

BENICIANS FOR A SAFE AND HEALTHY COMMUNITY

Responding to the Valero Benicia Crude By Rail Project DEIR

The Draft EIR for the Valero Benicia Refinery Crude By Rail Project was released June 17th for a 45 day public review period. BSHC has requested an extended 90 day review. We won't know until the Planning Commission's July 10th public hearing on the DEIR whether that extension will be granted. We know that, at least, our comments will be due by July 31st, submitted to the City of Benicia.

In addition to comments from our own community, the City of Benicia, (as "lead agent" for the environmental review under the California Environmental Quality Act or "CEQA"), will receive comments from other jurisdictions (cities, counties) and governmental agencies and regulators. Other organizations and concerned individuals are also encouraged to make written comments during the review period.

To become informed about the Project and how you might respond, some recommended resources follow to help guide your own inquiry into the adequacy and accuracy of the DEIR's descriptions, discussions and claims.

When reading the DEIR, use your common sense: read between the lines. Exercise healthy skepticism. Try to imagine what is being described, and notice what is *not said*. Ask questions if you think the text misses something – for example, if you sense that pertinent facts to a discussion and/or concerns are not addressed adequately, are glossed over or are not apparently covered at all. Notice if DEIR claims seem exaggerated, overblown or misleading.

Resources to learn about crude-by-rail relevant to discussion of the full scope, "reach" and impacts of the Valero CBR Project

Overview: The mix at your fingertips, by links...

- <http://www.nrdc.org/energy/files/ca-crude-oil-by-rail-FS.pdf> Natural Resources Defense Council Fact Sheets "It Could Happen Here: The Exploding Threat of Cruby By Rail in California" Well researched facts on current and rojected estimates of increased crude-by-rail and the increasing number of rail accidents and risks posed. p<http://www.nrdc.org/energy/files/ca-crude-oil-by-rail-Benicia.pdf> Risk Zone Map for Benicia (There is one error, due to lack of current map for tracks in use in the Benicia Industrial Park. Most northwestern track depicted no longer exists. The spur pictured was from US Army uses in Tourtelot property area, now in Waters End residential area.) Risk zone maps for other cities affected by crude-by-rail are available for Sacramento, Davis, Maritnez, Pittsburg, Richmond, Bakersfield are available at [Risks of Crude Oil by Rail | NRDC](#)
- *Report minimizes risk from oil trains* through Roseville, Sacramento By Tony Bizjak and Curtis Tate Published: Tuesday, Jun. 17, 2014 - 10:09 pm Last Modified: Wednesday, Jun. 18, 2014 - 7:40 am <http://www.sacbee.com/2014/06/17/6491447/report-crude-oil-trains-would.html#storylink=cpy> Go to www.SacramentoBee.com and search for "oil trains by Curtis Tate" for many more articles. <http://www.sacbee.com/2014/06/18/6493482/advocacy-group-thousands-in-sacramento.html>
- Davis Enterprise op-ed from June 8 gives an overview on developments in Davis, an "up rail" city that would be affected by Valero Project. <http://www.davisenterprise.com/forum/opinion-columns/crude-oil-trains-through-davis-its-time-for-action/>
- (<http://yolanoclimateaction.wordpress.com/2014/05/05/crude-by-rail-draft-eir-release-for-benicia-valero-6-10-14/>) Article appearing in Davis press

- <http://www.priceofoil.org/rail> New Report by Oil Change International: [Runaway Train: The Reckless Expansion of Crude By Rail in North America](#) is the first in a series, exposing North America's booming crude-by-rail industry. Published in conjunction with the launch of a unique interactive online map of crude-by-rail terminals and potential rail routes in North America, this report has charts and amazing photographs that show what's happening in this industry at a glance. **A must read!** Forthcoming analysis on the safety and regulatory issues as well as the economics of crude-b-rail and its climate change implications.
- Pacific Northwest view: <http://www.sightline.org> is also a terrific resource for the bigger picture of crude-by-rail and also coal and natural gas export. <http://www.sightline.org/research/the-northwests-pipeline-on-rails/> and http://daily.sightline.org/blog_series/the-northwests-pipeline-on-rails/

Proposed Valero crude-by-rail off-loading terminal at their Benicia refinery, and Community Right-to-Know

- <http://www.beniciaindependent.com> Find posts of all the official documents and comments related to the proposed Project as well as a progression of key articles to support any angle you might want to develop.
- Report: "Oil by Rail Safety in California" by California Office of Emergency Services. Findings of the Rail Safety Working Group convened by the Governor's Office January 2014. and published June 10, 2014. <http://bit.ly/OBR-page> Findings focus on more rail inspectors, preparedness for spills and accidents, and some prevention. Includes a map of hazmat team locations in CA. Breathtaking photograph of an oil train coming out of the Feather River Canyon. [CA Oil-By-Rail-Report_2014-06-10.pdf](#)
- Regarding Emergency Response: A letter of support for OSPR [Oil Spill Prevention & Response] changes including some recommendations <https://yolanoclimateaction.files.wordpress.com/2014/06/budget-sub-3-ltr-re-ospr-group-sign-on.pdf>
- A letter from NRDC supporting SB 1319 which expands Oil Spill Prevention & Response program as a good first step, with suggestions of more that needs to be done to protect public health and safety. <https://yolanoclimateaction.files.wordpress.com/2014/06/sb-1319-nrdc-support-4-28-14.pdf>

