

Amanda Mitchell
342 Gull Place,
Pittsburg,
CA 94565

7/22/15

RECEIVED
JUL 22 2015
PLANNING DIVISION

Dear Planning Manager,

My name is Amanda Mitchell and I am a resident of Pittsburg.

I am writing today to register my comments on the WesPac project. I would like the **following issue to be studied** in the Environmental Impact Report:

The potential negative impact on businesses in the downtown area of Pittsburg.

I am concerned about the **impact of this issue** because as a resident of Pittsburg, I enjoy being able to support the local independent businesses downtown and, in the event of this project being approved, it is foreseeable that some business owners will choose to relocate away from Pittsburg.

This impact is **foreseeable** because, when consumers are faced with the danger, noise, noxious fumes, they will be reluctant to frequent the downtown area. This will result in a steep decline in income for these businesses. An economic analysis by the Headwaters Institute (Haggerty, Gude, Delorey, Rasker *et al*) undermines the idea that oil and gas developments fatten the bank accounts of communities and leave them better off than before. While there may be short-term windfalls, the study of six western states found that over the long-term "oil and gas specialization is observed to have negative effects on change in per capita income, crime rate and education rate."

(http://headwaterseconomics.org/wphw/wp-content/uploads/OilAndGasSpecialization_Manuscript_2013.pdf)

A way of mitigating this impact is to site the project away from our downtown area. The currently proposed site is within a half mile of our newly redeveloped downtown area and is **not** suitable for this kind of project. Alternatively, if another site is not available, please consider the alternative of 'No project!'

For your records, my specific question regarding this project is as follows:
What steps will be taken to ensure this project does not negatively impact our downtown businesses?

Please enter these comments and question(s) into the public record.

Sincerely yours,

Amanda Mitchell

RECEIVED
JUL 22 2015
PLANNING DIVISION

Amanda Mitchell
342 Gull Place,
Pittsburg,
CA 94565

7/22/15

Dear Planning Manager,

My name is Amanda Mitchell and I am a resident of Pittsburg.

I am writing today to register my comments on the WesPac project. I would like the **following issue to be studied** in the Environmental Impact Report:

The potential negative impact on property values for residential properties in the vicinity of the proposed development area.

I am concerned about the **impact of this issue** because I own a home in Marina Park which is situated within less than one half mile of the proposed project.

This impact is **foreseeable** because, when the public is informed that a potentially dangerous, toxic, and environmentally-damaging project like this is to be situated close to residential neighborhoods, downtown, schools and social spaces, the demand for property in the affected area will decline. In California and in other states where drilling, fracking, and oil storage is permitted close to or in residential areas, homeowners have seen a steep decline in the sale value of homes over their appraised values. Lawsuits, including class-action lawsuits, have resulted – see especially the case of *Phillip Gutierrez et al. v. Mobil Oil Corporation et al.* (1992) in Texas.

A way of mitigating this impact is to site the project away from residential areas. The currently proposed site is within a half mile of residential areas and is **not** suitable for this kind of project. Alternatively, if another site is not available, please consider the alternative: 'No project!'

For your records, my specific question regarding this project is as follows: **What steps will be taken to ensure this project does not negatively impact the value of residential properties in its vicinity?**

Please enter these comments and question(s) into the public record.

Sincerely yours,

Amanda Mitchell

August 7, 2015

Kristin Pollot, Planning Manager
65 Civic Avenue
Pittsburg, CA 94565
kpollot@ci.pittsburg.ca.us

Subject: Comment regarding Buffer Zones submitted as part of Notice of Preparation on the second Recirculated Draft Environmental Impact Report for WesPac Pittsburg Energy Infrastructure Project ["WesPac proposed project" or "proposed project" or "project"].

Dear Ms. Pollot,

We are writing to you as residents of the Bay Area refinery corridor and greater Bay Area. We are submitting comments on the topic of buffer zones because we are concerned that this specific item has not gotten enough or needed attention in this process. Therefore, we request that more clarity is provided regarding buffer zones around proposed WesPac project in the Second Recirculated Draft Environmental Impact Report.

In this letter, there will be a high quantity of quotes used. The undersigned decided to do that instead of re-writing what were already well-thought points and examples on buffer zones. The authors of those quotes are acknowledged and credited in the endnotes of this letter. Some of those authors include Steve Lerner, author of *Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the States*; Marilyn Bardet, long-time refinery activist of Benicia, California; Benjamin Ledger; former Media Coordinator with Louisiana Bucket Brigade; organizers at Center on Race, Poverty and the Environment; and Hilton Kelley, 2011 Winner Recipient of the the Goldman Environmental Prize.

Demographics

Pittsburg is a community predominantly inhabited by low-income, minority populations that are impacted by heavy industrial pollution that affects the health and quality of life for residents. According data from the Contra Costa County Health Services when asked about health data and based on to the 2010 Census, the populations living in the neighborhoods proximal to proposed WesPac project site are 84% of racial minority descent, and 46% live under or at the federal poverty level. A copy of demographics report is attached.ⁱ

Sacrifice Zones

Pittsburg is an environmental high-impact community, fenceline community, or what is also known as a sacrifice zone. Steve Lerner tell us in his book *Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the States* that "this is a place where heavily industries are sited, residents learn that boundaries of industrial zones are not arbitrary but instead are often shaped by racism. Most sacrifice zones are predominantly inhabited by African American, Latino or Native American populations..."ⁱⁱ

Moreover, Mr. Lerner states in his book that a sacrifice zone is a "location near a heavy industry, the railroad tracks, in a flood or earthquake zone, on the steep side of a hill, or at the edge of town near the county dump. Race zoning laws have since been struck by the courts, and now everyone can, at least theoretically, live wherever they can afford to buy a home. But in real world, the race lines left by segregation policies are still visible in many places..."

Pittsburg is a community intertwined with industry. Industrial facilities can be seen, heard and smelled from parks, homes and children's schools. According to the 2010, approximately 4,500 residents live nearest to the WesPac Project. The perimeters of those residents nearest to the project are: to the west Enterprise Circle, to the south N. Parkside Road, to the east Railroad Avenue, and to the north the waterfront. It is the opinion of the undersigned that the residents living nearest to the proposed WesPac site meets Mr. Lerner's description of a sacrifice zone.

Creating Buffer Zones

To the best of our knowledge, there are no regulations or laws establishing buffer zones around oil storage or refinery operations in the United States. However, communities have been demanding for decades the creation of buffer zones between heavy industry and residential areas. Case after case and based on examples reflects the need for stronger regulations to establish buffer zones.

Mr. Lerner tells us in his book that "another step towards alleviating the problems experienced in sacrifice zones would be to establish buffer zones - 'breathing space' - that would mandate a safe distance be maintained between heavy industry and residential developments. Ideally heavy industry should be a safe distance from residential populations. A greenway around high-emission plants can help distance residents from the worst exposures to toxic emissions. Question remains, however, as to how large these buffers need to be, and what should be done in existing locations where large number of residents are already living near heavy industry. Clearly, choosing which sites most desperately need buffer zones will require prioritizing based on risk. But while we deal with the high-priority cases, we should also be adjusting long-term land use planning and zoning rules to avoid creation of new sacrifice zones."

According to Hilton Kelley, Goldman Environmental Prize 2011 Winner, when asked by the undersigned of examples of success stories related to buffer zones. Hilton states "when it comes to buffer zones there are no success stories because buffer zones do not move people far enough from polluting industries although it's a step in the right direction but not a remedy to the pollution problem which impact the fenceline neighbors."ⁱⁱⁱ

Buffer zones in Tulare County, CA around schools

In Tulare County, the example of the creation of a buffer zone to protect residents is clearer and it is considered a victory for that community. Below the details are explained by community organizers of Center on Race, Poverty & the Environment involved in this campaign. Gustavo Aguirre a long-timer organizer in Central Valley is one of the people quoted in the article below.

After over two years of calling on local authorities for greater protection from airborne pesticides, communities celebrate the Tulare County Agricultural Commissioner's announcement of new buffer zone rules. As spray season gets underway, communities across Tulare County welcome these changes and call for even stronger protections to protect the health of communities from toxic airborne pesticides.

The new county rules—or “permit conditions”—require a buffer zone of one-quarter mile prohibiting aerial applications of restricted use pesticides around schools in session or due to be in session within 24 hours, occupied farm labor camps and residential areas. Gary Kunkel, the Tulare County Agricultural Commissioner, signed the rules into effect on January 1, 2008.

“The times are changing about when, where and how pesticides can be applied,” says Gustavo Aguirre, Assistant Director of Organizing at Center on Race, Poverty & the Environment. “The ‘business as usual’ approach of poisoning community members and polluting the air is no longer acceptable.”

Community members launched efforts to establish buffer zones because of the serious health risks posed by pesticide exposure, ranging from short-term effects such as dizziness, vomiting and rashes to long-term effects including asthma, cancer, birth defects, damage to the developing child and neurological harm. Children are more vulnerable to the dangers posed by pesticides because their bodies are still developing. Over 50% of all public schools in Tulare County are within one-quarter mile of agricultural operations, putting the county's children at high risk of exposure. ^{iv}

Neighbors were there before Refineries

Benjamin Leger, former Media Coordinator for the Louisiana Bucket Brigade provided this example back in 2010 of what was supposed to be a greenway or buffer zone around the ExxonMobil Refinery in Baton Rouge, Louisiana.^v

Some would argue the refineries couldn't have anticipated growth and urban development. But in most cases, the neighborhoods were there long before the refineries. The plants slowly swallowed up the cheap land between them and should have had the foresight to plan for necessary buffer zones, if not for the company's safety and security, then for the prevention of accidents that could cause them a load of fines and claims in the future.

Still, it doesn't seem like any refinery is forced by regulation to create a buffer zone or at least maintain one when expanding. Who's to say the green space between Istrouma and ExxonMobil won't one day be the site of a tank farm or more refining machinery? What's stopping them?

What are the buffer zones around proposed WesPac project?

Residential areas, schools, churches, day care centers surround the proposed WesPac Energy Infrastructure Project. New housing development right next to the proposed WesPac site is

currently undergoing east of Saint Peter Martyr School located at 425 West 4th. Storage tanks that will be used to store highly volatile and toxic Bakken crude oil are as close as 300 feet from these new single-family housing development. In most areas surrounding the proposed project, light industrial operations are almost of no existence.

Mr. Lerner states in his book that “ideally, heavy industry and wastes sites should be surrounded by buffer zones and then light industrial zones occupied only by employees who work in protected structures or wear safety equipment. The next concentric circle out might include commercial operations where people work only for eight hours a day, thus limiting their exposure. Beyond this could be the residential areas, followed by a more distant zones for schools, hospitals, and day care centers.”

Marilyn Bardet, long-time activist and member of the Good Neighbor Steering Committee in Benicia stated the following when asked by the undersigned about buffer zones around Valero Refinery in Benicia, CA. A copy of the complete letter is attached.

With regard to refinery buffer zones: they have been mostly described in relation to need for protection of residential housing; but buffer zones have not been seen to be necessary to protect businesses surrounding the refinery in the industrial park on the refinery's eastern perimeter and in the northern area currently zoned for commercial development. Many employees work near the refinery and are exposed daily to toxic emissions and other risks of fires, explosions and spills. Valero has recently purchased a small piece of land for roughly \$350,000 and called it a "buffer zone" but they've said nothing about this, and to my knowledge, the City does not consider the land purchased to be a buffer.^{vi}

Our request

Our request is simple. We request that in the Second Recirculated Draft Environmental Impact Report (RDEIR), the consultant includes a complete, comprehensive report and analysis of what buffer zones ought to be in the area surrounding the proposed WesPac Energy Infrastructure Project in the short-term (1-3 years) and long-term (4-10 years). This comprehensive report must include data analysis based on the existing, anticipated levels of pollution from other industrial sources, and projected toxic emissions to be released from the specific type of crude oil being transported and stored in and out of the facilities so that the populations surrounding to the facilities are not affected.

This second RDEIR should include strong consideration and analysis of a one-quarter mile buffer zone between the projected WesPac facility and residential areas. The report and analysis of the buffer zone should also include what measurements are being taken so that people that work in the light industrial and commercial operations are protected. In summary, this buffer zone analysis must report what ‘breathing space’ between heavy industry and sensitive populations are being considered so that those nearest the proposed site are protected by being exposed to toxic chemicals.

Thank you for the opportunity to participate in the process. If you would like to respond to our comments or include us in future notices, please email us at pgarauz@gmail.com.

Sincerely,

Pamela Arauz, resident of Antioch, member of Bay Area Refinery Corridor Coalition (BARCC)
Aimee Durfee, resident of Martinez, member of Martinez Environmental Group & BARCC
Marilyn Bardet, resident of Benicia, member of Good Neighbor Steering Committee in Benicia
Katherine Black, resident of Benicia, member of Benicias for a Safe and Healthy Community

References

ⁱ Data on Demographics around the WesPac proposed project as prepared by Contra Costa County Health Services Department.

ⁱⁱ Lerner, Steve. *Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the States*. The MIT Press. Cambridge, Massachusetts. 2010. Print.

ⁱⁱⁱ Kelley, Hilton. Quote submitted by email to the undersigned, dated July 20, 2015 when asked about success stories around buffer zones.

^{iv} Center on Race, Poverty & the Environment. Press release, New rules announced for pesticide applications around schools, homes and labor camps. <http://www.pesticidereform.org/article.php?id=317>

^v Benjamin Leger, Buffer Zones and Green Spaces. <https://labucketbrigade.wordpress.com/2010/10/28/buffer-zones-and-green-space-taking-photos-of-old-neighborhoods-near-refineries-and-what-happens-when-you-get-caught/>

^{vi} ^{vi} Bardet, Marilyn. Enclosed letter dated August 7, 2015 submitted to City of Pittsburg during Notice of Preparation period for WesPac Pittsburg Infrastructure Project.



12.30.13

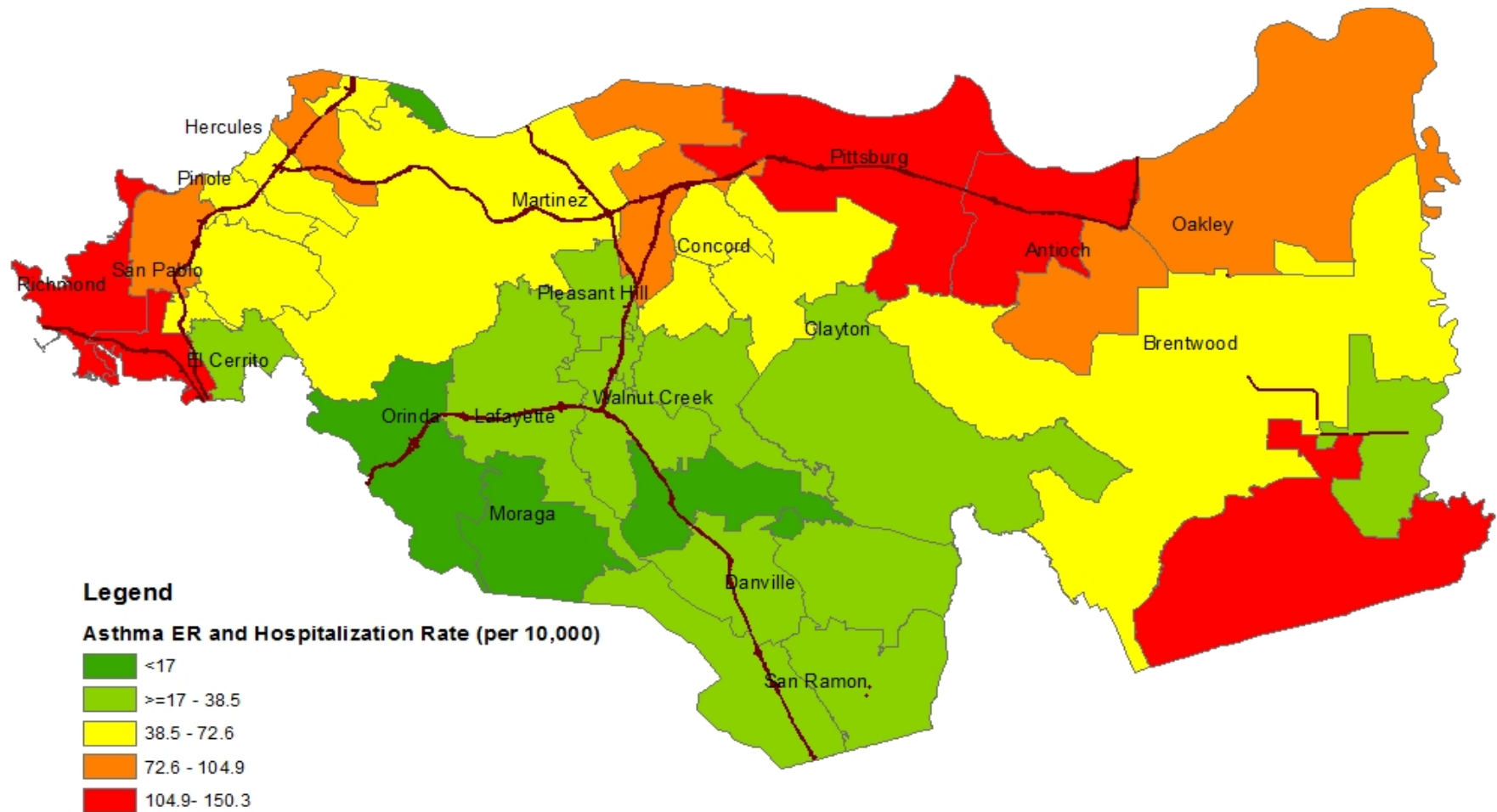
Neighborhood of concern for impact of WestPac proposal shaded pink;
Approximately 4,545 residents (2010 US Census)

Demographics of neighborhood proximal to proposed WesPac site

Age Ranges of Pop - Percent				Education Level for Pop 25+			
Age Range	Near Wespac Site	Pittsburg	All CCC	Education Level	Near Wespac Site	Pittsburg	All CCC
Under18	30%	27%	24%	<Diploma	20%	24%	12%
18-64y	63%	65%	65%	Diploma/GED	30%	28%	20%
65y +	7%	8%	12%	Some College	28%	24%	22%
Total	100%	100%	100%	AA Degree	5%	8%	8%
				BA/BS	11%	12%	24%
				Grad/Prof	6%	4%	14%
				Total	100%	100%	100%
ACS 5yr 2011 Population by Race				Percent of Poverty Level			
Race	Near Wespac	Pittsburg	All CCC	Poverty Level:	Near Wespac Site	Pittsburg	All CCC
White	16%	20%	48%	Below 50% Poverty Level	13%	6%	3%
Black	24%	16%	9%	From 50% to 199% Poverty Level	33%	29%	15%
Nat Am	1%	0%	0%	200% and Above Poverty Level	54%	65%	82%
Asian	12%	13%	14%	Total	100%	100%	100%
Pac Islander	0%	1%	0%				
Other	5%	4%	4%				
Hispanic	43%	45%	24%				
Total	100%	100%	100%				

Source: US Census Bureau 2008-2011 American Community Survey

Age Adjusted Asthma Emergency Room Visit and Hospitalization Rates by Zip Code



Source: OSHPD Confidential Datasets for Contra Costa, 2009-2011; Denominators from 2010 Census

Asthma rates comparing by city and to county

Age Adjusted Asthma ED and Hospitalization Rates per 10,00 People Per Year						
Region	ED visits		Hospitalizations		Combined	
	Rate	±	Rate	±	Rate	±
Pittsburg	114.0	3.6	18.2	1.5	132.3	3.9
Richmond	86.1	2.3	18.8	1.1	104.9	2.5
CCC	62.8	0.8	11.0	0.3	73.8	0.8

Age Adjusted Rates of Combined Asthma Hospitalizations and ED Visits per 10,000 people per year						
Race	Pittsburg		Richmond		Contra Costa County	
	Rate	±	Rate	±	Rate	±
Black/African American	290.4	14.9	253.5	8.4	241.4	5.1
American Indian, Alaska Native	38.0	38.0	68.0	41.6	71.8	16.3
Asian/Pac Islander	64.2	7.3	40.7	4.4	34.9	1.5
Hispanic/Latino	89.1	4.8	64.5	3.0	64.3	1.5
White	161.2	10.0	74.1	5.2	51.9	1.0
Other	146.0	23.2	108.6	13.1	93.4	4.9

Source: OSHPD Confidential Datasets for Contra Costa, 2009-2011; Denominators from 2010 Census

Kristin Pollot

From: Azyadeth.Martinez@hsd.cccounty.us
Sent: Thursday, July 02, 2015 12:05 PM
To: Kristin Pollot
Subject: RE: WES PAC

Read the EIR " What the HELL" why is the city willing to bring this company to Pittsburg. Hazards and Hazardous materials in my back yard!!!!!!! OMG really, Noise and Vibration!! What are you thinking!!!!!!!!!!!! I been living in Pittsburg for 12 yrs and raised my children here and now my grandchildren. I am very concerned about this WESPAC and feel that our community has come along way and now you want to contaminate? I am confused and in disbelieve, can this really happen? I am going to have to sell my home? Please help me understand what is the goodness of this company besides money? RISK OF OIL SPILLS DURING OPERATION OF FACILITIES! LEAKS, FIRE DURING OPERATIONS! We just got through cleaning up after thugs and drug dealers, how can this happen? After all are hard work of trying to keep our homes safe and clean your thinking about bringing toxic waist to my community? I am in shock and will tell everyone I know about what the city of Pittsburg is trying to do. May God help us to stop this insane proposal.

"Leadership is not just about what you do but what you can inspire, encourage and empower others to do" Aloha!!!!!!!!!!!!!!
Azya Corina Martinez
Contra Costa County Children's Mental Health
CSWII/Family Partner/Team Lead
3501 Lonetree Way, Antioch, Ca
925-427-8664 Office
925-427-8645



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

July 31, 2015

Kristin Pollot
City of Pittsburg
Community Development Department—Planning Division
65 Civic Avenue
Pittsburg, CA 94565

Dear Ms. Pollot,

Bay Area Air Quality Management District (District) staff has reviewed the City of Pittsburg's (City's) Notice of Preparation (NOP) of a Second Recirculated Draft Environmental Impact Report (SRDEIR) prepared for the proposed modernization and reactivation of an existing oil storage and transfer facility. We understand the project will consist of 125 acres, which includes leasing 43 acres of submerged tideland from the City, improving the marine terminal, construction of new pipeline connections to the existing Chevron KLM and Kinder Morgan pipelines, and upgrading other ancillary equipment.

Previous Comments

District staff has commented on the proposed project on July 27, 2012, and on September 13, 2013. District staff suggests that the SRDEIR address all applicable comments made in the District's 2012 and 2013 comment letters, which are available at: <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-comment-letters>.

As stated in prior comment letters, this project will require an Authority to Construct and a Permit to Operate issued by the District. The District has not yet received a permit application for review.

Additional Comments

Air District staff submits the following additional comments as a Responsible Agency under CEQA (§ 15096) regarding the recommended air quality and greenhouse gas (GHG) analysis to be provided in the SRDEIR.

- The Air District's *CEQA Air Quality Guidelines* provide recommendations on how to evaluate and mitigate a project's potential air quality impacts. You may download a copy from the Air District's website at http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/baaqmd-ceqa-guidelines_final_may-2012.pdf?la=en.
- Staff recommends a detailed analysis of the project's potential effects on local and regional air quality from construction, operations, and cumulative impacts for the project and each of the alternatives analyzed.

ALAMEDA COUNTY

Tom Bates
Margaret Fujioka
Scott Haggerty
Nate Miley

CONTRA COSTA COUNTY

John Gioia
David Hudson
Karen Mitchoff
Mark Ross

MARIN COUNTY

Katie Rice

NAPA COUNTY

Brad Wagenknecht

SAN FRANCISCO COUNTY

John Avalos
Edwin M. Lee
Eric Mar
(Vice-Chair)

SAN MATEO COUNTY

David J. Canepa
Carole Groom
(Chair)

SANTA CLARA COUNTY

Cindy Chavez
Liz Kniss
(Secretary)
Jan Pepper
Rod G. Sinks

SOLANO COUNTY

James Spering

SONOMA COUNTY

Teresa Barrett
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

- Staff recommends including daily average and annual estimates of all criteria pollutants, toxic air contaminants (TACs), and GHG emissions from construction and operation of the project.
- Staff recommends the air quality analysis for marine vessel emissions utilize the California Air Resource Board's (CARB's) *Emissions Estimation Methodology for Commercial Harbor Craft Operating in California*, which provides a resource based on current fleet information, and is available at: <http://www.arb.ca.gov/msei/chc-appendix-b-emission-estimates-ver02-27-2012.pdf>. As stated in the 2012 comment letter, vessel emissions are recommended to be estimated from 11 nautical miles offshore at the Bar Pilot station to berth.
- Staff recommends preparation of a cumulative health risk assessment (HRA), including all sources, such as stationary, mobile, and marine, to evaluate potential health effects associated with the construction and operation of the proposed project. The District's *Recommended Methods for Screening and Modeling Local Risks and Hazards* provides detailed guidance on how to screen projects for potential risks and hazards impacts, and is available at: <http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/risk-modeling-approach-may-2012.pdf?la=en>. The preparers of the HRA are encouraged to contact Air District staff to discuss modeling parameters prior to conducting the modeling.
- Staff recommends a comprehensive analysis of mitigation measures, including those rejected and those recommended for implementation. Staff recommends consideration of the following feasible mitigation measures:
 - *Basic and Additional Construction Mitigation Measures* listed in Tables 8-1 and 8-2 of the District's *CEQA Air Quality Guidelines*.
 - Prohibit the use of diesel generators where access to the electrical grid is available.
 - Require electrification of motors, pumps, and other power tools whenever feasible.
 - Require the use of biodiesel or other alternative fuels in generators, construction equipment, and/or off-road vehicles.
 - Require all equipment to meet at least the US EPA Tier 4 Interim engine standards or use equipment fitted with diesel particulate filters where Tier 4 Interim engines are not available.

July 31, 2015

We encourage lead agencies to contact District staff with questions during the preparation of the air quality and greenhouse gas emissions analyses. If you have any questions regarding these comments, please contact Josh Pollak, Environmental Planner at 415-749-8435 or jpollak@baaqmd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean Roggenkamp", with a stylized flourish at the end.

Jean Roggenkamp
Deputy Air Pollution Control Officer

cc: BAAQMD Board Member John Gioia
BAAQMD Board Member David Hudson
BAAQMD Board Member Karen Mitchoff
BAAQMD Board Member Mark Ross

July 29, 2015

Kristin Pollot, Planning Manager
65 Civic Avenue
Pittsburg, CA 94565
kpollot@ci.pittsburg.ca.us

RE: Public comment on WesPac EIR scope

Dear Ms. Pollot,

We are writing on behalf of the Bay Area Refinery Corridor Coalition (BARCC), a group of residents and community organizations from towns affected by the oil refineries in Contra Costa and Solano. Our members include residents of Benicia, Richmond, Rodeo, Crockett, Martinez, Antioch and Pittsburg. Each of these towns is experiencing massive, interconnected changes from the refineries and oil companies that not only pollute our communities, but are leading the way to catastrophic climate change on a global scale.

BARCC is submitting comments on the WesPac project because WesPac is part of a regional effort to add more fossil fuel infrastructure to an already extremely polluted community. We are also concerned about pending projects that would bring highly volatile Bakken crude into Benicia by rail to the Valero refinery, and tar sands and dangerous propane storage to Crockett and Rodeo at the Phillips 66 refinery. We have advocated with the Bay Area Air Quality Management District to rescind their illegal permit allowing explosive Bakken crude to travel from Stockton to Richmond via train, and then via tanker truck to the Tesoro refinery in Martinez. As a result, we understand the regional nature of the WesPac project and we are bringing that perspective to our comments on the Notice of Preparation for the WesPac EIR.

