

Solano County makes recommendations for crude-by-rail

Barry Eberling, *Fairfield Daily Republic*, 9-21-14

FAIRFIELD — Solano County wants more done to address potential derailments before a proposal to ship crude oil by rail to the Valero refinery in Benicia becomes reality.

The county Resource Management Department has sent a letter to Benicia responding to the project's draft environmental impact report. Valero proposes to send two 50-car freight trains daily carrying crude oil along the Union Pacific tracks that pass through county farmland, Suisun Marsh and the cities of Dixon, Fairfield and Suisun City.

Critics of the proposal have pointed to such accidents as the July 6, 2013, derailment in Lac-Megantic, Canada, of a train carrying crude oil. The spilled oil ignited and exploded in the heart of the town, killing 47 people, destroying buildings and leaving behind vast quantities of heavy metals.

A draft environmental impact report for the Valero crude rail proposal finds that the project "could pose significant hazard to the public or the environment" through the foreseeable possibility of a train accident that releases oil. It also finds this potential impact is "less than significant" and that no required mitigations steps are needed.

"Although the consequences of such a release are potentially severe, the likelihood of such a release is very low," said the draft report prepared for Benicia by San Francisco-based consultants Environmental Science Associates.

Solano County Resource Management Director Bill Emlen in the county's written response disagreed that the accident risks associated with the crude-by-rail proposal are "less than significant" without mitigation. He provided a counterpoint to many of the draft report's claims.

Valero has agreed to use only 1232 tank cars to transport oil between Roseville and Benicia. These tank cars would likely have prevented several recent oil spills, though the Lac-Megantic spill might have still occurred because the train was traveling 63 mph when it derailed, the draft report said.

Solano County agrees that 1232 tank cars are more protective than older models, Emlen wrote. But the draft report appears to call only for Valero to voluntarily use these tank cars, rather than requiring Valero to use them, he wrote.

The draft report mentions having a 40 mph speed limit through federally designated "high-threat urban areas," including cities along the route from Roseville to Benicia.

But Emlen wrote that the federal designation for high-threat urban areas extends only 10 miles east of Vallejo and 10 miles west of Sacramento, leaving out most of Solano County. In addition, this voluntary agreement applies to trains using older tank cars, not the 1232 tank cars, he wrote.

In addition, Emlen wrote that an April train derailment and spill along the James River in Virginia happened when a train was traveling at 23 mph and using 1232 tank cars.

"Therefore, the use of CPC 1232 tank cars at low speeds does not alone mitigate the potential impact from a train derailment," Emlen wrote.

The draft environmental impact report said that an accident in rural Solano County would have less impact than an accident in cities, because fewer people live in these areas.

Emlen disagreed, writing that rural Solano County has sensitive environmental areas. He mentioned Suisun Marsh and noted that in 2004 a broken pipe spilled 85,000 gallons of diesel into the marsh, leading to an involved cleanup effort.

Among the steps that Solano County wants taken for the crude-by-rail project:

- Ensure that Union Pacific uses 1232 tank cars or tank cars that are more protective for the Valero crude oil deliveries, beyond any voluntary commitment.
- Require crude oil train speeds to be no more than 40 mph throughout Solano County, both in cities and rural areas.
- Require crude oil trains to have systems that increase train control and braking capabilities.
- Have Valero obtain a commitment from Union Pacific to perform at least one rail inspection annually above those required by the federal government and to install devices that can detect defects in train wheels.
- Have Valero sponsor emergency response drills, pay for local emergency responders to obtain industrial firefighter training and ensure that foam and other equipment are available along the train route.

Exactly what requirements Benicia might be able to impose on the crude-by-rail project remains to be seen. The draft environmental report said that federal law prevents state and local governments from regulating rail activity and imposing requirements that burden the unrestricted movement of trains engaged in interstate commerce.

“While the city can identify and disclose the risks posed by rail transport or crude oil, it must rely on federal authorities to ensure that any such risks are mitigated as appropriate,” the draft report said.

Emlen responded that Valero can obtain commitments from Union Pacific for tank car and rail safety.

Benicia has stopped taking comments on the Valero draft environmental impact report. That occurred three months after releasing the document. The city is considering whether to issue a use permit for the project.

Benicia must take the comment letters it has received for the draft environmental impact report and answer the various points raised in a final environmental impact report. City Principal Planner Amy Million said this will take months, though she didn’t have a precise time estimate.

The Benicia Planning Commission has the authority to issue the use permit for the project. The commission’s decision could be appealed to the City Council, she said.

County rail meeting

Solano County will conduct a Sept. 29 information session on how emergency responders can respond to freight rail accidents along the 73 miles of local tracks. The session is scheduled from 6 to 8:30 p.m. at the county Government Center, 675 Texas St. in Fairfield.