects on nesting birds before this project can be approved.

\*The EIR analyzes indirect noise impacts from train travel in the city of Benicia near the project but areas along the train route outside of Benicia are only mentioned in general terms and need further study.

Under CEQA, an EIR is required to discuss the area that will be directly and indirectly affected by the project. The EIR ignores up rail communities affected by a significant portion of the project. Therefore, the geographical areas for CEQA purposes are larger than just the project area. All areas along the train route will have the same trains travelling through them but the affect on the individual communities will vary on the individual circumstances of each community.

\*The EIR does not address each community circumstances and should consider their mitigation on all affected communities as required under CEQA.

4.11 Transportation and Traffic: The EIR details traffic and emergency response impacts to the Project area and the Benicia Industrial Park.

\*The EIR Fails to address traffic flow and emergency response to communities outside the project area other than referencing Google Earth to count the number of rail crossings from Roseville to Benicia.

5.1/ 6.2 Significant Unavoidable Environmental Impacts: Chapters 4 and 5: Even after implementation of mitigation measures proposed in the EIR, there would remain a significant and unavoidable impact to air quality, (Impacts 4.1-b and 4.1-2) from indirect NOx emissions along the UPRR mainline.

Impact 4.1-1b: This project would increase locomotive emissions in bay area and Sacramento areas and the North American train route corridors where no EIR impact studies have been conducted. Round trip routes would generate significant amounts of CO2 and NOx with no mitigation.

Impact 4.1-2: This project would result in an increase in ROG, NOx, PM10, PM25 of more than its average daily mass significance thresholds and would also contribute considerably to a significant cumulative impact.

\*According to BAAQMD baseline standards in developing thresholds of significance for air pollutants, the emission levels for which a project's individual emissions would be cumulatively considered, this project would exceed the identified significance. This fact needs to be addressed in the EIR.

\*The project emissions in YSAQMD and SMAQMD would exceed the incremental project significant thresholds for NOx, NOx emissions, and exceed Placer County (PCAPCD) 10 lbs. per day significant threshold and therefore a significant cumulative impact. This fact needs to be addressed in the EIR.

\*Valero crude by rail project has significant and unavoidable air impacts to the Bay Area and Sacramento Area even after implementation of mitigation measures proposed in the EIR. This fact needs to be addressed in the EIR.

According to the EIR, an impact is "cumulatively considerable" when the "incremental effects of an individual project are considerable" when viewed in connection with the effects of past projects like the Valero Improvement Project (VIP), the effects of current projects, Valero CBR, and the effects of future projects; Shell GHG Reduction Project, Chevron Modernization Project, Phillips 66 Propane Recovery Project, Wes Pac Crude Storage and Transfer Project, and the Tesero-Avon Marine Terminal Lease Consideration.

\*A cumulative impact would be created as a result of a combination of the above projects and the proposed Valero CBR Project EIR causing related impacts according to CEQA Guidelines 15130a1. This needs to be addressed in the EIR.

CEQA guidelines require:

\*Cumulative impacts shall be discussed when significant. This was not done in the EIR to include effects of neighboring refinery projects; Wes Pac, Shell, Tesero, Phillips 66, and Chevron; and no discussion how these projects affect the Valero project.

\*Reasonable options for mitigating or avoiding the project's contribution to significant cumulative impacts as it relates to other proposed projects being considered in the Bay Area was not detailed in the EIR.

\*A plan based perspective was not detailed in this EIR as to how this project relates to other refinery projects being considered, as it relates to air quality cumulative effect.

\*A technical analysis was not considered in this project EIR as it relates to time line impacts of other refinery projects in the Bay Area.

The EIR states cumulative effect on biological resources from oil spills during transport of crude oil by rail, ships, and pipelines to include the Air Products Local Area Pipeline Network Project



and the Praxair CC Pipeline Project would increase the overall likelihood of a spill in the region. A spill could occur anywhere along a marine vessel, railroad, or pipeline route through aquatic environments such as Suisun Marsh and San Francisco Bay or in urban areas which are all especially vulnerable locations for a spill, explosion, or fire.

\*Mitigations listed in the EIR are insufficient in preventing spills, fires, or explosions.

5.4.3.8 Hydrology and Water Quality Cumulative Effects: The Phillips 66, Shell, Wes Pac, and Richmond Projects are all close to the Carquinez Strait and San Francisco Bay that require excavation, cut and fill soil disturbances that can cumulatively contribute to erosion and water quality impacts to drinking water to millions of residents. Also fuels and hazardous materials runoff during construction and over impervious surfaces contributes to lower water quality in stream channels that flow into the strait.

\*The cumulative effect of these projects on the bay area water quality is not addressed in the EIR.

\*Also not addressed in the EIR was the huge amount of water the refinery uses by the minute as it relates to the current drought situation and the scenario if there is a further extension into 2015 of another drought year.

Appendix C.1 and C.2: Areas of Controversy-Potential Air Quality Impacts from Increased Use of Heavy Canadian Crudes and Light Sweet Crudes: The Valero Plan calls for purchasing North American light sweet crudes which would cause an increase in emissions of volatile organic compounds from trains, pumps, compressors, valves, and connectors. The EIR states there would be no significant increase because Valero uses a blend of crudes that stay within BAAQMD baselines. However, due to Appendix D, each crude feedstock is not tested because of Confidential Business Information.

\*Because of the confidential business information, the EIR fails to mention 7 items Valero considers confidential which it needs to address because their analysis could affect air quality:

- 1) Specific North American crudes Valero plans to purchase by ship and rail
- 2) Properties of specific crudes received in the past
- 3) Properties of specific crudes processed in the past
- 4) Data purchased by Valero showing weight and sulfur content of specific grades including N.A.
- 5) Data generated by Valero showing weight and sulfur content of specific crudes including N.A
- 6) Detailed info regarding weight and sulfur content of crude blends suitable for processing at Valero based on refineries unique configuration
- 7) Detailed daily measurements regarding weight and sulfur content of crude blends processed at Valero in the past

\*Baseline changes cannot be explored because of feedstock analysis denied under confidential information. This practice must be reversed and the analysis entered in the EIR.

\*If weights, sulfur content, vapor pressure and acidity are not measured, tested and analyzed, how can GHG and CO2 emissions are tested for coming within the BAAQMD baseline crude slate rule guidelines?

\*Air emissions change due to crude feedstock changes. N.A. sourced crudes may include tar sand blended with diluent therefore increasing emissions compared to current crude slate, which results in significant impacts not addressed in the EIR.

\*N.A sourced crudes may include light sweet shale such as Bakken crude and therefore increase potential to increase emissions and have significant environmental impacts compared to current slate not addressed in the EIR.

Both N.A. crudes have significant increases in VOC, including benzene, lead, sulfur compounds, high acid levels, increased corrosion of refinery components which lead to accidents and releases.

\*Therefore, the EIR states Valero would not change existing operation or processing equipment nor would emissions from the refinery operations change with the exception of storage tank service and rail unloading emissions as a result of accepting and refining proposed North American sourced crudes. These conclusions are not addressed in the EIR.

\*The Valero Improvement Project (VIP) is in the final phase of construction and will be fully operational at the end of 2014. The VIP is designed to facilitate importation of and processing higher sulfur and heavier crudes than the current crude slate. The VIP would permit the refinery to process heavier, high feed stocks as 60% of total supply, up 30% prior to the VIP. These effects of the VIP project to the Valero CBR project have not been addressed in the EIR.

Appendix E.6: Updated Methodology for Assessment of Risk and PM 2.5 Concentrations for Receptors near Locomotive Tracks in Fairfield, Ca: The train route through Fairfield would be within 50 meters of residences and less than 500 meters to Armijo High School. CEQA requires “adequate and reasonable” notice, statutory requirements for schools and nearby residences.

\*The crude oil feed stocks for this project originates in the mid west and that is where the methodology for assessment of risk needs to begin its study. Therefore this analysis is incomplete and needs to be updated in the EIR.

Appendix G: Valero Emergency Procedures Manual Sections 203 and 206: The EIR explains the process of notification between the City of Benicia Fire and Valero Fire in the case of an event. Oil is considered a Class B fire and has to be treated with foam. It also states Valero Fire has eight trucks with a combined foam capacity of 7,760 gallons. Class A foam applications for Class B fires recommend a 3% solution of foam concentrate, water, air, and mechanical agitation to form a foam tetrahedron. Using the formula supplied in the EIR, a 3% foam solution at a 300 gpm flow would deplete the 7,760 gallons of foam in 43 minutes.

\*This is totally inadequate in fighting an oil fire of one train car of 30,000 gallons and the EIR needs to address this inadequacy and how the refinery will increase its stock.

\*A containment plan was not mentioned in the EIR for a diluted bitumen oil spill.

\*An event interaction plan between Valero Fire, UPRR, and Solano County Fire was not mentioned and needs to be addressed in the EIR.

Appendix H: UPRR Hazardous Material Emergency Response Plan: The Union Pacific Railroad Company’s Hazardous Material Response Plan (HMERP) was updated in October of 2009 and is 5 years old. Since this plan was adopted, rail tank car movement has gone from 70 tank cars per year in California to 9500 tank cars per year in 2013. 45,000 barrels of oil were transported by rail in 2009 to 6,000,000 barrels in 2013 and expectations are 7,500,000 barrels in 2015. The scope of HMERP, as stated in the EIR, describes the emergency response procedures that apply to “non incidental” release of hazardous materials, a response to “incidental” release of hazardous materials that can be controlled or absorbed, and a response to “incidental” where there would be no significant safety risk. Randy Sawyer, the chief environmental health and hazardous materials officer for Contra Costa County, stated in reference to a Lac-Megantic type fire, “I don’t know if anybody is really prepared for something like that, to tell you the truth”.

\*The scope of the HMERP does not address a significant release, explosion or fire in the EIR.

\*The EIR does not address a Public Safety and Response Plan in a worse case scenario,

\*The EIR does not address hazardous materials clean up procedures, a diluted bitumen spill in the water system, or a list of containment equipment at the Valero refinery.

Cumulative Impacts: The Valero Crude by Rail Project should be postponed until rail car regulation, public health and safety, greenhouse gas emission, and climate change impacts can all be addressed and remedied with regulation in the State of California. Health, safety, and climate change impacts are remedied through necessary regulation, railroad commitments, and



infrastructure project modifications. Crude by rail capacity should not be increased if those impacts cannot be addressed.

\*The state should suspend all fossil fuel projects until the cumulative impacts of crude by rail can be assessed as it relates to public health and safety from the lack of regulation on tank car standards. DOT secretary, Anthony Foxx stated, "We need a new world order on how this stuff moves". The following measures should be enacted by the FRA before this project is allowed:

\*Phasing out of the DOT 111 rail car and improvements to the CPC 1232 rail car to lessen rupture on impacts

\*Positive Train Control (PTC) monitoring every 40 miles on California tracks

\*Electronically Controlled Pneumatic Braking for each car to lessen collisions and derailments

\*Lower speed limits to 30 mph in urban areas

\*Unit train inspections before entering the state

\*Hiring more state inspectors for track and train inspections

\*Classification of all crude oils to Class 1, Packaging Group I

\*Removal of volatile liquid gas products (LGP) from crude oil before loading at the well terminals

\*Notification to State Emergency Response Commission of crude by rail shipments greater than 1,000,000 gallons

\*Require expanded hazardous materials route planning for railroads to avoid populated and other sensitive areas

\*Develop and audit programs to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst case discharges of the entire quantity of product carried on a train

\*\$06.5 per barrel of crude oil fee with no cap charged to shipper to ensure adequate training for Oil Spill Prevention and Response (OSPR) hazardous materials emergency responders.

\*The State of California should investigate the cumulative impact of state wide increases in crude by rail capacity of all proposed projects on climate disruption and the states ability to comply with its own climate change mitigation standards set forth in AB32.

Socioeconomic Study: An economic impact to the City of Benicia was not done in the EIR that should address the effects of a spill, fire, and explosion.

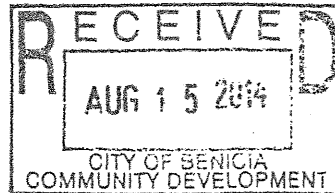
\* There was no discussion or legally bound verbiage in the EIR that addressed spills, clean up, or liability as to who would be responsible for any of these impacts.

\*A financial impact to the City of Benicia should be done in case of an emergency response and clean up of a hazardous materials amount greater than 100 gallons.

\*A financial impact to the City of Benicia and the Benicia Industrial Park should be done in the event of a spill, fire and explosion.

\*A financial impact to the City of Benicia and the Benicia Industrial Park should be done on how the Valero Crude by Rail Project will negatively impact current businesses and future businesses.

Conclusion: After reading the Valero Crude by Rail Project EIR and listing my/our comments based on documentation in the EIR, I/we believe there are numerous discrepancies, contradictions, omissions, and unsafe proposals in this project for it to be approved by the City of Benicia as written. In its present form, this document illustrates the reality that the fossil fuel industry is exposing the public, especially the citizens of Contra Costa, Sacramento, Solano and Yolo Counties, to health and safety hazards so it can profit by refining an oversupply of dirty crude oil for the purpose of export.