First, we have some concerns about the process so far:

- The EIR scoping hearing held on July 22 at Pittsburg City Hall did not have any language translation services available. Anyone attending the hearing who needed interpretation would not have been able to participate, comment or understand the proceedings.
- At the hearing, there was no stenographer producing a word-for-word written transcript of the proceedings. The presence of a stenographer is common in EIR scoping hearings and regulatory hearings where public comment is being taken on environmental issues. It appeared on July 22 that the only recording of the process was city staff writing summaries of people's comments on large pieces of easel paper. This means there is no written transcript of the July 22 hearing that is available to the general public. This is problematic because if the EIR must address all questions raised, there is currently no public written record that contains all comments from the hearing

For these reasons, we request that the City allow additional time to comment on the EIR and schedule a second public hearing on the EIR scope, that includes language translation and a stenographer recording the proceedings.

We request that the following issues be included in the EIR:

1. The EIR must demonstrate the need for the project in light of the current economic and political context and determine whether it is a wise investment to add fossil fuel infrastructure when the industry has limited growth potential. On the economic front, Californians are reducing our consumption of oil. As oil companies seek out more extreme forms of extraction (i.e., fracking, deep water drilling, tar sands), they face increased costs and risks from extracting, transporting and refining this new crude. Politically, climate change regulation reducing carbon emissions has already begun in California, and international leaders have called for a transition away from fossil fuels. The EIR must analyze these regulatory and economic trends, and weigh them against the risks to our local communities from spills, fires, and emissions that will result in air quality changes (page 4).
2. The EIR must also include an analysis of the current drought, projected local and regional water shortages and proposed legislation that would affect the availability of water in the Delta. The NOP states that the project could result in water quality changes (page 6). Since the project is located so close to fresh water sources for the entire Bay Area, it is imperative that the EIR examine any risks to salinity, oil spills or other pollution that could affect our rapidly shrinking supply of clean water.
3. The NOP states on page 7 that “A brief discussion will be provided regarding the proposed development agreement associated with the project.” As we have seen in many similar situations, this type of agreement can include cash payments to local organizations that might otherwise oppose the project. Because of the ethical issues involved with these agreements, we request that the process of creating any such agreement be accompanied by the highest possible level of transparency. In particular, the EIR must include the purpose of the development agreement, how the terms will be negotiated, frequency of public meetings related to the development agreement, and which public entity will make the decision regarding the acceptance of the agreement. We also request that the EIR recommend establishment of a community oversight commission for the ongoing monitoring of the development agreement.
4. Many local residents were glad to see that this proposed project does not include a rail component. However, it is possible that rail could be added to the project at a later date. Our coalition requests that the final project and/or development agreement includes a legally binding agreement that the project will exclude rail in the future. The EIR should specifically state that if rail is added to the project, it would require CEQA review.

5. Because of the risk of fires and pollution resulting from the importation of tar sands and Bakken crude, we also request that the final project and/or development agreement includes a legally binding agreement that the project will exclude Bakken crude and tar sands oil.
6. The NOP states that local emissions reductions credits (ERCs) “cannot be incorporated as a viable mitigation measure” because they are not always available, and that the “EIR will describe the process of purchasing ERCs and how the applicant would pursue local ERCs over non-local options.” (pp 7-8). For those of us who live in and around the proposed project, non-local emissions reductions are completely meaningless. We request that the EIR require that WesPac and the City of Pittsburg secure all emissions reductions locally. According to a 2014 report and local air monitoring done by Global Community Monitor, Pittsburg has some of the worst air quality in the Bay Area and California, as well as extremely high asthma rates (the report can be found at <http://www.gcmonitor.org/communities/resources/gcm-reports>). We simply cannot bear more pollution in this community, and so we request that the EIR acknowledge the current pollution and asthma levels, and make strong recommendations to reduce it at the local level.
7. The U.S. Department of Justice has identified oil refineries as part of national security infrastructure, and as such, these facilities are identified as potential sites for terrorist activity. The EIR must include potential local security issues that could ensue from the construction of the WesPac project, and whether the project will create added security risks or requirements for City of Pittsburg police and/or Contra Costa County Sheriff. Additionally, the EIR must analyze whether the WesPac project may increase law enforcement presence in the neighborhood, since local residents may be subject to FBI investigation if they are found taking photographs of the facility.
8. The EIR must disclose whether the WesPac terminal will be receiving, storing or transporting tar sands crude oil. Additionally, the EIR must detail the adequacy of City or County response mechanisms to a tar sands spill in the water, as well as the risks to marine life in the event of a tar sands spill. This type of oil is extremely difficult to clean up from the water because it does not float on the surface. It would sink to the bottom and potentially kill a massive spectrum of marine life at the bottom of the Carquinez Straits.
9. At this time, there are at least 13 marine terminals already in the Carquinez Straits. The addition of one more will increase ship traffic. As a result, the EIR must define the current baseline of marine ship traffic and provide an estimate of how increased marine traffic to and from the WesPac terminal would not only affect congestion among ships, but also increase air pollution due to added vessels.

10. The proposed WesPac site is literally across the street from a densely populated, low income neighborhood that includes many people of color - otherwise known as an environmental justice community. Because of this situation, we believe the City and WesPac have a special responsibility to notify every person in the affected neighborhood and go beyond the legal minimum requirement for notification about the project. We also request that the City's notices are written and distributed in a way that easily accessible to anyone desiring to understand the project, including distribution of notices in multiple languages appropriate to the area.

Thank you for the opportunity to participate in the process. If you would like to respond to our comments or include us in future notices, please email info@bayarearcc.org.

Sincerely,

Members of the Bay Area Refinery Corridor Coalition:

Rosa Fallon
Chris Fallon
Alison Ehara-Brown
Paul Ehara
Tom Griffith
Aimee Durfee
Nancy Rieser
Ann Puntch
Andrés Soto
Stephanie Hervey
Katherine Black
Pamela Arauz

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

P.O. BOX 23660

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

FAX (510) 286-5559

TTY 711

www.dot.ca.gov*Serious Drought
Help save water!*

July 9, 2015

CC004072
CC-4-PM-23.05
SCH# 2011072053Ms. Kristin V. Pollot
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565**RECEIVED**
JUL 13 2015
BUILDING DIVISION

Dear Ms. Pollot:

WesPac Pittsburg Energy Infrastructure Project—Notice of Preparation (NOP)

Thank you for including the California Department of Transportation (Caltrans) in the environmental document review process for the project referenced above. We have reviewed the NOP and have the following comments to offer. As the lead agency, the City of Pittsburg is responsible for all mitigation, including any needed improvements to the State Highway System. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. Caltrans' letters dated 8/17/11, 6/19/12 and 9/5/13 should be taken into consideration for the WesPac Pittsburg Energy Infrastructure Project.

Should you have any questions regarding this letter, please call Keith Wayne at 510-286-5737 or keith_wayne@dot.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pat C".

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse



Board of Directors
Joseph L. Campbell
President

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Vice President

Bette Boatman

John A. Burgh

Connstance Holdaway

General Manager
Jerry Brown

August 7, 2015

*Sent via email: kpollot@ci.pittsburg.ca.us
Hard copy to follow*

Kristen Pollot
Planning Manager
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Subject: WesPac Energy, Pittsburg LLC, Notice of Preparation of a Second Recirculated Draft Environmental Impact Report

Dear Ms. Pollot:

The Contra Costa Water District (CCWD) is in receipt of the July 1, 2015 Notice of Preparation of a Second Recirculated Draft Environmental Impact Report for the WesPac Energy Project located in Pittsburg California. The City of Pittsburg intends to recirculate the draft EIR for a second time with shipment of oil by rail to the facility now removed from the project description. Oil will be transported by ship or barge and by pipeline.

CCWD would request that the recirculated EIR include estimates of the amount of oil that is shipped into the facility via oil tankships and that is offloaded at the marine terminal as well as estimates of the amount of oil that the facility intends to load onto tankers for export at the marine terminal. If the only purpose of the project is to support oil storage for nearby Bay Area oil refineries, then there should be a condition that prohibits the export of oil by tankships from the facility. This will serve to mitigate a portion of the significant and unavoidable impacts associated with potential oil spills in the Delta.

CCWD has submitted comments on this project since May of 2011. CCWD comments from September 13, 2013 on the first recirculated Draft EIR set forth very specific proposed mitigation conditions in the event of a petroleum tankship spill within the Delta. These potential impacts need to be mitigated fully. CCWD would like to see mitigation conditions within the recirculated environmental document that clearly articulates requirements to cover CCWD's full cost of environmental cleanup and changes in operations in the event of a Delta oil spill associated with the WesPac Energy project. This seems especially important since an oil spill is viewed as a significant and unavoidable impact.

CCWD is providing copies of all of its prior letters for the updated document and believe the comments from the September 13, 2013 letter are very relevant to the recirculated EIR. The City of Pittsburg's consideration of CCWD concerns and comments within the second recirculated Draft EIR is appreciated. I may be reached at (925) 688-8119, or via email at mseedall@ccwater.com.

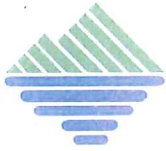
Sincerely,

A handwritten signature in blue ink that reads "Mark A. Seedall".

Mark A. Seedall
Principal Planner

MS/mlc

Attachments: Prior comment letters from CCWD to the City of Pittsburg on the WesPac Energy project.



**CONTRA COSTA
WATER DISTRICT**

1331 Concord Avenue
P.O. Box H2O
Concord, CA 94524
(925) 688-8000 FAX (925) 688-8122
www.ccwater.com

September 13, 2013

*VIA Email: kpollot@ci.pittsburg.ca.us
Hard Copy to Follow*

Directors
Joseph L. Campbell
President

Karl L. Wandry
Vice President

Bette Boatman
Lisa M. Borba
John A. Burgh

Jerry Brown
General Manager

Ms. Kristin Pollot
Planning & Building Department
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565-3814

**Subject: Request for Comments on the WesPac Pittsburg Energy Infrastructure
Project Recirculated DEIR (State Clearinghouse # 2011072053)**

Dear Ms. Pollot:

The Contra Costa Water District (CCWD) is in receipt of a request for comments on the recirculated Draft EIR (DEIR) for the proposed WesPac Pittsburg Energy Infrastructure Project (SLC # 2011072053). CCWD commented earlier on the project in our letters of May 12, 2011 and July 12, 2012 (attached). CCWD appreciates the efforts being made by the City of Pittsburg to recirculate the Draft EIR. CCWD notes that there is a great deal of detail within the DEIR regarding construction of the proposed facilities. Much less detail is provided regarding future operations. Modifications to the project reflected in the recirculated DEIR include delivering portions of oil to the terminal using railcars by land rather than by delivery from petroleum tanker ships via the Delta.

CCWD is the primary water supplier serving approximately 500,000 residents in central and eastern Contra Costa County. CCWD's primary source of water supply is the United States Bureau of Reclamation's (USBR) Central Valley Project (CVP). Virtually all of CCWD's water is diverted from the west and south Delta and conveyed through the 48-mile Contra Costa Canal. CCWD has four (4) water intakes at: Mallard Slough, Rock Slough/Oakley, Old River/Discovery Bay, and Middle River/Victoria Island. CCWD notes that the recirculated DEIR correctly identifies these intakes in **Figure 17.3 Water Supply Facilities**. CCWD has four untreated water storage reservoirs, including the 160,000 acre foot (af) Los Vaqueros Reservoir in southeastern Contra Costa County.

CCWD's primary concern with the proposed project is the impact of an oil spill within the Delta due to the use of petroleum tanker ships that could be significant. While the basic premise of the WesPac project may be sound, that increased oil storage for Bay Area refineries is necessary, the use of tanker ships within the freshwater Delta may not be necessary in order to achieve the project objectives.

The following are our comments on the DEIR.

- 1. CCWD believes that the DEIR could be enhanced by evaluating oil delivery alternatives to tanker ships. The consequences of a spill in the Delta are significant and the DEIR has not evaluated reasonable alternatives to minimize or avoid this risk, such as overland oil delivery solely by railcar or pipeline.**

The proposed project intends to offload by tanker ship or rail 88,300,000 barrels of crude oil and/or partially refined crude oil per year over the life of the project. Over 30 years, approximately 6,480 tanker ships would be delivering oil via the Delta. A Delta spill event could result in significant and long term impacts to the Delta ecosystem as well as to CCWD's and the City of Antioch's Delta water intakes. The DEIR acknowledges these impacts as "significant and unavoidable". A reasonable alternative that was not analyzed within the DEIR is whether the project can meet its objectives without the use of oil tanker ships.

- 2. DEIR could be enhanced by a full evaluation of the ramifications to water service providers from an oil spill. DEIR should include suggested mitigation measures to fully recover CCWD's costs, and for the immediate notification in the event of a spill.**

The DEIR indicates that an oil spill within the Delta is inevitable based on past experience with oil tanker ship spills within the San Francisco Bay, and notes that when a spill occurs it is likely to impact fresh water supplies within the Delta. A spill in the San Joaquin River in and around Pittsburg is very serious since the incoming tides can readily push oil into the Delta channels and sloughs. However, once the oil is pushed in by the strong tides and distributed within the Delta, the outgoing tides are not able to collect the dispersed oil to move it towards the main channel. Costly and difficult oil spill cleanup will be necessary. It should be noted that Chapter 11.0 Public Services and Utilities, page 11.0-30 incorrectly omits CCWD's Middle River intake as an intake on Victoria Island that oil may reach in the event of a spill.

Mitigation for impacts to water facilities should include the following:

- a. Delta water suppliers will be included as part of the WesPac Energy Facility Emergency Response Plan and will be notified immediately in the event of a spill.
- b. Oil spill equipment to be located and maintained at all Delta water intake facilities. This could serve to keep spills from reaching Delta water intakes.
- c. Delta water suppliers will be fully compensated for any and all costs associated with a spill event, including use of supplemental supplies and local storage.

CCWD recommends that the following be included as CEQA mitigation conditions and conditions of approval for the project within any City of Pittsburg land use permit for this project.

CEQA Mitigation Condition No. 1 Public Services and Utilities

CCWD to be compensated in full for all costs associated with an oil spill from the WesPac facility and associated oil tanker movements. Costs would include but not be limited to the following:

- *Costs of shutting down affected CCWD water intakes.*
 - *Costs of cleaning up oil spills at the water intakes.*
 - *Increased costs of using water from the Los Vaqueros Reservoir to pump to CCWD and associated water treatment plants. This includes the cost of replacing Los Vaqueros water in the future by pumping Delta water (elevation approximately sea level) to the reservoir (elevation approximately 500 feet).*
- 3. CCWD's Mallard Slough untreated waterline follows a similar right of way of the proposed reactivated San Pablo Pipeline. Repairs to the San Pablo Pipeline should not result in adverse impacts to the CCWD Mallard Slough Pipeline.**

A map identifying the approximate location of the Mallard Slough Pipeline is attached. It appears that San Pablo Pipeline and Mallard Slough Pipeline are very close to each other. The DEIR states that necessary pipeline repairs have yet to be identified. A mitigation condition should be included as follows:

- *The applicant shall provide to CCWD details on how the project developer will prevent the project from potentially impacting the Mallard Slough pipeline. CCWD pipelines must be protected from damage by heavy construction equipment possibly crossing or working adjacent to the Mallard Slough pipeline. Prior to any grading or crossing the Mallard Slough pipeline with heavy equipment, the project developer must provide CCWD with information on the type and weight of equipment that will be crossing the Mallard Slough pipeline, identify how their work may impact the existing pipeline, and identify their proposed mitigation and protection measures.*
- *The applicant will replace any portions of the Mallard Slough Pipeline in areas where repairs to the San Pablo Pipeline cross the Mallard Slough Pipeline.*

Additional concerns of CCWD regarding notification.

CEQA Mitigation Condition No. 2 Public Services and Utilities

Kristin Pollot
WesPac Energy Project
September 13, 2013
Page 4

- *CCWD to be notified directly and immediately in the case of a spill or fire of petroleum products.*

Please contact me at (925) 688-8310 should you have further questions.

Sincerely,



Jeffrey W. Quimby
Planning Manager

JQ/mas/jmt/rlr

cc: Tina Wehrmeister. City of Antioch

Attachments: 1-May 12, 2011 Comment Letter to the City of Pittsburg on the NOP
2-July 12, 2012 Comment Letter on the Draft EIR
3-CCWD Mallard Slough Pipeline Map



CONTRA COSTA
WATER DISTRICT

1331 Concord Avenue
P.O. Box H2O
Concord, CA 94524
(925) 688-8000 FAX (925) 688-8122
www.ccwater.com

July 12, 2012

VIA FACSIMILE (925)252-4814
Hard Copy to Follow

Directors
Joseph L. Campbell
President

Karl L. Wandry
Vice President

Bette Boatman
Lisa M. Borba
John A. Burgh

Ms. Kristin Vahl
Planning & Building Dept.
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565-3814

Jerry Brown
General Manager

**Subject: Request for Comments on the WesPac Energy-Pittsburg Terminal Draft
EIR (State Clearinghouse # 2011072053)**

Dear Ms. Vahl:

The Contra Costa Water District (CCWD) is in receipt of a request for comments on the Draft EIR for the proposed WesPac Energy-Pittsburg Terminal (SLC # 2011072053). CCWD commented earlier on the project in our letter of May 12, 2011 to the City on the Notice of Preparation for the EIR.

CCWD is a water agency serving 500,000 water customers in Contra Costa County. CCWD's primary source of water supply is the United States Bureau of Reclamation's (USBR) Central Valley Project (CVP). Water is diverted from the Delta and conveyed through the 48-mile Contra Costa Canal. CCWD has four (4) water intakes at: Mallard Slough, Rock Slough/Oakley, Old River/Discovery Bay, and Middle River/Victoria Island. CCWD has four untreated water storage reservoirs, including the 160,000 acre foot (af) Los Vaqueros Reservoir in southeastern Contra Costa County.

The following are our comments on the Draft EIR (DEIR). CCWD notes that the City of Antioch and the State Land Commission NOP comments expressed concerns that the impact from an oil spill need to be fully evaluated.

- The DEIR is incorrect in stating that no other CCWD water supply intakes other than Mallard Slough intake would be affected by an oil spill from the WesPac facility and associated vessels (p. 40, DEIR Chapter 17). No analysis supporting this position is provided in the DEIR. CCWD's Water Resources staff are experts on the Delta and have determined that in the event of an oil spill it would be possible for the spill to move to our intakes and disrupt water operations for all of our customers. CCWD's Rock Slough/Oakley, Old River/Discovery Bay, and Middle River/Victoria Island intakes could be subject to the adverse effects of a spill that was not readily contained in the vicinity of the WesPac Energy Pittsburg Terminal.

Kristin Vahl
WesPac Energy Infrastructure Project DEIR
July 12, 2012

- While a spill from the WesPac facility has undoubtedly a low probability of occurring, such a spill can have a very high impact on the Delta and Delta water quality. Assuming a 80,000 dwt vessel carries up to 700,000 barrels of oil, up to 216 unloading/loading events per year would equal over 150 million barrels a year being shipped within Delta waters. Over 30 years this is equivalent to 4.5 billion barrels of oil shipped within Delta waters.

CCWD is aware that the EIR for the WesPac project (Sections 16.1.1.1 - 16.1.1.3) references several federal laws governing compensation in case of an oil spill including Titles 33 (Navigation and Navigable Waters), 40 (Protection of Environment), and 46 (Shipping) of the Code of Federal Regulations (CFR), and the Oil Pollution Act (OPA) of 1990, which includes a \$1 billion Oil Spill Liability Trust Fund. In addition, the State of California has a program requiring parties who handle petroleum products to file a Certificate of Financial Responsibility with the state establishing the party's financial wherewithal to respond to and cleanup a worst case spill.

CCWD wishes to make clear its position on the WesPac facility and potential adverse effects of a spill. While the above conditions may cover some of the direct costs of an oil spill, CCWD wants to ensure that all of its costs are addressed in the unlikely event of an oil spill impacting CCWD intakes. CCWD recommends that the following be included as a CEQA mitigation condition and a condition of approval for the project within any City of Pittsburg land use permit for this project.

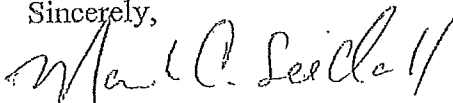
CEQA Mitigation Condition No. 1 Public Services and Utilities

CCWD to be compensated in full for all costs associated with an oil spill from the WesPac facility and associated oil tanker movements. Costs would include but not be limited to the following:

- *Costs of shutting down affected CCWD water intakes.*
- *Costs of cleaning up oil spills at the water intakes.*
- *Increased costs of using water from the Los Vaqueros Reservoir to pump to CCWD and associated water treatment plants. This includes the cost of replacing Los Vaqueros water in the future by pumping Delta water (elevation approximately sea level) to the reservoir (elevation approximately 500 feet).*

Please contact me at (925) 688-8119 should you have further questions.

Sincerely,

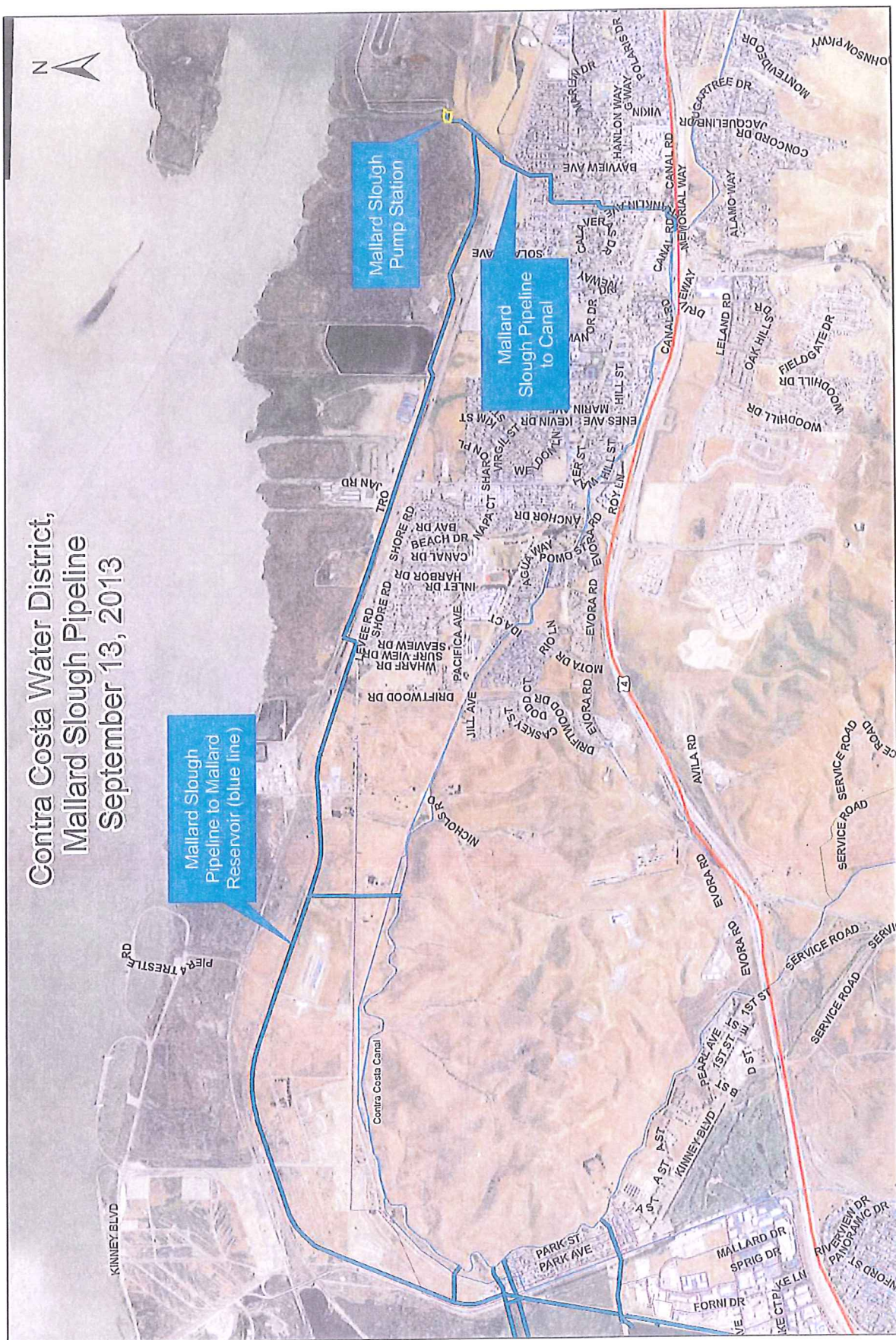


Mark A. Seedall
Principal Planner

MAS/jmt

$z \triangleleft$ Mallard Slough
Pump Station

Mallard Slough Pipeline to Canal





**CONTRA COSTA
WATER DISTRICT**

1331 Concord Avenue
P.O. Box H2O
Concord, CA 94524
(925) 688-8000 FAX (925) 688-8122
www.ccwater.com

Directors

Joseph L. Campbell May 12, 2011
President

Karl L. Wandry
Vice President

Bette Boatman
Lisa M. Borba
John A. Burgh

Jerry Brown
General Manager

Ms. Kristin Vahl
Planning & Building Dept.
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565-3814

*VIA FACSIMILE (925)252-4814
Hard Copy to Follow*

**Subject: Request for Comments on the Proposed WesPac Energy-Pittsburg
Terminal (AP-11-761)**

Dear Ms. Vahl:

The Contra Costa Water District (CCWD) is in receipt of a request for comments on the proposed WesPac Energy-Pittsburg Terminal (AP-11-761). CCWD understands that an EIR will be prepared for this proposed project and we are providing background information that we believe should be included as part of the pending environmental review. CCWD manages and maintains water intake facilities that it owns and operates such as the Mallard Slough Intake and Pump Station. This facility, located approximately 2 miles to the east of the proposed project, serves as an available water intake that has typically been used for untreated water during winter and spring months when significant fresh water flows through the Sacramento River from winter rains or snow melt keep salt water intrusion from the San Francisco Bay west of this location. The Mallard Slough Pump Station can also provide an emergency water supply in the event that the Contra Costa Canal System is disrupted east of Baypoint.

CCWD also manages and maintains water facilities that are owned and operated by the United States Bureau of Reclamation (Reclamation). This includes the Contra Costa Canal with an intake at Rock Slough as well as a number of untreated water laterals. CCWD has two additional intakes: Old River pump Station near Discovery Bay and Middle River Pump Station at Victoria Island adjacent to Victoria Canal. (See attached map of CCWD facilities.) CCWD provides wholesale water service to the City of Pittsburg who in turn provides retail water service.

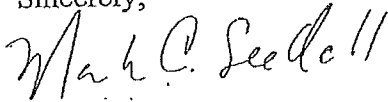
CCWD requests that the CEQA environmental document on the project consider the following:

Kristin Vahl
City of Pittsburg
May 12, 2011
Page 2

1. The number, type, size, and frequency of petroleum tankers that would utilize the facility.
2. The location of CCWD's Mallard Slough intake facility, Rock Slough Intake, Old River Intake, and Middle River Pump Station Intake.
3. Safeguards to be utilized to prevent hazardous material spillage into the Delta from the WesPac facility.
4. Estimates of the time it will take if an unconstrained spill occurred for oil to travel to each of CCWD four intakes.
5. Emergency response measures to be initiated in case of project hazardous material spillage.