Safety Matters

- Rachel Maddow's May 2, 2014 broadcast, "Public Safety at risk by Oil Train Shipments" gives an entertaining and also comprehensive overview of crude train safety issues at <http://www.msnbc.com/rachel-maddow-show>
- Natural Resources Defense Council letter on safety (20 pages) offers documentation to support many issues. You can quote from it freely! (Security risk, preparedness, right-to-know act exemption, unsafe tank cars, hazmat category testing, positive train control, 2-person staffing) <http://yolanoclimateaction.files.wordpress.com/2014/05/rail-safety-comments-final-group-letter.pdf>
- A short documented research report by Forest Ethics on the health impacts of refining tar sands bitumen, which is what both Valero in Benicia and Santa Maria in San Luis Obispo have in mind to import. <http://forestethics.org/sites/forestethics.huang.radicaldesigns.org/files/ForestEthics-Refineries-Report-Sept2012.pdf> Also visit www.forestethics.org for a report entitled Off the Rails.
- Document by Attorney General Kamala Harris on safety and health concerns. This can serve as one example of how to respond to the DEIR. <http://yolanoclimateaction.wordpress.com/2014/01/23/kamala-harris-addresses-inadequate-eir-on-wespac-in-pittsburg/#more-107>

Liability

- An article on liability, possibly an angle that will not be addressed adequately in the DEIR. <http://www.desmogblog.com/2014/03/17/record-year-oil-train-accidents-leaves-insurers-wary>

Gov. Brown added \$6.7 million to the Office of Spill Prevention & Response to handle accidents

[.http:// daily.sightline.org/2014/05/19/risk-assessment-for-railroads/](http://daily.sightline.org/2014/05/19/risk-assessment-for-railroads/)

- Valero's letter on its liability for rail accidents and spills. <https://yolanoclimateaction.files.wordpress.com/2014/06/valero-energy-derailment-and-spill-liability-information.pdf>

The Valero Project's potential impacts on "uprail communities" and environs

- **public safety:** There is still little protective legislation or new policy coming out of the Pipeline and Hazardous Materials Safety Administration or U.S. Federal Railroad Administration or the US Department of Transportation; so states and cities are "on their own.". Outdated, unsafe 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. Even the 14,000 cars, called "1232s," which meet 2011 standards, are still prone to rupture.
 - Characteristics of the crude being transported: Bakken crude has been found to be more combustible than conventional crude, (the fireball was 900 ft. high in Casselton, N.D. derailment); tar sands "diluted bitumen" is loaded with heavy metals, is very acidic (corrosive) with high sulfur content, and produces more emissions. Tar sands crude when spilled on land or water is nearly impossible to cleanup: the bitumen sinks and sticks like asphalt to whatever it lands on, river bottom, marsh or wetlands. Refining tar sands crude produces more petroleum coke, which is further refined as a by-product and sold to Asian markets as a cheap fuel that is worse than coal for GHG emissions and air pollution.
 - Benicians For A Safe and Healthy Community: Letter to Governor Brown, dated June 16, 2014. <http://safebenicia.org/wp-content/uploads/2014/06/2014.06.16-Ltr-to-Gov.-Brown-download.pdf> Recommends actions the Governor can take to address the inherent risks of transporting dangerous crude and other fossil fuels through population centers and sensitive ecologies.
- **Environmental hazards of oil spills:** The water in the Yolo Bypass is the beginning of the Delta with implications for the whole state with regard to rice crops, bird migrations, drought.
- **Industry has exemption from citizens' Right-To-Know laws:** This issue is up right now as our state is negotiating with UP and BNSF. They are willing to comply with the voluntary DOT Emergency Order to give emergency responders enough information to do their jobs, but they insist the information cannot be given to the public lest it reveal trade secrets or make us vulnerable to terrorist attacks. Link Right-to-know with the OSPR report. Resources: two letters from environmental groups, led by NRDC. <http://www.davisenterprise.com/local-news/wolk-bill-targets-funding-for-rail-accidents/> .New legislation is being prepared that will require notification to cities and the public about which product a until train is carrying through a particular city, county or environs.
- **Inadequate liability coverage for accidents and spills:** [Valero Canada: 'We don't want to pay for cleanup' | The Benicia Independent](http://beniciaindependent.com/wp/wp-content/uploads/2014/06/Valero-letter-of-4-24-2014-Stakeholder-consul-tation-federal-rail-liability-and-compensation-regime.pdf) and a response from Valero. <http://beniciaindependent.com/wp/wp-content/uploads/2014/06/Valero-letter-of-4-24-2014-Stakeholder-consul-tation-federal-rail-liability-and-compensation-regime.pdf>

Impact of the Project on climate change:

The focus in CA on spill prevention and response misses the overarching danger: the entire process from beginning to end affects climate: oil extraction methods involve huge amounts of water and other dangerous petro-chemicals and acids; transport by rail through communities and sensitive landscapes across the country; refining of unconventional, dangerous crude oil that is already, before refining, "carbon-intensive," and finally selling pet coke to Asia where it is burned and is worse than coal for GHG emissions. The Valero Project promotes "business as usual" for Big Oil. Under such conditions, how can Valero's Project protect the climate or help meet the goals of the California Global Warming Act of 2006 ["AB32"] as the DEIR claims?