Vicki Johnson  
1003A E 3rd St  
Benicia, CA 94510

August 12, 2014

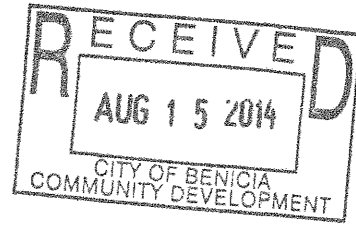
Dear Mr. Million,

Please under no condition  
allow Valero or any other oil  
company to bring that horrible  
Valero Crude-By-Rail project to  
fruition in this lovely, little  
town. We did not move here 15  
years ago to be blown-up!

Thank you! Sincerely,  
Vicki Johnson, Ph.D.

August 12, 2014

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



Dear Ms. Million,

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

As a citizen and resident of Davis, CA, I am very concerned about the proposed Valero project. Like most Davisites, I live within a few miles of the train tracks, where two 50-car trains A DAY will be traveling through our downtown, through our neighborhoods, along the edge of the UC Davis campus, and across the fragile floodplain, carrying tons of volatile crude oil. Davis and other up-rail communities deserve to have a voice in this important decision about the number of rail cars going through our community carrying such a potentially hazardous material on a daily basis.

In addition to the numerous environmental concerns about the extraction of this crude, and bringing it to markets by way of California, I am most concerned about the transport of the crude on rail lines not built for this amount and frequency of transport, in rail cars not built to hold up in industrial accidents, such as the one in Canada. I am a frequent rider of AMTRAK's cross-country lines, and it is clear to me that the 50-car trains proposed for oil transport will be tearing up the tracks and inevitably involved in accidents on the rails. I am wondering who will be responsible for cleaning up those accidents, and who will be responsible for preventing them. Already here in Davis we have a difficult 10-mile-per-hour left-handed cross-over that is an accident waiting to happen. Also, will all other freight and AMTRAK traffic be held hostage to the crude trains, as is happening all over the country?

We cannot allow the oil companies to continue to reap their profits from the Bakken crude without stricter standards on rail cars, track, right-of-way issues, and insurance/disaster plans. The city of Benicia has a responsibility to the greater community of up-rail towns and cities, to consider the health and well-being of Northern Californians over corporate interests.

Thank you for your attention to this important matter.

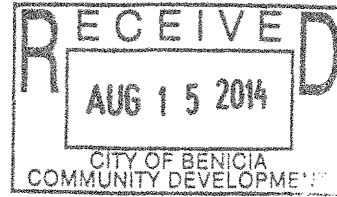
Sincerely,

A handwritten signature in cursive script, appearing to read "Maureen Driscoll".

Maureen Driscoll  
1317 Alder Place  
Davis, CA 95618

August 11, 2014

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



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

Dear Mr. Kilger and Ms. Million,

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

We are residents, workers, vendors and delivery people of Rancho Yolo, a senior mobile home park, in Davis. Our park lies within a mile from the tracks for the proposed Valero rail project. Our park is approximately a mile from a 10mph left-handed cross-over between the main tracks that lie east of the Davis train station. The oil trains share the tracks with the Capital Corridor, a commuter train jointly operated by Amtrak, Union Pacific and Caltrans.

The two loaded 50-car trains and two returning empty 50-car trains will come across the Yolo Bypass, which includes our sensitive Yolo Basin Wildlife Preserve, will share tracks with Amtrak passenger trains and will parallel Interstate 80. They will pass within a mile of not only our senior park but several other senior housing complexes, a nursing home and our police station before heading downtown, then near the UC Davis campus before exiting town.

The EIR must also consider larger cumulative impacts. Our neighborhood is already experiencing the impact of the existing trainload. The daily back and forth of 100 cars adds to that impact. We know that Phillips 66 is seeking delivery of 80 cars per day with a re-circulated DEIR expected this fall, so the impact of the two trains both directions must be considered together.

The California Energy Commission predicts that an additional 3-4 oil trains of 100 cars each will travel the route through Davis within the next two years. The Valero DEIR Crude by Rail Proposal must be taken in the context of all these additional oil trains, and all of their impacts to the community. The cumulative impact is considerable in terms of vibrations, noise and air quality.

The Draft EIR that you are considering for the Valero Project does not include issues specific to uprail communities. Here are some of our concerns.

## **1. Air, noise and vibration pollution along the train route**

As noted above, our senior mobile home park is approximately a mile from the tracks. Across the street is a nursing home and in the other direction are two additional senior housing complexes. A high percentage of the residents have respiratory and ambulatory issues. Some residents will be connected to sensitive machines for which vibration might be a problem. Increased noise and vibrations will be a factor for any residents living so close to the tracks.

What mitigation measures will be taken to offset the air pollution caused by increased particulate matter raised from the trains?

What measures will be taken to offset the air pollution caused by fumes escaping from the train cars?

What measures will be taken to offset vibration from the trains?

What measures will be taken to offset the increased noise from additional trains, cars and weight rolling through town at all hours?

## **2. Public safety**

a. Currently the railroads are using 78,000 unsafe DOT 111A tank cars that are prone to rupture when they derail. Even cars that meet the 1232 standards from 2011 are prone to rupture. Although the industry says it could phase out the older cars over 10 years, that is not reassuring to those of us who live within a mile of a crossover section.

b. There is a 10mph left-handed cross-over between the main tracks several hundred feet east of the Amtrak station.

Several derailments elsewhere in North America have been caused by human error when a train proceeds through a low speed crossover between two higher speed tracks and failing to reduce speed; one near Chicago and one in Canada caused fatalities.

*The Davis cross over should be replaced with a cross over with a higher speed rating similar to others on the Capitol Corridor line.*

*Trains should slow down in populated areas.*

c. The Davis Enterprise reported that two train derailments have happened in Davis since 2003 and summaries of the articles are below.

Davis Enterprise, The (CA)-January 29, 2003  
Author: Lauren Keene/Enterprise staff writer

People traveling by Amtrak trains experienced some service delays in Davis this morning, the result of a freight train accident that derailed four cars Tuesday night.

No injuries resulted from the derailment, which occurred at about 7:45 p.m. on the Union Pacific Railroad tracks that run parallel to Second Street, near Cousteau Place.

Bob Jones, a general manager with California Northern Railroad, said the derailment was the result of an "overspeed impact" that occurred when a 48-car train coming from Woodland attempted to connect with another line consisting of 27 cars. The empty cars were then destined for Roseville.

"For some reason they didn't slow as anticipated," Jones said, adding that the longer train was traveling an estimated 5 to 6 mph. "They needed to be under four (mph)."

[http://docs.newsbank.com/s/InfoWeb/aggdocs/NewsBank/105D11605DB00D87/105FF707937F67E5?p\\_multi=DVEB&s\\_lang=en-US](http://docs.newsbank.com/s/InfoWeb/aggdocs/NewsBank/105D11605DB00D87/105FF707937F67E5?p_multi=DVEB&s_lang=en-US)

Davis Enterprise, The (CA)-November 4, 2009

Author: Jonathan Edwards

Enterprise staff writer

A freight train derailed Tuesday afternoon in downtown Davis and threatened to snap power lines, crush fences and roll into back yards.

The tracks collapsed under a 12-car train and two cars toppled, said Capt. Richard Moore with the Davis Fire Department. A third car's wheels came off the rails, but the car itself stayed upright.

No one was injured in the accident, which was reported to fire crews at 4:18 p.m.

Each of the two downed cars carried 90 tons of lime, a chemical used in construction, Moore said. A hazardous materials crew was not called in.

[http://docs.newsbank.com/s/InfoWeb/aggdocs/NewsBank/12BC77A26EEE1578/105FF707937F67E5?p\\_multi=DVEB&s\\_lang=en-US](http://docs.newsbank.com/s/InfoWeb/aggdocs/NewsBank/12BC77A26EEE1578/105FF707937F67E5?p_multi=DVEB&s_lang=en-US)

YouTube footage of the train derailment on November 6, 2009 can be seen at:

<http://www.youtube.com/watch?v=IFKkOoitQgw>

<http://www.youtube.com/watch?v=gQSLplkzPWs>

d. What is the WORST CASE SCENARIO should a crude oil train derailment happen in Davis? What evacuation plans have been prepared for Davis when a spill and/or explosion occurs? What evacuation plans have been prepared for transporting injured, ill and infirm residents from senior housing complexes and nursing homes?

e. What plans have been prepared for dealing with catastrophic loss of life and property after a spill and/or explosion occurs?

f. What emergency response training have our Davis first responders been provided to be able to manage a large-scale oil train disaster? Will they have train manifests that list the contents of the oil so that they know what kinds of chemicals they are fighting?

g. What plans have been prepared to transport large numbers of injured residents and responders to hospitals after a spill/explosion has occurred?

h. What plans have been prepared for rerouting Interstate 80 in Davis when a spill and/or explosion occurs? The potential closure of I80 would impact emergency response and evacuation efforts, among so many other problems.

i. What plans have been prepared for alternate headquarters and revised emergency response for the Davis Police Department, whose headquarters could well be impacted should a spill and/or explosion occur?

### **3. Liability**

Should there be a spill/explosion on the scope of the Lac Megantic (Canada) explosion in Davis, who carries the liability? That Canadian town has yet to be compensated. For even smaller spills, who carries the liability for cleanup and other expenses? What can we expect in Davis? Should there be a spill and explosion that affects our park and residents, as well as so many others, who carries the liability?

Lastly and most importantly, moving this highly volatile, flammable and toxic crude across thousands of miles of rivers, forests, bridges and communities is sheer madness. Each trainload is a disaster waiting to happen. Each ton of crude is a ton for climate change.

Should this project be approved, the City of Benicia and its residents carry at least a moral liability for any disasters that happen along the thousands of miles of track to Benicia. The 25% of your General Fund that comes from Valero taxes to your city comes at a price to the planet.

We ask that the City of Benicia reject this project and redirect its focus to renewable energy. That is the future.

Thank you,

*Elizabeth Lawrence*  
*187 Fall Circle*  
*Davis, CA 95618*

*Continued*

Chris Tatroja



ctatroja14@gmail.com

Alce Tatroja



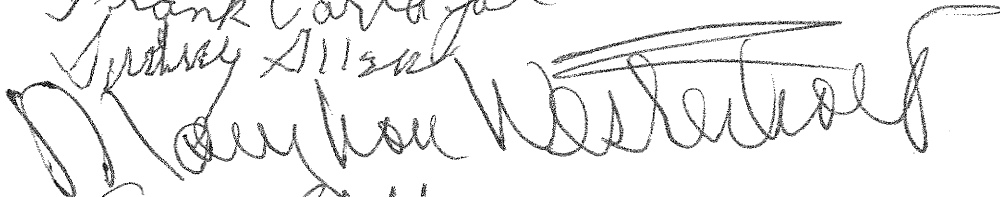
ayofatcela@yahoo.com

Lucy Hammer

Beatrice S. Vincent

Frank Carragial

Sydney Allen



George Westendorf

Harry & B. Bailey

Pauline Shostetter

Geyla Gresh

Carol Rayskel

Ray Rayskel

Asseta A. Fanning

Anthony W. Fanning

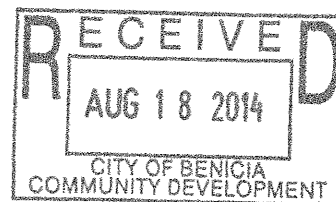
Michelle Fulton

Dated 1/15



Marilyn Bardet  
August 14, 2014

DRAFT



**Comments to the Benicia Planning Commission  
on behalf of Benicians For a Safe and Healthy Community**

I'm Marilyn Bardet, speaking on behalf of Benicians For A Safe and Healthy Community. On September 15<sup>th</sup>, we'll be turning in our full set of written comments.

Tonight, I'll focus, along with Ed Ruszel, our invited speaker, on issues surrounding WHO and WHAT ultimately governs the "logistics operations" of Valero's Crude By Rail Project in the Industrial Park, and WHY this is of great concern in examining the claims of the Draft Environmental Impact Report. After my comments, Ed will give a visual presentation of specific rail issues in the Park — describing certain conditions and effects that the layout of trackage in the Park represents for Project operations — issues which are obscured or inaccurately portrayed in the Draft Report.

Valero characterizes the Project as *their* "logistics operation," the term used by the Initial Study. The Draft Report sticks to the concept, limiting sense of the total scope and extent of the Project and its myriad, foreseeable impacts and risks to public safety and health, here in Benicia, "uprail" and "downwind." Local and regional impacts would spiral out from the Project's operations in all directions.

We understand that crude trains moving between crude sources in North Dakota or Canada on their way to Roseville and Benicia are part of the TOTALITY of the Project's "logistics operation." However, the Draft Report's curtailed accounting of that TOTALITY mostly point to Union Pacific's business, and/or, suggest that such concerns would be beyond the scope of CEQA.