Please contact me at (925) 688-8119 should you have further questions.

Sincerely,



Mark A. Seedall
Principal Planner

Attachment: CCWD Map of Facilities

MAS/jmt



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



July 31, 2015

Ms. Kristin V. Pollot
City of Pittsburg Planning Department
65 Civic Avenue
Pittsburg, CA 94565-3418

Dear Ms. Pollot:

Subject: WesPac Pittsburg Energy Infrastructure Project, Notice of Preparation,
SCH #2011072053, City of Pittsburg, Contra Costa County

The California Department of Fish and Wildlife (CDFW) has reviewed the documents provided for the subject project, and we have the following comments.

Please provide a complete assessment (including but not limited to type, quantity and locations) of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats. The assessment should include the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of the project. Rare, threatened and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, Section 15380). CDFW recommended survey and monitoring protocols and guidelines are available at http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf.

Please be advised that a California Endangered Species Act (CESA) Permit must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA Permit.

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, CDFW may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. CDFW, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance,

Ms. Kristin V. Pollot
July 31, 2015
Page 2

mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA>; or to request a notification package, contact CDFW's Bay Delta Regional Office at (707) 944-5500.

If you have any questions, please contact Mr. Robert Stanley, Environmental Scientist, at (707) 944-5573; or Ms. Annee Ferranti, Senior Environmental Scientist (Supervisory), at (707) 944-5554.

Sincerely,



Scott Wilson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

To: Kristin Pollot. City of Pittsburg. kpollot@ci.pittsburg.ca.us - July 7, 2015

From: Charles Davidson. Hercules CA. 94547 charlesdavidson@me.com

Re: WesPac Pittsburg Energy Infrastructure Project. Pittsburg CA.

My name is Charles Davidson. I am a Contra Costa County resident, a scientist and an environmental activist. I am especially concerned about the proposed Pittsburg WesPac Project, that may have unintended consequences leading to enormous potential impact on both public health and safety that cannot be explained away by recirculating the EIR. We know far more now than we did about these issues since the project was first proposed. Moreover, the City is not legally required by law to recirculate the EIR, as I will explain. And simple calculations show that the costs per barrel for WesPac to store the two crudes that are likely to be brought into Central Pittsburg, in terms of the amount going into the City's general fund, is around a mere one-tenth of a percent of the costs to ship it there. From a business point of view, this is being called "being taken advantage of".

The WesPac Project is unnecessary for refiners and is still unacceptably dangerous, despite removal of the rail portion

Firstly, the removal of the WesPac rail delivery portion in the Reirculated EIR renders the project absolutely unnecessary for refinery logistics, since all of the Bay Area refineries already have ample piers for the shipping, or have permits for such, for all of the quantities of petroleum that they are able to process.

Secondly, to approve the currently proposed WesPac Project EIR, without the rail portion, but with the shipping component remaining intact, is potentially disingenuous, as the rail portion could more easily be added at a later date if the shipping and tank farm portions are approved with the current Recirculated EIR.

Thirdly, there are the issues of the unusually dangerous chemistry of the crude quality that would likely be stored at WesPac, that was addressed by the California Attorney General over a year and a half ago. To begin with, there is the extreme flammability of the light shale oil from Bakken North Dakota, that would likely be barged or tanker shipped down from Washington State to Pittsburg. This unusual and now famous, flammability of Bakken crude oil arises because North Dakota is not required by law to remove the propane and butane (ie Liquid Petroleum Gas) prior to its being loaded onto rail road tank cars.

In contrast to North Dakota, the State of Texas requires propane and butane (LPG) removal, due to strict pipeline vapor pressure limits prior to its being placed into pipelines, in a process called "stabilization". However, while Texas has a robust pipeline infrastucture system requiring all light crude stabilization, North Dakota has no pipelines and does not require drillers and shippers to stabilize Bakken Crude. The result is that the vapor pressure limit for Bakken is 50 % higher than Texas' light oils. Alarmingly,

Sandia National Laboratories recently looked into the issue of Bakken's flammability and they have determined that within a railroad tank car, during the summer heat at 100 degrees F, the vapor pressure of Bakken crude spikes to 4 times the limit in Texas, ostensibly due to propane and butane volatilization.

As has been shown numerous times within this past few years, a single railroad tanker car fire of Bakken crude will produce 250-foot wide fireballs, with flaming jets that go 600 feet up into the air. The extremely high vapor pressure of Bakken crude creates a potential disaster of epic proportions. If there were a massive accidental release of Bakken crude from any one of the giant storage tanks, with each tank having up to seven miles of railroad tanker cars worth of petroleum, a massive vapor cloud of gaseous propane would be released over the entire City of Pittsburg, seeking the slightest *and* inevitable ignition source. The Bakken train derailment and fire in Lac Megantic Quebec two years ago, in which 47 persons perished, would pale in comparison.

Last year the CA AG stated that the proposed WesPac Project "is next to residential neighborhoods in the City of Pittsburg with no buffer zone" and is located within a quarter-mile of a number of sensitive receptors including schools, an extended care facility, a head-start program, three parks, and several churches. The Office of Environmental Health Hazard Assessment has ranked central Pittsburg, the Project area, in the top ten percent of California communities that are already burdened by multiple sources of pollution and experiencing adverse public health effects." None of these issues have changed since then and WesPac's removal of the crude-by-rail portion of their project is largely irrelevant.

To put cold water on the safety of any giant oil terminal in close proximity to citizens, just several months ago, a news item reported that a fire at a fuel storage facility near Brazil's Port Santos entered its fourth day, as 110 firefighters worked to stop the flames from spreading further. Six fuel tanks, all smaller than most of the proposed WesPac tanks, were hit since the blaze started on that Thursday morning, which sent a column of thick black smoke into the air. Three of the tanks were still burning by the next Sunday, the fire department and Ultracargo stated. Firefighters said there was little they could do to extinguish the flames before all the fuel was consumed. A similar assessment of the ineffectiveness of fighting a tank farm fire at WesPac was stated by the Contra Costa County fire chief.

Despite being a shipping-only project, WesPac will also bring in Tar Sands crude from Canada, in addition to Bakken crude from North Dakota, that are both landlocked "mid-continent" crudes. The amount of Canadian Tar Sands coming to the West Coast is set to increase 8-fold between now and 2020, to 800,000 barrels per day, with a preponderance coming to Bay Area refineries. There is the regional cumulative air impact issue of the huge amounts of additional global warming GHGs and particulate matter produced just in order to locally refine into gasoline solvent-diluted and otherwise

solid tar sands bitumen, called DilBit. There is also this one other important fact: the lightweight solvent itself, that is 30% of DilBit by volume, is itself highly flammable and has a flammability flashpoint approaching that of Bakken crude.

In addition to a Bakken crude explosion, imagine the thick black cloud of toxic smoke produced by a tank of burning DilBit. To quote Senator Barbara Boxer, who expressed the concern: "Misery follows the tar sands...Conventional crude oil is different than the tar sands. The tar sands have 11 times more sulfur and nickel, six times more nitrogen, and five times more lead. Before we invite a 45% increase in this filthy, dirty oil, let's take a look at what this tar sands is".

The City is not Required by law to evaluate the WesPac Project, for safety reasons or otherwise

Can the city legally decide to forgo the WesPac oil terminal project? Absolutely. According to the 2009 ruling of *Las Lomas Land Co. versus the City of Los Angeles*, the Court of Appeals for the Second Appellate District, made clear that a city may stop environmental review mid-stream and reject a project without awaiting the completion of a final EIR. This ruling made clear that there is no mandatory duty under CEQA to complete an EIR after rejecting the project. The Court explained "to require a public agency to prepare and circulate a draft EIR, and prepare a final EIR including response to comments, before rejecting a project would impose a substantial burden," and "would not produce a discernible environmental benefit" or "further the goal of environmental protection." The Court said, "We conclude that if an agency at any time decides not to proceed with a project, CEQA is inapplicable from that time forward."

Last year, one of Pittsburg's Council members stated that the Democratic Party of Contra Costa County, who approved of a resolution opposing the WesPac Project, should: "at least have [given] the City the chance to do their job and make a recommendation as to whether it's even a project that we deem *or the EIR deems is safe to be built.*" In view of the *Las Lomas* decision, I beg to differ with Council members who feel an overriding business obligation to approve, or at least continue to consider the WesPac Project, as the City does not have to perform an EIR to determine that a project is either safe or not safe. A City or Agency can reject a project for aesthetic reasons alone.

Relevant to my suggestion that Pittsburg reject the recirculation of the WesPac EIR, in 1993, pressure from community groups and the agency of the Texas County of Travis successfully closed a 52-acre fuel storage tank area that encroached on East Austin.

Local residents, many poor or minority, a similar demographic to the part of Pittsburg near the proposed WesPac site, believed they were experiencing chronic illnesses due to toxics being emitted from the tank farm. As if public health and safety were not the only concerns, the previous year, in 1992, the Travis Central Appraisal District reduced the value of about 600 adjacent homes by 50 percent or more, citing fears of pollution. Since the tank farm closed, the property has been downzoned from light industrial to community commercial-mixed-use. Experience has shown that scrap metal recycling can recoup the majority of costs related to tank farm dismantlement.

The City of Pittsburg is worth only one penny per barrel for WesPac

It is not inconceivable to think that the very aesthetic of having a giant tank farm in the middle of residential Pittsburg, even if they are completely empty or full of water, could have long-term negative psychological effects upon children, who must walk and live by the tanks. This is an enormous visual indignity for "living on the other side of the tracks", that will also render the entire downtown, half the population and the long-term City budget significantly vulnerable.

The long-term cost to the City is far more than the \$20 million that they have been offered by WesPac, admittedly at the bottom of the financial crash of 2008-10 when the City was suffering severe austerity. However, that amount, if dispensed over a 20 year period amounts to a mere one penny per each barrel of crude delivered, which is less than one-thousandths of the cost to transport each barrel from their distant extraction sites, at around \$12. Therefore, the future of Pittsburg is unnecessarily being bargained away for a mere pittance. The costs to the City budget, of dismantling the old tanks, would likely be eventually recouped from the inevitable increase in property values and tax base.

Another, more innovative use, for the proposed WesPac site

The City of Pittsburg and the Pittsburg Power Company, was forward looking a decade ago when they approved the building of the technologically advance underwater TransBay Cable, in order to deliver 40% to 50% of San Francisco's electricity from the two Calpine Power plants. Considering that San Francisco is currently transitioning to Community Choice Aggregation for their electrical purchases, as CleanPowerSF and also considering the currently unused power hookup to the TBC at the proposed WesPac site, that particular location would instead, be ideal for a 20-30 megawatt solar farm that could serve thousands of households. A solar farm there would simultaneously, provide clean power to San Francisco or/or Pittsburg and could potentially lead to the reduced need to produce inevitable local pollution from the two local fossil-fueled power plants.

August 07, 2015

Charles D. Smith
3033 Peppermill Circle
Pittsburg, Ca. 94565

Dear Planning Manager,

I am a 50 year resident of this city.

1. I am writing to register my comments on the WesPac project. I would like the following issues (section 2) addressed in the Environmental Impact Report: I have written one letter to the city. Since that time, my granddaughter has been admitted to Kaiser Emergency for a respiratory episode.

2. The breathing problems endured by the citizens of Pittsburg will only worsen if the WesPac project is implemented. I am concerned about the impact of these issues because of these six factors:

- Public Health and Environmental Justice
- Environmental compliance with newer Federal and State Laws for Storage Tanks
- Reuse of 55 year old tanks, piping and valves system
- Lack of a Site Investigation or adequate Site Characterization
- Lack of an adequate breakdown of the crude oil characterization, toxicity and potential for loss of lives, damage to sensitive natural biological ecosystem and resources.
- Project will exacerbate damage to an already unhealthy Regional Air basin

3. This impact is foreseeable because two former workers at PG&E have stated that they witnessed and noticed leaking ASTs (Aboveground Storage Tanks) at this site. I personally have seen (through the iron fencing) piping/valve connections showing leakage. PG&E never officially closed the site. It just ceased operations. Therefore, the company avoided issues such as cleanup, remediation of contaminated soil / groundwater from leaking ASTs.

Finally, the project's shield (WesPac) issues no guarantee or degree of safety. In fact, it includes environmental and health problems as a manner of doing business.

4. Methods of mitigation should include:

- Compensatory awards for anyone experiencing increased or newly diagnosed cases or episodes of respiratory failure (allergy, breathing problems or other like symptoms)
- No use of "credits", good deeds elsewhere will not lessen environmental damage here

- removal and nonuse of all old tanks and ancillary equipment
- perform a complete Site sampling investigation,
- soil and groundwater testing / analyses
- ambient air monitoring

Upgrade all tanks, piping and valves to double wall BACT systems complete with as many bells and whistles as possible, to limit emissions and lower the damage to soil and air quality caused by previous occupants.

5. Or an alternative is to deny the project because the developer is looking to make quick money at the expense of this East Bay Region's health and safety. This project is underfunded.

6. My question regarding this project is as follows: Why have the responsible regulatory agencies allowed Big business (PG&E) to skirt the law and furthermore allow a project such as this WesPac proposal to continue the cover-up?

Please enter these comments and question(s) into the public record.

Charles D Smith

Sincerely yours,

Charles D. Smith

Retired Environmental Scientist

Cc. Cal EPA

Contra Costa County Environmental Health

Department of Toxics Substances Control (DTSC)

Bay Area Air Quality District

City of Pittsburg City Council

Kristin Pollot

From: Charlotte Riles <charjoneen@gmail.com>
Sent: Sunday, July 26, 2015 8:01 PM
To: Kristin Pollot
Subject: NO on Wespac project

Kristin,

I am writing in regards to Wespac. I recently just purchased a home and the site of this possible project is literally in my backyard. I have not even been in my home a month and I am now afraid of the possibility of the project. I am concerned for my health and the air that we will have to breathe. The safety hazards alone should be enough to cause major concern with the city. Not to mention that the site is just yards away from a school. Has Wespac reconsidered their plans now that this new community has been built extremely close? Only thing separating this site full of chemicals from these brand new homes is a 6 foot fence? When I leave to work I will have a daily fear of explosions and fire hazard concerns. That is not a healthy way of daily living to constantly worry about your property that you work so hard for everyday. Besides the numerous health reasons why this project is a bad idea our property values will now be affected. For new home buyers this is not what this community signed up for. Now I am in fear of how this will change my daily life. I purchased property in the city of Pittsburg because of the valuable changes that it has made in the recent years. However if the Wespac project is approved this city will lose a lot of the working class families that are trying to better this city. We will then be forced to sale and move our families because no one wants to live within feet of a hazardous site. No matter how many studies are done, no matter how many meetings are held there can not be any convincing that this is a safe and a positive idea for the city of Pittsburg. At some point, someone has to stand up and not let MONEY be the voice of reason or motivation behind the project. Instead compassion and understanding for the lives that are priceless that will be changed forever by Wespac, and not in a good way.

Warm Regards,

Charlotte

Christopher and Rosa Fallon
2235 Carmel Ct.
Pittsburg, CA
(925) 989 2376 or (925) 989 3629

RECEIVED
JUL 22 2015
PLANNING DIVISION

To: Kristin Pollot, Planning Manager
Re: WesPac Pittsburg Energy Infrastructure Project
Date: July 22, 2015

Dear Ms Pollot below are some of our questions and concerns about this project:

- Different types of crude oil can have very different impacts on air quality, greenhouse gas emission and the risk associated with accidents. Therefore it is imperative that WesPac adequately discloses all types of crude oil and other substances, for instance, diluents to make the crude easier to transport, that would be handle in their facility. Information on crude type is crucial to full and fair analysis of potential impacts to local air quality. In the letter send to the city by the office of the Attorney General of California, on January 15, 2014, page 4, the recommendation is that: 'the city must ensure that the environmental document accounts for crude type and includes all sources in estimating the Project's potential impacts to local air quality'. This same letter recommends that the analysis of the impact on local air quality should be done in context, given that central Pittsburg is already heavily burden by pollution. Page 5 of this letter, establishes that "the residents of Pittsburg are already facing some of the highest pollution burdens in California; they are in the 98th percentile of emergency rooms visits for asthma". Therefore it is very important that the EIR analyzes whether adding additional pollution will contribute to the community's existing public health crisis
- How is WesPac planning not to exceed the Bay Area Air Quality Management District recommended threshold of Nitrogen Oxide and organic compounds that contribute to the smog and can exacerbated respiratory problems? Either during the construction phase of the facility and during its operations
- How is WesPac going to be able to mitigate particular matter, a pollutant that, according to the Bay Area Air Quality Management District, already accounts for more than 90 percent of premature mortality related to air pollution in the Bay Area?
- How is the city of Pittsburg going to measure the quality of the air in our community without any monitoring in existence to this date?
- The EIR should analyze and address adequately the risk of accidents that could result from transportation and storage of crude oil. What is the city's planning and previsions in case of fire, earthquake, or any other kind or accidents in this facility?
- What kind of refurbishing and preparation will take place on the old pipelines and tanks to receive very corrosive kinds of substances as for instance tar sands, if this is the case?
- Since WesPac is proposing to transport the crude oil by ships, we like to know what would be the route of this vessels and if that implies further dredging in Delta, and how would this be affecting the health of the Delta's wild life and the quality of the drinking water, short and long term

To conclude we want the EIR to answer adequately all the inquires listed on the letter sent to the City of Pittsburg, on January 15, 2014, by the office of the Attorney General of California, that you can find at: https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/comments_wespac.pdf

Kristin Pollot

From: Rosa Fallon <rosas20614@yahoo.com>
Sent: Monday, July 27, 2015 3:24 PM
To: Kristin Pollot
Cc: Chris Fallon
Subject: Public comment on WesPac EIR scope

Christopher and Rosa Fallon
2235 Carmel Ct.
Pittsburg, CA
(925) 989 2376 or (925) 989 3629

To: Kristin Pollot, Planning Manager
Re: WesPac Pittsburg Energy Infrastructure Project
Date: July 22, 2015

Dear Ms Pollot below are some of our questions and concerns about this project:

- Different types of crude oil can have very different impacts on air quality, greenhouse gas emission and the risk associated with accidents. Therefore it is imperative that WesPac adequately discloses all types of crude oil and other substances, for instance, diluents to make the crude easier to transport, that would be handle in their facility. Information on crude type is crucial to full and fair analysis of potential impacts to local air quality. In the letter send to the city by the office of the Attorney General of California, on January 15, 2014, page 4, the recommendation is that: "the city must ensure that the environmental document accounts for crude type and includes all sources in estimating the Project's potential impacts to local air quality". This same letter recommends that the analysis of the impact on local air quality should be done in context, given that central Pittsburg is already heavily burden by pollution. Page 5 of this letter, establishes that "the residents of Pittsburg are already facing some of the highest pollution burdens in California; they are in the 98th percentile of emergency rooms visits for asthma". Therefore it is very important that the EIR analyzes whether adding additional pollution will contribute to the community's existing public health crisis

- How is WesPac planning not to exceed the Bay Area Air Quality Management District recommended threshold of Nitrogen Oxide and organic compounds that contribute to the smog and can exacerbated respiratory problems? Either during the construction phase of the facility and during its operations

- How is WesPac going to be able to mitigate particular matter, a pollutant that, according to the Bay Area Air Quality Management District, already accounts for more than 90 percent of premature mortality related to air pollution in the Bay Area?

- How is the city of Pittsburg going to measure the quality of the air in our community without any monitoring in existence to this date?

- The EIR should analyze and address adequately the risk of accidents that could result from transportation and storage of crude oil. What is the city's planning and previsions in case of fire, earthquake, or any other kind or accidents in this facility?

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- Since WesPac is proposing to transport the crude oil by ships, we like to know what would be the route of this vessels and if that implies further dredging in Delta, and how would this be affecting the health of the Delta's wild life and the quality of the drinking water, short and long term

To conclude we want the EIR to answer adequately all the inquires listed on the letter sent to the City of Pittsburg, on January 15, 2014, by the office of the Attorney General of California, that you can find at: https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/comments_wespac.pdf

Note -

- The EIR scoping hearing held on July 22 at Pittsburg City Hall did not have any language translation services available. Anyone attending the hearing who needed interpretation would not have been able to participate, comment or understand the proceedings.
- At the hearing, there was no stenographer producing a word-for-word written transcript of the proceedings. The presence of a stenographer is common in EIR scoping hearings and regulatory hearings where public comment is being taken on environmental issues. It appeared on July 22 that the only recording of the process was city staff writing summaries of people's comments on large pieces of easel paper. This means there is no written transcript of the July 22 hearing that is available to the general public. This is problematic because if the EIR must address all questions raised, there is currently no public written record that contains all comments from the hearing

For these reasons we request that the City allow additional time to comment on the EIR and schedule a second public hearing on the EIR scope, that includes language translation and a stenographer recording the proceedings.

August 5, 2015
Craig Neumayer
181 Sandpiper Dr.

Dear Planning Manager,

My name is__Craig Neumayer

I am a resident of Pittsburg, CA. and live within 2,000 feet of the Project location

1. I am writing today to register my comments on the WesPac project. I would like the **following issue to be studied** in the Environmental Impact Report:

Impact to air quality resulting from presence of the oil storage tanks and marine operations involving diesel and carbon based fueled equipment._____

2. I am concerned about the **impact of this issue** because currently there is no active oil storage activity being conducted and yet, on very warm days, one can notice the smell of oil-like odors coming from the proposed Project site. Additionally, with regard to marine operations using diesel fuel, there are no such operations occurring and the introduction of such operations will create a new source of air pollution._____

3. This impact is **foreseeable** because:

1. Oil tanks not used for over two decades still emit odors on warm days, and a fully operational tank farm will be a new and larger source of unhealthy elements released into the air.

2. Currently there are no large-scale marine operations that use diesel fuel, and no source of air pollution resulting from the use of diesel and other carbon-based fuels. By introducing large-scale marine operations using diesel and other carbon-based fuels, a new source of pollution is created, thus impacting the existing air quality around the nearby area.

4. A way of mitigating this impact is to not develop the project in Pittsburg, California. _____

5. Or an alternative is to develop the project in Huntington Beach, CA.

6. My question regarding this project is as follows: Why would a small city like Pittsburg, California want to have a Tank Farm and Marine Oil Terminal dropped into a newly developed area of homes, schools, marinas, and a struggling group of small downtown businesses?_____

Please enter these comments and question(s) into the public record.

Sincerely yours,

Craig Neumayer

Kristin Pollot

From: Darrin Atkins [darrinatkins@gmail.com]
Sent: Friday, July 03, 2015 7:55 AM
To: Kristin Pollot
Subject: Scoping meeting comment

I am a Pittsburg homeowner and resident. I am very concerned about pollutants from oil storage and transfer. Any EIR on oil storage proposed projects should have clear language on legal liability by any project and dollar another penalties if anything happens that harms humans or local environments. How much money would be paid as a penalty per accident or incident? How much liability coverage would be required by the project? Who would enforce the penalties and what happens if accidents or spills are not timely cleaned up? What about how much penalties would be if a project builds or constructs something specifically prohibited, like rail, and who would enforce the penalties? What if nearby children or adults are harmed by oil pollutants and what is the process for them to be treated and who would pay for that and who would enforce the payment?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins [darrinatkins@gmail.com]
Sent: Tuesday, July 07, 2015 3:11 PM
To: Kristin Pollot
Subject: Scoping meeting comment/ WesPac proposed project

Ms. Pollot,

This email is a comment pertaining to the upcoming scoping meeting related to the WesPac proposed project.

I believe the EIR on this project should have clear language regarding any right-of-way pertaining to the proposed route for the Delta Trail, which as you may know would probably traverse or run parallel to the physical geography of the planned area for the proposed Wespac project. Many people are concerned that approval of this project would bring in a company opposed to the Delta Trail ever being completed between Bay Point and Pittsburg, and that the multiple public and private companies and agencies working toward the goal of the completion of the Delta Trail would have worked in vain. It would be concerning and disappointing if a project is approved that is run by a company that is unwelcoming to something like the Delta Trail, which is designed for residents to appreciate local environmental beauty and wetlands. Many local politicians and residents have worked hard to build the Delta Trail and they continue to work hard for it. Please include a section of the EIR to include language that WesPac does not have final say over the approval or disapproval of any right-of-way related to the Delta Trail, and that final say and approval/disapproval lies with and can only be made by local governments.

Thank you.

Pittsburg resident Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Monday, July 13, 2015 10:36 AM
To: Kristin Pollot
Subject: Comment for the scoping meeting/ WesPac

I have a comment for the EIR scoping meeting:

I have a question about Riverview Park. Will it still be open to the public and maintained by the city if the WesPac project is approved, or will it be closed down if the Wespac project is approved?

If the WesPac project is approved and the park stays open, will it be safe for children and adults, given the proximity to the tanks, oil, oil storage and large tanker vessels?

Will the Riverview Park be closed at any point if the WesPac project is approved, e.g. if WesPac needs the park to be closed for any reason?

What happens if there is an oil spill near, on or into the Riverview Park? Will the park be closed to the public if that happens?

What about waves and increased tides if the WesPac project is approved? Will larger waves impact Riverview Park and decrease public safety, e.g. if the waves are stronger due to the large and heavy oil tanker vessels and the larger waves and wake overflow onto and into Riverview Park?

Who will pay for any extra costs related to the closure of the park to the public, if that happens, and the loss of this park? Who will pay for the cleanup and repair to this park if it is damaged by oil, oil tankers or anything else? And who will enforce the payment of these costs and fees in a timely manner?

We use this public park a lot and are concerned.

Thank you.
Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Wednesday, July 15, 2015 11:17 AM
To: Kristin Pollot
Subject: Comment regarding Scoping Meeting/ Wespac

Ms. Pollot,

I have a comment for submission regarding the WesPac Project EIR:

I am concerned about the proximity of the proposed WesPac project relative to its proposed location so near the PG&E Shell Pond cleanup land.

Are the City of Pittsburg and WesPac aware of the status of the PG&E Shell Pond Cleanup and Wetland Restoration project on the land to the west of the proposed property location of the WesPac project?

Are the City of Pittsburg and WesPac aware that PG&E and DTSC having been working for many years on this project and have many more years to go to clean up this site?

What efforts will WesPac make to sure that these wetlands will not be polluted by any activities by WesPac and/or its affiliates or subsidiaries on property or on water adjacent to or near to the PG&E Shell Pond Cleanup and Wetland Restoration project, where toxic substances could make it into the wetlands, which would un-do all of the hard work done by PG&E and DTSC?

How will WesPac make sure nothing they do will have a negative, adverse effect on these wetlands that are being cleaned up? Will there be a giant steel wall or concrete wall, above ground and under ground and udnerwater, on the western side of the WesPac project so that no chemicals or oils can make it to the wetlands?

Will WesPac work collaboratively and cooperatively with City of Pittsburg to prevent any adverse chemical of theirs to end up on these wetlands? How will that happen and what efforts will be made toward that goal?

What if there is a WesPac incident and oils or chemicals make their way to the wetlands at the Shell Pond Cleanup? How fast will WesPac work to clean it up? Who will enforce the cleanup?

See this website for more information on the Shell Pond cleanup project: <http://www.pge.com/en/about/environment/taking-responsibility/rehabilitated-lands/pge-shell-pond.page>

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Wednesday, July 8, 2015 10:58 AM
To: Joe Sbranti; Kristin Pollot
Subject: Fwd: Scoping meeting comment/ WesPac proposed project
Attachments: FIG_2_Land_Use_Ownership.pdf; Great California Delta Trail.pdf

Mr. Sbranti,

Please let me know if City of Pittsburg has taken consideration of the right-of-way issue regarding the in-development Delta Trail between Bay Point and Pittsburg, and the property at the proposed oil storage transfer station ("WesPac"). See attached documents regarding the trail.

