Soussielenstein	http://www.www.					
E SATISTIC	and the second second	and a second state of the	ALC: NOT THE OWNER	WODD/wice w	Street and an other street of the	
5 5 CONTRACTOR	S. weeks	Anth	\$10000	8 h	Contraction restriction	Richleros Inconstruction of the
12 12	Science.	8 2	è	5 5	2 30400	REPORTED 3
12 2		5	plan	8 8	& E	20000223
12 12	Astage .	Sec. 6	2.	8 63	S. Same	- X X X X
3 Burnell		ACC.	04000	8 16	Sec.	22 22 3
1 204355	Party provide the rest of the					
18 8	B B B B B B B B B B B B B B B B B B B					
18 5	3					E% 184
15 22	1					12 21
4.26 22	8		<i>m</i>			13 <i>S</i> †
78 B	2 & 2	589 1	6 0			2 2 1
	2 21.9	52 m	2 63	- 33	1.21 11 1	Summer 2
Ł	1 2002 2	2819 1	e	881	1128	122220 1
3	1 4 <i>6 4</i>	1 W I	6 63	11	େଳ୍କ ବ	1 I I I I I I I I I I I I I I I I I I I
8	5			205 50	** 8	
1 1	3				*	8
2 1	1				3	. 8
£ 1	5				1	Ē
1 1	NO. RODER TO AND A DECIMAL OF				2	2
A Prove of the second s						
8	- E 18	$(\vee C)$	C D1	· 6 11 /	1 / A	8
i da mar	N.F. 2 .	~ ~ ~ <i>_</i> J	" DI	~ FAR	310	5
\$ 11538	886111	11 mm	Dis. Set	10 1 2 2 2	211°3	8
	/10/03.15	91 F V	1 1 200	I La I	5838 BM	* 6 2 2000 ×
Politication web-own		411 1	6/6-	Y 22 L	1127846	1111
and the second						
the second se						

To: City of Benicia 250 East L Street Benicia, Ca. 94510 Amy Million, Principal Planner, Community Development Department Attn: (amillion@ci.benicia.ca.us) Brad Kilger, City Manager (bkilger@ci.benicia.ca.us) Valero Refinery Crude by Rail Project Re: Permit #: 12PLN-00063 Date: September 5, 2014 From: James Neu / Martinez Environmental Group 3334 Ricks Ave. Martinez, Ca. 94553 Jineusies2@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 <u>ENTIRE QUANTITY</u> 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 Geramendi, 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 CO2 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 <u>EIR</u> 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 two10 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 <u>APRIL16 THROUGH OCTOBER14.</u>

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 <u>February 15 through August 31</u>. 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 <u>SEPTEMBER 1 THROUGH FEBRUARY 14</u>.

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, <u>construction of the project can only be allowed from SEPTEMBER 1 THROUGH OCTOBER 14.</u>

\*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. \*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 Geramendi'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 us 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 <u>usually</u> goes through some processing, separation, or treatment near the well head location prior to being loaded for transportation. Shippers <u>must</u> 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 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  $\frac{1}{2}$  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 sited erroneous information to base their argument on the safety of crude by rail and this report sited 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.A6) 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 Group1

\*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.