The Report describes the physical components that would allow Valero to import by rail, offload, and store up to 70,000 barrels of crude oil every day, with a total of 100 loaded tank cars arriving each day, 100 empty rail cars departing, and one 50 car train at a time to be unloaded at the terminal. The Draft Report doesn't state the exact number of locomotives involved each day, each way. WHY?

Union Pacific is not part of the Valero Project Application. The Draft Report doesn't describe how the contractual relationship would work between the two corporate giants — or might not work. Yet, UP's logistics, operations and performance would be pivotal and would override Valero's criteria for operations cited in the Report. It would appear, therefore, that the Project's rail activity would largely represent a Union Pacific "logistics operation."

To grasp Union Pacific's role, we must consider the limiting effects of the Federal Exemption Rule as it would apply to the Valero Project.

Under Federal Exemption, UP retains exclusive authority to control all train movements, train scheduling and train composition, type and number of locomotives, volumes of product transported in a single train, train speed, train routes, maintenance, etc. UP is not required to inform the public about crude train scheduling or train movements, including about parking tank cars on side lines. The US Department of Transportation also governs rail safety.

The Federal Exemption Rule is therefore a defining factor for Project rail operations. Yet, the first place the Rule is mentioned in the Report is at the end of a brief description of "Project Alternative 1" [p.ES-5]. This first Alternative suggests that the number of trains per day could be limited to one. But DEIR hedges trying to explain why it must be rejected: "*UPRR has taken the position that....*" then refers the reader to the last Appendix, Appendix L, where UP's bald statement of their authority under the Federal Exemption is outlined.

So, the alleged advantage of Project Alternative 1 — a one-a-day-train — is victim to UP preemption. Why did the DEIR bother to present Alternative 1 as plausible in the first place? UP has the authority to preempt any suggested limitation imposed by the City on Project rail deliveries. Valero couldn't enforce the Alternative.

The Federal Exemption bears down hard on the Draft Report's traffic and transportation analyses, and thus, casts doubt on the credibility of the Draft Report itself.

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

So let's look at the Draft Report's expectations for Project logistics. The Report describes OPTIMAL operating conditions *desired* by Valero. Those conditions cited serve as the basis for the evaluation of "less than significant" traffic and rail transport impacts.

In assuming OPTIMAL OPERATING CONDITIONS, the Draft Report gives the impression that the Project would run like a clock with Valero's invisible hand smoothly setting the time of UP's train movements and activities on and off-site of Refinery property.

Yet, the Federal Exemption effectively releases UP from having to comply *for any necessary reason* with Valero's "requests." Why does the Draft Report tacitly *assume* that UP could or would comply *every day* with Valero's request for "on time" arrivals in "off peak" hours? How does that assumption skew the Draft Report's conclusions?

Operating conditions under UP's control cannot possibly remain "IDEAL" 24/7, 365 DAY A YEAR, even if UP would *intend* to perfectly oblige Valero's requests! What if there was a minor or *major* disruption involving Project logistics? Problems could occur during the 8 - 10 hour off-loading operation for 50 tank cars. Why does the Report not entertain foreseeable train off-loading delays, or delays uprail, and other time-sensitive problems on or off-site of Valero property? Or other rail problems in the Industrial Park? The Draft Report just doesn't "go there."

Any DEIR description, claim, assumption or impact analysis that assumes OPTIMAL conditions and could invite questions about the effects of UP's Federal Exemption deserves further evaluation.

Finally, what is the Project's projected life-span? The Draft Report downplays and minimizes the daily added safety risks and hazards. In the traffic section you can find reference to a 21-year projection for cumulative *traffic* impacts. What others? How would Project "logistics" affect the success of the recently adopted visionary plan for the "park-and-ride" Bus Hub to be located at Industrial Way, just beyond the Park Road intersection – an "at grade" railroad crossing with a switch?

So, what kind of future does the Project suggest for the Industrial Park? Would the Project operations, intensifying, doubling and tripling rail use, become a "L.U.L.U.?" – a Local Undesirable Land Use? The Report doesn't consider public perception: how Project "logistics" could turn the Park into a mini Rail Switching Yard mainly serving Valero's interests.

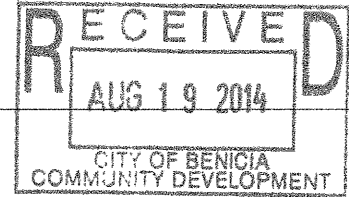
The Report doesn't even discuss the foreseeable daily increased risk posed by threat of a derailment involving flammable Bakken oil *within the Park*: a real threat that would be posed to its occupants, the immediate environs, vital infrastructure, the Refinery itself *and* the community *every day*.

Now let's hear from Ed Ruszel, who will give account of the foreseeable daily impacts of the Project's rail activity, rail and traffic circulation and the hazards posed by those activities in the Industrial Park...

## Amy Million - DEIR Comments - Valero Crude by Rail Project

---

**From:** Ken Wallace <kennwallace@hotmail.com>  
**To:** "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>, "bkilger@ci.benicia.ca.us" <bkilger@ci.benicia.ca.us>  
**Date:** 8/18/2014 4:46 PM  
**Subject:** DEIR Comments - Valero Crude by Rail Project



Dear Ms. Million and Mr. Kilger,

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

In addition, please forward my comments to the Planning Commissioners.

As a resident of Davis, I live up-rail from the proposed Valero rail project, and the trains will pass right through my home community. Needless to say, I am very concerned about the impact of crude oil trains passing through this area every day. Here are some of my concerns:

I believe it is highly irresponsible, dangerous and perhaps even criminal for oil companies and railroad companies to ship any amount of volatile oil by rail through any populated areas or sensitive, protected habitat. Some apparently claim that Bakken crude oil is not more volatile than any other crude. But why have we seen some 5 or 6 explosions of those oil tankers in just the last year or so? Why have some oil pipeline companies refused to transport oils like Bakken crude? I think the answer is obvious - the oil IS very volatile and contains gases like ethane and propane. What do you put in your propane torch and for what purpose?

For many years, the oil industry (primarily in Texas) has known that some oils are very volatile and need to be stabilized prior to being transported any great distance. That industry spent many millions of dollars developing "stabilizers" that remove the volatile gases found in the crude.

In fact, despite comments that Bakken crude is not more dangerous than other crudes, it appears that some stabilizers are being installed now near the Bakken oil fields (by Caliber Midstream Partners LP of Denver, CO - see Wall Street Journal, 7/7/2014). The COO of that company (David Scobel) claims that the oil is safer when stabilized before going into a rail car.

I really think a bit of common sense needs to be used here.

Aren't there strong restrictions on putting volatile chemicals in the mail? What about restrictions placed on taking volatile compounds (or any liquid) aboard airplanes? I know - maybe a little far-fetched, and those restrictions do mostly pertain to air travel. However, with the oil trains we are dealing with a situation where just one car contains more than 30,000 gallons of

volatile crude. So 50 cars = 1.5 million gallons.

The California Highway Patrol has some serious restrictions and regulations regarding the trucking of as little as 500 lbs or 120 gallons of hazardous materials. Their policy states: "Transportation of such materials [hazardous substances] is highly regulated to ensure the safety of the motoring public." Obviously the oil trains are not travelling down the interstate, but they will certainly travel for many miles in close proximity to all kinds of public facilities and private homes and businesses.

The draft EIR apparently concludes that the risk of an oil spill is insignificant based solely on the frequency of a such an event, without considering its possible magnitude. To truly be meaningful, the risk analysis must consider both frequency and magnitude. A rare, but hugely catastrophic explosion in a populated area (downtown Davis?) would not be "insignificant". Was the explosion in Lac-Megantic, Quebec insignificant? How about the \$200 million clean up? The \$2 billion in overall liabilities? The now bankrupt railroad company? The lives of 47 people and their families? Certainly does not seem insignificant to me.

Can we insure ourselves somehow against a catastrophic event?

I came across an interesting comment from James Beardsley, an executive with Marsh & McLennan Companies' insurance brokerage unit:

"There is not currently enough available coverage in the commercial insurance market anywhere in the world to cover the worst-case [train derailment] scenario."

Now this really makes me wonder about the insurance situation for the oil and railroad companies. Who provides them coverage? Anyone?

Would they be able to wriggle out of any liability, and rely on public funding to clean up and fix any damage?

To conclude, I believe that the draft EIR has not fully addressed all significant issues regarding the Benicia-Valero refinery project. Numerous safety issues and threats to the public welfare exist. These must be dealt with in firm, meaningful way or the whole project should be abandoned.

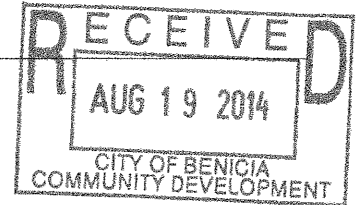
Thank you for the opportunity to comment.

Ken Wallace  
Davis, CA 95618  
kennwallace@hotmail.com

**Amy Million - Please Do Not Allow the Oil Trains, if Laden with Explosive Crude**

---

**From:** Ken and Viann Wallace <kvwallace@hotmail.com>  
**To:** "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>, "bkilger@ci.benicia.ca.us" <bkilger@ci.benicia.ca.us>  
**Date:** 8/19/2014 11:33 AM  
**Subject:** Please Do Not Allow the Oil Trains, if Laden with Explosive Crude



Dear Ms. Million,

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

Please stop the oil trains. They are explosive and not acceptable for public safety in the United States.

\*\*The Bakken oil needs to be stabilized to be less explosive--this needs to be done In the oil fields, like they do in Texas.

\*According to the Motley Fool, the industry itself, Valero, said: we plan to have 1,000 tanker cars transport oil from the Tar Sands in Canada and the Bakken in North Dakota. 70,000 barrels a day which is 3 million gallons a day which is 100 train cars running thru Davis each day with Explosives.

\* And finally, For Public and Environmental Safety:

- 1) Need upgraded rails
- 2) New new upgraded heavy cars
- 3) Lower speed limit
- 4) More braking
- 5) More employees working on the trains
- 6) In a perfect world we would have a massive tunnel system for the trains to travel thru in case of explosion to save people, towns, cities, and the environment. We want to protect what is Priceless~~~our people and our environment.

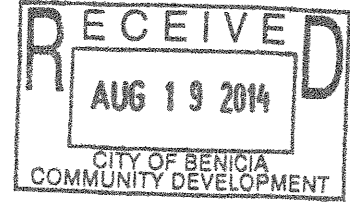
Thank you so much for considering my input.

Sincerely,

Virginia Wallace  
Davis, Ca.

August 17, 2014

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



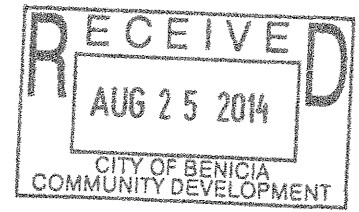
I write this letter to support the crude by rail project of Benicia Refinery. During the 34 years that I have lived in Benicia, in my opinion the Benicia Refinery has been an excellent neighbor and a generous corporate citizen. The City of Benicia should give its approval to the project so that the Benicia Refinery can continue in Benicia to compete economically in the highly competitive energy industry.

I urge the leadership of Benicia to not be swayed against the project by a vocal minority that has a very narrow viewpoint. I urge the city leadership to consider the grim fate of Vallejo, only six miles west. There in my opinion a vocal minority coupled with poor city leadership made it impossible for Wal-Mart to build a new store in Vallejo. Instead Wal-Mart moved to American Canyon, and today American Canyon is a thriving and healthy community. In contrast, Vallejo continues its long and painful decline, mired in destitution, bankruptcy, massive truancy rates, drugs, crime, murder, a police force staff inadequate to prevent its citizens from being mugged and kidnapped in broad daylight – all symptoms of a deeply troubled and dysfunctional community in my opinion.

Poor decisions by Benicia city leadership can make Benicia's future become like Vallejo's gloomy future, in my opinion.

William Westbrook  
307 Drake Ct  
Benicia CA 94510

Benicia Planning Commission  
RE: Crude by Rail Project



I have given a lot of thought to the proposal for moving crude by rail through Benicia. My considerations are based upon research, knowledge, and a rather biased opinion of the way business, especially the oil business, is run.

I have a knowledge of how trains are handled and operated and what causes derailments. That knowledge includes the fact that in any rail yard, cars are decoupled, loaded, and recoupled without any consideration for who owns the car. Sure, if a 100 car train is compiled, it will consist of cars that were chosen not because they belong to a specific company, but because they are available. If you look at any (cargo) train and inspect the lineage of cars in that train, you will find that, for the sake of efficiency, most consist of few, if any, cars that actually belong to the corporation that owns the locomotives. This allows the railyard to compose a new train of available cars and attach that consignment to the next outgoing locomotive(s) headed for the appropriate destination. This is why, when you see a train pass through our city, you will see B&O, L&N, Burlington, and a host of other corporate logos on cars.