Will the City of Pittsburg retain right-of-way rights to finish the Delta Trail between Pittsburg and Bay Point if the proposed oil storage transfer station ("WesPac") is approved?

Or will the City of Pittsburg cede the right-of-way rights to the project owner/developer at the proposed location?

It would be very disappointing to many people if City of Pittsburg ceded the right-of-way to a developer who is opposed to finishing the Delta Trail and thus ruining the many years of hard work of many local governments, politicians, and residents who believe the local wildlife and wetlands should be viewed by and enjoyed by local residents now and in the future.

Please let me know if you have received any feedback or communications from WesPac and/or its representatives that they are opposed to the Delta Trail being completed, or if they believe that their proposed project, if approved, automatically prevents the Delta Trail from being completed as the trail is currently conceived between Pittsburg and Bay Point.

Please let me know.

Thank you.

Darrin Atkins, Pittsburg resident

----- Forwarded message -----

From: Kristin Pollot <KPollot@ci.pittsburg.ca.us>
Date: Wed, Jul 8, 2015 at 10:00 AM
Subject: RE: Scoping meeting comment/ WesPac proposed project
To: Darrin Atkins <darrinatkins@gmail.com>

Thank you Darrin – I will add these comments to the ones you submitted via email the other day.

Sincerely,

Kristin Pollot

[\(925\) 252-6941](tel:9252526941)

From: Darrin Atkins [mailto:darrinatkins@gmail.com]
Sent: Tuesday, July 07, 2015 3:11 PM
To: Kristin Pollot
Subject: Scoping meeting comment/ WesPac proposed project

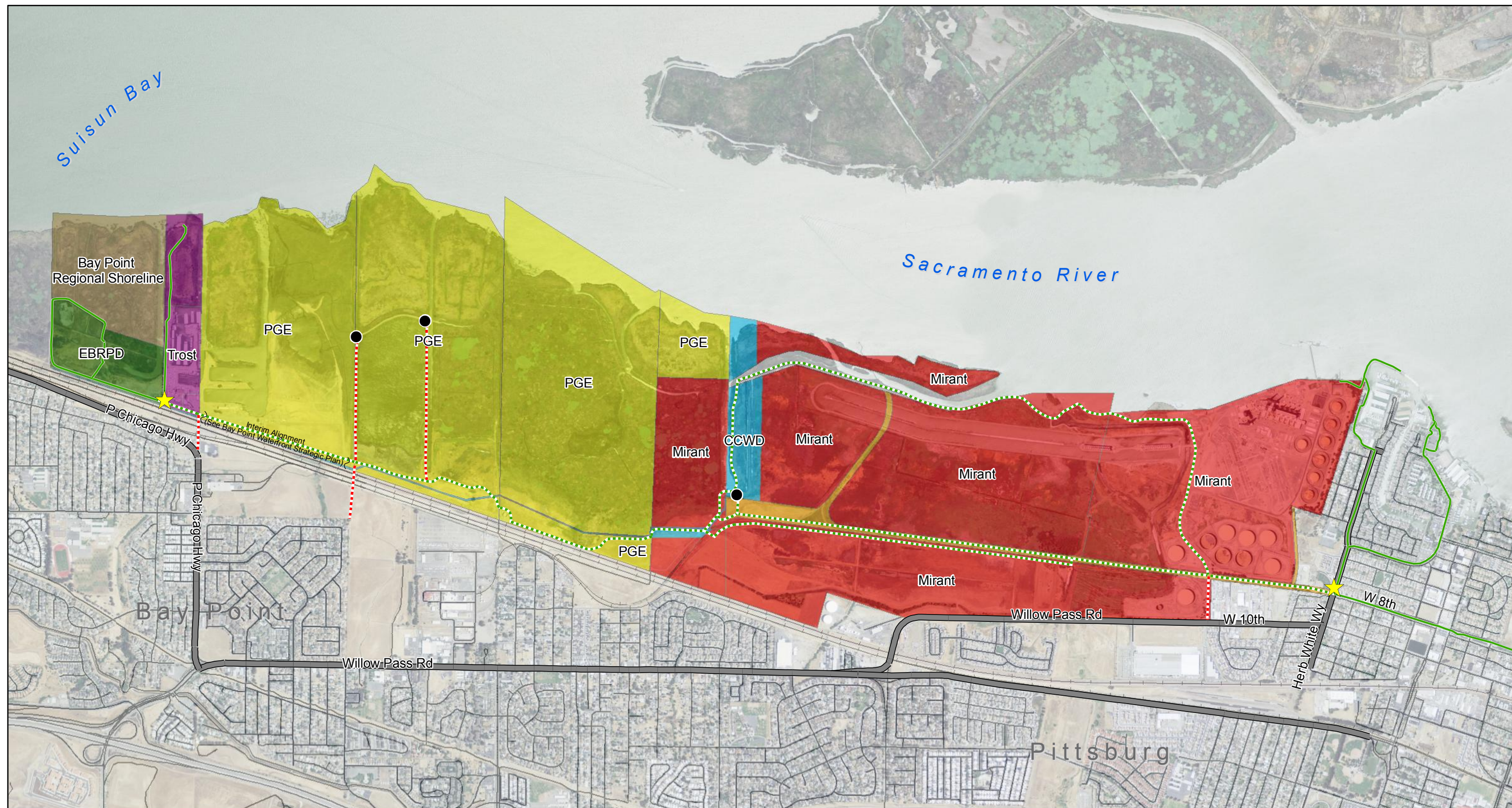
Ms. Pollot,

This email is a comment pertaining to the upcoming scoping meeting related to the WesPac proposed project.

I believe the EIR on this project should have clear language regarding any right-of-way pertaining to the proposed route for the Delta Trail, which as you may know would probably traverse or run parallel to the physical geography of the planned area for the proposed Wespac project. Many people are concerned that approval of this project would bring in a company opposed to the Delta Trail ever being completed between Bay Point and Pittsburg, and that the multiple public and private companies and agencies working toward the goal of the completion of the Delta Trail would have worked in vain. It would be concerning and disappointing if a project is approved that is run by a company that is unwelcoming to something like the Delta Trail, which is designed for residents to appreciate local environmental beauty and wetlands. Many local politicians and residents have worked hard to build the Delta Trail and they continue to work hard for it. Please include a section of the EIR to include language that WesPac does not have final say over the approval or disapproval of any right-of-way related to the Delta Trail, and that final say and approval/disapproval lies with and can only be made by local governments.

Thank you.

Pittsburg resident Darrin Atkins



Owner

EBRPD	Railroad	DOW
Pittsburg	PGE	Mirant
Bay Point SL	CCWD	Trost

Trail Segment

Existing Trail
Potential Alignment
Potential Spur Connection
Trailhead
Observation Point

Source: Contra Costa GIS



City of
Pittsburg
CALIFORNIA



GREAT CALIFORNIA DELTA TRAIL

BAY POINT WETLANDS TO PITTSBURG MARINA PARK
PRELIMINARY ENGINEERING STUDY

FIGURE 2: LAND USE & OWNERSHIP

Great California Delta Trail: Bay Point Regional Shoreline to Marina Park in Pittsburg

FACT SHEET – March 2011



LOCATION

From East Bay Regional Park District's Bay Point Wetlands Regional Shoreline to Marina Park in Pittsburg, California.

COST

\$3 to \$4 million for 5-mile trail.

FUNDING SOURCES

To be determined.

COMPLETION DATE

Various trail segments projected for Summer 2013 to 2016.

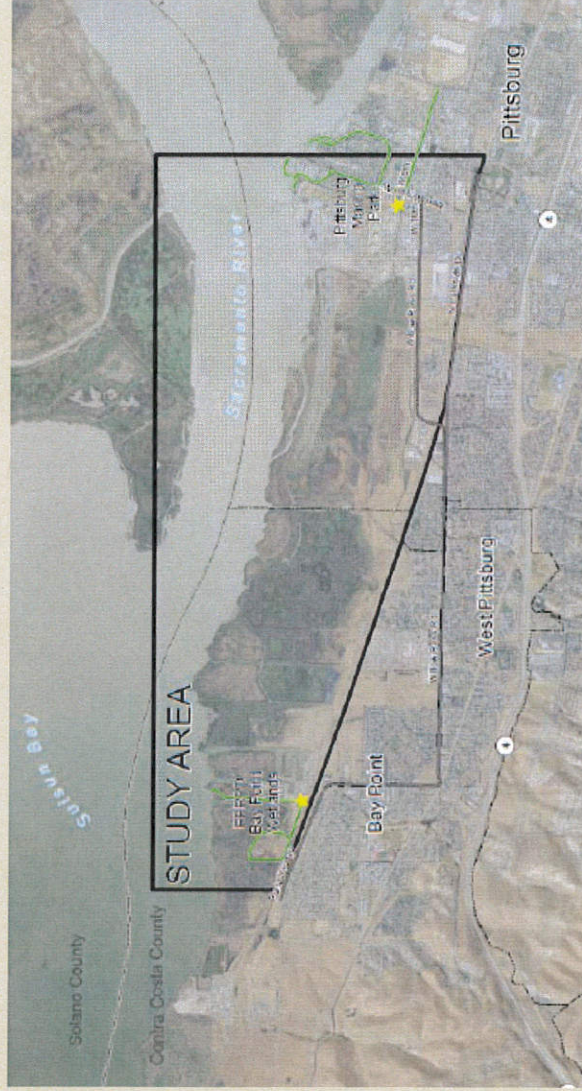
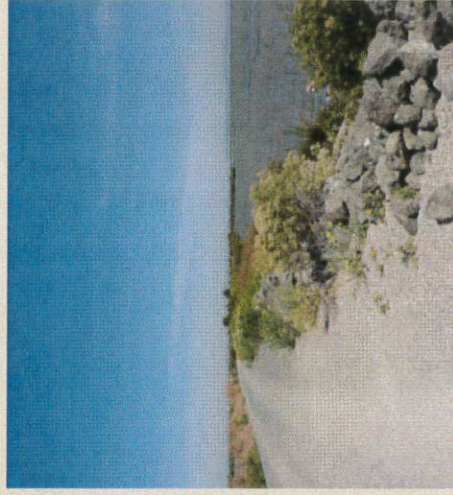
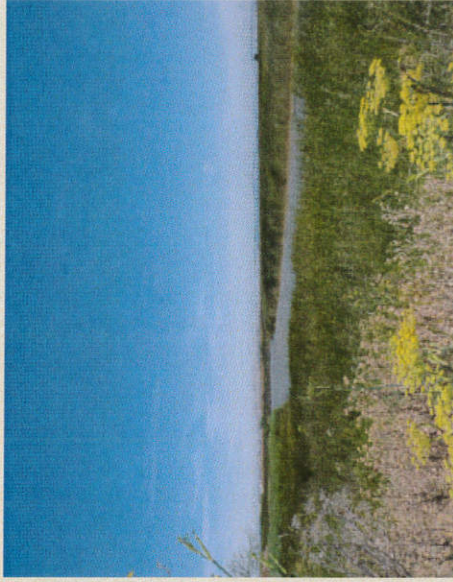
STATUS

Currently finalizing preliminary engineering plans and obtaining community input.

PROJECT DESCRIPTION

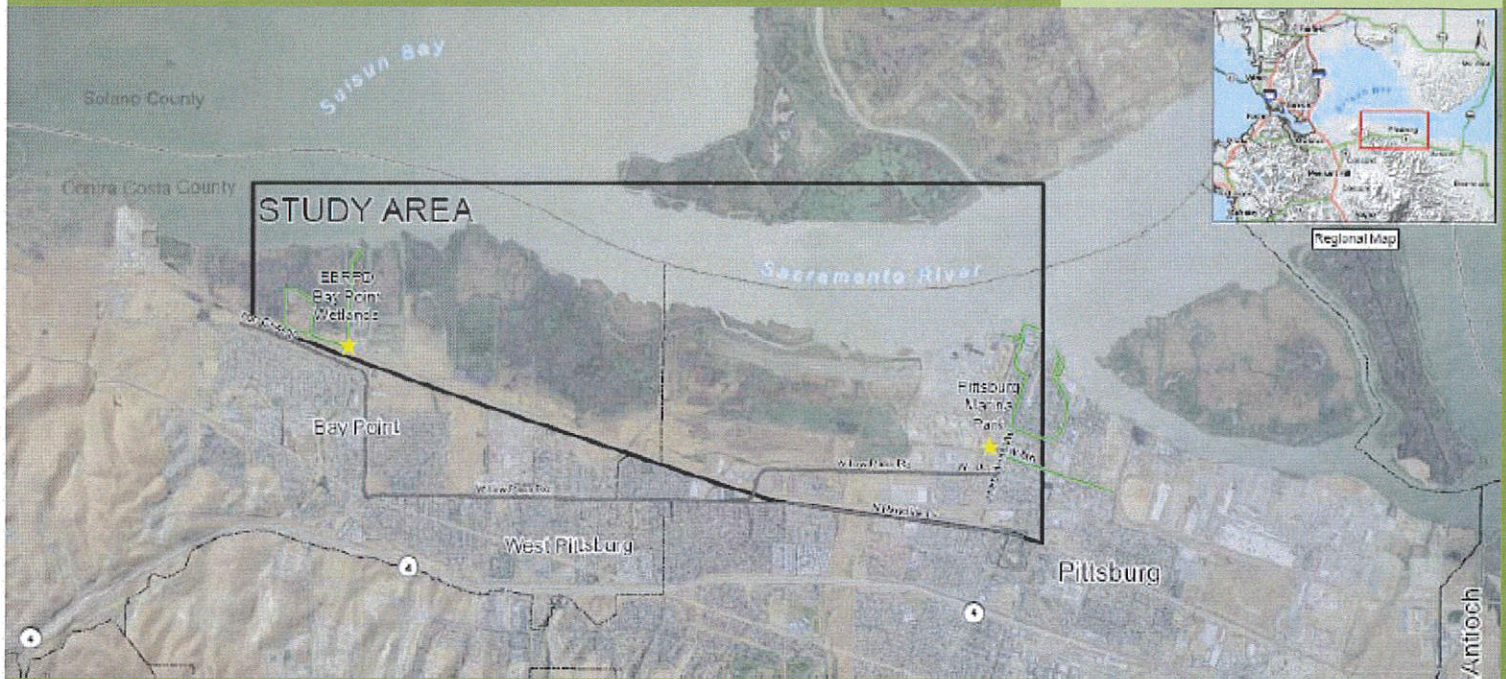
This portion of the Great California Delta Trail, between EBRPD's Bay Point Wetlands Regional Shoreline and Marina Park, covers a distance of approximately 5 miles. The project is a multiuse trail that will provide non-motorized access between these points, as well as opportunities for spur trails to the Sacramento River Delta shoreline, trail loops, and connections to existing bicycle facilities. The trail is planned as a minimum 10-foot-wide trail that meets Caltrans Class I standards. Portions of the trail would pass through lands owned by PG&E, Contra Costa Water District, and Mirant's power plant. Right of Way will need to be obtained from all of these to enable completion of the trail system.

The Great California Delta Trail was created in 2006 by SB 1556 (Torlakson) to acknowledge and support the unique natural resources of the Sacramento-San Joaquin Delta, the growing demands for public access to these resources, and the increasing recognition of the importance of outdoor recreation in addressing childhood obesity. Ultimately the Delta Trail will consist of a trail network through the five counties that contain the Delta region: Contra Costa, Sacramento, San Joaquin, Solano, and Yolo counties. This segment will be one of the first links in this network, providing critical access to the Delta shoreline, and serving a diverse and underserved population in eastern Contra Costa County.



For questions, please contact:
Sean Dougan, East Bay Regional Park District (510/544-2611, dougan@ebparks.org), or
Jeff Peters, Questa Engineering (510/236-6114, x206, jpeters@questaec.com)

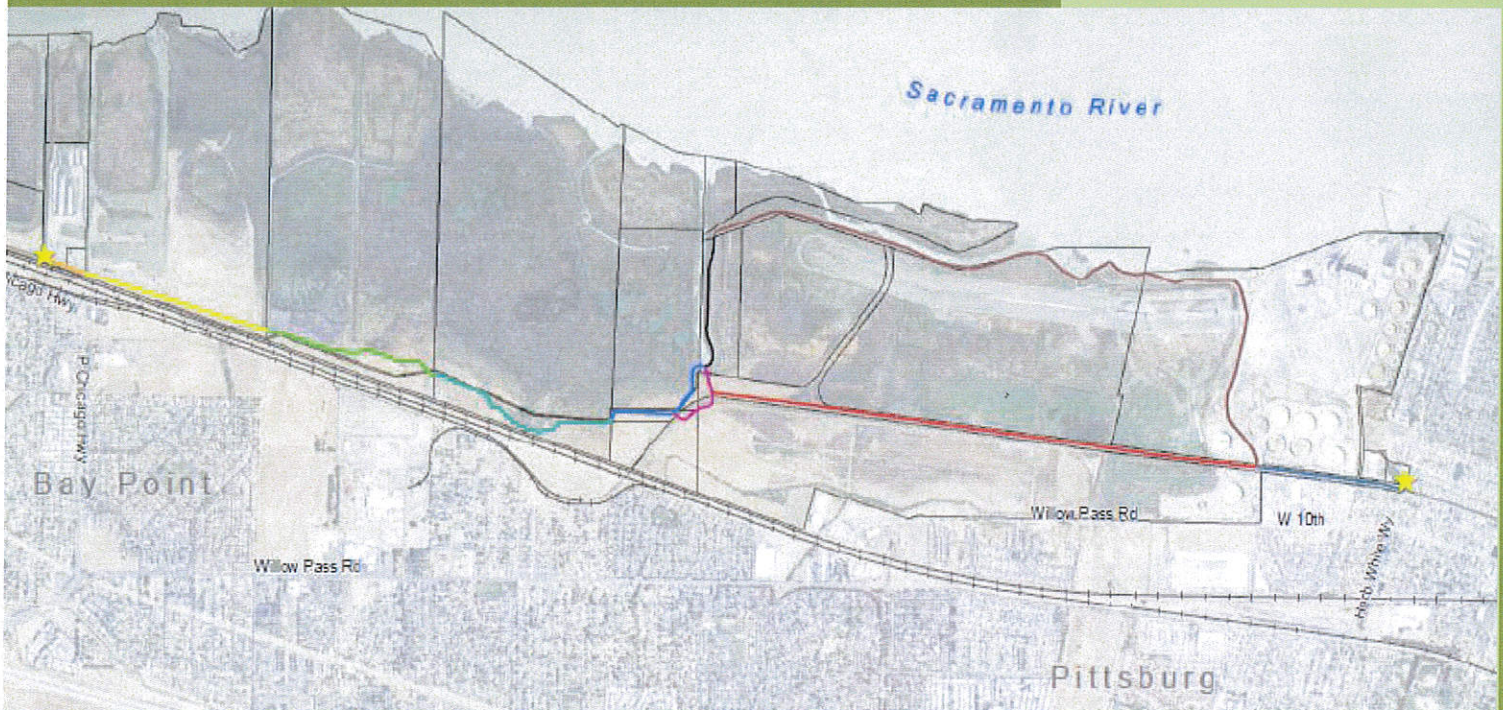
Project Location



Ambrose Recreation and Park District

Board Room
3105 Willow Pass Road
Bay Point, CA

March 31, 2011
6-9pm



Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Thursday, July 16, 2015 9:33 AM
To: Kristin Pollot
Subject: Wespac scoping meeting comment

I have a comment I would like to submit for the EIR scoping meeting on the Wespac project:

I am very concerned about school safety and student safety given the proposed project's proximity to local schools.

What efforts will the project make to ensure that local roads to and from schools near the project are not blocked by Wespac during school hours or school events?

If roads are blocked or made unusable during school hours, especially during morning dropoff or afternoon pickup, what real-time remedies will be made available to parents or residents so the roads can be immediately unblocked or cleared? What alternate routes to local school sites will be planned as primary backup routes and secondary backup routes if WesPac brings in lots of trailers or tractors on certain days?

What about the physical deterioration effect on West 10th Street by having heavy trailers, tractors and equipment use this road and who will pay for the maintenance of the upkeep of this road due to the increased traffic?

What about the missing sidewalk along the northern side of West 10th Street in front the project's proposed location? Will a sidewalk be added there for pedestrian use? It is not visually appealing to have a missing sidewalk.

Also, what about current and future Safe Routes to Schools capital improvement projects in the nearby vicinity of the proposed project, say within one mile? How will those projects be prioritized? Will WesPac and City of Pittsburg work collaboratively and cooperatively on placing a high priority on securing funding for nearby Safe Routes to Schools projects?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Thursday, July 16, 2015 2:01 PM
To: Kristin Pollot
Subject: Wespac scoping meeting comment

I have a comment for the scoping meeting regarding the WesPac project.

I am very concerned about homeowner property values in relation to the proposed WesPac facility. Presently, the many storage tanks on the project property are unappealing and look rundown and garish, and this tends to have an adverse effect when home values are calculated. People take pride in their homes and neighborhoods and would prefer to have aesthetically pleasing views in all directions.

What steps will City of Pittsburg and applicant WesPac take to ensure that the project and related equipment and storage tanks will be visually appealing and not look rundown?

Will the old storage tanks be removed and replaced with storage tanks that look nice and are visually appealing? What will be the color of the new storage tanks and will this color be more visually appealing than the current color?

What about the rest of the property on the proposed location? What efforts will be made to ensure the project blends into the neighborhood and looks modern and new but also pleasant? Is there a drawing or rendering of the proposed facility that the public can inspect prior to construction to ensure that the new colors and schemes are not visually unpleasant?

I am sure that local residents and homeowners would prefer a new facility that is pleasing to the eye, modern and maintained regularly, and not rundown or ugly.

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Friday, July 17, 2015 1:28 PM
To: Kristin Pollot
Subject: I would like to submit a comment regarding the WesPac Scoping Meeting/ EIR

Hello,

I would like to submit a comment regarding the WesPac Scoping Meeting/ EIR:

I noticed today that on Wespac's website (<http://pittsburgterminalproject.com/ga/>) that WesPac indicates that... "Additional storage tanks and supporting infrastructure may be constructed in the future as demand dictates."

Does this mean that WesPac will be able to build as much infrastructure and as many additional storage tanks as they decide that they want to have at this facility in the future? Or is there a limit, in terms of infrastructure or number of tanks and/or amount of total oil storage?

Who has final approval over the amount of infrastructure and the number of total tanks and/or additional tanks that will be built? Does WesPac retain authority to decide this based on their interpretation of what demand is dictating, or does the City of Pittsburg have final authority to approve or disapprove?

What if WesPac believes that demand dictates that it should build and maintain an additional 20 or even an additional 40 oil storage tanks? Would that be acceptable and safe?

What is the maximum number of oil storage tanks that should ever be used or in construction at one time for the project to still be safe for the community and neighboring wetlands?

Will the language of the EIR indicate the exponential environmental effects of adding and using additional storage tanks and infrastructure that correlate with how demand is dictated, per the language used by WesPac on their website ("Additional storage tanks and supporting infrastructure may be constructed in the future as demand dictates.") ?

Please

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Monday, July 20, 2015 1:25 PM
To: Kristin Pollot
Subject: WesPac scoping meeting comment regarding noise pollution

I have a few questions I would like to submit for the WesPac EIR scoping meeting:

I am very concerned about unwanted sounds, noise and noise pollution that would result from this proposed project, during both the construction phase and during any operational phase. This proposed project's land area location has the highest level of background noises in the City of Pittsburgh, given the propinquity of the commercial and passenger railroad lines, the marine traffic, the street automotive traffic, and the current industrial industries near and on the proposed location. Additional unmitigated noise pollution from this project would increase the cumulative noise impact for the neighboring communities.

What are the highest sound decibel levels and general background overall noise contribution levels that will be deemed acceptable by City of Pittsburgh for this project, in the construction phase and during any operational phase? How will the noise limits be enforced?

What real-time remedies will be made available to local residents, schools or businesses if loud noises occur on a regular basis during non-business hours? For example, who can be notified during any time of day if there are really loud noises that bother the community, especially during evening or early morning hours? What is that process?

Will the building phase of the project contain any construction or other labor work between the night hours of 8:00pm and 8:00am during any day of the year? If so, and if extremely loud noises occur during these times, who at WesPac and/or City of Pittsburgh will be available to immediately investigate the noises and what efforts will be made to eliminate the noises?

Will the operational phase of the project contain any construction or other labor work between the night hours of 8:00pm and 8:00am during any day of the year? If so, and if extremely loud noises occur during these times, who at WesPac and/or City of Pittsburgh will be available to immediately investigate the noises and what efforts will be made to eliminate the noises?

What efforts will WesPac and/or City of Pittsburgh make toward effective noise attenuation to mitigate unwanted excess noise pollution and low-frequency and/or high-frequency sounds? What specific sound-reduction or sound-elimination remedies will be used and what is the timeline for their installation and implementation during the construction and operational phases of the proposed project?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Monday, July 20, 2015 3:13 PM
To: Kristin Pollot
Subject: WesPac scoping meeting comment regarding environmental beauty of the project location

I have a few questions I would like to submit for the WesPac EIR scoping meeting:

The current general appearance of the location for the proposed WesPac project is unpleasant and unappealing, especially for those residents looking westward from on or near Herb White Way.

Will WesPac cut down or remove any trees from the proposed site location during construction or operation of the facility? If so, will any supplemental trees be planted and maintained to replace them? What will be the ratio of new trees planted in relationship to old trees removed? For example, will it be a straight 1:1 replacement ratio or something like 2:1, so two trees will be planted on the site for every one tree removed or destroyed?

What efforts will WesPac and/or City of Pittsburg make to increase and improve the environmental beauty of the project location during both the construction and operational phases of the project?

Will the City of Pittsburg allow for or grant applicant WesPac any easements or permits to cut down or remove any trees on or near the proposed site? If so, will there be an opportunity for the public to comment on or request that the trees not be removed or destroyed?

Will WesPac apply for an easement or permit at any time to cut down or remove any tree on its property or any tree on any neighboring property? If so, will there be an opportunity for the public to comment on or request that the trees not be removed or destroyed? Will the property owners on neighboring properties be given a right by city of Pittsburg to refuse to have any tree on their property removed or destroyed if WesPac and/or its subsidiaries seek to do have such trees removed or destroyed?

Will WesPac request written permission from City of Pittsburg if they plan to have any tree removed or destroyed, regardless if such tree is not physically located within the City of Pittsburg's city boundary, i.e. if said tree is located on unincorporated property or in Bay Point or another nearby community or in a non-Pittsburg city?

Will any new trees be planted at the proposed location by applicant to help increase the visual appeal of the site location? If so, how many trees? What other types of plant life will be planted and maintained, if any?

What efforts will WesPac and/or City of Pittsburg make to increase tree and plant vegetation at the site or near the site to offset the long-term industrial appearance of the proposed facility?

What about the property lines of the project and the family homes immediately adjacent to the site? What efforts will WesPac and/or City of Pittsburg make to improve the visual appearance of the site for these homeowners who will face or view the project? Will trees be planted along the property lines so as to increase the visual and environmental appearance of the project as seen from neighboring homes?

Is applicant WesPac aware of City of Pittsburg's tree ordinance law and will it be willing to exceed the letter and spirit of this ordinance?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Tuesday, July 21, 2015 9:24 AM
To: Kristin Pollot
Subject: WesPac scoping meeting comment

I have a few questions I would like to submit for the WesPac EIR scoping meeting:

If the proposed project is approved and built, the City of Pittsburg will likely annually receive \$800,000 or more in property taxes and tidelands lease revenue from the project.

