



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

Date: September 4, 2014
CIWQS Place ID: 223950

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

Sent via e-mail: AMillion@ci.benicia.ca.us

SUBJECT: RESPONSE TO DRAFT ENVIRONMENTAL IMPACT REPORT (EIR), VALERO BENICIA REFINERY, CONTRA COSTA COUNTY

Dear Ms. Million,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Refinery's proposed Crude-by-Rail Project (Project). Staff of the San Francisco Bay Regional Water Quality Control Board (Water Board), have reviewed the DEIR and this letter provides our comments and concerns regarding potential threats and/or impacts to water quality that may arise from the Project. I understand that our comments and concerns will be included, to the extent possible, in the scope of the final EIR commissioned by the City of Benicia.

As we understand it, the proposed Project would allow crude oil that is currently inaccessible to be delivered by railway to the Refinery. The crude would originate at various sites in North America, and Union Pacific Railroad (UPRR) would transport the crudes in tank cars using existing rail lines to Roseville, California, and then on to the Valero Refinery.

The Project involves the installation of a new tank car unloading rack, rail track spurs, pumps, pipeline, and associated infrastructure at the Refinery. The Project would allow the Refinery to receive up to 100 tank cars of crude oil per day in two 50-tank car trains. The trains would enter the Refinery on an existing rail spur outside the southern boundary of the Refinery. The crude oil unloaded from the tank cars would be pumped to the existing crude oil storage tanks in the Refinery via a new pipeline connected to existing piping infrastructure.

The Project would also include replacement and relocation of approximately 1,800 feet of existing tank farm dikes; relocation of an existing firewater pipeline, compressor station, and underground infrastructure; relocation of groundwater wells along Avenue A; and construction of a service road adjacent to the proposed unloading rack.

The entire Refinery area is regulated by three Water Board orders:

- Waste Discharge Requirements Order No. R2-2013-0033 for the Waste Water Treatment Plant (WWTP) and Crude Oil Storage Area;
- Site Cleanup Requirements Order No. R2-2014-0004 for the remainder of the Refinery; and
- A National Pollutant Discharge Elimination System (NPDES) Order No. R2-2009-0079.

DR. TERRY F. YOUNG, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

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Several aspects of the proposed project have the potential to affect groundwater and surface water quality:

- 1) Section 3.4.1.1 states that the new containment sump to be constructed beneath the unloading racks is designed to capture and contain one tank car worth of crude oil, but several things are not clear:
 - a. Where would the product be routed in the event of a spill into the sump?
 - b. Is it possible to construct a sump with greater storage capacity?
 - c. Has the 100-year flood been taken into account should a spill occur at the same time as a significant rain event or at a time when Sulphur Springs Creek is overflowing?
 - d. What are the dimensions of the sump? This is unclear based on the figure provided. Please provide a more detailed figure.
 - e. Will the sump be constructed partially into the shallow groundwater table? If so, would the excavation need to be dewatered? And would that contaminated groundwater be routed to the WWTP?
 - f. Is there any safety mechanism built into the design to prevent groundwater from entering the sump, or ensuring the crude oil doesn't escape the sump, such as a sensor within or beneath the sump?
- 2) Will the functionality of the track/unloading rack be maintained during the 100-year flood event?
- 3) Section 4.8.5 discusses the option of either discharging stormwater through the outfalls or routing it to the WWTP. Please revise this section to clarify that storm water runoff collected in the containment areas of the Refinery will be discharged through the NPDES-permitted storm water outfalls only if observation and sampling confirm that it complies with the storm water effluent limitations in the Refinery's NPDES permit; otherwise, it will be sent to the Refinery's wastewater treatment plant for treatment and discharge through Discharge Point No. 001 to Carquinez Strait, as the permit requires.
- 4) From Suisun City to the Refinery, the UPRR tracks run through a marsh area. Therefore, strict speed limits should be imposed to help reduce the possibility of a spill to this sensitive habitat. To prevent potential railcar overturns, or spills into the Sulphur Springs riparian corridor, will there be slower speed limits set in this area? It is not clear whether the Department of Transportation (DOT) and Association of American Railroads (AAR) programs setting maximum speed limits applies to the UPRR tracks only outside the Refinery, or on Refinery property as well. What will be the maximum speed limit once the railcars reach the refinery property?
- 5) The DEIR does not clearly state whether the tanks (approximately from Tanks 1734 through 1720) will be emptied prior to replacing the earthen berms along Avenue A with new concrete berms. Also, please include a figure showing the current and planned locations of the earthen and concrete containment berms.
- 6) The DEIR makes reference to Water Board orders that have been recently updated. The document should refer to Waste Discharge Requirements Order No. R2-2013-0033

(rather than Order No. 94-070), and Site Cleanup Requirements Order No. R2-2014-0004 (rather than Order No. 97-077).

- 7) Section 4.8.2.2 states that the stormwater pollution prevention plan (SWPPP) was most recently revised in 2011 to comply with Order No. R2-2009-0079. However, the SWPPP was last revised in April 2013 to include construction storm water pollution prevention measures as SWPPP section 7, Construction Activities. Please update this section of the DEIR to recognize the April 2013 SWPPP revision, and make appropriate changes to all references in the DEIR to the SWPPP, such as: Section 4.8.2.3 where SWPPP section 5 is referenced regarding BMPs for Erosion Control and Construction Activities.

Please contact Alyx Karpowicz at (510) 622-2427, or by email at akarpowicz@waterboards.ca.gov if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Alyx Karpowicz".

Alyx Karpowicz, P.G.
Groundwater Protection Division

cc: Sky Bellanca, Valero- sky.bellanca@valero.com