The proposal states that the crude carrying trains will use the new CPC 1232 cars exclusively, but the industry does not, and will not, conform to any demand for this. The first train may have the correct complement of cars, but any subsequent delivery will probably contain few, if any, of the CPC 1232, many of which will be carrying crude to other destinations in the US and Canada. Within a very short time, any shipment that arrives will be mostly comprised of the inadequate DOT 111 cars which have a dubious safety record. Valero states that the rail company has control over train composition, which shows that the rail company has no intention of conforming to the demand to use the more modern CPC 1232 cars.

Another major concern is that a failure of even one of these cars could create a massive explosion and release of toxic materials. There have been a rash of derailments where tankers have ruptured and the devastation has been rather impressive. In addition, the Bakken crude these cars will carry is more volatile than standard crude oil and there is the potential of a chain of major explosions should a single car fail.

My final concerns are about the frequency of rail accidents and the odds of one occurring. I doubt that the frequency of rail accidents will change much, but it will increase proportional with the number of trains. There will be considerably more switching done and switch failures are common causes of rail accidents. Some other causes include the following:

- \* signal and safety gate malfunctions
- \* mechanical failures, particularly wheel failures (more on this further below)
- \* track damage
- \* conductor error

I witnessed a signal failure at the Valero/Industrial Ave. crossing just a couple of weeks ago. My wife and I were taking a vehicle to be worked on at C&C Auto, so I was following her. A train was switching and moving back and forth through the intersection. The train backed up, made the switch, and began to come forward again to enter the plant. At this point, the gates rose. The car in front of my wife went through the intersection in front of the moving locomotive because the gate rose for no particular reason. The gates remained up until the locomotive was actually in the roadway. My wife had started to idle forward, but saw the locomotive was still moving and stopped. The gates did not lower until the locomotive was in front of her car.



While this would have been a low speed accident and probably would not have done more than damage her car, this is only one crossing among the hundreds the train would go through on its way to Benicia. Most of these crossings would not be in low speed intersections.

Rail cars are used until they fail. They are not routinely inspected and are often pulled from use only after a failure. The rate of failure is unknown, but I have seen a rail fire that was caused by either a failed wheel bearing or a failed brake on a cargo train. It was not pretty and it engulfed two other cars before the burning section of train was safely decoupled. The fire itself was difficult to (eventually) contain. It also sparked a brush fire that had to be extinguished as well.

At least one report I've read on the subject suggests that, "on average, 3 truck sets per train have dragging brake sets." That number is rather astounding and is, to me, highly disturbing. Heat caused by friction in failing brakes can cause fires or derailments. Since we already know the train will be comprised of heavily loaded and aging DOT 111 cars (which, at this time, are 69% of all tanker cars), we can assume that they are not immune to this problem.

Finally, as you may have noticed, there was an earthquake the other day in the early hours of the morning. Since there will be cars loaded with "crude" parked in the yard at any given time, up to 50, I do believe, the concern of what would happen in an earthquake is very real. I do not fully understand the status of the railyard in, and alongside, the Valero refinery, as pertains to earthquake, nor do I fully grasp how likely it is that an earthquake will cause a track or car failure, but this is an area of concern as well.

All this leads me to the belief that the entire concept, which will, by Valero's own admission, account for only about 20 new (long term) jobs in the city, is both risky and unsupportable. I also must urge that you consider the environmental damage in the Dakotas, particularly to groundwater, as a part of your discussion of this project. I urge you to consider the potential for damage; to lives should an accident occur, to the environment, and to the climate since this supports the bankrupt strategy of drilling for more oil and inhibits the progress to be made in the field of alternative energy sources.

Richard Donnelly  
1344 Anita Cir.  
Benicia, Ca.  
707-745-0824

Some sources used in this letter:

[http://www.slideshare.net/guest8a2279ea/railroad-car-wheel-defects-2328930?next\\_slideshow=1](http://www.slideshare.net/guest8a2279ea/railroad-car-wheel-defects-2328930?next_slideshow=1)

[http://en.wikipedia.org/wiki/DOT-111\\_tank\\_car](http://en.wikipedia.org/wiki/DOT-111_tank_car)

<http://www.post-gazette.com/news/transportation/2014/03/30/Rail-cars-DOT-111-designed-in-60s-haul-crude-oil/stories/201403300119>

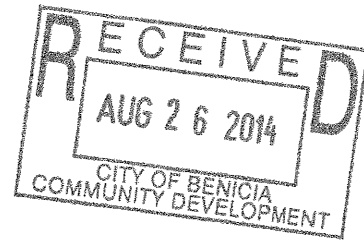
[http://www.nts.gov/news/events/2012/cherry\\_valley/presentations/hazardous materials board presentation 508 completed.pdf](http://www.nts.gov/news/events/2012/cherry_valley/presentations/hazardous_materials_board_presentation_508_completed.pdf)

<http://www.crompton.com/news/Bloomberg>

[BNA TankCarDesignDebateSplitOverSafetyofVoluntaryIndustryStandard 5.18.14.pdf  
http://www.cbc.ca/news/canada/safety-rules-lag-as-oil-transport-by-train-rises-1.1312528](http://www.cbc.ca/news/canada/safety-rules-lag-as-oil-transport-by-train-rises-1.1312528)

[http://en.wikipedia.org/wiki/Rail\\_yard](http://en.wikipedia.org/wiki/Rail_yard)

August 26, 2014



Subject: Benicia CBR public comments hearing

Chair and members of the Planning Commission, Members of City Staff, Members of the public

Thank you for the opportunity to voice my opinion on the subject.

My name is Tom Lam. I am a project manager with 33 years of engineering and project management work experience, 25 of those years are in Benicia. I believe that for a project to be successful, it has to be the right project, with the right team, at the right place, at the right time, and for the right reasons

1. This is a right project for Benicia. Mayor Patterson in her recent address to Benicia Makers stated that Benicia is built on a strong manufacturing base, and she believes in manufacturing, she does not want to see manufacturing to become an "endangered species". This is the right project for Benicia to help its local economy, maintain its strong manufacturing and revenues base, and put Benicia on the map, as Mayor Patterson puts it (youtube video 7/11/2014, Benicia Makers host Mayor Patterson video). This project reduces green house gas emission.
2. We are the right team. Valero and its contractors have years of experience and successful partnerships, excellent safety records in executing projects. Valero is a very safe operator and has demonstrated time and again with the support of its contractors and local regulating agencies. Valero recently is re-certified by Cal-OSHA to be one of the two refineries in the state to receive VPP Star Site designation (VPP is a Voluntary Protection Program). Valero's employees and contractors are very proud of this safety record. We work hard to maintain it every day. Safe work practices are what we do every day.
3. This is the right place. Valero is a demonstrated safe operator. For any project, it is with great comfort and confidence to know that Valero is sponsoring and executing it, because we know that it will be done with due diligence, with best engineering practices, with all regulatory and environmental compliance and that it will be done safely.
4. Now is the right time. While our country continues to develop technologies for many alternative sources of energy, like wind, solar, electric hybrids, fuel cells, and biofuels, I believe that fossil fuel remains the dominant source of energy for years to come. This is the right time to help our country to become energy independent with the increasing production and use of domestic and North American crude oil. It is also the right time to help our local businesses to stay competitive and helps Benicia stay vibrant.
5. These are the right reasons.
  - a. Jobs: This project will not only provide new jobs during construction, it will also provide new permanent jobs to maintain the new facility operations, and it will also help sustain existing jobs for our local economy

- b. Revenues: This project will provide additional tax revenues and other revenues to help Benicia sustain a strong manufacturing base and keep a thriving local economy
- c. Domestic energy independent: some of us may remember the days back in 1970's when we had to stay in line for a long time to get gasoline filled up in our cars. There was the oil embargo from the OPEC countries. There are uncertainties now in that region. This instability threatens our national security and interests. We need to be prepared.

In closing, I believe Valero makes a product that we all benefit in our everyday lives, and yet we take it so for granted. Be it the automobiles, the buses or the planes, or the trains, or our lawn mowers, we all benefit from this product in one form or another. And we use it knowing that there is risk, but we manage and mitigate the risk as best we can and enjoy our modern day living like commuting, travelling and vacationing.

I urge your support for the project to help keep our local economy thriving and maintain our standards of modern day living. It is the right project, with the right team, at the right place, at the right time and for the right reasons. Thank you.

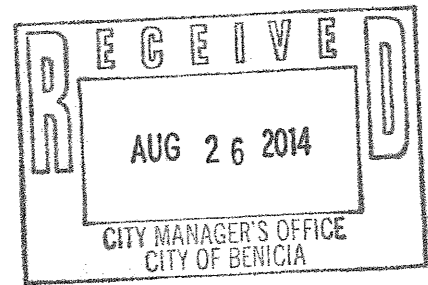
Respectfully,

Tom Lam

3400 East Second Street

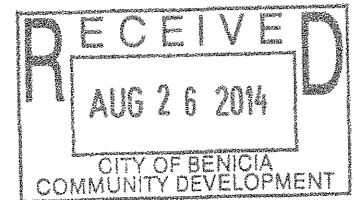
Benicia, CA 94510

Eldridge and Judy Moores  
27033 Patwin Road, Davis, CA 95616  
August 22, 2014



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

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



Dear Mr. Kilger and Ms. Million:

Please add our comments to the public legal record on Valero's Crude By Rail Project and incorporate them as part of the review of its Draft Environmental Impact Report (DEIR). *In addition*, please forward our comments to the Planning Commissioners.

As residents of Davis, we live up-rail from the proposed Valero rail project that will involve two 50-car trains coming across the Yolo Bypass, which includes the sensitive Yolo Basin Wildlife Preserve, passes through our downtown and several dense residential areas, and exits town along the edge of UC Davis, including the Mondavi Center complex. Needless to say, we are very concerned about the impact of a crude oil trains moving through our community every day. Davis is our home and our livelihood.

As citizens of an up-rail city, we are exercising our right to comment on the DEIR for the Valero Benicia Crude-by-Rail Project, and in the fall we will weigh in on the Phillips 66 Santa Maria Rail Spur Project which will travel along the Capitol Corridor. According to the California Energy Commission, we can expect CA to import as much as 25% of its crude oil by rail within the next few years, translating into five or six trains per day passing through our town. Given the cumulative impact of such increased crude-by-rail traffic, up-rail communities have much at risk and deserve a voice in the process. Here are my concerns.

1. **Can the Richards Blvd. overpass and the Yolo Causeway carry the weight of the proposed heavier cars?** In particular, the 78,000 old, unsafe (legacy) DOT 111A tank cars are prone to rupture when they derail. Thus far the U.S. has made no ruling to phase them out promptly as Canada has, and even the 14,000 cars that meet the 2011 standards (called CPC 1232) may be prone to rupture. In Lynchburg, VA, a CPC 1232 car ruptured when derailed while traveling at 23 mph. The trains will probably travel 50 mph through Davis! Industry says they could phase out the legacy DOT 111A tank cars over 10 years. That leaves many years with rupture-prone cars traveling through our city.
2. **How can we protect our water supply, and wetlands with trains carrying Bakken crude and/or Alberta tar sands products?** Bakken crude "may be more combustible than most crude" (the Casselton fire ball was 900 feet high) and the Alberta tar sands oil is toxic with high sulfur and high heavy metals and sinks in water, making it impossible to clean up a spill. In addition, the refining process produces the by-product "petcoke" which is worse than coal to burn in terms of particulate pollution and greenhouse gas emissions. We do not think that these cars or fuels should be travelling through our Sacramento River

valley, which provides water for much of our regional population, across our wetlands which are major habitat for birds travelling the Pacific flyways and many local animals, birds, snakes, amphibians and fish, let alone right through our towns and cities

3. **Who is liable should there be an accident or spill? Is there enough coverage? Will the taxpayers be responsible?** We know from past experience – the Exxon Valdez and the BP oil spills, that while the oil companies may pay a monetary penalty, it is the residents whose lives, health, and communities are shattered forever. Industry experts indicated on record with the Wall Street Journal that the insurance that railroads carry for catastrophic events is inadequate. The Burlington Northern Santa Fe (BNSF) Railroad went on record saying "Insurance is not commercially available to cover us against catastrophic loss." Following the accident, fire, and explosion in Lac-Megantic, US-based oil service companies are presently in court fighting the Quebec Government and wrongful death suits filed in behalf of the town's residents, and estimates for clean up cost alone were \$180 million and may take a decade to accomplish with liabilities estimated at \$2 billion.

As affected residents of Davis, we ask the City of Benicia and the DEIR to ask hard questions regarding who in the event of an accident, derailment, or spillage<sup>revised</sup> is the responsible party, and whether that party carry enough insurance to cover an accident along the train route and in a metropolitan area.

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

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

- Who will pay for the Yolo causeway and Olive Drive overpass tracks to be upgraded to handle the weigh of the crude oil moving across our wetland?
- Will all the train cars be sufficiently upgraded in the very near futures such that there is no chance of them rupturing or exploding?
- Who will be liable for a derailment and spillage into the Yolo causeway, a wildlife sanctuary and water source for the State of California?
- Does the liable party carry adequate insurance to guarantee clean up and restitution for parties damaged in the event of a spill, derailment or explosion?
- Can and will the City of Benicia require Valero to put up a \$20 billion bond in advance.