What amount or percentage of this money, annually, will be dedicated to and earmarked for environmental plant and tree preservation and promotion efforts in the immediate vicinity of the project and nearby neighborhoods?

Will WesPac recommend to City of Pittsburg that a minimum percentage of this money be targeted to and spent annually by City of Pittsburg for environmental plant and tree preservation and promotion efforts in the immediate vicinity of the project and nearby neighborhoods? If so, is that percentage at least 20 percent?

Will City of Pittsburg commit to the idea of annually using at least twenty percent of this money for environmental plant and tree preservation and promotion efforts in the immediate vicinity of the project and nearby neighborhoods? If no, why not? If no, what percentage will it be?

Do both WesPac and City of Pittsburg believe that it is important annually to use a large percentage of WesPac's wetlands lease revenue and property taxes paid to City of Pittsburg to help preserve and maintain these wetlands and also to increase the general environmental beauty of the neighborhoods by planting more trees and plant life? If no, why not?

If City of Pittsburg does commit to use a percentage of the total new lease and tax revenue for environmental plant and tree preservation and promotion efforts in the immediate vicinity of the project and nearby neighborhoods, how will the money be set aside and not be used by City of Pittsburg for other purposes? Will a trust fund account be used to separate the funds? If so, how will that work?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Tuesday, July 21, 2015 11:06 AM
To: Kristin Pollot
Subject: WesPac scoping meeting comment regarding distance and safety

I have a few questions I would like to submit for the WesPac EIR scoping meeting:

I am concerned about the safety of adults and children in relation to oil storage containers and oil pipelines at the proposed WesPac facility.

What is the minimum amount of distance, in meters, that WesPac will allow, during construction and operation, between any of its large oil storage containers and the closest residence or home? In other words, how much minimum distance must be given between the oil storage tanks and their respective distance relationships to nearby residences? Would the number be at least 500 meters or less than that?

What is the minimum amount of distance, in meters, that WesPac will allow, during construction and operation, between any of its large oil pipelines and the closest residence or home? Would the number be at least 500 meters or less than that?

What is the minimum amount of distance, in meters, that WesPac will allow, during construction and operation, between any of its large oil storage containers and the closest park? In other words, how much minimum distance must be given between the oil storage tanks and their respective distance relationships to nearby parks? Would the number be at least 500 meters or less than that?

What is the minimum amount of distance, in meters, that WesPac will allow, during construction and operation, between any of its large oil pipelines and the nearby parks? Would the number be at least 500 meters or less than that?

What is the minimum amount of distance, in meters, that WesPac will allow, during construction and operation, between any of its large oil storage containers and the closest school? In other words, how much minimum distance must be given between the oil storage tanks and their respective distance relationships to nearby schools? Would the number be at least 500 meters or less than that?

What is the minimum amount of distance, in meters, that WesPac will allow, during construction and operation, between any of its large oil pipelines and the nearby schools? Would the number be at least 500 meters or less than that?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Wednesday, July 22, 2015 10:08 AM
To: Kristin Pollot
Subject: WesPac scoping meeting comment regarding zero-emissions and solar power

Ms. Pollot,

I have questions I would like to submit for the EIR:

I am very concerned about emissions and pollutants in the air in my neighborhood and community that could be emitted by this project, during both construction and operation. We already have many industries in this northern part of Pittsburg that emit pollutants and emissions into the air. We certainly do not want any more pollution.

Will WesPac and/or any and all of its subsidiaries and contractors commit to and agree to use only zero-emissions vehicles, zero-emissions equipment and zero-emissions machines at all times during both construction and operation of this facility. If no, why not?

How many zero-emissions solar-powered vehicles, equipment and machines will be used during construction and operation of the proposed facility?

Will WesPac and/or any and all of its subsidiaries and contractors commit to and agree to use only zero-emissions vehicles, equipment and machines at all times during marine transport on water of oil and related oil cargo on marine vessels and ships. If no, why not?

How many zero-emissions solar-powered vehicles, equipment and machines will be used in the marine shipment by water of the oil and oil cargo?

What amount or percentage of zero-emissions solar-powered vehicles will be utilized during construction and operation of this proposed facility? Will any vehicles be used at any time, during construction or operation of the facility, that emit any emissions or pollutants into the air? If yes, why wouldn't a zero-emissions vehicle be used instead of the polluting vehicle?

How many solar cells will be installed and utilized during construction and operation of this facility? What is the ratio of power from solar cells vs. traditional electricity that WesPac agrees to seek and obtain from zero-emissions solar power, both for power consumption and for vehicle use?

How much solar power will City of Pittsburg require that WesPac receive from solar cells at a minimum, in relation to total power use at the proposed facility, both for general power consumption?

How much solar power will City of Pittsburg require that WesPac receive from solar cells at a minimum, in relation to total power use at the proposed facility, for vehicles and equipment that require power?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Wednesday, July 22, 2015 11:11 AM
To: Kristin Pollot
Subject: WesPac scoping meeting comment

Ms. Pollot,

I have some questions I would like to submit regarding the EIR:

People need to get to work on time. If some people are late for work, their pay may be docked or they will be fired. Nobody wants this to happen.

The WesPac proposed facility will probably accessed by only two main roads: (1) West 10th Street which becomes Willow Pass Road and (2) Railroad Avenue.

If this project is approved, what efforts will WesPac and City of Pittsburg make to create alternate transportation routes for the construction equipment, vehicles and tractors that WesPac will use at this site so that West 10th Street/Willow Pass Road and Railroad Avenue are not congested?

Will City of Pittsburg create permanent additional roads or streets near the site so that residents have backup options to get around stalled tractors or heavy equipment that block the road? If so, where will these roads be located?

Will WesPac have any tractors, trailers or large construction vehicles use West 10th Street/Willow Pass Road or Railroad Avenue during M-F morning and evening commute hours that could end up blocking the roads?

Will WesPac and/or City of Pittsburg notify, in advance and in writing, local residents and neighborhoods about dates and times when WesPac plans on bringing tractors or heavy vehicles to the site and how long it is estimated to take?

Will WesPac and/or City of Pittsburg notify, in advance and in writing, local residents and neighborhoods about which street routes WesPac plans on using to bring these vehicles and what alternate routes will be created, either temporarily or permanently, if there is an accident, stall or incident that blocks these routes?

What remedies will be made available to local residents if they lose pay or get fired from their job due to delays caused by blocked roads by the project's construction and/or operation? Will City of Pittsburg have a contact person who can review complaints regarding these remedies?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Wednesday, July 22, 2015 1:37 PM
To: Kristin Pollot
Subject: WesPac scoping meeting comment regarding dust control and water control

Ms. Pollot,

I have some questions I would like to submit regarding the EIR:

I am very concerned about excess dust and dust particles that may result from construction and operation of the proposed WesPac facility, both at the proposed site and along West 10th Street/Willow Pass Road, which can lead to healthy and safety problems. Excess dust and particles can cause respiratory harm or discomfort to adults and children at nearby parks, schools and residences.

What specific mitigation measures will WesPac implement to mitigation fugitive dust emissions on the site and on the nearby roads, both during construction and operation?

Will WesPac reduce fugitive dust emissions from the site, during both construction and operation, by at least 95% from uncontrolled levels?

Will WesPac continue to reduce fugitive dust emissions from the site during holiday and weekend periods when the construction or operation may not be in effect?

Will Wespac notify the local community in writing of any dust-related activities or incidents, by itself or its contractors, in advance of their occurrences and what mitigation measures will be used? How far in advance?

Also, I am very concerned about excess water and water residue that may result from construction and operation of the proposed WesPac facility, both at the proposed site and along West 10th Street/Willow Pass Road, which can lead to healthy and safety problems. For example, the local area often has small and large mosquito populations that are attracted to water pools. These mosquitoes bite and irritate local residents and school students.

What specific mitigation measures will WesPac implement to mitigation water pooling on the site and on the nearby roads, both during construction and operation?

Will WesPac continue to prevent water pooling from the site during holiday and weekend periods when the construction or operation may not be in effect?

Will Wespac notify the local community in writing of any water-related activities or water pooling incidents, by itself or its contractors, in advance of their occurrences and what mitigation measures will be used? How far in advance?

What about when it rains? What will WesPac do to ensure that water is not pooled together on the site property and attract mosquitoes or other similar insects during and after the times when rain occurs?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Thursday, July 23, 2015 12:54 PM
To: Kristin Pollot
Subject: WesPac scoping meeting comment

Ms. Pollot,

I have some questions I would like to submit regarding the EIR:

If the proposed project is approved, will WesPac itself, as a company, own, at all times, all of the marine ships and vessels that will be used to transport or deliver oil or crude or any other substance to the site, during both construction and operation of the facility?

If the answer is yes, will WesPac be legally responsible at all times for all of these marine ships and vessels before, during and after pickup or delivery of anything to the site, and will WesPac be responsible for the monitoring and prevention of pollution and emissions caused by these marine ships and vessels?

What maximum daily and weekly amounts of pollution and emissions emitted by these marine ships and vessels will be deemed acceptable by WesPac? What happens if those maximum daily and weekly amounts are exceeded? What are those levels and what are the emissions types?

If WesPac will not own all of marine ships and vessels that will be used to transport or deliver oil or crude to the site at all times, including both construction and operation of the facility, who will own these marine ships and vessels? If WesPac subcontracts with other owners of these marine ships and vessels that deliver or pick up oil, crude or other substances at the site, will WesPac assert legal responsibility over these vessels to ensure a maximum amount of emissions and pollution? If not, why not?

What specific steps will WesPac take if any marine ships or vessels, owned by any person or company, that do delivery or pickup at the site exceed the maximum levels of acceptable pollution and emissions as determined by EPA, CalEPA, or any other governmental agency? Who will regularly monitor and record the amount of pollution and emissions that are emitted by these marine ships and vessels that will make pickup and deliveries at the site? And will this data be available to the public in real time and how will it be made available?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Thursday, July 23, 2015 3:30 PM
To: Kristin Pollot
Subject: WesPac scoping meeting comment regarding teratogens

I have some questions I would like to submit regarding the EIR:

I am very concerned about crude oil and the fact that this project would regularly transport and store extremely large amounts of crude oil.

Many medical experts and toxicologists have determined that crude oil is a known teratogen, an agent that can cause birth defects and embryonic deformities. Consequently, crude oil is especially dangerous to unborn children, fetuses and pregnant women. There likely will be many, many pregnancies that occur within a 10-mile radius of the proposed site.

I am concerned that vapors from crude oil at this proposed site could enter the local air and be inhaled by pregnant women and that this would hurt the embryos and unborn babies.

What is the projected quantity and mass of crude oil vapors that will be released into the air during every calendar year at the proposed site, based on current estimates of crude oil storage, during both oil storage and oil transfer?

What are all possible ways that crude oil vapors will be released into the air during every calendar year at the proposed site, based on current estimates of crude oil storage, during both oil storage and oil transfer? For example, some ways could be when hatches are opened, or when pipes or hoses are broken, or when repairs are made. Other ways could be when there is an accidental explosion, fire or crash on the site.

What about the marine vessels and ships that will transport the crude oil? How much crude oil vapors will they release into the air every calendar year and in which ways will crude oil vapors leave their vessels?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Friday, July 24, 2015 10:03 AM
To: Kristin Pollot
Subject: WesPac scoping meeting comment

I have some questions and comments I would like to submit regarding the EIR:

I am very concerned about safety issues about the proposed facility, and I am concerned about industrial accidents or mistakes that could result in catastrophic damage to humans and the environment, accidents that could happen by using inferior storage tanks, pipes, equipment and structures.

The July 2013 Recirculated Draft EIR for this project uses the word refurbished a lot. And for many people, the word refurbished means old and not safe.

Will WesPac at this site only use, install and operate brand new, never-before-used oil storage tanks if this project is approved? Yes or no.

Or will WesPac use the old, worn-down storage tanks currently on the site that have sat there for many years or decades and cut and weld new pieces onto them? If welding will be performed, how will the welding be initially tested for completeness? And how frequently will the welds be tested or inspected?

This choice does not seem safe at all, to use old tanks welded together with new pieces. Does WesPac believe that this process, welding old and new pieces together, is safer than buying and using only brand new, never-before-used tanks? If so, why?

How will any old refurbished tanks and pipes be inspected for dangerous hydrocarbons, hydrocarbon liquid and hydrocarbon vapor? Will all dangerous hydrocarbons, hydrocarbon liquid and hydrocarbon vapor be removed from all tanks and pipes prior to any welding activities? If yes, how will this be accomplished? What about residual traces? What trace residual amounts of hydrocarbons, hydrocarbon liquid and hydrocarbon vapor will be deemed safe and acceptable by WesPac in tanks and pipes prior to any welding occurring? What trace residual amounts of hydrocarbons, hydrocarbon liquid and hydrocarbon vapor will be deemed safe and acceptable by WesPac in all tanks and pipes used on the site at any time.

What about dangerous anaerobic bacteria which can produce hydrogen, a highly flammable gas? Will there be tests for anaerobic bacteria and hydrogen in all tanks and pipes and will they be removed from all tanks and pipes prior to any welding activities? If yes, how will this be accomplished? Will there be regular testing for anaerobic bacteria and hydrogen in tanks and pipes and how frequent will tests occur? What trace residual amounts of anaerobic bacteria and hydrogen will be deemed safe and acceptable by WesPac prior to any welding occurring in tanks or pipes? What trace residual amounts of anaerobic bacteria and hydrogen will be deemed safe and acceptable by WesPac in all tanks and pipes used on the site at any time?

What about pipes? Will WesPac only use brand new pipes at this site, or will old, previously-used pipes be used and/or refurbished?

What about equipment? Will WesPac only use brand new equipment at this site, or will old, previously-used equipment be used and/or refurbished?

What about tractors and other similar construction vehicles? Will WesPac only use brand new zero-emissions tractors and zero-emissions construction vehicles at this site, or will old, previously-used tractors or vehicles be used, ones that emit emissions and pollution?

What about other structures on the site? Will WesPac only use brand new structures at this site, or will old, previously-used structures be used and/or refurbished? If old structures will be used and refurbished, will WesPac inspect the structures for trace amounts of dangerous hydrocarbons, hydrocarbon liquid and hydrocarbon vapor and also inspect for anaerobic bacteria and hydrogen? Will there be regular tests for these items in all structures?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Saturday, July 25, 2015 2:59 PM
To: Kristin Pollot
Subject: Wespac scoping comment

I would like to submit the following question s/comment:

Today at 9:15am I observed a red sports car in front of the site of the proposed Wespac project and the car was racing in circles, burning rubber and doing figure eights on Willow Pass Road/ West 10th Street. This is dangerous. I am worried that this could happen in the future and the driver could lose control and crash into an oil storage container or structure and cause an explosion.

What steps and measures would Wespac take to prevent out of control cars from entering its site and crashing? Would concrete columns be installed near the entrance? Would there be fire suppression devices installed near the entrance and exit? Would video cameras be installed and used all day every day to prevent unauthorized entrance to the site and record dangerous vehicle activity and potential explosions like the sports car I referenced earlier?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Monday, July 27, 2015 9:01 AM
To: Kristin Pollot
Subject: Wespac scoping comment regarding local wildlife

I would like to submit the following questions/comments for the EIR:

I am very concerned about the impact of the proposed facility on local wildlife.

What measures would WesPac take to prevent harmful impacts on owls, birds, coyotes, wild turkeys and other roaming animals and flying birds that might fly over or land on the site property or nest on a site structure?

What written policies and safeguards would WesPac have on site and in effect at all times, during both construction and operation, to make sure these animals are not harmed and not negatively affected?

What specific public and private companies or agencies would WesPac work with to ensure these various types of animals are unharmed and not negatively affected? What is the process that WesPac would create for this reporting and who would be responsible for knowing about the process?

Would any site structure, pole or equipment be dangerous to an bird or owl that landed on it when the animal needed to rest somewhere?
Would there be electrified fences that could harm coyotes, turkeys or other animals if they brushed against it?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Monday, July 27, 2015 11:17 AM
To: Kristin Pollot
Subject: Wespac scoping comment regarding Suisun Bay dredging

I would like to submit the following questions/comments for the EIR:

I am very concerned about what would happen to the ecosystem of Suisun Bay if this project receives the required permits from the U.S. Army Corps of Engineers so that WesPac can dredge Suisun Bay near the proposed facility and construct a new wharf for ocean-going vessels. I am also concerned about loud noises from this dredging and the building of a new wharf.

What is the total amount of dredging work that needs to be completed, including total amount of underwater sediment that will be removed? How much deeper and wider will the new dredged bay be in comparison to its current size? During what hours will the dredging occur?

If this dredging takes place, what ecosystems and ecology be affected, in terms of fish, birds and other animals and species? What mitigation efforts will be utilized to minimize or mitigate these effects?

What about construction of the new wharf? What is the size and dimensions of the new wharf as compared to the current one? When will the in-water work and on-land work for this new wharf be done in terms of what hours during each day? Would that be during all daylight hours every day of the week?

Will there be any loud noises occurring this dredging and wharf building activity, such as pile-driving or loud dredging? If so, when will the loud noises or pile-driving occur and what sound-attenuation measures will be implemented to minimize the effect on local schools and homes? Will written notice of these noises and the applicable mitigation measures be sent to nearby schools, businesses and homeowners?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Monday, July 27, 2015 3:39 PM
To: Kristin Pollot
Subject: Wespac scoping comment regarding access roads and contaminants

I have some questions/comments I would like to submit the the EIR:

I am very concerned about the possibility of vehicles that have oil residue or contaminants using residential streets, and how the contaminants could be deposited on and near the roads used by these vehicles, both during construction and operation of the proposed facility.

Please list out all of the nearby roads and streets that WesPac and all of its contractors and/or subsidiaries will use, during both construction and operation of the proposed facility, if this facility is approved.

Will WesPac and all of its contractors and/or subsidiaries ever use the fenced road entrance near the intersection of West 4th Street and Linda Vista Avenue? If yes, please specify the methods in which all vehicles using this route will be decontaminated and cleaned prior to using this road of West 4th Street, so that oil residue and/or contaminants will not end up on West 4th Street which is where a school is located. If the answer is unknown, as in you don't know yet, please specify if the vehicles using this route will be decontaminated and cleaned prior to using this road of West 4th Street if this road is used at some point in time.

What about West 10th Street and Willow Pass Road? If this project is approved, will all vehicles be cleaned of contaminants and residues prior to using West 10th Street and Willow Pass Road? If yes, please describe the level of cleaning and how the cleaning will be performed to ensure that pollutants, contaminants, or oil residue is removed before the vehicles use local streets?

What about testing for benzene and methane on the site property and on any vehicles entering or leaving the site? Will there be regular testing for benzene and methane contaminants on these vehicles? If so, how regular?

If all of these vehicles will be cleaned and decontaminated prior to using local neighborhood streets and roads, what will happen to the after-wash chemicals and residue after the vehicles have been cleaned? Will all of that be properly discarded and if so where will that be?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Tuesday, July 28, 2015 1:11 PM
To: Kristin Pollot
Subject: Wespac scoping comment regarding fugitive emissions

I have some questions/comments I would like to submit the the EIR:

Fugitive gas and oil vapor emissions and pollutants can negatively affect the quality of the air. I am very concerned about fugitive emissions and how and when fugitive emissions will be measured and tracked at the proposed facility, during construction and operation.

Fugitive emissions of gas and oil vapor can be emitted from leaks in fittings, valves and tanks.

If this project is approved, how will all fittings, valves and tanks be examined for fugitive emissions? How often will all tanks be inspected for fugitive emissions? How often will all fittings and valves be inspected for fugitive emissions?

What types of equipment will measure the fugitive emissions such as gases, vapors, chemicals, pollutants and contaminants? And what are the names of all gases, vapors, chemicals, pollutants and contaminants that will be tracked and screened?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Wednesday, July 29, 2015 9:34 AM
To: Kristin Pollot
Subject: Wespac scoping comment regarding sources of crude oil and marine transport safety

I would like to submit the following questions/comments for the EIR:

I am very concerned about the sources of the crude oil that will be transferred and stored and the safety of the transport of the oil in Pittsburg if this proposed project is approved. Any person who tampers with the oil or gets unauthorized access to the the oil vessels could do harm, especially if it is someone who waits until the vessel stops at Pittsburg and then causes trouble.

Where does this oil come from? Please list all possible sources of where this oil will originate and all locations where this oil will be obtained. Will the oil ever come from storage in foreign countries?

I am very concerned about the places where the marine vessels headed to Pittsburg will dock or stop en route to Pittsburg. Will the vessels ever stop at a non-U.S.A. territory such as a foreign country or foreign territory? If so, please list them. Are any of these foreign countries or territories unfriendly towards the United States of America?

The WesPac website at <http://pittsburgterminalproject.com/about-wespac/> states that WesPac Energy is a joint venture between WesPac Energy and Oiltanking Holding Americas, and that Oiltanking Holding Americas has storage capacity in 22 countries.

Will WesPac be shipping oil from any of these 22 countries to Pittsburg? If yes, which countries. If so, what means will be used to secure and safeguard the marine vessels when they stop at any of these foreign countries? Will there be security to prevent unauthorized access to the oil, crew and vessel? Please explain.

It is important that all marine vessels carrying crude oil be safe and secure during all parts of the journey from the source destination to Pittsburg. What steps will WesPac and Oiltanking Holding Americas make sure that all vessels are not accessed improperly or tampered with at any time between source destination and Pittsburg? Please explain.

Does WesPac and Oiltanking Holding Americas have tracking devices on all vessels and can all vessels be tracked remotely? Will WesPac and Oiltanking Holding Americas provide monthly to City of Pittsburg a list of all places where the oil was obtained, which routes the oil took to Pittsburg, and what security measures were in place during all phases of transport? Yes or no.

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Wednesday, July 29, 2015 2:11 PM
To: Kristin Pollot
Subject: Wespac scoping comment regarding aircraft and drones

I would like to submit the following questions/comments for the EIR:

I am very concerned about aircraft that currently fly over the proposed project location and the residential neighborhoods adjacent to and surrounding the proposed project location.

Many airplanes and helicopters fly over this area on a daily basis. Some emergency helicopters even land in the Mariner Park baseball field, and I have seen them land there for emergency purposes. As the proposed project location is next to the Mariner park baseball field, this is of great concern.

It is clear that a helicopter or airplane flying or operating within 100 feet of huge oil storage containers full of crude oil is not safe, as one small error could result in the helicopter crashing into the oil containers and causing an explosion. It would be unacceptable to simply completely forbid emergency helicopters from landing in Mariner Park, if the project is built, because that would prevent lives from being saved. What mitigation measures will this project use to offset the dangers of a low-flying emergency helicopter or airplane, or of an airplane or helicopter that crashes into an oil tank?

I am also very concerned about drones and how this project will mitigate the dangers of neighborhood drone use and delivery of groceries, food and supplies to neighborhood homes and businesses by drones. As many people are aware, Amazon.com and Google are working hard on getting drones ready to delivery orders to homes and residences. Thus, local residents near the proposed project site will likely be receiving shipments via delivery by drones. A drone flying over the proposed facility on its way to a residence could crash and land on an oil tank and cause a fire which could lead to an explosion. Drones and delivery by drones will be a very real part of people's lives in the very near future and this issue needs to be explored and mitigation measures need to be considered.

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Thursday, July 30, 2015 9:59 AM
To: Kristin Pollot
Subject: Wespac scoping comment regarding pipelines

I would like to submit the following questions/comments for the EIR:

I am very concerned about WesPac's plan to utilize the old San Pablo Bay pipeline which was constructed in 1975. Have all portions of the pipeline be inspected and is all of the pipeline fit for use? If not, what is the projected schedule to inspect the pipeline and who will guarantee that it is safe prior to use? Will any portions of the pipeline be replaced or refurbished? Is this pipeline still owned by San Pablo Bay Pipeline Company (SBPBC) and is SBPBC still a subsidiary of ConocoPhillips Company or of Shell? I am concerned about whether this pipeline is safe and who will be responsible for ensuring its integrity. A pipeline can break or crack and that could cause environmental damage.

Also, what about PGE's heated Richmond to Pittsburg Fuel Oil Pipeline? Does WesPac have plans to utilize the heated Richmond to Pittsburg Fuel Oil Pipeline and if so in what manner? I am concerned about whether this pipeline is safe and who will be responsible for ensuring its integrity. A pipeline can break or crack and that could cause environmental damage. Please specify where this pipeline is located in relation to the San Pablo Bay pipeline and if the two are connected. Has this pipeline's sale finalized in 2015 and is the new owner now San Pablo Bay Pipeline Company? And what is the age and condition of the heated Richmond to Pittsburg Fuel Oil Pipeline? Please specify if it has been inspected regularly and what condition it is in.

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Thursday, July 30, 2015 1:15 PM
To: Kristin Pollot
Subject: Wespac scoping comment regarding vessel unloading and loading sounds and related noise disturbances, especially at night and during school hours

I would like to submit the following questions/comments for the EIR:

I am concerned about loud noises that could occur during the activities of the marine vessels that deliver the crude oil to the proposed site during the unloading and/or loading process.

The July 2013 WesPac Pittsburg Energy Infrastructure Project Recirculated Draft EIR indicates in Section 2.5.8 that, in regards to vessel operations, "unloading and loading operations would occur at any time, day or night."

I am concerned that this vessel unloading and loading, if it occurs at night, could and would wake up the homeowners and residents in the nearby neighborhoods. What specific sounds will the unloading and loading make? Will there be any loud sounds?

What specific mitigation measures will be taken to eliminate or substantially decrease the sounds that this vessel unloading will make, especially during nighttime hours and also during school hours?

What is the process for resident to report loud, unpleasant sounds that occur during vessel unloading or loading, either day or night?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Thursday, July 30, 2015 1:50 PM
To: Kristin Pollot
Subject: Wespac scoping comment regarding gas-fired heaters in tanks close to homes and schools

I would like to submit the following questions/comments for the EIR

The July 2013 WesPac Pittsburg Energy Infrastructure Project Recirculated Draft EIR indicates that this project intends to install natural gas-fired heaters in tanks numbered T-9, T-8 and T-12 in the South Tank Farm and in Tanks T-1 thru T-6 in the East Tank Farm.

It does not seem safe to use gas-fired heaters in the oil storage tanks that are located closer to residential homes than the other storage tanks which are farther away.

If anything, it would seem to be safer to only install the natural gas-fired heaters in the tanks that are located farthest away from the residential areas.

What efforts and mitigation measures will WesPac implement to ensure that tanks with natural gas-fired heaters are located as far away as possible from schools and residential areas?

I am sure that local residents would not think it is safe to have gas-fired heaters inside the crude oil storage tanks that are located as close as possible to them. If anything, it seems safer that have the tanks with gas-fired heaters located as far as humanly possibly from where people live or go to school.

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Friday, July 31, 2015 2:12 PM
To: Kristin Pollot
Subject: Wespac scoping comment if WesPac on tug and barge emissions

I would like to submit the following questions/comments for the EIR:

I am very concerned about the level of commitment that the builders and operators of the project are willing to work toward the goal of completely eliminating the significant environmental effects of the proposed project, or eliminating them to far less than significant.

The July 2013 WesPac Pittsburg Energy Infrastructure Project Recirculated Draft EIR indicates in Section 21.0 that there are "significant environmental effects that cannot be mitigated to less than significant."

It seems clear that surely there are enough clean technologies, such as zero-emissions trucks and vehicles and vessels, that can be leased or purchased for both the construction and/or operation of the project, and that these would dramatically decrease pollutants and emissions in comparison to gas-powered trucks, vehicles and vessels. Such zero-emissions technologies may be more expensive and this may cost more than technologies that do emit emissions.

Please list all of the zero-emissions equipment, vehicles and/or vessels, including those on tugs and barges, that WesPac plans to use in the construction and/or operation of the proposed facility. Please list all of the manners in which tug and barge emissions, including those from marine vessels, will be eliminated or reduced to below significant.

The residents, teachers and children of the City of Pittsburg deserve to have companies with significant financial resources become willing to make a clear and obvious commitment to using zero-emissions technologies, especially in relation to tug and barge emissions, and that these companies go above and beyond "required best management practices." Please inform us if WesPac is willing to make such a commitment.

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Monday, August 3, 2015 10:28 AM
To: Kristin Pollot
Subject: Wespac scoping comment regarding emissions reduction credits

I would like to submit the following questions/comments for the WesPac EIR:

I am very concerned about the use and practice of a company purchasing emissions reduction credits instead of investing heavily in maximum pollution prevention. For example, often it is easier for a company just to purchase emissions reduction credits instead of making a clear and obvious financial commitment at the site to preventing all pollution and atmospheric and/or soil or water contaminants.

Emissions reduction credits do not mitigate anything at all. They certainly do not mitigate pollution at the site location.

Pittsburg residents, students and teachers deserve ZERO pollution and a commitment to ZERO pollution. Many large companies and corporations need to be informed that ZERO pollution is more important than the alternative, which includes purchasing emissions reduction credits that have no effect on reducing the pollution at the site.

Another concern is that there has been a discussion of the use of Non-Local Emissions Reductions Credits for this project if local emissions reduction credits (ERCs) are unavailable. The use of Non-Local Emissions Reductions Credits should NOT be allowed for this project, as it does not make any sense for a project to be approved and then the applicant can be allowed to purchase Non-Local Emissions Reductions Credits that in no way, shape or form help the neighborhood surrounding the site location or do not help the environment in Pittsburg and/or Contra Costa County.

Non-Local Emissions Reductions Credits do not mitigate anything at all, and they would not have any effect of mitigating pollution at the site location because the word non-local means it would not be anywhere near the site location.

Please ensure that the applicant makes a commitment to ZERO pollution, and that the applicant not be able to purchase Non-Local Emissions Reductions Credits.

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Monday, August 3, 2015 3:58 PM
To: Kristin Pollot
Subject: Wespac scoping comment

I would like to submit the following questions/comments for the WesPac EIR:

I am very concerned about the issue of polluted storm water during the rainy season. Does WesPac believe it is exempt from any regulations (city, county, state or federal) that require the project to keep polluted storm water out of the Bay at any time or season? If so, please specify which ones.

If so, please state the reason why WesPac believes it thinks this is okay, to allow polluted storm water into the Bay. This does not seem like a good thing at all, for any company to try to allow this and find a legal reason for doing so, for letting contaminants into the Bay. Toxic runoff is bad and I can say for certain that no Pittsburg resident wants toxic runoff to flow from the proposed project site into the Bay. If WesPac wants to, it certainly can afford mediation measures that would stop ALL toxic runoff or contaminated runoff from flowing into the Bay.

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Wednesday, August 5, 2015 9:32 AM
To: Kristin Pollot
Subject: Wespac scoping comment regarding rights of neighboring homeowner association groups

I would like to submit the following questions/comments for the WesPac EIR:

I am very concerned about how the proposed project will affect nearby homeowners associations and, by extension, homeowners, in the sense of how the sheer size of this project and its land and power needs conceivably could be given deference by local governments and/or officials over the rights of nearby homeowners and homeowner associations. For example, what happens if the project and/or its owners or agents at some point want to increase pressure on various pipes that run near or against properties owned by neighboring homeowner association groups (HOAs) and the HOAs publicly take a different position that is antithetical?

What mitigation measures will be taken to ensure that the WesPac project and/or its owners will be friendly and cooperative with local HOAs? Will City of Pittsburgh show deference to WesPac in these types of conflicts, or will City of Pittsburgh be neutral? I hope WesPac will not be given preference or deference in unilateral positions taken by the applicant.

What mitigation measures will be in place so that WesPac and/or any of its agents or subsidiaries will not, at any time and for any reason, unilaterally seek easements and/or eminent domain rights in court over land or property, or any other thing or legal right, owned by nearby homeowners associations (HOAs) or homeowners? What mitigation measures will be in place so that Wespac and/or any of its agents or subsidiaries will not be able to use the size and/or importance of its project, relative to its economic impact, to litigate issues related to unilateral requests for easements and/or eminent domain over land or property owned by nearby homeowners associations (HOAs) or homeowners? Will there be any WesPac policy or agreement that WesPac and/or any of its agents or subsidiaries agree to never unilaterally seek easements and/or eminent domain rights in court over land or property, or any other thing or legal right, owned by nearby homeowners associations (HOAs) or homeowners?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Tuesday, August 4, 2015 4:02 PM
To: Kristin Pollot
Subject: Wespac scoping comment regarding general appearance of the site during construction and/or operation of the facility, and mitigation measures to maintain high-quality appearance at all times

I would like to submit the following questions/comments for the WesPac EIR:

Many homeowners and residents who live or reside near the proposed facility live in two-story homes and when they are upstairs they can look out their windows and see the storage tanks and other land and facilities next to the storage tanks.

Currently the view from upstairs at these homes of the storage tanks is not a pleasant view.

Many residents and homeowners are concerned that the view can and will get a lot worse if the proposed WesPac project is approved. And if the view gets worse, many homeowners are concerned that their property values will go down, especially if and when potential buyers look outside their upstairs windows and see unpleasant sights at the proposed site. Some unpleasant sights could include a mess of construction activities, such as pipes and supplies strewn about and stacks of junk everywhere. Some unpleasant sights during operation could include pipes and hoses everywhere, pipes being repaired, misc stuff lain about, and of course any contaminants or spills being cleaned up.

What mitigation measures would Wespac use continually to ensure that there are no unpleasant views or unsightly views at the site from the perspective of people inside neighboring homes? Will Wespac plant hundreds of trees to help the site have a better overall appearance from those inside neighboring homes? I think that would help.

Would WesPac work hard to make sure the appearance at the site is clean and tidy and what measures would be used to do that?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Thursday, August 6, 2015 9:08 AM
To: Kristin Pollot
Subject: Wespac scoping comment

I would like to submit the following questions/comments for the WesPac EIR:

I want to make sure that any project built at the proposed site is extremely safe. I am concerned about accidents that can hurt neighbors and destroy homes.

It appears that the applicant is named WesPac Energy Pittsburg LLC, and that it is a joint venture between WesPac Energy LLC and Oiltanking Holding Americas, Inc.

I read online that back in 2013 a company named Oiltanking was sued by the EPA over a fatal 2012 explosion that killed a person and injured others, and that the EPA cited multiple violations by Oiltanking.

Will Oiltanking and/ or any of its contractors, subsidiaries or parent companies be doing any work at this site if the proposed project is approved?

If so, what mitigation measures will be in place to make sure no person is killed or injured?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Thursday, August 6, 2015 11:22 AM
To: Kristin Pollot
Subject: Wespac scoping comment re smoke

I would like to submit the following questions/comments for the WesPac EIR:

I am very concerned about both visible and invisible smoke that can be emitted at this project at any time, both during construction and operation.

Will WesPac agree to make sure that the site and all construction and operation activities will not emit any visible or invisible smoke? Yes or no.

We have enough industries near the proposed site location that already emit smoke on a daily basis. We do not want any more. We do not need any more.

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Thursday, August 6, 2015 1:47 PM
To: Kristin Pollot
Subject: Wespac scoping comment re nuisances

I would like to submit the following questions/comments for the WesPac EIR:

I am very concerned that a company will develop the proposed project and that at some point in time it or its employees may engage in behaviors that, in totality, escalate into becoming either a public nuisance, a private nuisance, or both, which could affect the basic enjoyment of residents, students and teachers of their homes or education.

For example, the zoning of the proposed site specifically might allow certain behaviors and activities, such as some amounts of odors and some loud noises, but it is possible that these odors and loud noises may increase over time, without mitigation or modification, which could lead them to becoming a public or private nuisance, or both.

What mediation measures would be set in place so that the applicant and its actions or behaviors, including all of its personnel and equipment, do not become a public nuisance or private nuisance? For example, would someone be tasked with keeping a log of monitoring site activities (noises, odors, etc) over time and keep a log of complaints over time? Would there be a website and/or email address set up to receive complaints regarding unwelcome odors, sounds, etc? Would additional mitigation measures be in place, or be available, to decrease activities that could become perceived as nuisances?

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Friday, August 7, 2015 9:21 AM
To: Kristin Pollot
Subject: Wespac scoping comment re new homes and new housing communities will be built near the proposed project site

I would like to submit the following questions/comments for the WesPac EIR:

I want to make sure the new EIR focuses on the potential growth of homes and residences in and around the proposed site. Given housing demands in the Bay Area and in specifically Pittsburg and given the future eBART station located about one mile from the proposed site, it is reasonably foreseeable that new homes and housing communities will be built near the proposed site. More and more homes will be built along West 10th Street/Willow Pass Road. There is plenty of vacant land there and it is highly likely that the owners of that land will sell their land to home developers. The EIR needs to include this likely future development, in terms of making sure the proposed project is designed and built with this future home development in mind, even hypothetical home developments on any vacant land within one mile of the proposed site.

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Friday, August 7, 2015 9:37 AM
To: Kristin Pollot
Subject: Wespac scoping comment re verifying types of crude oil and independent verification

I would like to submit the following questions/comments for the WesPac EIR:

I am very concerned about the acceptable types of crude oil that will be shipped to and from this proposed storage facility, and what specific types of crude oil will be allowed and what specific types of crude oil will be disallowed.

Also, who will independently test and verify that the types of crude oil shipped to or from this facility are actually the ones that are allowed, based on the EIR, and are not the ones disallowed by the EIR? There must be some sort of independent verification process, other than applicant's affirmations or declarations.

How would anyone know if a heavier crude than is allowed, or a different type of crude oil altogether, is being shipped to the site or from the site? For safety reasons and for compliance reasons, there needs to be some sort of independent authentication process to ensure compliance with the types of crude oil that is allowed to and from the site.

Even if the applicant states that it has no ability or intention to bring in other types of crude oil, and even if it promises not to do so, there needs to be mitigation measures in place to ensure compliance on an independent, objective level.

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Friday, August 7, 2015 1:29 PM
To: Kristin Pollot
Subject: Wespac scoping comment regarding reasonably foreseeable expansion

I would like to submit the following questions/comments for the WesPac EIR:

I am very concerned about the proposed project and how it could grow over time and what effect this could have on neighboring residents, students and teachers and also on wildlife and air quality.

The EIR should include a section about how the site project could grow or expand in the future at the site, beyond the specific details, size and limits of the planned project as currently detailed in the EIR, and what are the environmental effects of any such expansion.

For example, there are huge pieces of land west of the site location that are vacant, that do not have any structures, buildings or operations on them, just wide open spaces. Anyone looking at a current map of this region easily could imagine the WesPac project expanding in immense size to the west of the current proposed site.

It is reasonably foreseeable that this project could grow and expand over time, especially in light of the geographical importance of the site location and especially after many millions of dollars are invested in developing the project and dredging the bay.

It is unlikely that the project will not want to expand in size and operations. it is very likely that the project will want to expand in size and operations.

Any future expansion would most definitely change the entire nature of the project, in many significant ways, especially in regard to environmental effects.

Please make sure to include a section about how the site project could grow or expand in the future at the site, beyond the specific details, size and limits of the planned project as currently detailed in the EIR, and what are the environmental effects of any such expansion.

Thank you.

Darrin Atkins

Kristin Pollot

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Friday, August 7, 2015 4:38 PM
To: Kristin Pollot
Subject: WesPac scoping comment

I would like to submit the following questions/comments for the WesPac EIR:

Please make sure to include a baseline of all current pollution and contaminant levels near and around the proposed site, and within five miles of the site, so that local residents can have an understanding and viewpoint of how additional pollution and emissions will be increased and/or mitigated. Also, please make sure to disclose all of the sources of this data and all of the calculations.

In order to determine the efficacy of mitigation measures, it is extremely important to have accurate baseline data and to know the sources of such information.

Thanks,

Darrin Atkins

David Nanly. 7/22/15

History of the incidents/safety record for Wes Pac can be reviewed this should be looked at when considering an terminal operation

Over time, dramatic improvements have been made in the technology used to in terminal operations, install, monitor, and maintain these systems.

To ensure the safety of our neighbors and the local environment, Are you going to do more than required by law to prevent negative impacts on our neighborhood

Odors we should not have to smell your operations
Controlling odors, controlling vents from ships and prevents tank over fills there must be procedures in place to stabilize or stop operations

Wind socks in place for tracing odors back to source

Monitoring equipment Hydrocarbons, Hydrogen Sulfide, So₂

Direct line to the site to report odors or problems with a response back to the reporting party. 1-800 number not exceptable

Emergency Response

Informing the neighbor of problems

(example NRG's relief valve went of twice in may June time frame once for about five minuets the second time for over an half hour. Con fire responded to break fires, anytime you have a incident some type of notification need to be sent out to the neighbors

Must have an onsite Fire response team and become a part of the local refinery response teams if emergency is to big to handle

Community Warning system has different levels of reporting requirements

During construction of the tanks what will be done with the hazardous waste—how long will it be on site?

Has there been a study done to see if there is any hazardous material in the ground water today

Crude assay analysis — to prevent certain type of crude with high vapor pressures, high H₂s contents from be stored and venting because the tanks vents system can't handle the material to be stored or shipped

Vapor recovery system? What will be in place to prevent tank over fills
What type of monitors system---

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JUL 22 2015

PLANNING DIVISION

The east tank farm will storing Marine Fuel Oil—what type of relief system will you have in place to prevent over pressure of the pipeline transfers from ships. Or the SP and KLM Pipelines

Leak detection systems under the tanks and will a survey be done to existing tank levees to assure the tanks be uses have sufficient capacity to hold a tank spill

Will there be ground water survey done to correct current problem from tank leak age for the rotten tank floors

Ground water recovery system to clean up current problem

Protect for our Marina booms in place to prevent oil from entering the Marina in case of a spill

No ballast pumping off procedure in place

A procedure to inform our local PD of people coming on and off the ships

In an emergency, please report a suspected pipeline problem to numbers shown below and call 911 or your local Fire or Police Authorities directly.

STATE / LOCATION PHONE NUMBER

Tennessee - Memphis 901-395-8501

California - San Diego 760-802-1535

Local number that can be call ? Nevada 760-802-1535

-Reno

For non-emergency questions, call WesPac at 949-222-2218



July 31, 2015

SENT ELECTRONICALLY – kpollot@ci.pittsburg.ca.us

Ms. Kristin Pollot, Planning Manager
City of Pittsburg, Planning and Building Department
65 Civic Avenue
Pittsburg, CA 94565-3814

SUBJECT: NOTICE OF PREPARATION OF A SECOND RECIRCULATED DRAFT
ENVIRONMENTAL IMPACT REPORT, WESPAC PITTSBURG
INFRASTRUCTURE PROJECT, AP-11-761, PITTSBURG, CA

Dear Ms. Pollot:

Thank you for providing Delta Diablo (the District) with the opportunity to comment on the environmental report scope for a Second Recirculated Draft Environmental Impact Report (DEIR) for the proposed Wes Pac Pittsburg Infrastructure Project (the Project). The Project components continue to include the Marine Terminal, Storage Terminal, Shipping, and Piping, but will exclude rail activity components described in the 2013 Recirculated Draft Environmental Impact Report.

The District provides wastewater conveyance and treatment services to approximately 200,000 residents in the communities of Antioch, Pittsburg, and Bay Point. The District owns and operates system critical wastewater facilities within and immediately adjacent to the Project site. Elements of the proposed Project have the potential to adversely affect the ability of the District to reliably provide wastewater service to the Bay Point and Pittsburg communities unless measures are incorporated in the Project environmental commitments, mitigation measures, and conditions of approval. District concerns are detailed in prior comment letters dated September 6, 2013, July 27, 2012, and August 26, 2011 (attached). It is requested that these concerns be addressed in the DEIR except for any concerns related to new railroad facility construction which is no longer part of the Project.

Please note that Delta Diablo Sanitation District's name was changed to Delta Diablo in 2014. If you have any questions, please contact me at patriciac@deltadiablo.org or (925) 756-1939.

Sincerely,

Patricia E. Chapman
Associate Engineer

PEC:lm

Ms. Kristin Pollot, Planning Manager

July 31, 2015

NOTICE OF PREPARATION OF A SECOND RECIRCULATED DRAFT
ENVIRONMENTAL IMPACT REPORT, WESPAC PITTSBURG INFRASTRUCTURE
PROJECT, AP-11-761, PITTSBURG, CA

Page 2

Attachments

cc: Dean Eckerson, Resource Recovery Services Director
Phil Govea, Engineering Services Director
Amanda Roa, Environmental Compliance Engineer
District File No. DEV.02.DEVDOC- 679
Chron File



Delta Diablo Sanitation District

OFFICE AND TREATMENT PLANT: 2500 PITTSBURG-ANTIOCH HIGHWAY, ANTIOCH, CA 94509-1373
TEL.: (925) 756-1900 ADMIN. FAX: (925) 756-1961 MAINT. FAX: (925) 756-1963 OPER. FAX: (925) 756-1962 TECH. SVCS. FAX: (925) 756-1960
www.ddsd.org

September 6, 2013

SENT ELECTRONICALLY – kvahl@ci.pittsburg.ca.us

Ms. Kristin Vahl Pollot, Associate Planner
City of Pittsburg, Planning and Building Department
65 Civic Avenue
Pittsburg, CA 94565-3814

SUBJECT: RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT, WESPAC
PITTSBURG ENERGY INFRASTRUCTURE PROJECT, PITTSBURG, CA

Dear Ms. Pollot:

Thank you for providing Delta Diablo Sanitation District (District) with the opportunity to review the Recirculated Draft Environmental Impact Report (DEIR) dated July, 2013, for the proposed WesPac Energy-Pittsburg Terminal (Terminal). The Recirculated DEIR includes review of environmental impacts for the proposed oil storage and transport project, which would reactivate, extend, and modernize existing facilities to transport and store crude oil from the 125-acre GenOn Pittsburg Generating Station site located at 696 West 10th Street, adjacent to the District's Pittsburg Pump Station. We understand the Terminal project involves the refurbishment of existing storage tanks and facilities, modernization and reactivation of the existing marine terminal, construction of new buildings, and installation of approximately one (1) mile of new 12.75-inch diameter, parallel delivery/return crude oil pipelines from the site to an existing Chevron KLM pipeline located in the vicinity of North Parkside Drive. The proposed project also includes the refurbishment of the existing Shell San Pablo Bay Pipeline.

The revised project includes installation of a newly proposed Rail Transload Operations Facility. The Rail Transload Operations Facility would be located on a 9.8-acre rail yard, to be leased from Burlington Northern Santa Fe Railway Company (BNSF). The property is located approximately a quarter mile south of the Terminal, in between existing BNSF and Union Pacific Railroad (UPRR) rail lines, along the north side of North Parkside Drive and between Magnolia Court and Jimno Avenue. In addition, an approximately 9,000-foot landing track would be constructed between BNSF and UPRR rail lines, to the north of North Parkside Drive, between Magnolia Court and the intersection of Summer Way and Seasons Drive. Proposed facility access would be via an existing private property to the east of the Rail Transload Operations Facility.

The District provides wastewater conveyance and treatment services to approximately 190,000 residents in the communities of Antioch, Pittsburg, and Bay Point. Elements of the proposed project have the potential to adversely affect the ability of the District to reliably provide wastewater service to the Bay Point and Pittsburg communities unless additional measures are incorporated in the project environmental commitments, mitigation measures, and/or conditions of approval. Areas which should be more fully addressed in the Environmental Impact Report (EIR) include:

1. Proposed Rail Transload Operations Facility and 9,000-Foot Landing Track (various DEIR sections and drawings)

Existing and Planned District Sewer Forcemains at Rail Transload Operations Facility

The existing 24-inch diameter, District wastewater forcemain pipeline is system critical. It crosses under and along the eastern half of the proposed Rail Transload Operations Facility, as well as the access road and Leslie Drive to the east. The DEIR does not adequately address how the project applicant intends to protect or modify the existing wastewater pipeline and appurtenances or how the existing pipeline can continue to be properly operated and maintained by the District both during and after completion of the proposed project construction.

Specific conflicts/areas of concern include, but are not limited to, the following: The four (4) tracks and concrete slab over the pipeline, which do not include measures to adequately address pipe protection or ability to access the pipeline for future repairs or maintenance; the proposed placement of two (2) 100,000-gallon stormwater diversion tanks, oil/water separator, and bioswale, described in the DEIR, are in direct conflict with the operation of the existing District pipeline; and the proposed placement of administration building facilities and high-mast light pole on top of the District pipeline are in direct conflict with the operation of the existing District pipeline. Additionally, the District plans to install a second forcemain, parallel to the existing forcemain, in 2014. The areas of concern described above for the existing pipeline are also applicable to the parallel forcemain.

Existing District Facilities Undercrossing the Proposed 9,000-Foot Landing Track

The District has two (2) sewer pipelines undercrossing the proposed 9,000-foot landing track. One is a continuous encased crossing under both the existing BNSF and UPRR tracks, and the other is a 12-inch mainline undercrossing an existing railway bridge in Willow Pass Road (Range Road Pipeline). The DEIR does not adequately address the potential impact to sewer service from the proposed road widening and new railway bridge construction over Willow Pass Road.

2. Proposed KLM Pipeline Connections, Rail Pipeline Connections, and Terminal Improvements (various DEIR sections and drawings)

Existing District Gravity Sewer Interceptors in the Vicinity of Proposed Improvements

The existing District gravity interceptors are system critical. The DEIR acknowledges the District has several sewer interceptors, but it does not adequately address how the existing interceptors will be protected during or after completion of the proposed project construction.

Ms. Kristin Vahl Pollot, Associate Planner

September 6, 2013

RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT, WESPAC PITTSBURG
ENERGY INFRASTRUCTURE PROJECT, PITTSBURG, CA

Page 3

Specific areas of concern include, but are not limited to, the following: All unpaved areas where heavy construction equipment may be driven over District pipelines; any areas where proposed project pipelines or other facilities (including landscaping or trees) are within 25 feet, horizontal distance, to District interceptors; all areas where proposed pipeline crossings of District interceptors are not perpendicular in nature; and any bore and jacking operation within 25 feet, horizontal distance, to District interceptors.

3. Other: Section 11.0, Impact PSU-3

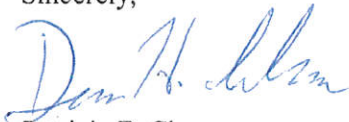
The DEIR states that *"New wastewater pipelines would tap into the existing 8-inch-diameter line that runs between Tanks 2 and 3 at the point where it intersects the access road. One new line would run along the access road north to the proposed office and control building and ... Refer to Figure 11-1 for the locations of the proposed wastewater pipelines."*

... All infrastructure improvements and connections would occur within City streets, and would comply with the City's municipal code as well as any required permits from applicable agencies. ... and the wastewater pipeline would be constructed by the City of Pittsburg ..."

The existing wastewater pipeline described as being between "Tanks 2 and 3" is a private wastewater line which ties directly into the District wastewater interceptor prior to reaching any City streets. Therefore, it should be recognized that there will also be some infrastructure improvements that are on private property. It is requested that, in addition to City approval, the applicant submit design plans for this sewer for approval by the District as a condition of project approval.

If you have any questions regarding these comments, please contact me at patriciac@ddsd.org or (925) 756-1939

Sincerely,



Patricia E. Chapman
Associate Engineer

PEC:lk

cc: Dean Eckerson, Principal Engineer
Amanda Roa, Environmental Compliance Engineer
Caroline Quinn, District Engineer
District File No. DEV.02.DEVDOC- 679, Chron File



Delta Diablo Sanitation District

OFFICE AND TREATMENT PLANT: 2500 PITTSBURG-ANTIOCH HIGHWAY, ANTIOCH, CA 94509-1373

TEL.: (925) 756-1900 ADMIN. FAX: (925) 756-1961 MAINT. FAX: (925) 756-1963 OPER. FAX: (925) 756-1962 ENGINEERING SVCS. FAX: (925) 756-1960

www.ddsd.org

July 27, 2012

SENT ELECTRONICALLY – kvahl@ci.pittsburg.ca.us

Ms. Kristin Vahl Pollot, Associate Planner
Planning and Building Department
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565-3814

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT, WESPAC PITTSBURG
ENERGY INFRASTRUCTURE PROJECT, PITTSBURG, CA

Dear Ms. Pollot:

Thank you for providing the Delta Diablo Sanitation District (DDSD) with the opportunity to review the subject Draft Environmental Impact Report (DEIR). The DEIR includes review of environmental impacts for the proposed oil storage and transport project which would reactivate, extend, and modernize existing facilities to transport and store crude oil from the 125-acre GenOn Pittsburg Generating Station site located at 696 West 10th Street and adjacent to the DDSD Pittsburg Pump Station. We understand the project involves the refurbishment of existing storage tanks and facilities, modernization and reactivation of the existing marine terminal, construction of new buildings, and installation of approximately one mile of new 12.75 inch diameter parallel delivery/return crude oil pipelines from the site to an existing Chevron KLM pipeline located in the vicinity of North Parkside Drive. The proposed project also includes the refurbishment of the existing Shell San Pablo Bay Pipeline. The following are our clarifications and comments:

1. Existing Conditions (Section 11.1.2 page 11.0-7 to 11.0-13)

- a. Page 11.0-10 includes a statement that DDSD has *adopted* a Treatment Plant Master Plan that includes a phased treatment plant expansion to ultimately *provide 24 mgd (average dry-weather flow) capacity* with the implication that a 24 mgd project is approved. It would be more accurate to reference the District's current NPDES permit⁽¹⁾ in the DEIR. An Environmental Impact Report (EIR) for the expansion of the Wastewater Treatment Plant Capacity to an average dry weather flow of 22.7 mgd was completed in April 1988.

⁽¹⁾ NPDES No. CA0038547, Order No. R2-2009-0018, adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on March 11, 2009 cites the District's intent to increase permitted flows from 16.5 mgd to 22.7 mgd (average dry weather flow). According to the text of the order, "The Discharger is planning to increase the design dry weather treatment capacity of the facility from 16.5 MGD (average dry weather flow) to 22.7 MGD during the term of this permit by upgrading and modifying certain treatment processes. The Discharger will test

its system after the upgrades and modifications have been made to determine the new treatment capacity. Provision VI.C.9 requires the Discharger to demonstrate that the proposed Plant modifications will increase the treatment capacity to 22.7 MGD. The Discharger prepared an Environmental Impact Report in 1988 that addresses expansion of its secondary capacity to 22.7 MGD. The document is titled: "Delta Diablo Sanitation District Wastewater Facility Expansion Environmental Impact Report." The Final EIR was adopted by the Discharger's Board of Directors in 1988. The Discharger submitted a report titled "Anti-Degradation Analysis for Proposed Wastewater Treatment Plant Discharge Modification" in December 2008, which affirms that an increase in the effluent discharge flow rate to 23.4 MGD conforms to federal and state Antidegradation Policy requirements."