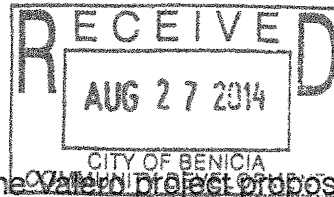
Thank you for your consideration,



Eldridge and Judy Moores



August 27, 2014



Benicia Planning Commission;

I like to state that my husband and I oppose the Valero project proposal to deliver crude oil by train to Benicia.

There are many many REASONS FOR OPPOSING THIS PROJECT. My husband Jeff, and myself, moved to Benicia in 1984. We moved from the Walnut Creek/Pleasant Hill area to Benicia for various reasons. Benicia was forward and progressive thinking: first in solar home construction...we still live in the same solar house! At the same time, Benicia experienced a great influx of celebrated artists who moved to the Arsenal in Benicia. It became a great weekend attraction to visit Benicia artists, and stroll along the waterfront and visit great restaurants. Then also Benicia can boast of excellent schools, a fresh breeze, and great sailing!!!! We were the proud owners of a catamaran.

My husband and myself were hooked on Benicia and committed many years of service to the community. My husband, an architect, served for more than 17 years on the Design Review Commission and I served on the Economic Development Board for many many years.

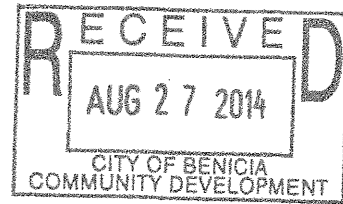
We are committed to keep Benicia safe and prosperous. We both have attended all of the Planning Commission meetings and listened to the self-serving statements of Valero. We encourage you to deny Valero's use permit to transport crude oil by train and keep Benicia and Benicians safe from this hazardous use. This is a safety and health issue not an economic issue.

Sincerely

  
Maren Tusing

August 26, 2014

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



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

Dear Mr. Kilger and Ms. Million:

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

As a resident of Davis, I live up-rail from the proposed Valero rail project. Although we are not in the immediate vicinity of the proposed Valero project, we up-rail communities would experience very significant direct risks and impacts from the project, and the DEIR does not adequately account for these impacts. The two daily 50-car trains will come across the Yolo Bypass, which includes our Yolo Basin Wildlife Preserve, through our downtown and several residential areas, and exit town along the edge of UC Davis, passing directly by the Mondavi Center complex, with its 1,800 seat theater that is occupied afternoons and evenings on many days of every week. I am very concerned about the impact of the proposed trains carrying crude oil through my community every day.

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

#### **1. Hazards and hazardous materials**

Under Impact 4.7-2 (accident conditions involving the release of hazardous materials), the draft EIR states that "the rate of hazardous materials releases from trains has declined since the rate estimates were developed; the accident rate has been declining for decades, and this trend will likely continue based on continued investment in infrastructure and new safety technologies..." (p. 4.7-17). This statement fails to account for the fact that the transport of crude oil by rail has increased almost 40 fold in only the last 5 years (according to the Association of American Railroad's Annual Report of Hazardous Materials), a rate of increase that renders meaningless any assessment based on hazard releases in past decades.

The EIR further states that, “In addition, PHMSA is currently considering more stringent regulations for the transportation of crude by rail, including requirements for tank car design that are even more stringent than those set forth in CPC-1232.” (p. 4.7-19). Any assessment of risk to human populations and/or the natural environment must take into account current conditions, and should not be based primarily on potential future regulations that are not yet in place to protect our communities, and the actual implementation of which are, as of yet, uncertain. Furthermore, the EIR does not state the numbers of people living within range of the rail tracks in question. A credible risk assessment should take into account not only the likelihood of an accident occurring anywhere along the transport route, but also the number of people who would be affected. In the case of our community of Davis, approximately 26,000 residents and 7 schools are located within a half mile of the rail route, and a total of 45,000 residents and 9 schools are located within 1 mile. In January of this year, the National Transportation Safety Board issued a recommendation that hazardous materials route planning must be expanded so that railroads avoid populated and other sensitive areas (<https://www.nts.gov/news/2014/140123.html>). This recommendation from a federal entity suggests that current safety precautions are not yet adequate to allow trains carrying crude oil to pass safely through population centers such as Davis, in contrast to the statement in the draft EIR that “there is a variety of federal regulations designed to prevent the accidental release of crude oil from trains, and minimize the consequences of any such release” (p. 4.7-17).

## **2. Environment Justice**

California’s SB 115, signed into law in 1999, directs CalEPA to conduct its programs, policies, and activities and promote the enforcement of all its existing health and environmental statutes “...in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state.” A study of environmental justice for minority and low-income populations next to goods transportation corridors conducted in 2012 by the Southern California Association of Governments found that, for the population living within 500 feet of major truck and freight rail corridors, the proportion who are minority and/or low-income was higher than the regional population’s averages, both for 2008 and taking into account projections of population growth to 2035<sup>1</sup>. These results implied that truck- and freight rail-related environmental burdens could fall disproportionately on minority and low-income populations.


Given the high numbers of minority and low-income people living in the greater Sacramento area, we have reason to believe that similar conclusions could be drawn here. However, the draft EIS does not provide any analysis of the populations living close to the rail line under question. Given the risk of catastrophic releases of hazardous materials from the proposed transport of crude oil, in addition to the continual daily exposure to toxic diesel-related emissions resulting from the increase in total train traffic proposed in this project, an analysis of the equity of



distribution of these burdens on minority and low-income populations needs to be considered in this EIS.

Thank you for taking my concerns into consideration.

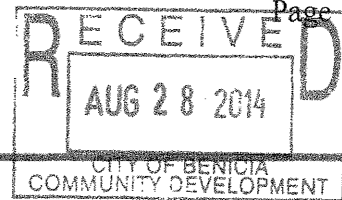
Sincerely yours,

A handwritten signature in cursive script that reads "Sonja B. Brodt".

Sonja B. Brodt  
2325 Shire Lane  
Davis, CA 95616

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<sup>1</sup> Seo, J.H., Wen, F., Minjares, J., Choi, S. 2012. Environmental justice analysis of minority and low-income populations adjacent to goods movement corridors in southern California. Submitted to Environmental Justice in Transportation Committee, TRB 2013 Annual Meeting, by the Southern California Association of Governments. Accessed at <http://assets.conferencespot.org/fileservers/file/41917/filename/2vceeo.pdf>.



## Amy Million - Oil Trains and Public Safety - a public comment

**From:** red <red@holopoet.com>  
**To:** <bkilger@ci.benicia.ca.us>, <amillion@ci.benicia.ca.us>, <beniciaherald@gmail.com>, <opinion@timesheraldonline.com>, <tvollmer@timesheraldonline.com>, <tburchyns@timesheraldonline.com>, <epatterson@ci.benicia.ca.us>, <tcampbell@ci.benicia.ca.us>, <ashwartzman@ci.benicia.ca.us>, <mhughs@ci.benicia.ca.us>, <cstrawbridge@ci.benicia.ca.us>, Kevin Johnston <mayor@cityofsacramento.org>, <srohan@roseville.ca.us>, <dwolk@cityofdavis.org>, <coeditors@newsreview.com>, "Bizjak, Tony - Sacramento" <TBizjak@sacbee.com>, frances kakugawa <fhk@jps.net>, Mary Swisher <mswisher@surewest.net>, <FrankDixonGraham@AOL.com>  
**Date:** 8/28/2014 5:17 PM  
**Subject:** Oil Trains and Public Safety - a public comment

If you are a recipient of this public comment that makes public record of public comments on the subject of proposed oil train shipments through California cities and towns, then I request that this comment be included in any and all public records applicable:

Subject: Safety and the transport of Oil by rail

date: August 28, 2014

To: SACOG, Yolo County Supervisors, Benicia City Council and other email recipients and their respective organizations and public officials.

Recipients who are associated with other public bodies (Planning Commissions, City Councils, County Boards of Supervisors, et al, please forward copies of this public comment to them as well)

### We Are Asking The Wrong Question?

Why has no one in government or our media or even advocacy organizations asked: Why are these proposed trains even being routed through densely populated and/or environmentally sensitive areas?

Surely, if these industries can afford to build pipelines across entire states such as Alaska, or contemplate building them from the Canadian border to the Gulf of Mexico, then they are quite able to build rails that avoid being anywhere near populated or environmentally important areas. For that matter, they can certainly build a refinery well to the east of our cities and towns and process and distribute their products from that remote and safe location.

It becomes entirely unnecessary to even ask about "Public Safety" or "Emergency Response"

if these substantial amounts of hazardous materials aren't transported through or near population

centers. Assurances by the industry of "low risk probability" are meaningless. It only takes one (inevitable)

major accident to turn that "low risk" assurance into a catastrophic event with serious loss of life and property to California residents. That risk falls to zero if the trains are routed well away from such areas, and even less than zero if the terminus refinery is also similarly situated. Accidents will still happen, but they will never rise to the level of catastrophic events.

It is therefore incumbent on our public officials to insist these trains do not pass through densely populated areas. They can do this by insisting at local, state and federal levels that statutes forbid such transport routes and that the industries that need this type of shipment of hazardous materials provide for it well outside the safety zones of our cities and towns. It amazes me that no one has yet asked this question and made these appropriate demands. As a native born citizen and resident of California, I insist that our public officials do so.

Respectfully,

Red Slider  
1917 Middleberry Rd  
Sacramento, CA 95816  
email [rspriv@jps.net](mailto:rspriv@jps.net)

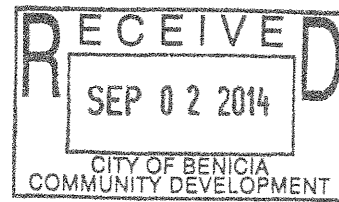
cc: d feinstein, b. boxer



This email has been checked for viruses by avast! antivirus software.

[www.avast.com](http://www.avast.com)

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



Dear Amy Million,

I would like the following comments put into the record for the DEIR on the Valero Crude by Rail project.

In the Transportation and Traffic section which starts on pg. 4.11 the traffic study analysis that was done for that section is fundamentally flawed. The DEIR states on pg. ES-3 para 3 That Valero would ask Union Pacific Rail Road (UPRR) to schedule Valero's trains so that none of them cross Park Rd. during the commute hours of 6 am to 9am and 4pm to 6pm. It states on page 3-22 para 2 The passenger trains are scheduled to the minute. UPRR dispatches the passenger trains so as to meet these precise schedules. Freight trains do not typically run on schedules. On pg. 3-22 para 3 UPRR has demonstrated the ability to regularly meet passenger train schedules—the capitol corridor trains dispatched by UPRR are on time 97% of the time. On page ES-5 para 5 UPRR has taken the position that any limitation on the volume of product shipped or the frequency, route or configuration of such shipments is clearly preempted under federal law. Appendix L

With these previous statements, I have taken this to mean that UPRR schedules passenger trains to meet specific schedules and has 97% compliance on this scheduling, and runs freight trains around these times. With this in mind, Valero's requests' have very little chance of being honored and would set a new precedent for UPRR of scheduling freight trains. I also took this to mean UPRR has the ultimate authority based on Federal law to decide when, type of cars and how many train cars will be in each of the 4 trains a day that will come into and out of Benicia, not Valero.

Pg. 4.11-5 para 3 Thus, the (Traffic) analysis focuses on baseline conditions and baseline plus-project conditions outside of those time (commute time) periods. The analysis uses conditions measured and projected during the 2:45 pm to 3:00 pm hour. (As representative of conditions from 9:00 am to 4:00 pm

and 6:00 pm to 7:00 pm) and the 9:00pm to 10:00 pm hour (as representative of conditions from 7:00 pm to 6:00am) the analysis is flawed and needs to be redone to include the commute hours of 6:00 am to 9:00 am and 4:00 pm to 6:00 pm.

Presently, the freight trains coming into the Park Ave. intersection sometimes back up cars along Bayshore Rd. and up the Bayshore Rd. exit ramp onto 680 north. (I observed this in a video presented by Ed Ruszel of cars backed up the Bayshore Rd, exit ramp onto 680 north during the August 14<sup>th</sup> 2014 planning commission DEIR comment meeting.)

How can Valero guarantee that the 4 times a day trains with 50 or more train cars coming in and out of the refinery will not block the Park Ave intersection, backing up cars on Bayshore Rd. and up the exit ramp onto 680 north during the commute hours of 6:00 am to 9:00 am and/or 4:00 pm to 6:00 pm and/or any other time?

The other serious discrepancy in the fundamentally flawed traffic analysis, involves the minutes stated that the crude oil train cars will take to cross the Park Ave intersection and block driveways on Bayshore Rd. most notably the Iron Workers Union building and next to it Rustzels Woodworks.

. Noted on pg. 4.11-7 the Table 4.11-1 titled Existing at grade rail operations. The longest train in the study of the Park Ave. at grade crossing had 35 cars and the longest train at the Iron workers driveway at grade crossing had 43 cars. Both maximum car lengths fall short of the 50 or more crude oil train cars that would be coming in/out of the industrial park 4 times a day. The maximum time for the Park Ave at grade crossing was 16.17 minutes, assuming it was a 35 car train each car would take 0.46 minutes to get through the intersection. (This is very conservative because if I used a lower amount of cars it would dramatically increase the time it took cars to get through the grade, so I am actually underestimating the potential congestion.) Using this calculation a 50 car crude oil train would take at least 23 minutes to get through the intersection. The maximum time for the blockage of the Iron Worker Union's driveway at grade crossing was 24:50 minutes. (I again assumed a very conservative amount of train cars of 43, the maximum amount studied) each car would take 0.56 minutes to cross the blocked driveway for a total of 28 minutes.

The DEIR states on pg4.11-11 para 1 Project trains would be traveling at speeds faster than the 5 mph at Park RD. (and generally would fall within the range of durations of crossings by other trains under existing conditions. The previous statement does not make sense. First, none of the trains in the Table 4.11.1 existing at grade rail operations studied were 50 train car lengths and second, my understanding of what the Federal Department of Transportation (DOT) has requested, is that domestic crude oil trains notably Bakken crude oil trains, should travel slower than existing at grade freight trains through populated (urban) areas. (Sited in the many emergency/response orders by DOT over the past year and recently on May 8<sup>th</sup> 2014.) I think the industrial park, with the many businesses and offices close to the railroad tracts would be considered populated areas. So how can the DEIR state that a 50 or more car crude oil train would travel faster than the shorter existing freight trains are presently doing? Again I site Appendix L UPRR has taken the position that any limitation on the volume of product shipped or the frequency, route or configuration of such shipments is clearly preempted under federal law.

With this information in mind a 50 plus crude oil train blocking the Park Ave. intersection during the early commute hours could easily back up traffic onto 680 north with the potential of blocking the 780 east to 680 north merge. I traveled this merge from 780 east towards 680 north, first the two lane road merges into one lane as you curve around (so you are looking at rear view traffic to merge into one lane) then it quickly merges into the busy 680 north highway traffic coming over the Benicia Bridge. The amount of time traveling at 55 mph to merge is about 10 seconds or 0.3 miles before hitting the Bayshore Rd off ramp. If there is even a 0.1 mile back-up from the Bayshore Rd off ramp onto 680 north this would be very dangerous, and reduce your merge time to 6 seconds and make you swerve dramatically onto 680 north. In the worst case scenario it could close off the merge. This is a big concern for me as my husband travels that daily at commute hours to Vacaville. How can Valero guarantee that this back-up and possible closure of the 780 east to 680 north merge will not happen with the 4 times a day 50 plus crude oil train cars proposed coming in/out of the refinery?

The other area of concern with the flawed traffic study analysis has to do with the blockage of business' driveways on Bayshore Rd, most notably the Iron Worker Union building and Ruszel Woodworks. As I

calculated earlier, a 50 plus crude oil car train carrying Valero's oil into or an empty 50 car train coming out of the refinery could take conservatively 28 minutes to pass over the Iron Workers Union driveway and Ruszels Woodworks driveway; this process as stated in the DEIR would happen 4 times a day. Neither business has another way to exit their business other than over the railroad crossing, so the employees and/or apprentices in these businesses are essentially trapped until the train moves. As a registered nurse I am well aware of the type of industrial accidents that could possibly occur in both businesses. In the case of the woodworks business, industrial saws and cutting tools are used, so severed fingers, deep cuts, gashes and other amputations can occur: and if an apprentice/training program is occurring in the Iron Worker Union buildings other industrial accidents can occur suddenly involving heavy equipment and fire. In the case of a myocardial infarction or a cardio vascular accident it is imperative to get thrombolytic therapy immediately. In all these cases, the health conditions can be life threatening, 28 minutes or more is a longtime to not have access to emergency care. Also if a fire breaks out in any of these businesses how will the fire trucks get into these sites quickly, if a 28 minute or longer train is blocking the entry way? How will emergency responders get quickly to the injured employees blocked by a 28 minute or longer crude oil train sealing off their exit/entryway?

Another section of the DEIR that is fundamentally flawed is Appendix F Railroad Crude Oil Release Rate Analysis for the Route between Roseville, Ca. and Benicia. On pg. 3 para 2 of this Appendix titled Train derailment rate Z. It says that the analysis for risk factors for a derailment was based on a study from 2005- 2009. This was prior to the crude oil by rail boom of 2012 to the present. All the recent multiple crude oil train derailments, explosions, fires and spills have occurred during the recent crude oil by rail boom years. It has been so devastating that the DOT has issued many emergency/release actions during this period to address the unsafeness of this type of transport. Benicia has had two derailments in the past year in the industrial park. On November 4, 2013 three railcars derailed as they were leaving Valero's refinery along Bayshore Rd. The 11-car train was traveling slowly east as it left the Valero facility a little before noon Monday. It was crossing Park Road near Bayshore Road in the Benicia Industrial Park when the second, third and fourth covered hopper cars derailed, said Union Pacific spokesman

Aaron Hunt. All three landed upright and none of the petcoke (petroleum Coke) spilled. The other derailment occurred on May 17 2014 two UPRR train cars came off the rails, “both hopper cars were loaded with coke and derailed upright with all the wheels off the rail” Mark Davis of UPRR said” this happened near the Valero refinery.” In both cases petcoke was contained in the cars, but if it had been Bakken crude oil and a spark ignited the cars it could have been a very different scenario.

To omit the last two and a half years in the DEIR risk assessment doesn’t adequately address the risk factors to Benicians and other uprail communities and does a disservice to our community. How can the DEIR omit the years of 2012 to the present (the most important years) of the crude oil by rail boom? How can the DEIR omit the risk factors of derailments, explosions, fires and/or spills occurring nationwide with these new types of volatile crude oils (Bakken) that will be transported via rail into Benicia and adequately assess the full scope of the environmental and safety impacts of this project on Benicians, Solano county and other up rail communities? Who will pay for loss of life and clean up if a derailment, explosion, fire and/or spill occur? Will the city of Benicia and/or we taxpayers be liable for a derailment, explosion, fire and/or spill that occur outside of Valero’s property? If UPRR is liable do they have enough insurance to cover a clean-up of a derailment, explosion, fire and/or spill, especially if it is heavy sour Canadian crude that spills in a river or lake effecting a water supply and that lake has to be dredged ?

The last area of the DEIR that I would like to comment on is Appendix C.1 Areas of Controversy Potential Air Quality Impacts from Increased use of Heavy Canadian Crudes. On pg. C.1-2 para 3 “finally, even if one assumed that Valero will purchase 70,000 barrels per day of heavy sour Canadian crude, and the crude blend processed became substantially heavier and more sulfurous, the resulting increase in emissions would be within the baseline for operational air quality impacts.”

First, why was this statement added? Is Valero planning to bring in 70,000 barrels of heavy sour Canadian crude in the future? If not, I am asking that this statement be deleted because it is confusing and leaves open the possibility of this happening in the future?



My concerns are such, if 70,000 barrels a day of heavy sour Canadian crude started being processed wouldn't the processed bitumen result in an exponential increase in the petcoke being produced?

In a Jan. 17, 2013 oil change international article titled "Petroleum coke: the coal hiding in the tar sands" by Lorne Stockman, states "that 15 to 30 percent of a barrel of tar sands bitumen can end up as petcoke depending on the upgrading and refining process used. " It also goes onto to say "petcoke is like coal, but it has even higher carbon emissions then the already carbon intensive coal."

Wouldn't this increase the toxicity of Benicia's air quality? Wouldn't the powdery nature of petcoke and the very windy conditions in Benicia add additional health risks to the people downwind of the refinery and add to Benicia's carbon footprint?

In the National Resources Defense council brief dated February 2014 it states, "When diluted tar sands crude oils arrive at U.S. refineries, they bear little similarity to conventional crude oils. Not only does the bitumen portion of the diluted mixture contain 102 times more copper, 11 times more nickel, and 5 times more lead than conventional crude oils, but the added diluting agent contains high concentrations of hazardous pollutants such as benzene. All of these chemicals may be released as air pollutants during the refining process. Vapor or "fugitive" emissions may escape through leaks in piping and equipment throughout the refining process, and the presence of highly volatile diluting agents makes it likely that more carcinogenic pollutants will be released into the air. In addition, tar sands crudes require greater use of heaters, boilers, hydro-treating, and cracking, which are likely to Increase emissions of toxic and smog- and soot-forming air pollutants. These pollutants have been tied to increased cancer risks, increased respiratory issues including asthma, cardiovascular illness, developmental delays, and other negative health effects."

Thank You, Pat Toth-Smith, resident, small business owner, and home owner in Benicia.

[pattothsmith@aol.com](mailto:pattothsmith@aol.com) 707 748-0875

315 west K st.

Benicia, Ca. 94510

## Amy Million - Napa Fault Maps and Valero DEIR

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**From:** Ken and Viann Wallace <kvwallace@hotmail.com>  
**To:** "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>, "bkilger@ci.benicia.ca.us" <bkilger@ci.benicia.ca.us>  
**Date:** 9/1/2014 8:18 AM  
**Subject:** Napa Fault Maps and Valero DEIR  
**CC:** jean jackman <jeanjackman@gmail.com>, Lynne Nittler <lnittler@sbcglobal.net>  
**Attachments:** napafaultmap.JPG; napafault-reachmap.JPG

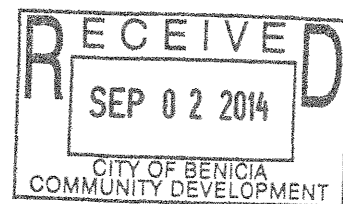
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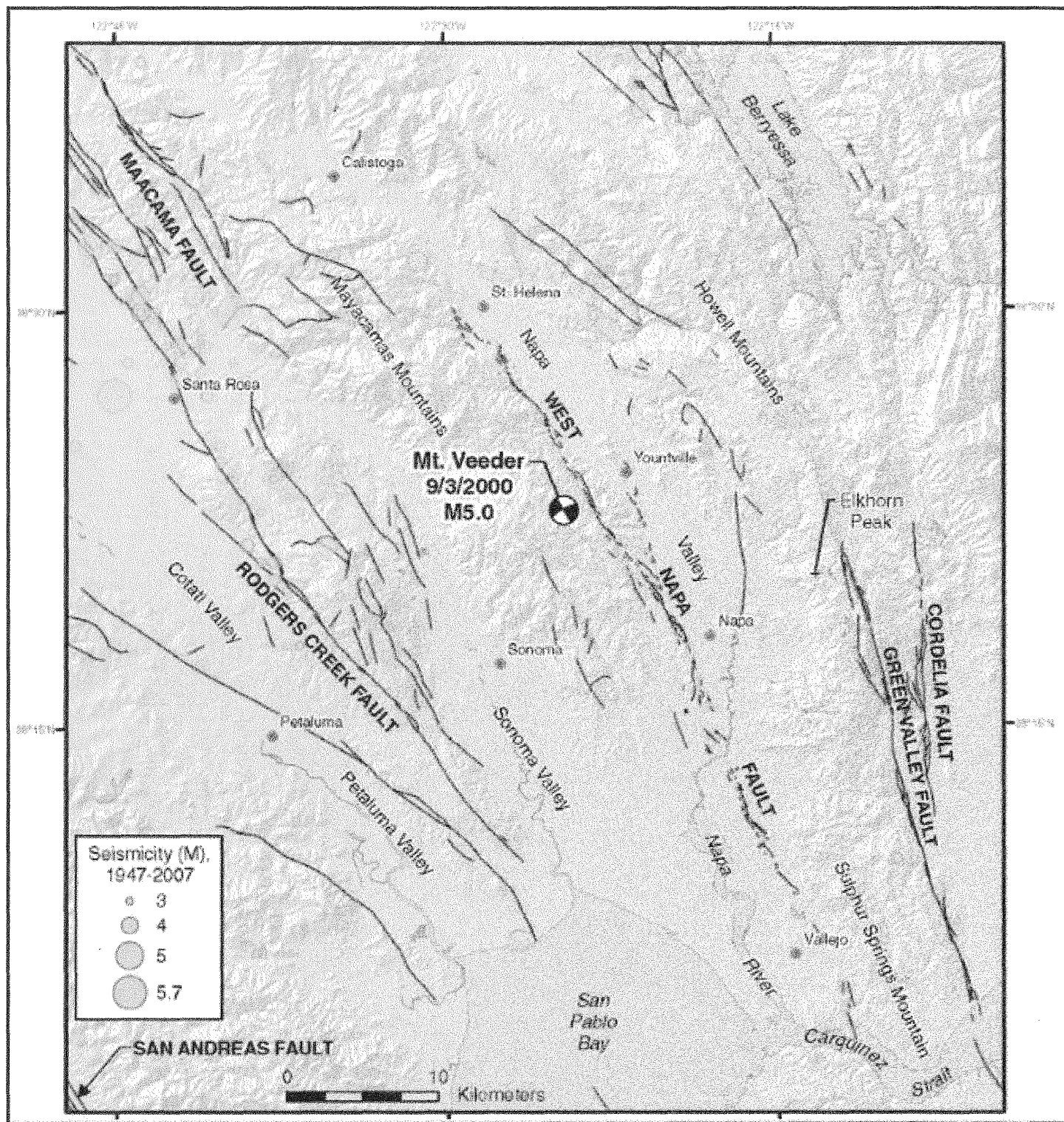
Dear Ms. Million,

Please include these maps of the Napa Fault in relation to Benicia and the Valero Refinery. Valero is next to the problematic Napa earthquake fault. Please take this into consideration when you are deciding on the expansion of Valero.