- b. Page 11.0-10, 4th paragraph: The DEIR lists 2010 flow data. 2011 flow data is now also available. In 2011, the DDS D Treatment Plant average dry weather flow was 13.2 mgd.
- c. Page 11.0-13, 2nd paragraph: The DEIR notes that there is *an existing major interceptor pipeline* along the proposed route for the KLM Pipeline connection. It should be clarified that there are two 30-inch diameter existing major interceptor pipelines which are parallel to each other for much of the proposed KLM Pipeline Connection route. The pipelines are owned and operated by DDS D. The DEIR also notes that the *Contra Costa County Sanitary District* has wastewater easements adjacent to the project site. It is likely that the referenced easements are actually granted to "Contra Costa County Sanitation District 7-A" which is the former name of Delta Diablo Sanitation District.
- d. Page 11.0-13, 3rd paragraph and Figure 11-1: DEIR notes that Figure 11-1 shows existing wastewater pipelines at the project site. It should be noted that the existing DDS D wastewater interceptor pipelines within the project site, along the southern and western boundaries, are not shown in the referenced figure.

2. Proposed KLM Pipeline Connection (various DEIR sections and figures)

- a. The KLM Pipeline Connection DEIR figures provided by TRC note that the figures are "Preliminary and subject to change based on final engineering and other factors." As such, it is not possible for DDS D to provide detailed comments on necessary design measures and potential mitigations needed to ensure the reliable operation and maintenance of the existing DDS D wastewater pipelines; therefore, DDS D requests the following be required mitigations:
 - i. KLM Pipeline design shall be coordinated with DDS D and design plans submitted for DDS D review and comment prior to the start of construction.
 - ii. When feasible and practical, KLM Pipeline(s) which parallel the existing DDS D interceptors shall maintain a minimum of 25 feet horizontal distance between the outside edge of the pipelines. Where not practical, KLM pipeline shall maintain a minimum of ten feet horizontal distance from the outside edge of the wastewater pipelines. Crossing of DDS D pipelines shall be at perpendicular angles.

Ms. Kristin Vahl Pollot, Associate Planner

July 27, 2012

DRAFT ENVIRONMENTAL IMPACT REPORT, WESPAC PITTSBURG ENERGY
INFRASTRUCTURE PROJECT PITTSBURG, CA

Page 3

3. Proposed Landscaping

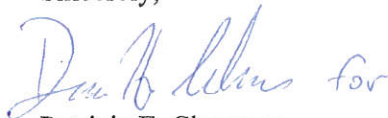
The DEIR notes in section 2.4.6, page 2.0-98 that WesPac plans to install additional landscaping and will update an existing irrigation system. The proposed landscaping plan will be submitted to the City of Pittsburgh prior to the start of construction. It is requested that any proposed new landscaping plans for areas that include DDSD pipelines (such as the southern boundary adjacent to Willow Pass Road) be submitted for review by DDSD to ensure that the proposed landscaping is compatible with pipeline operation and maintenance procedures. Trees are not allowed in the DDSD pipeline easements. DDSD promotes the use of recycled water for landscape irrigation purposes, and request consideration of this source of supply as an alternative to potable water.

4. Other Comments

The DEIR, page 11.0-20 and -21, estimates that the proposed project will generate a total of 27.8 million gallons of wastewater including 21 million gallons of water from hydrostatic testing during the course of the 15 month construction period. It should be noted that for discharges to DDSD, the discharger will be required to obtain a DDSD permit and comply with all DDSD requirements, including pretreatment, prior to discharge.

If you have any questions, regarding these comments, please contact me at patriciac@ddsd.org or (925) 756-1939

Sincerely,



Patricia E. Chapman
Associate Engineer

PEC: rcm

cc: Dean Eckerson, Principal Engineer
Amanda Roa, Environmental Compliance Engineer
Caroline Quinn, District Engineer
District File No. DEV.02.DEVDOC- 679
Chron File



Delta Diablo Sanitation District

OFFICE AND TREATMENT PLANT: 2500 PITTSBURG-ANTIOCH HIGHWAY, ANTIOCH, CA 94509-1373

TEL.: (925) 756-1900 ADMIN. FAX: (925) 756-1961 MAINT. FAX: (925) 756-1963 OPER. FAX: (925) 756-1962 TECH. SVCS. FAX: (925) 756-1960

August 26, 2011

www.ddsd.org

Ms. Kristin Vahl, Associate Planner
Planning and Building Department
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565-3814

SUBJECT: NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT (EIR),
WESPAC PITTSBURG ENERGY INFRASTRUCTURE PROJECT, PITTSBURG, CA

Dear Ms. Vahl:

Delta Diablo Sanitation District (District) staff is in receipt of the subject notice dated July 21, 2011 for the oil storage and transport project which would reactivate, extend, and modernize existing facilities to transport and store virgin and partially refined crude oil from the existing facilities at the 125 acre GenOn Pittsburg Generating Station site located at 696 West 10th Street and adjacent to the District's Pittsburg Pump Station. Based upon the notice, we understand the project involves the refurbishment of existing storage tanks and facilities, construction of new buildings, and installation of approximately 1 mile of new parallel delivery/return crude oil pipelines from the site to an existing Chevron KLM pipeline located in the vicinity of North Parkside Drive.

The District has regional wastewater conveyance facilities located in the project area. Facilities include the Pittsburg Pump Station located on a parcel immediately east of Tank number 9; the Montezuma Interceptor which is a 27" sewer pipeline located east of tanks 2 through 6; the Rossmoor Bypass which is a 24" sewer pipeline along the "Alternative 2B proposed pipeline route"; and two 30" sewer pipelines along additional stretches of the route shown as the "proposed pipeline connection to KLM" in Figure 2. The proposed pipeline corridors are difficult to access and pipeline construction impacts, as well as accessibility for spill response should be considered in the draft EIR as part of the emergency response capabilities discussed under the Public Services and Utilities heading on page 5 of the notice of preparation.

Thank you for giving us the opportunity to comment on the environmental report scope.

Sincerely,

Patricia E. Chapman
Associate Engineer

PEC: clg

cc: Dean Eckerson, Principal Engineer, DDSD
District File No. DEV.02.DEVDOC- 679
Chron File

DELTA PROTECTION COMMISSION

2101 Stone Blvd., Suite 210
West Sacramento, CA 95691
Phone (916) 375-4800 / FAX (916) 376-3962
Home Page: www.delta.ca.gov



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Justin van Loben Sels
North Delta Reclamation Districts

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South Delta Reclamation Districts

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CA State Transportation Agency

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CA Department of
Food and Agriculture

John Laird
CA Natural Resources Agency

Brian Bunsch
CA State Lands Commission

Ex Officio Members

Honorable Jim Frazier
California State Assembly

Honorable Cathleen Galgiani
California State Senate

July 29, 2015

Kristen Pollot, Planning Manager
City of Pittsburg Community Development Department-Planning
Division
65 Civic Avenue
Pittsburg, CA 94565

Subject: Notice of Preparation of a Second Recirculated Draft
Environmental Impact Report for the WesPac Pittsburg Infrastructure
Project

Dear Ms. Pollot:

The Delta Protection Commission (DPC) staff has reviewed the *Notice of Preparation (NOP) of a Second Recirculated Draft Environmental Impact Report (EIR)* for the proposed WesPac Pittsburg Infrastructure project located at 696 West 10th Street in Pittsburg. We offer the following information regarding DPC's statutory responsibilities and views on the proposed project to assist you in preparing the EIR.

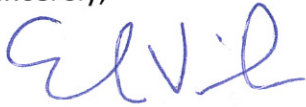
The proposed project lies within the Delta's Secondary Zone, and is therefore not required to be consistent with the DPC's Land Use and Resource Management Plan (LURMP) policies that protect the Delta environment, including its ecological and recreation resources. However, the proposed project lies just outside the Primary Zone, and the proposed marine terminal operations could have significant effects on the resources of the Primary Zone. Consequently, we urge the City to ensure that the EIR fully describes the potential impacts to the land and water resources of the Delta, and the mitigation measures that would be taken to avoid oil spills, ensure proper operation of the facility, and ensure sufficient emergency response in the event of a spill or other accident.

State law mandates that DPC develop a plan for a regional trail network through the Delta to connect the San Francisco Bay Trail and the Sacramento River Trail. The DPC has adopted a Master Plan for the Great

California Delta Trail, which follows the East Bay Regional Park District's DeAnza Trail through the Pittsburg-Bay Point area. We are pleased to see that the NOP calls for the EIR to include a discussion of how WesPac has agreed to work with the East Bay Regional Park District to define an appropriate alignment for a multi-use trail easement to be part of the Great California Delta Trail.

Thank you for the opportunity to comment on the EIR for the WesPac project. If you have any questions, please contact Jennifer Ruffolo at (916) 375-4882 or jennifer.ruffolo@delta.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erik Vink".

Erik Vink, Executive Director

cc: Supervisor Mary N. Piepho, Commission Chair



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Barbara A. Lee, Director
700 Heinz Avenue
Berkeley, California 94710-2721



Edmund G. Brown Jr.
Governor

August 28, 2015

Ms. Kristin Pollot
Planning Manager
City of Pittsburg
Community Development Department, Planning Division
65 Civic Avenue
Pittsburg, California 94565

SUBJECT: APPLICATION NUMBER AP-11-761 WESPAC PITTSBURG
INFRASTRUCTURE PROJECT

Dear Ms. Pollot:

Thank you for the opportunity to comment on the Notice of Preparation of a Second Recirculated Draft Environmental Impact Report for the subject project.

The Department of Toxic Substances Control (DTSC) is a State agency responsible for regulation of hazardous waste management facilities. Relevant to the proposed project, our responsibilities include regulatory oversight of cleanup of contaminated soil and groundwater at current and former Hazardous Waste Management Facilities (referred hereinafter as HWM Facilities)

The subject project is located on the former PG&E Pittsburg Power Plant, which was permitted as a HWM Facility under the federal Resource Conservation and Recovery Act and Chapter 6.5 of the California Health and Safety Code.

The property was investigated for areas of contamination referred to in regulation as Solid Waste Management Units (SWMUs), known and identified SWMUs were removed, and the property was determined to have completed obligations for cleanup under RCRA and Chapter 6.5, except for a waste water pond (the Shell Pond) and

carbon black disposal area located on facility property approximately three miles to the west of the WesPac project area.

In 1996, subsequent to the determination that cleanup of known contamination was complete, PG&E began negotiations to sell part of the facility, including the portion of the facility encompassing the WesPac project. PG&E prepared a Phase II Environmental Assessment in support of the sales negotiations. That assessment identified previously undiscovered areas that might be SWMUs, including two soil contamination areas on the WesPac project area and contaminated groundwater under the project area. The two soil areas are respectively located immediately adjacent to and northeast of the northernmost tank in the WesPac project area (possibly referred to as Tank 1), and approximately 200 feet to the east of tank at the south end of the WesPac project area (possibly referred to as Tank 9). The extent of potential groundwater contamination under the WesPac project area is not clear at this time.

PG&E agreed with the purchaser to retain responsibility for contamination regulated under Chapter 6.5 on the parts of the Facility that were sold, and that predated the sale. DTSC has therefor been pursuing cleanup with PG&E.

DTSC has been focused on cleanup of the Shell Pond and carbon black area, and has been in recent negotiations with PG&E to amend relevant cleanup agreements to include investigation and potential remediation of the areas identified in the Phase II report, including the two areas and groundwater that are associated with the WesPac project area.

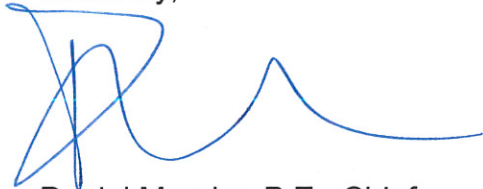
For DTSC's purposes, I believe that the contamination described above should be evaluated in the EIR, and that steps should be identified to ensure that the WesPac project does not impede DTSC's ability to effect cleanup of contamination in the project area. DTSC's status (as that of a commenter, as a Responsible Agency, or as a Lead Agency in our own right) will depend largely on the timing of the WesPac project vis a vis DTSC's investigation and cleanup activities, whether the cleanup is considered to be a part of the site work necessary to complete the WesPac project, and whether potentially significant cumulative impacts are identified.

I regret that DTSC comments are so late in coming. The information I considered in formulating DTSC's comments is complex, and it was not clear until very recently that we had any substantive comments to offer.

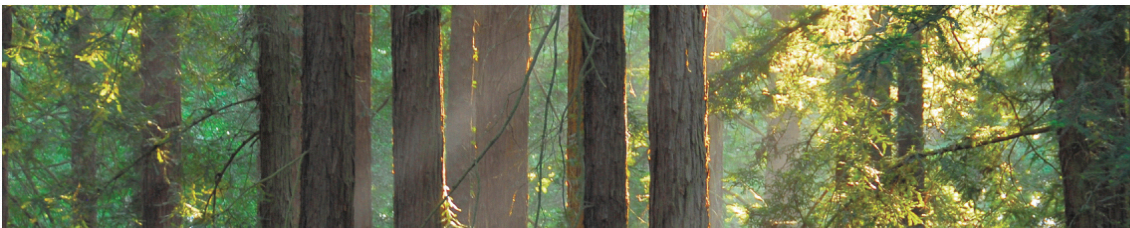
Ms. Kristin Pollot
August 28, 2015
Page 3

If you have any questions or would like to discuss our comments further, please feel free to contact me via email at daniel.murphy@dtsc.ca.gov, or by phone at 510.540.3772.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'D' followed by a series of loops and a long horizontal stroke.

Daniel Murphy, P.E., Chief
Contra Costa / Solano Unit



August 7, 2015

Kritin Pallot
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Sent via email to
kpallot@ci.pittsburg.ca.us
August 7, 2015

RE: GREAT CALIFORNIA DELTA TRAIL – WESPAC PITTSBURG ENERGY INFRASTRUCTURE PROJECT 2ND RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT (DRAFT EIR)

Dear Ms. Pallot,

On behalf of the East Bay Regional Park District (EBRPD) I would like to submit this letter and previous comment letters for the 2nd recirculated Draft EIR stating our position regarding the Wespac Pittsburg Energy Infrastructure Project. We remain consistent in our position as stated in these letters. EBRPD submitted comments on the Wespac Recirculated Draft EIR on July 25, 2012 (attached) and August 29, 2013 (attached) encouraging the City of Pittsburg to promote public access through this site by conditioning the dedication and construction of a public multi-use trail.

In cooperation with Contra Costa County and the City of Pittsburg, EBRPD identified feasible alignments in the Great CA Delta Trail: Bay Point Wetlands to Pittsburg Marina Park Engineering Study completed in 2011. Ultimately the Great CA Delta Trail will exist as a network of trails through the five counties in the Delta Region: Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties. The alignment identified in this study will be one of the first links in this network, providing critical access to the Delta Shoreline and serving a diverse and underserved population in eastern Contra Costa County. The modification of the project description in this 2nd recirculation to exclude any rail activity from the project increases the feasibility and opportunity to construct a public multi-use trail alignment at this location.

The Wespac Energy Infrastructure Project provides an opportunity for Pittsburg to take the lead in completing the first segment of this trail mandated by SB 1556 (Torlakson). SB 1556 acknowledges and supports the unique natural resources of the Sacramento-San Joaquin Delta, the growing demands for public access to these resources, and the increasing recognition of the importance of outdoor recreation in addressing childhood obesity. The Contra Costa Health Services 2013 report, *Health Indicators and Environmental Factors Related to Obesity for Antioch, Bay Point, and Pittsburg* reports that within Pittsburg, the childhood overweight / obesity rate within the Pittsburg Unified School District is 43.7%; which is one of the highest compared to Antioch Unified School District, West Contra Costa County Unified School District and Mount Diablo Unified School District. The Community Wellness and Prevention Program administered by Contra Costa Health Services conducted interviews in 2013 and came to the conclusion that poor walkability, among factors such as poverty and lack of access to affordable healthy foods, contribute to the rates of obesity seen within your community which lead to chronic illness. The importance of providing opportunities for active recreation that improve the health and wellness of your community cannot be ignored.

Board of Directors

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Doug Siden
Vice-President
Ward 4

Beverly Lane
Treasurer
Ward 6

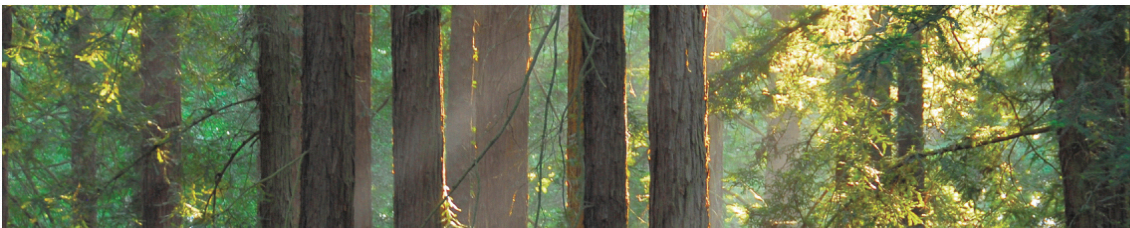
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John Sutter
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Ward 5

Diane Burgis
Ward 7

Robert E. Doyle
General Manager



We urge the City of Pittsburg to condition the Wespac project proponent to design the project to comply with and facilitate the implementation of adopted local, regional and State policies for the construction of the Delta Trail along the waterfront. We believe this project as proposed will have significant adverse effects on Land Use and Recreation and the Draft EIR cannot be adopted as written. These effects can be mitigated by including ROW dedication for trail access and construction of a multi-use public trail within the project description of this EIR. As a condition of approval for the project, the applicant should be required to work cooperatively with the Park District and the City to facilitate the extension of the CA Delta Trail through the Wespac site, which has the potential to improve access to the city's waterfront and employment center in Downtown Pittsburg while improving the health and wellness of the Pittsburg community.

Thank you for the additional opportunity to provide comments on this project. Should you have any questions or comments please contact me at sdougan@ebparks.org or (510) 544-2611.

Sincerely,

Sean Dougan, Trails Development Program Manager
East Bay Regional Park District

Board of Directors

Whitney Dotson
President
Ward 1

Doug Siden
Vice-President
Ward 4

Beverly Lane
Treasurer
Ward 6

Dennis Waespi
Secretary
Ward 3

John Sutter
Ward 2

Ayn Wieskamp
Ward 5

Diane Burgis
Ward 7

Robert E. Doyle
General Manager



July 25, 2012

Kristin Vahl Pallot
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

RE: **GREAT CALIFORNIA DELTA TRAIL - WESPAC PITTSBURG ENERGY INFRASTRUCTURE
PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)**

Dear Ms. Vahl:

The East Bay Regional Park District ("District") spans Alameda and Contra Costa counties east of San Francisco with 112,000+ acres in 65 parks including over 1,200 miles of trails for hiking, biking, horseback riding and nature study. We operate and maintain the Delta de Anza Trail through Pittsburg, Bay Point Regional Shoreline to the west, and Black Diamond Mines Regional Preserve to the South. As you may be aware we have been working in coordination with the City of Pittsburg, Contra Costa County, Delta Protection Commission, Contra Costa Water District and various other regulatory agencies to plan and develop the Great California Delta Trail. The proposed project does not recognize this trail in its site planning or address operational and regulatory circumstances that could prohibit or adversely impact public access along the waterfront.

The Great California Delta Trail was created by SB 1556 (Torlakson) with the goal of developing an interconnected regional network of land and water trails fostering a physical and visual connection to the Delta to address the growing demands for public access to Delta resources and recognize the importance of outdoor recreation for mitigating childhood obesity. Ultimately the Delta Trail will consist of a multi-use trail network through the five counties that contain the Delta region: Contra Costa, Sacramento, San Joaquin, Solano, and Yolo counties. Development of this trail is also identified in the District's 2007 Master Plan (available online at http://www.ebparks.org/files/RPM_Plan97.pdf); City of Pittsburg General Plan (Policies 2-P-45, 2-P-98, 8-P-26); Delta Protection Commission's Blueprint Report for Solano and Contra Costa Counties (September, 2010); Contra Costa County Bicycle Plan; and East Bay Regional Park District Bay Point Wetlands to Marina Park Engineering Study (May 2011).

The trail segment between Bay Point Regional Shoreline and Pittsburg's Marina Park is planned to be one of the first links in this network, providing critical access to the Delta shoreline, and serving a diverse and underserved population in eastern Contra Costa County. Completing this segment of the trail will require

right of way through the proposed project site/storage terminal (Questa Engineering, May 2011). The DEIR should recognize this planned trail so we can evaluate and understand the project's impacts.

According to a personal communication between District staff and project proponents (James Schepens, Oiltanking North America; and Art Diefenbach, WesPac Energy Group), the proposed reactivation of the storage and transfer operation could result in the facility being designated by the U.S. Coast Guard as a "TWIC" (Transportation Worker Identification Credential) facility. This designation would prohibit public access through the site, eliminating the possibility that the Delta Trail could be developed along the waterfront.

As proposed, the project appears to be inconsistent with the above legislation and policies and may preclude the development and operation of a multi-use trail of local, regional and statewide importance. This would result in a significant impact under the following significance criteria for land use and recreation:

- Conflict with established or proposed land uses, including potentially sensitive land uses (Impact LUR-9);
- Cause a substantial long-term disruption of any institutionally recognized recreational facilities or activities (Impact LUR-10);
- Cause the loss of passive recreational opportunities in open spaces and multi-use trails (Impact LUR-5, Impact LUR-11).

In order to mitigate for the above potential Land Use and Recreation impacts, the City should consider the following mitigation measures and require as conditions of approval the following:

1. Prior to the issuance of grading or other development permit, the project proponent shall define and record a multi-use trail alignment right of way through the storage terminal for the Great California Delta Trail in coordination with East Bay Regional Park District.
2. Prior to issuance of a certificate of occupancy, the project proponent shall construct at its own expense the Great California Delta Trail through the storage terminal in coordination with East Bay Regional Park District.
3. Should reactivation of the storage terminal cause the facility to be regulated in a manner that prohibits public access through the site, the project proponent shall define an alternate waterfront alignment, record a multi-use trail alignment right of way and construct at its own expense a realigned Great California Delta Trail in coordination with East Bay Regional Park District.

Thank you for the opportunity to comment on the DEIR and for the City of Pittsburg's consideration of our comments. We request a copy of any future CEQA notices and related documents as they become available. If you have any questions or concerns, please contact me at (510) 544-2602 or via email at jtownsend@ebparks.org.

Yours truly,


Jim Townsend
Trails Development Manager

cc: Michael Machado, Delta Protection Commission

August 29, 2013

Kristin Pallot
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Sent via e-mail to
kpallot@ci.pittsburg.ca.us
on August 29, 2013

**RE: GREAT CALIFORNIA DELTA TRAIL - WESPAC PITTSBURG ENERGY
INFRASTRUCTURE PROJECT RECIRCULATED DRAFT ENVIRONMENTAL
IMPACT REPORT (DRAFT EIR)**

Dear Ms. Pallot:

The East Bay Regional Park District ("District") in partnership with the City funded and administered the Bay Point Wetlands to Marina Park Engineering Study (May 2011) to plan and construct a key segment of the Great California Delta Trail (Delta Trail) along the Pittsburg/Bay Point waterfront. On July 25, 2012 we submitted comments on the Wespac Draft EIR (attached and incorporated herein by reference) encouraging the City to recognize the findings of the engineering study and require that the Wespac project proponent design the project to comply with and facilitate the implementation of adopted local, regional and State policies for the construction of the Delta Trail along the waterfront. After reviewing the recirculated Draft EIR, we believe the project will have significant adverse effects on Land Use and Recreation and the Draft EIR is legally inadequate and cannot be adopted because (a) the project description, environmental setting and impact analysis violates CEQA, and (b) the Draft EIR fails to provide substantial evidence to support its conclusions.

The Draft EIR fails to describe the project in sufficient detail in the project description and environmental setting, and to identify and adequately analyze the project's conflict with the Bay Point Regional Shoreline to Pittsburg's Marina Park segment of the Delta Trail. The recirculated Draft EIR states that the project will conflict with the following plans and policies but does not provide sufficient information for us to understand and evaluate the impacts:

1. Project conflicts with City of Pittsburg General Plan Policies 2-P-100, 6-P-18, and 8-P-26, which refer to the creation of a trail along the waterfront.
2. Project conflicts with plans and regulations that identify the creation of a continuous, linear trail along the waterfront (Delta Trail), including Senate Bill 1556, the East Bay Regional Park District's 2007 Master Plan and Bay Point Wetlands to Marina Park Engineering Study (May 2011), Delta Protection Commission's Blueprint Report for Solano and Contra Costa Counties (September 2010), and Contra Costa County Bicycle Plan (2009).

Other than brief conclusory statements that the project area is not currently accessible to the public and the trail has not been designed yet, the Draft EIR does not provide substantial evidence

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to support its conclusion that the conflicts listed above are less than significant. CEQA also requires an EIR to describe the environmental setting of the project so that the changes can be seen in context (CEQA Guidelines 15125(a)). Under the current environmental baseline the site is fenced but does not present a real physical barrier to a trail being developed. Furthermore, the project proponent must obtain a conditional use permit from the City to establish the proposed use. This leaves Draft EIR defective because the environmental setting and impact analysis is written in a way that leads the reader to believe that the proposed project would merely reactivate a historic and/or permitted use, where in fact there is no legal entitlement in place. This approach to analyzing the impact misleads the reader to believe that the project is immune from plans and policies requiring the Delta Trail. The Draft EIR further misleads the reader to believe that there has been no design work done on this segment of the trail when in fact the alignment identified in the Engineering study is at a 30% design level.

As conveyed in our previous comment letter, we are concerned that reactivation of the storage and transfer operation could result in the facility being designated by the U.S. Coast Guard as a "TWIC" (Transportation Worker Identification Credential) facility. This designation would prohibit public access through the site, eliminating the possibility that the Delta Trail could be developed along the waterfront. The project description and impact analysis is inadequate in that it does not address how this potential impact could adversely impact Land Use and Recreation for future generations. Disclosure of this information is critical for the public to fully evaluate and understand the project's impact, especially given that the current zoning has numerous land uses that could be established on this property without triggering the TWIC requirement.

Per State CEQA guidelines and Draft EIR thresholds of significance, aspects of the project that conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect would result in a significant environmental effect. The project will result in a significant impact that was not disclosed in the Draft EIR - General Plan Table 7-4 (Bicycle Facilities, Pittsburg Planning Area) and Figure 7-4 (Bicycle Facilities) designate a class I trail through the project site along a section of the planned Delta Trail alignment. This class I trail was designated in the General Plan for the purpose of avoiding or mitigating the effects of impact 4.3-C associated with urban development creating additional demand for pedestrian and bicycle facilities (See City of Pittsburg General Plan Draft EIR, p. 4-43). Finally, PMC Section 18.16.040 gives the City authority to deny a use permit if a proposed use conflicts with general plan policies.

Thank you for the opportunity to comment on the DEIR and for the City of Pittsburg's consideration of our comments. We request a copy of any future CEQA notices and related documents as they become available. If you have any questions or concerns, please contact me at (510) 544-2602 or via email at jtownsend@ebparks.org.

Best regards,



Jim Townsend
Trails Development Manager

WesPac Scoping Meeting 07/22/2015

Speaker: Geoff Taylor

RECEIVED
JUL 22 2015
PLANNING DIVISION

My name is Geoff Taylor and I am a resident of Pittsburg.

Given the level of interest in the scope of the EIR study, I request that the comments period be extended by a further 15 days to allow more people to prepare and submit their comments. I also request an additional scoping meeting be held to allow further issues to be raised.

My first issue of concern relates to Geology, Soils and Seismicity

The new Notice of Preparation (NOP) contains a section on this and thus this will be re-analyzed. As I have noted here in previous meetings, the information that the original analysis was based on is now significantly out of date and the new analysis should include full numerical modeling of the effects of seismic activity on the site. I note that the analysis must be *site specific* as required by the MOTEMs regulations for marine terminals in high liquefaction zones. The site of the proposed WesPac projects is a high liquefaction zone. I request that the new study should include such an analysis.