I greatly hope you do Not allow an addition or expansion of Valero, in order for them to refine explosive crude from Bakken. This would potentially be dangerous to the residents and the town of Benicia. And other residents and cities along the rail system.

Sincerely,  
Virginia Wallace  
Davis





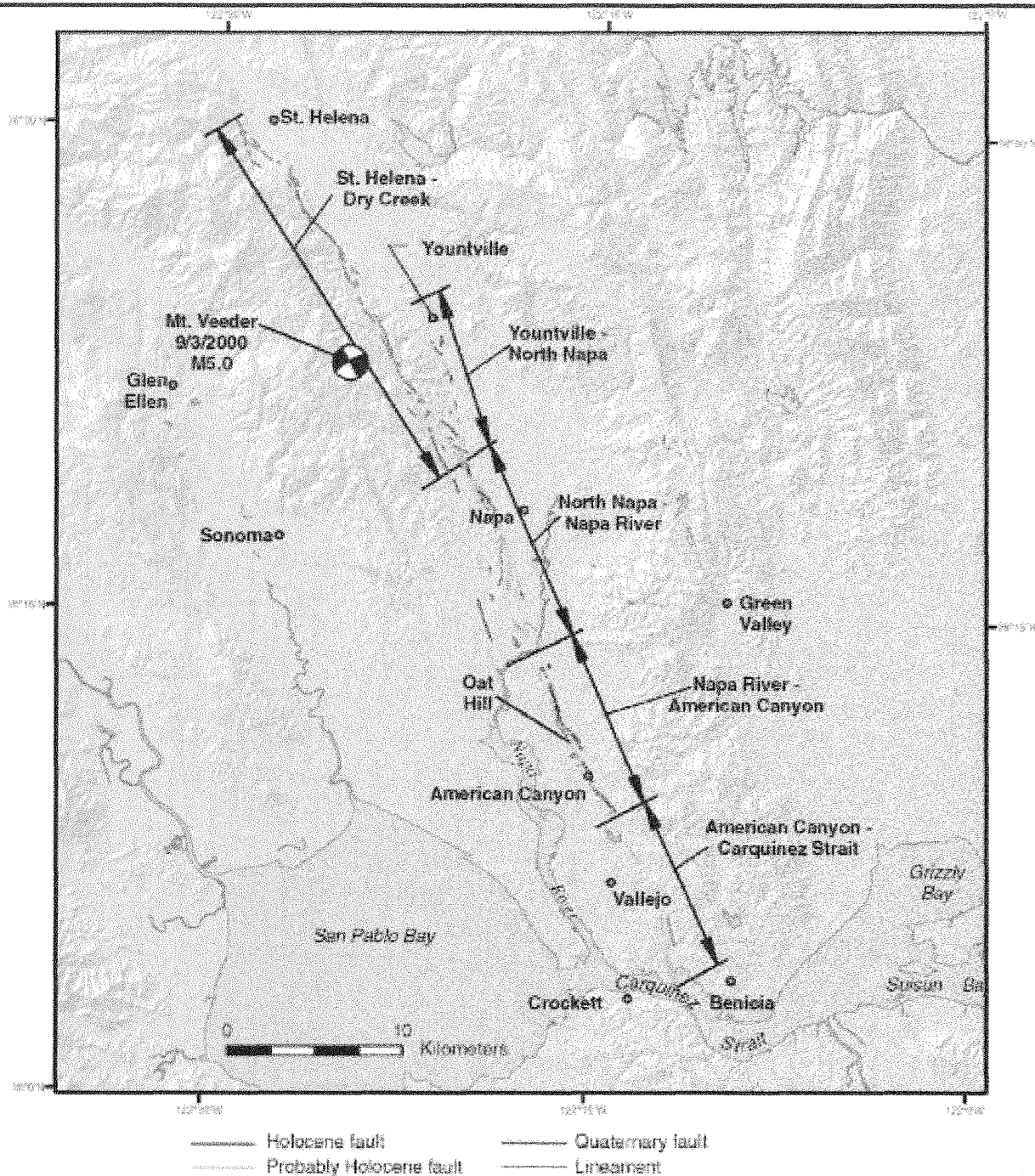
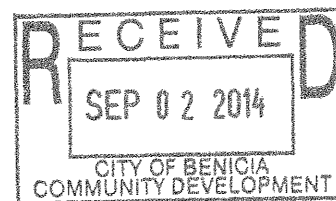


Figure 3 Map showing Quaternary-active faulting and reaches along the West Napa fault zone

**Amy Million - DEIR Comments - Valero Crude by Rail Project**

**From:** Ken Wallace <kennwallace@hotmail.com>  
**To:** BKilger@ci.benicia.ca.us; AMillion@ci.benicia.ca.us  
**Date:** 9/2/2014 4:14 PM  
**Subject:** DEIR Comments - Valero Crude by Rail Project  
**Attachments:** CATrainHazardMap.JPG



Dear Ms. Million and Mr. Kilger,

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

As a resident of Davis, I live up-rail from the proposed Valero rail project, and the trains will pass right through my home community. Needless to say, I am very concerned about the impact of crude oil trains passing through this area every day. Here are some of my concerns:

Certainly just about everyone in northern California has heard about the recent American Canyon/Napa earthquake of August 24, 2014 - a strong 6.0 quake probably along the West Napa Fault that lasted upwards of 20 seconds with about 300,000 people experiencing strong to severe shaking. As expected, we have had quite a few (USGS estimate: about 80) aftershocks as well - the latest one just yesterday.

OK - that was mostly all in Napa. However, I was looking at a the "Rail Risk" map put together by the California Office of Emergency Services (OES), and that shows the Green Valley Fault in Solano county. That appears to bisect the rail line that would be used by the Valero oil trains - and only about 5 miles from the refinery.

You can see all of this in the attachment to this email or by reviewing the website:

<http://www.caloes.ca.gov/HazardousMaterials/Pages/Oil-By-Rail.aspx>

(That's where I got the attachment - from the interactive map.)

I also reviewed a recent (8/25/14) article in the San Jose Mercury News by Lisa M. Krieger (lkrieger@mercurynews.com), "Napa earthquake stressed other faults". (Article link: [www.mercurynews.com/News/ci\\_26403020/Napa-earthquake-stressed-other-faults](http://www.mercurynews.com/News/ci_26403020/Napa-earthquake-stressed-other-faults)) The article says that scientist David Schwartz of the USGS stated that the Napa quake has put additional stress on the Green Valley Fault (as well as the Rodgers Creek Fault). As you can see in the Mercury News article, there is another fault map of the SF Bay area provided by the USGS. There, the aforementioned fault is called the Concord-Green Valley Fault, and actually appears to be much longer than the fault depicted on the California OES map. This fault also appears to be quite a bit longer than the West Napa Fault. And a longer fault means potentially larger quakes (see USGS website).

Especially in light of the recent earthquake activity and the proximity of faults to Valero and

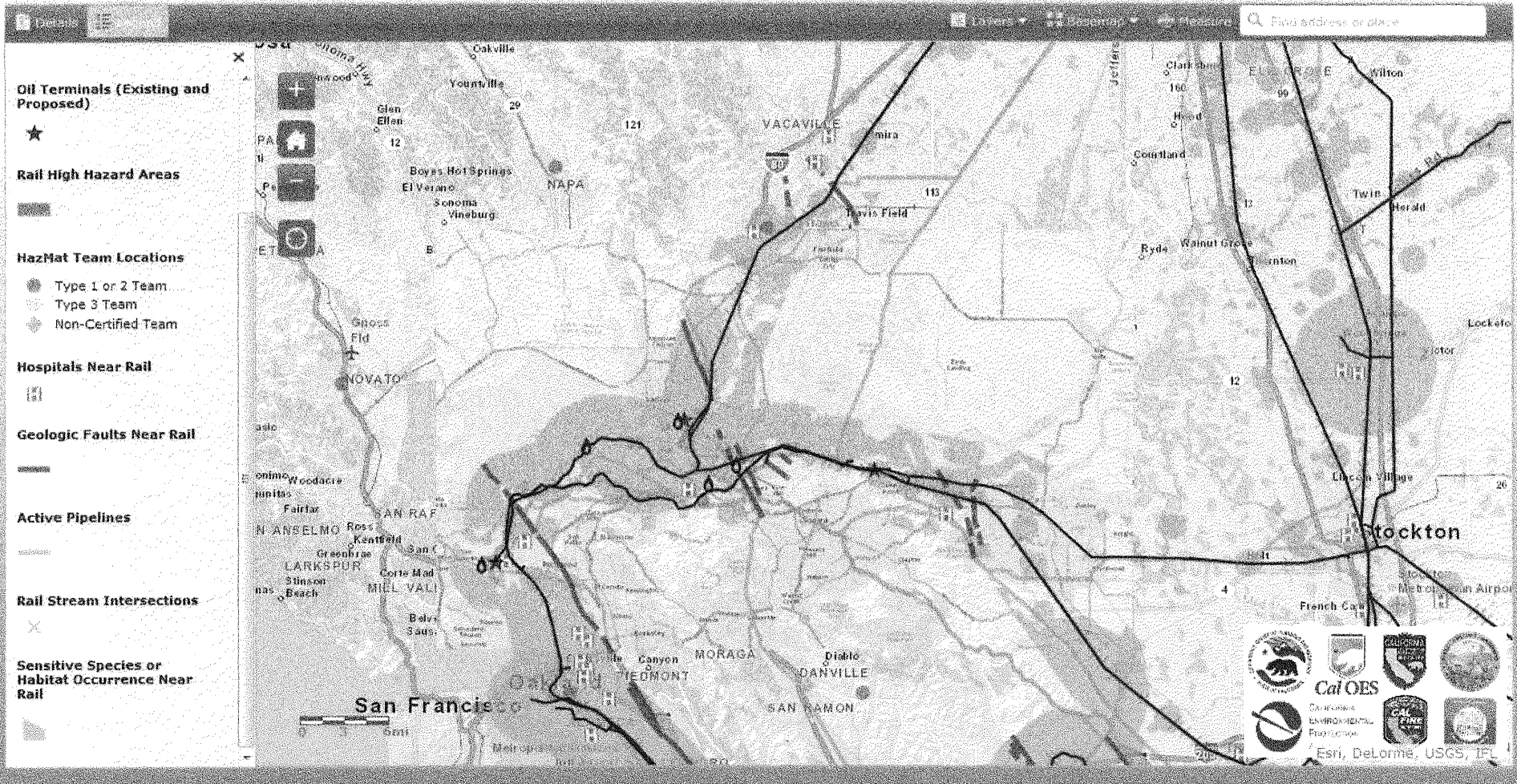
the rail line, I do not believe that the draft EIR adequately addresses the seismic risks posed to the rail lines, trains, Valero's oil terminal and refinery, and the potential resulting threats to the public welfare in our area. These issues must be dealt with in firm, meaningful way or the whole project should be abandoned.

Thank you for the opportunity to comment.

Ken Wallace  
Davis, CA 95618  
kennwallace@hotmail.com



# Rail Risk and Response



**Amy Million - Earthquakes pose a possible threat to flammable oil trains traveling by rail to Benicia**

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**From:** Ken and Viann Wallace <kvwallace@hotmail.com>  
**To:** "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>, "bkilger@ci.benicia.ca.us" <bkilger@ci.benicia.ca.us>  
**Date:** 8/31/2014 5:09 PM  
**Subject:** Earthquakes pose a possible threat to flammable oil trains traveling by rail to Benicia  
**CC:** jean jackman <jeanjackman@gmail.com>, Lynne Nittler <lnittler@sbcglobal.net>

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<http://www.foxnews.com/us/2014/08/28/5-things-to-know-about-earthquake-faults-in-california/>

<http://www.sfgate.com/bayarea/article/Bay-Area-quake-struck-on-long-dormant-fault-USGS-5708819.php>

Dear Ms. Million,

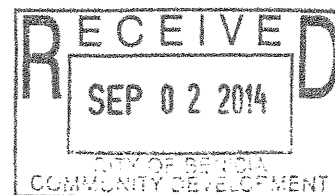
At the very least, I think Valero/Benicia need to talk about a possible earthquake in their EIR on their area, due to the new earthquake threat information. There is an earthquake fault on either side of Benicia, which could cause devastating consequences.

Also, at the very least the risk needs to be completely ASSESSED by geographers/earthquake scientists. And written up in the EIR so all citizens of Benicia have the latest and correct information. And so citizens along the rail line know as well.

Please insure that the above 2 articles in newspapers are apart of the Valero/Benicia file. They both have pertinent information, which needs to be read by everyone.

If it takes a while to sort out the earthquake threat, so be it. This is a Huge threat not to be taken lightly.

Sincerely,  
Virginia Wallace  
Davis





**Amy Million - Valero Crude by rail DEIR comment**

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**From:** Ken and Viann Wallace <kvwallace@hotmail.com>  
**To:** "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>, "bkilger@ci.benicia.ca.us" <bkilger@ci.benicia.ca.us>  
**Date:** 9/1/2014 12:23 PM  
**Subject:** Valero Crude by rail DEIR comment  
**CC:** jean jackman <jeanjackman@gmail.com>, Lynne Nittler <lnittler@sbcglobal.net>

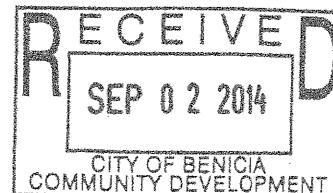
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Please add this document to the public legal record on Valero's Crude By Rail Project and incorporate it as part of the review of its DEIR.  
In addition, please forward this document to the Planning Commissioners.

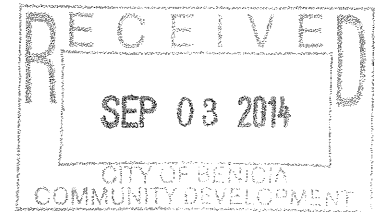
<http://earthquake.usgs.gov/research/external/reports/05HQAG00002.pdf>

Please add this 2008 usgs.gov document on the Napa earthquake fault to the public legal record on Valero's Crude by Rail Project and incorporate it as part of the review of its DEIR. In addition, please forward the entire document, with maps, etc. to the Planning Commissioners.

Sincerely,  
Virginia Wallace  
Davis, Ca.



558 Capitol Drive  
Benicia, CA 94510



August 30, 2014

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

Re: Valero Crude By Rail

Dear Ms. Million,

After reading the Draft Environmental Report, I urge the Planning Commission to postpone the Valero Crude by Rail Project until the safety of the tank cars can be confirmed and the Bakken crude oil studied for correct volatility classification. According to an article in the Contra Costa Times on July 24, 2014, the Federal Department of Transportation is currently working on new rail safety regulations which take into account the increase in crude by rail and the more volatile types of crude oil being transported. Transportation Secretary, Anthony Fox, expects final regulations to be completed before the end of the year. He goes on to say, "We are at the dawn of a promising time for energy production in this country. This is a positive development for our economy and for energy independence, but the responsibilities attached to this production are very serious." The Transportation Department has already released a report concluding that oil from the Bakken region is more volatile than typical light, sweet crudes (Contra Costa Times: 7/24/2014). The DEIR itself states, "In response to recent rail accidents involving crude oil and ethanol, federal regulatory agencies and AAR have taken a variety of actions designed to reduce the risk of accidental releases from DOT-111 tank cars. The effort to reduce risk is ongoing, and further regulatory changes are expected in the relatively near future." (4.7-5).

Valero says it is "committed" to following the current voluntary standards and "when the PHSA regulations call for use of a DOT-111 car, Valero would use the 1232 Tank cars" (ES-3).

- Can the City of Benicia enforce this commitment?
- How would the City know if the correct cars are used for the varying oil classifications if we cannot be told what type of oil is being transported?

- Will the 1232 cars be used for the Bakken crude since its classification is being determined?
- Will Valero commit to the “further regulatory changes” when they are enacted?

Under Alternate 1 the DEIR states, “UPRR has taken the position that any limitation on the volume of product shipped or the frequency, route, or configuration of such shipments is clearly preempted under federal law” (ES-5).

- Once the construction phase is complete, how will the City of Benicia, or Valero itself, monitor the ongoing Crude by Rail Project?
- Can any of the voluntary commitments Valero is making in the DEIR be enforced?

The DEIR is well aware that new regulations are ongoing and again brings up these new recommendations. “On November 14, 2013, AAR recommended that PHMSA adopt tank car standards that are even more stringent than those adopted by AAR in CPC-1232. AAR recommended that PHMSA adopt standards for new cars, and require retrofit of existing cars to include:

- an outer steel jacket around the tank car and thermal protection,
- full-height head shields, and
- high-flow capacity pressure relief valves” (4.7-8).
- Do the tank cars Valero commits to using follow these new AAR recommendations?

The DEIR states that the risk analysis was based on “1232 Tank Cars for all shipments, based on Valero’s commitment to do so” (4.7-17).

- Does the risk analysis use the newer AAR recommendations for the 1232 tank cars, either newly purchased updated cars or retrofitted existing cars?
- Is the risk analysis based on the actual tank cars, all of them, which Valero will be using?

The DEIR figures: “The estimated risk of an accident resulting in a release of more than 100 gallons is approximately 0.009 per year, which corresponds to an estimated frequency of occurrence of once per 111 years” (4.7-18). Yet the DEIR lists 4 significant derailments in the past year. Since 2008 there have been 10 significant derailments in the U.S. and Canada (Contra

Costa Times: 7/24/2014). The risk analysis concludes that because of these accidents “even more stringent regulations” are being considered. Yet the DEIR sees the risk as “less than significant” because the probability of an accidental crude release is “just 0.009 per year” or “once in 111 years.” I understand that this probability analysis is route specific and uses a specific mathematical formula, but does this formula justify the project’s “less than significant” conclusions? Mathematically it does, but one never knows when that one accident in 111 years will occur and it would be significant.

This mathematical analysis and the conclusion of Impact 4.7-2 stating that federal law preempts all other governmental authority allows for “Mitigation: None required.” “Finally, it bears noting that federal law preempts the ability of state and local governments to regulate rail activity and/or impose any requirements that burden the unrestricted movement of trains in interstate commerce. While the City can identify and disclose the risks posed by rail transport of crude oil, it must rely on the federal authorities to ensure that any such risks are mitigated as appropriate” (4.7-20).

- What power will the City of Benicia have to insure the health and safety of its citizens and their property?
- Will ongoing monitoring and inspections of the Project be allowed / required?
- What can be done if violations are noticed?
- Does the City feel confident in this Project to turn all control over to Valero and the federal preemptive laws?

Section 4.10.2.2 states, “The incremental increase in train noise caused by four additional trains is an indirect impact of the Project.” The Construction Project would be useless without the incoming trains, so how can the train noise be an “indirect impact?” The DEIR says it considered up rail noise “in general terms.” Even as such, all increases in the levels of noise were deemed “less than significant.” These trains would go right through downtown Davis with businesses and houses on each side of the track. They would go through highly populated areas in other communities as well.

- Does the DEIR adequately address the up rail noise impact?

The same up rail concern applies to traffic as well.

- Have train times been coordinated with up rail cities so as not to impact commute times in those cities?
- Did the DEIR ask for input from up rail cities?

Then there is that preemptive power. "If the project were approved, Valero would ask Union Pacific to schedule Valero's unit trains so that none of them cross Park Road during the weekday commute hours" (4.11-5).

- What guarantee is there that a particular time schedule would / could be followed?

I have heard many people voice concerns about the air quality conclusions and I support their concerns. The DEIR writes extensively about the impact in Benicia, but offers limited findings for communities up rail. The DEIR briefly mentions that the trains will pass within a quarter mile of 27 schools (4.7-23) and like other air quality impacts up rail, concludes "less than significant" impact.

- Was there an adequate study done to justify the conclusions of "less than significant" impact to air quality in up rail communities?

As I mentioned earlier, Transportation Secretary, Anthony Fox, emphasizes that "the responsibilities attached to this production are very serious." Once the Project is in the hands of the railroad with its preemptive powers, does the City of Benicia feel secure enough with this Project that it can protect the health and safety of its citizens and their property? I thank the Benicia Planning Commission for seriously studying this Project and carefully considering the input of the public.

Sincerely,

  
Sandra Fuchs

Enclosure:

\*Contra Costa Times article of 7/24/2014 as mentioned in my letter.

# Rules must weigh tank car dangers, economic benefits

Canada tragedy helped spark push for railway safety

WASHINGTON (AP) — Responding to a series of fiery train crashes, the government proposed rules Wednesday that would phase out tens of thousands of older tank cars that carry increasing quantities of crude oil and other highly flammable liquids through America's towns and cities, including the Bay Area.

But many details were put off until later as regulators struggle to balance safety against the economic benefits of a fracking boom that has sharply increased U.S. oil production. Among the issues: What type of tank cars will replace those being phased out, how fast will they be allowed to travel and what kind of braking systems will they need?

Accident investigators have complained for decades that older tank cars, known as DOT-111s, are too easily punctured or ruptured, spilling their contents when derailed. Since 2008, there have been 10 significant derailments in the U.S. and Canada in which crude oil has spilled from ruptured tank cars, often igniting and resulting in huge fireballs. The worst was a runaway oil train that exploded in the Quebec town of Lac-Mégantic a year ago, killing 47 people.

Transportation Secretary Anthony Foxx said he said he expects his department to complete final regulations before the end of the year. First, the public and affected industries will have an opportunity to comment on the proposal.

"We are at the dawn of a promising time for energy production in this country," Foxx said. "This is a positive development for our economy and for energy



FRANCOIS LAPLANTE DELAGRAVE/AGENCE FRANCE-PRESSE ARCHIVES VIA GETTY IMAGE

Firefighters douse flames after a freight train loaded with oil derailed in Lac-Mégantic in Canada's Quebec province, in 2013, sparking explosions. The lead engine on the runaway oil train is scheduled to go to auction Aug. 5.

independence, but the responsibilities attached to this production are very serious."

In a report released along with the rules, the Department of Transportation concluded that oil from the Bakken region of North Dakota and Montana, where fracking methods have created an oil boom, is more volatile than is typical for light, sweet crudes.

The oil industry immediately challenged that conclusion. "The best science and data do not support recent speculation that crude oil from the Bakken presents greater than normal transportation risks," said American Petroleum Institute President and CEO Jack Gerard. "DOT needs to get this right and make sure that its regulations are grounded in facts and sound science, not speculation."

Rail shipments of crude have skyrocketed from a few thousand carloads a decade ago to 434,000 car-

loads last year. The Bakken now produces over 1 million barrels per day, and production is increasing.

Some of that domestic crude travels into the Bay Area, particularly the East Bay with its refineries.

"The delay directly impacts what's going on in California and the Bay Area because of the persisting risk of derailment and accidents and because these trains are going through highly urban areas," said Suma Peesapati, an Earthjustice attorney from San Francisco. "And those trains go through disproportionately low income communities and communities of color."

In addition, trains that would transport crude to the Valero refinery in Benicia, which is proposing a rail delivery project, would travel near sensitive waterways and over poorly regulated bridges.

Earthjustice has also sued the Bay Area Air Quality Management District

and Kinder Morgan over its Richmond rail facility claiming it needs a full environmental review.

The phase-in period for replacing or retrofitting older tank cars that transport the most volatile type of liquids is shorter than the Canadian government's three-year phased plan. Congress, fearing another Lac-Mégantic, has been pressuring regulators to put new safety rules in place as quickly as possible.

The proposal also includes ethanol, which is transported in the same kind of tank cars. From 2006 to 2012, there were seven train derailments in which tank cars carrying ethanol ruptured. Several crashes caused spectacular fires that emergency responders were powerless to put out.

The proposed regulations apply only to trains of 20 or more cars.

Staff writer Matthias Gafni contributed to this report.

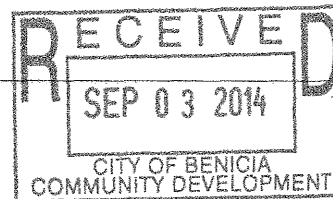


**Amy Million - oil trains**

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**From:** paul brady <pbradyus@yahoo.com>  
**To:** "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>, paulus <pbradyus@yahoo.com>, "lnittler@sbcglobal.net" <lnittler@sbcglobal.net>  
**Date:** 9/3/2014 4:43 PM  
**Subject:** oil trains

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Dear Amy,

I believe it is important to keep these oil trains running as efficiently as possible so that our road transportation system and our economy can continue to do well. It is difficult enough to do business in California with the many layers of environmental and other regulations that are encountered and have to be passed. Please do not make it anymore difficult for this important aspect of our economy to function and even thrive!

In an earlier career I was a geophysicist in the international oil business. Drilling and producing oil can indeed be a dangerous business which is at times subject to accidents. However, I believe the handling of oil and its transportation can be done very safely. The earlier accidents have led to greater safety procedures and more secure transportation in safer tank cars.

Thank you,

Paul Brady

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