My related issue of concern is regarding Fire Response / Disaster recovery

While the NOP notes discussions between Fire agencies and the City regarding fire protection and response, this is just a small part of the foreseeable results of a catastrophic failure (fire or explosion) at the site. In such an event, residents of the housing developments in the immediate vicinity of the project location would have little time to evacuate. Nowhere in the draft EIR is there a clear description of a disaster response plan. Such a plan should include:

- determining the evacuation zones
- informing residents of safe evacuation routes
- coordinating the mandatory evacuation of residents, especially seniors or other vulnerable sectors of our community
- coordinating the provision of care, rescue, sheltering and essential needs of displaced residents and their companion animals (per the Pets Evacuation and Transportation Standards (PETS) Act (2006) until a return to their homes is possible

Per the PETS Act, FEMA is authorized to approve the standards of any evacuation plan, so it would be incumbent upon the City to liaise with FEMA in the drawing up of this plan.

In summary: a comprehensive evacuation plan does not exist at this time and therefore I request that it be created as part of the study. Alternatively, if this is not feasible, then prevention is better than cure. Reject the WesPac project.

Geoffrey Taylor
glt101@hotmail.com
342 Gull Place
Pittsburg
07/26/2015

Kristin Pollot, Planning Manager
City of Pittsburg, Planning Department
65 Civic Avenue
Pittsburg, CA 94565
kpollot@ci.pittsburg.ca.us

Dear Planning Manager,

My name is Geoffrey Taylor. I am a resident of Pittsburg.
I am writing today to register my comments on the WesPac project. I would like
the following issues to be studied in the Environmental Impact Report:

A. Disaster Preparedness:

I would like to see a full description of the plans that exist or will be put
in place for a major incident at the proposed project site and the
surrounding area.

B. Security:

I would like to see what measures will be taken to make the proposed
project site secure. This should cover all aspects of security: ground-
based, aerial, aquatic and virtual or cyber security.

Reasons for concern:

- A. I am concerned about Disaster Preparedness because of the site's
proximity to residential housing and the fact that the project will be
handling and storing materials that are inherently dangerous. Whilst
reasonable attempts can be made to prevent accidents (spills, fires,
explosions, pipeline leaks, tank failures, valve failures, misconfigurations,
human error etc.), contingencies need to exist to deal with the direct
effects of such incidents and the wider effects in areas around the site.
- B. I am concerned about security for a variety of reasons:
 - a. because the site is expected to store and handle dangerous
materials that could become a target for theft.

- b. because the site may be seen as a terrorist target. There is a large power switching station adjacent to the site which services the existing NRG Pittsburg Generating Station. All such sites need adequate security for obvious reasons of National Security.

Any breach of security could result in endangerment of the surrounding area should the plant's physical integrity become compromised.

These impacts are foreseeable because:

- A. Disasters have happened at similar sites in the past. Examples include the 2005 Buncefield fire¹, the Tidal Energy LLC storage fire in January 2015², the 1995 Pennzoil Product Company refinery explosion³ and the recent Bourbon County, storage tank fire⁴ in March 2015. This last example is of particular relevance because it was most likely triggered by a grass fire near to the storage tanks. An almost identical event occurred in March, 2014 outside the proposed project site^{5,6}. Access to the fire by the emergency services was very difficult and for a time there was the possibility that the fire could endanger the tanks. Additionally, the proximity to the site of high tension overhead power lines further complicated dealing with the blaze.
- B. Any large scale site needs to have protection from infiltration by external agents. This should cover all types of penetration, whether by land sea, air or electronic. There are numerous examples of security breaches at oil installations in the area indicating that this is a problem that should be addressed.

Ways of mitigating these impacts are:

- A. Present a full disaster plan that covers all aspects of fires, explosions, spills, leaks, gaseous releases and seismic events. The plan should include information on fire response, access by emergency services to the site, evacuation from the area of all residents (including animals), definition of evacuation routes and evacuation zones, definition of methods of notification of events to residents.
- B. Present a full security model in the study along with methods of how that would be tested and maintained.

An alternative way to mitigate these impacts is to remove the risk by using the proposed site for a different project such as recreation based commerce e.g. water sports, or if no such commerce is forthcoming another safer alternative is no project.

Given the above discourse, I ask that the new study demonstrate disaster preparedness and show that the planned project will be secure. Please enter these comments and questions into the public record.

Sincerely yours,

Geoffrey Taylor Ph.D.

¹ https://en.wikipedia.org/wiki/Buncefield_fire

² http://bismarcktribune.com/bakken/oil-storage-tank-fires-extinguished/article_6f3c8606-92a9-11e4-8750-e72b310f0c34.html

³ <https://news.google.com/newspapers?nid=2002&dat=19951017&id=tsAiAAAAIBAJ&sjid=ZbYFAAAAIIBAJ&pg=5025,4389932&hl=en>

⁴ <http://www.koamtv.com/story/28416706/oil-storage-tank-fire-in-bourbon-county>

⁵ <http://www.kcra.com/news/crews-battle-vegetation-fire-in-pittsburg/25079710>

⁶ <http://eastcountytoday.net/confire-battles-elements-in-40-acre-grass-fire-firefighter-injured/>

July 19, 2015

Kristin Pollot, Planning Manager
65 Civic Avenue
Pittsburg, CA 94565
kpollot@ci.pittsburg.ca.us



Subject: Public comment on WesPac EIR scope

Dear Ms. Pollot,

We are writing on behalf of Global Community Monitor (GCM). Founded in 2001, GCM trains and supports communities in the United States and internationally to use environmental air monitoring tools to understand and address threats to their health and the environment.

GCM's work is focused on disempowered "fenceline" communities, often low income and people of color, at risk by emissions from industrial and mobile sources, whose concerns agencies and responsible corporations are often ignoring. GCM's primary activity consists of providing training and innovative technical assistance to community organizations. We have worked with more than 103 communities and partners in 25 countries.

GCM conducted the first Pittsburg Bucket Brigade from December 2013 to March 2014. GCM partnered with the local grassroots group called Pittsburg Defense Council. The goal of the first project was to set a baseline of air quality based on diesel and PM 2.5 around residential areas during that period of time. It was through this project that the community discovered that Pittsburg had the highest rates of asthma per emergency room visits in Contra Costa County yet the permanent BAAQMD air monitoring station had been removed in 2008. Moreover, Pittsburg, based on the data we collected, had some of the highest pollution rates in the United States.

GCM is currently conducting a second Pittsburg Bucket Brigade with the goal of reinforcing the baseline we established a year ago. This second project is being conducted in partnership with two science teachers and a group of students at Pittsburg High School, they call themselves Freedom Breathers. The project is scheduled to conclude in September 2015.

Environmental high-impact areas

Pittsburg is a fenceline community, also referred to as a sacrifice zone. A community predominantly inhabited by low-income, minority populations that are impacted by heavy industrial pollution that affects the health and quality of life for residents. According to the 2010 Census, 56% of the population are racial minorities, and 16% live under the federal poverty level.

Data analysis by the Contra Costa County Health Services shows that between 2009 and 2011, Pittsburg had the highest rates of asthma emergency room visits in Contra Costa County.

During that period, Pittsburg had over 100 cases of asthma hospitalizations per 10,000 Pittsburg residents. In comparison, the Orinda and Moraga area had less than 17 asthma hospitalizations per 10,000 people. In other words, Pittsburg had almost six times higher incidences of asthma per emergency room visits than other cities in the county. According to the Contra Costa County Health Services, "This evidence supports the presumption that the community in Pittsburg is medically vulnerable."ⁱ

In addition to asthma, cancer rates in the area are abnormally high. According to Contra Costa Health Services, cancer deaths in Antioch are 200.8 per 100,000 residents, and in Pittsburg the rate is 180 per 100,000 residents, which is higher than the average county rate of 162.ⁱⁱ

According to the Bay Area Air Quality Management District (BAAQMD), Pittsburg is in the top 15% of communities in the Bay Area that are most affected by air pollution. BAAQMD developed a new statistical measure for determining which communities experience the most direct health impacts from air pollution, called the Pollution-Vulnerability Index. This index incorporates cancer rates, rates of premature death, and increased healthcare costs. Using this index, BAAQMD found that Pittsburg is one of the most impacted communities in the Bay Area.ⁱⁱⁱ

Also, the BAAQMD report dated April 2014 “Improving Air Quality in the Bay Area”, adds Pittsburg and Antioch to the Community Air Risk Evaluation (CARE) program. According to this report, the cities under the CARE program have the highest cancer risk, mortality rates, experienced high health costs from air pollution, and high levels of fine particulate matter (PM).^{iv}

The California Office of Environmental Health Hazard Assessment found that central Pittsburg is in the top 10% of California communities experiencing adverse health effects due to multiple sources of pollution.^v

Finally, Los Medanos Health Care District which provides healthcare services to Pittsburg, Bay Point, Clyde Clayton and unincorporated Antioch residents, states the following in the organization’s strategic plan for 2011-2016. “Health disparities in the district reveal a heightened prevalence and/or mortality of certain diseases and health conditions that affect residents of the district, including heart disease, cancer, asthma, etc.” and determines that possible sources of disparities include among others environmental pollution.

GCM is submitting comments on the WesPac Energy Infrastructure Project, because we are concerned about air pollution and health disparities already experienced by the community of Pittsburg.

Notice of Preparation states the following:

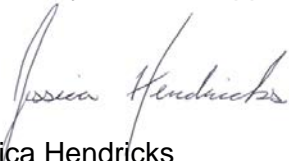
The proposed project would result in short-term construction, long-term operational and cumulative air quality changes. The proposed project would be designed to comply with all federal, state, and local laws, regulations, and rules pertaining to air quality. The EIR will identify sensitive receptors in the immediate project area and surrounding region, discuss potential emission of odors and/or hazardous air pollutants generated by stationary, mobile, and area sources; discuss compliance with applicable rules; discuss San Francisco Bay Area criteria air pollutant attainment status, include a general conformity applicability analysis, and determine the significance of air quality impacts in comparison with applicable local, state and federal standards and significant thresholds.

The topic of vulnerable populations and asthma is to be included as a focused topic based on public comments. And it reads the EIR will include relevant statistics and information regarding asthma rates in the area and other related health impacts and how they could be affected by the proposed project.

Based on the information presented above, the undersigned request that the Second Recirculated Draft Environmental Impact Report (EIR) includes the following.

1. Current data (year 2014 or later) of neurological, respiratory diseases, asthma and cancer rates for the areas surrounding the proposed project. Children and elders are the groups more highly impacted by the heavy industry pollution, therefore the study should include a breakdown by age group.
2. Recent results (year 2014 or later) of a health survey, done by an independent third party, to include the most common health risks associated by heavy industrial pollution (respiratory diseases, cancer, etc.) and be designed to capture the full extent of toxic exposure within a quarter mile radius of the proposed project location. It is recommended that this be coupled with a biomonitoring study in efforts to collect fully comprehensive health data on potential toxic exposure.
3. Include current data from a complete and comprehensive, year long air monitoring study in Pittsburg, focused on air pollution near the proposed WesPac location and surrounding areas. It is imperative that the air monitoring be done in Pittsburg, as opposed to using data from air monitors in nearby cities such as Concord or Bethan Island. That data should then be compared to air monitoring data from nearby cities and the potential chemical values need to be assessed in regards to health based standards as accepted on the State and Federal level.
4. A third party analysis of the projected increase in emissions and the effects to air quality due to the proposed project. This analysis needs to include maps and account for wind patterns in relation to the proposed facility and residential areas.
5. A comprehensive report of all air pollution controls devices available to WesPac and an analysis on their effectiveness in reducing toxic emissions. This report must include an emissions inventory for the proposed facility, and specific plans for sulfur recovery, flare gas recovery, VOC leak repair procedures, controlled shut-down processes, sludge treatment units, removing old storage tanks from services, controls of cyanide emissions, etc.
6. Strong consideration and analysis of a quarter mile buffer zone between the projected WesPac facility and residential areas. This buffer zone would create 'breathing space' between heavy industry and sensitive populations, resulting in lower levels of toxic chemicals within the Pittsburg community.

We thank you for the opportunity to participate in this process.



Jessica Hendricks
Program Director of Global Community Monitor

References

ⁱ A Call to Action: A Preliminary Report on Current Air Quality Levels and the Impacts of the Proposed WesPac Oil Terminal in Pittsburg. January 21, 2014 <http://pittsburgdc.files.wordpress.com/2014/01/pittsburgairsamplesreport.pdf>

ⁱⁱ Health Indicators and Environmental Factors Related to Obesity for Antioch, Bay Point and Pittsburg, Contra Costa Health Services 2013.

ⁱⁱⁱ Martien, Phil. PhD. "Identifying Impacted Communities, Revised Mapping Method, Proposed Final. Bay Area Air Quality Management District. 13 April 2013.

^{iv} Bay Area Air Quality Management District, "Improving Air Quality in the Bay Area" April 2014, p. 44, http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CARE%20Program/Documents/CARE_Retrospective_April2014.ashx.

^v California Office of Environmental Health Hazard Assessment. "California Communities Environmental Health Screening Tool". 13 September 2013. <http://www.oehha.ca.gov/ej/ces11.html>



From the Home of
Ed & Sharon Roscher
477 West Tenth Street
Pittsburg, CA 94565-2417
(925) 439-0286

sharonroscher@gmail.com

July 22, 2015

Kristin Pollot, Project Manager
City of Pittsburg, Planning Division
65 Civic Avenue
Pittsburg, CA 94565

Dear Ms. Pollot,

As a resident of Pittsburg for the past 25 years, we do NOT, under any circumstances want to see the WestPac project come to fruition! Yes, it may help with the financial concerns of the City but our overall health, well-being and SAFETY must be viewed as the number one priority!

It was bad enough to think about trains delivering this crude, but the fact that now they are proposing to have it delivered via trucks along the freeways and Willow Pass Road/West Tenth Street is more than just alarming! It's foolhardy! We've seen time after time the impact that one accident, one spill can have on a community and the fact that the City of Pittsburg would even consider such a project is mind boggling! As you're well aware, there are numerous residential homes within the area, as well as commercial properties that will be impacted should such a project to affirmed – and this simply is NOT acceptable!

As you can see from our address (above) we live approximately two blocks (Beacon & West Tenth Street) from this proposed site and under NO CIRCUMSTANCES do we want large tanker trucks, filled with toxic/flammable materials, traversing our city streets! The "normal" traffic is often difficult enough to deal with on a daily basis – but to add to this traffic flow is a disaster waiting to happen! Please note that we haven't even begun to discuss the financial losses we will incur do to the depreciation of our property values should such a project be affirmed! Would you buy a house next to this? I think NOT!

Respectfully submitted,

James & Sharon Roscher
(925) 439-0286
sharonroscher@gmail.com

Jennifer Ocon
1036 Gridley Drive
Pittsburg, CA 94565
760-715-5967
designerjen@outlook.com

July 20, 2015

Kristin Pollot, Planning Manager
City of Pittsburg, Planning Division
65 Civic Avenue
Pittsburg, CA 94565

SUBJECT: WesPac Energy Infrastructure Project, Pittsburg, CA

Dear Kristin Pollot,

I recently learned about the WesPac Energy Oil and Transport Project that will be reactivating the facilities at 696 West 10th Street.

I am a resident in the Mariner Walk Phase II community, and my home is located about 360 feet (120 yards) away from the oil tank farm. There are other homes in the development that are even closer to the tanks.



I would also like to give a little perspective on the distance from the tanks to some of the prominent structures in our neighborhood.

- The Saint Peter Martyr School is about 540 feet (180 yards) from the oil storage tanks.
- The First Baptist Church at 204 Odessa Ave. is about 380 feet (126 yards) from the oil storage tanks.
- The Stewart Memorial Methodist Church at 580 Front Street is about 270 feet (90 yards) from the oil storage tanks.
- The Riverview Park is at the docks of the proposed marine terminal terminal and about 330 feet (110 yards) to the oil storage tank (measurement taken from the children's jungle gym area).
- The Marina Walk Park is about 558 yards (0.31 miles) from the oil storage tanks.
- The Marina Vista Elementary School is about 864 yards (0.49 miles) from the oil storage tanks.
- The newly redeveloped Old Town Pittsburg area is about 0.6 miles from the oil storage tanks.
- There are hundreds of homes less than half a mile from the terminal and many other prominent businesses and churches, too many to list here.

ACCIDENTS ARE UNAVOIDABLE

According to the WesPac Energy EIR report: *Next to lightning, **the most common root cause of fire- and explosion-related releases from bulk storage tanks is a result of human error.***

Human error happens in every industry, every day. To think that maintenance of a terminal with 17 storage tanks will be devoid of human error is foolish. It isn't a matter of "if" something goes wrong, it's a matter of "when". When a fire and explosion occurs in this terminal, an entire community with hundreds or thousands (depending on the size of the fire) of children and adults will be incinerated.

View this to see an example of a fire and explosion release from a bulk storage tank: <https://youtu.be/DhVXnNvaudQ>

Since this terminal site is located on a seismically active area, an earthquake can also cause a release from the storage tanks, either immediately or after the tank suffers fatigue or cracks from the seismic motion. That is beyond anyone's control. **There is a 62 percent probability of at least one magnitude 6.7 or greater earthquake to occur on one of the major faults within the San Francisco Bay region before 2032**

View this to see an example of a fire and explosion at an oil terminal that happened moments after an earthquake: <https://youtu.be/zSRcaF03GEA>

HAZARDOUS EMISSIONS FROM CONSTRUCTION AND RETROFITTING TANKS

In the EIR report, it states that there is 'potential' for hazardous materials in the pipelines and that the storage terminal 'may' contain hazardous constituents and asbestos. **These facts need to be determined before they begin any demolition on this site.**

While the workers at the terminal may be trained on deconstructing haz-mat sites and be outfitted with the proper protective apparel, residents and students nearby will not be protected if any of the contaminants are released during this phase.

- Investigators have found asbestos-related diseases in individuals with only brief exposures.
- There is evidence that family members of workers heavily exposed to asbestos face an increased risk of developing mesothelioma. This risk is thought to result from exposure to asbestos fibers brought into the home on the shoes, clothing, skin, and hair of workers.
- **Crocidolite asbestos**, which was known for having the best heat resistance and used for pipe insulation, is seen as the most dangerous type of asbestos.
- Polycyclic aromatic hydrocarbons (**PAH**) were reported present in the soil near some of the tanks. **This is yet another cancer causing substance that will be emitted into the air when soil remediation occurs.**

EMISSIONS FROM THE TERMINAL AND STORAGE TANKS

From the Environmental Impact Report (EIR): *The major emission sources of this project would be the marine vessels that have onboard main propulsion engines, auxiliary engines, and boilers; tugboats that also have onboard main and auxiliary engines; rail locomotives; crude oil storage tanks; and storage terminal equipment (heaters and a thermal oxidizer) that would be operating on natural gas.*

A list of the emissions that each source would generate:

- **Tankers:** The combustion of marine diesel fuel in the main engines and auxiliary engines generates criteria air pollutants, specifically CO, NOx, PM10, PM2.5, SOx, POC (Precursor Organic Compounds), and TACs (Toxic Air Contaminants).
- **Offloading boilers** for the proposed project would be used during the vessel maneuvering and hoteling operation modes. The combustion of boiler fuel would generate air emissions in the form of CO, NOX, PM10, PM2.5, SOx, POC, and TACs.
- **Crude Oil Storage Tanks:** For purposes of air quality impact analysis, the most relevant characteristic is vapor pressure. The compounds in these vapors include: Benzene, Toluene, Hexane, Xylene
- **Terminal Equipment – Thermal Oxidizer – Natural Gas Combustion:** NOx, CO, EF3, EF, POC, SO2, PM10, PM2.5, CO2, CH4, N2O

- **Crude Oil Heaters:** Combustion of natural gas in the heaters would generate *emissions of criteria air pollutants, POC, TACs, and metals (such as arsenic, cadmium, chromium, etc.)*.
- **Fugitive Emissions from Valves, Flanges, and Pumps:** Movement of crude oil through imperfect piping and pumps would result in small amounts of POC vapor leaks.

Effects of some of these pollutants:

CO: Carbon Monoxide – one of the most common types of fatal air poisoning.

Exposures to carbon monoxide may cause significant damage to the heart and central nervous system, especially to the globus pallidus, often with long-term chronic pathological conditions. Carbon monoxide may have severe adverse effects on the fetus of a pregnant woman.

NO_x: Nitric Oxide and Nitrogen Oxide - NO_x reacts with ammonia, moisture, and other compounds to form nitric acid vapor and related particles. **Small particles can penetrate deeply into sensitive lung tissue and damage it, causing premature death in extreme cases.** Inhalation of such particles may cause or worsen respiratory diseases, such as emphysema or bronchitis, or may also aggravate existing heart disease.

NO_x reacts with volatile organic compounds in the presence of sunlight to form ozone. Ozone can cause adverse effects such as damage to lung tissue and reduction in lung function mostly in susceptible populations (children, elderly, asthmatics). **Ozone can be transported by wind currents and cause health impacts far from the original sources.**

In the WesPac EIR, the Tank Release Impact Scenario Summary states a minor release has a 1 in 25 chance probability per year, and was deemed *likely* during this project. The following combustion byproducts would be released from a minor release:

Naphthalene, polycyclic aromatic hydrocarbons (**PAH**), sulfur dioxide, carbon dioxide, **carbon monoxide, nitrogen oxides**, and volatile organic compounds could be formed and released into the air from a fire, along with particulates such as metals and soot.

Naphthalene by inhalation, ingestion, and dermal contact is associated with **hemolytic anemia, damage to the liver, and neurological damage.**

Cataracts have also been reported in workers acutely exposed to naphthalene by inhalation and ingestion. Chronic (long-term) exposure of workers to naphthalene has been reported to cause cataracts and damage to the retina. Hemolytic anemia has been reported in infants born to mothers who "sniffed" and ingested naphthalene during pregnancy.

In summary, if this project is passed by our city council members, they will be responsible for poisoning their constituents, possibly to death. That would only be the case if a fire or explosion doesn't happen first.

If the project goes forward, health records for every resident in at least a half mile radius of the terminal and tanks should be recorded prior to the project. If any residents or school children suffer from any of the above mentioned ailments (or death), it should be documented immediately so that the proper people are held accountable for their actions.

Don't just seek the facts, seek the truth. Go by the vision of our community and what we are becoming.

Sincerely,

Jennifer Ocon

Kristin Pollot

From: Jennifer Ocón <designerjenb@gmail.com>
Sent: Tuesday, July 21, 2015 4:17 PM
To: Kristin Pollot
Subject: Re: WesPac Energy Project Pittsburg - Letter to Pittsburg City Council

Hi Kristin,

Thank you for responding and for the clarification, I appreciate it. I look forward to learning more about the process at tomorrow's meeting, I'm sure it will answer many of the questions I have at this point.

There were just a couple other comments I'd like to add for inclusion in the new environmental document:

1. I didn't find anything in the original EIR about vapor testing of soils and air. Since the previous EIR stated that there is already some contaminated soil at the project site, I would like to see vapor testing analysis on the the project site (to set a baseline) and results of vapor testing done at similar project sites after a terminal has been in operation for some time as a comparison.
2. Since there were not as many homes developed so close to the storage tanks when the previous report was submitted, I would like to see air emission analysis taken from the same distance that homes will be subjected to on a regular basis. (Around 200 ft.).
3. Since this project is on both a seismically active zone, and a flood zone, the new EIR should show analysis of a worst case scenario accounting for both of those actions happening simultaneously rather than separately (flooding and earthquake). In fact, 3 of the largest earthquakes in the U.S. happened in November, December and February, so it's definitely a possible scenario.

Again, thank you for getting back to me.

Sincerely,
Jennifer Ocon

Jennifer Ocon
Designer/Writer



On Tue, Jul 21, 2015 at 2:28 PM, Kristin Pollot <KPollot@ci.pittsburg.ca.us> wrote:

Hi Jennifer – Thank you for your comments, they will be fully considered in preparation of the 2nd recirculated Draft EIR. Also, to answer your question below – no, it is not currently our plan to share the individual comments received to date during the meeting on Wednesday night. The purpose for the meeting on Wednesday is to: 1) educate the public on how the environmental process works, and 2) accept any new public input about additional issues that should be

included in the new environmental document (and have not already been mentioned in the NOP that was mailed out earlier this month).

Just so you are aware, as far as I know there will not be any decision makers present at this meeting on Wednesday, so it really won't be a good time to voice personal opinions about the project; however, we will gladly accept your comments about new things that should be included in the new draft EIR. Our intent for Wednesday is really to keep the meeting focused on what the scope of content for the new environmental document should be.

I hope that helps – Please let me know if you have any further questions.

Thanks,

Kristin Pollot

[\(925\) 252-6941](tel:9252526941)

From: Jennifer Ocón [mailto:designerjenb@gmail.com]
Sent: Monday, July 20, 2015 6:20 PM
To: Kristin Pollot
Subject: WesPac Energy Project Pittsburg - Letter to Pittsburg City Council

Dear Kristin Pollot,

Attached is a letter to the Pittsburg City Council regarding the WesPac Energy Project in Pittsburg. I will also copy it below. Will the letters and comments be shared at the meeting on Wednesday?

Please feel free to contact me with any future questions as a resident who is quite close to the proposed project, I would be happy oblige.

Jennifer Ocón

Jennifer Ocon
1036 Gridley Drive

Pittsburg, CA 94565

[760-715-5967](tel:760-715-5967)

designerjen@outlook.com

July 20, 2015

Kristin Pollot, Planning Manager
City of Pittsburg, Planning Division
65 Civic Avenue
Pittsburg, CA 94565

SUBJECT: WesPac Energy Infrastructure Project, Pittsburg, CA

Dear Kristin Pollot,

I recently learned about the WesPac Energy Oil and Transport Project that will be reactivating the facilities at 696 West 10th Street.

I am a resident in the Mariner Walk Phase II community, and my home is located about 360 feet (120 yards) away from the oil tank farm. There are other homes in the development that are even closer to the tanks.



I would also like to give a little perspective on the distance from the tanks to some of the prominent structures in our neighborhood.

- -- The Saint Peter Martyr School is about 540 feet (180 yards) from the oil storage tanks.
- -- The First Baptist Church at 204 Odessa Ave. is about 380 feet (126 yards) from the oil storage tanks.
- -- The Stewart Memorial Methodist Church at 580 Front Street is about 270 feet (90 yards) from the oil storage tanks.
- -- The Riverview Park is at the docks of the proposed marine terminal terminal and about 330 feet (110 yards) to the oil storage tank (measurement taken from the children's jungle gym area).
- -- The Marina Walk Park is about 558 yards (0.31 miles) from the oil storage tanks.
- -- The Marina Vista Elementary School is about 864 yards (0.49 miles) from the oil storage tanks.
- -- The newly redeveloped Old Town Pittsburg area is about 0.6 miles from the oil storage tanks.
- -- There are hundreds of homes less than half a mile from the terminal and many other prominent businesses and churches, too many to list here.

ACCIDENTS ARE UNAVOIDABLE

According to the WesPac Energy EIR report: *Next to lightning, **the most common root cause of fire- and explosion-related releases from bulk storage tanks is a result of human error.***

Human error happens in every industry, every day. To think that maintenance of a terminal with 17 storage tanks will be devoid of human error is foolish. It isn't a matter of "if" something goes wrong, it's a matter of "when". When a fire and explosion occurs in this terminal, an entire community with hundreds or thousands (depending on the size of the fire) of children and adults will be incinerated.

View this to see an example of a fire and explosion release from a bulk storage tank:

<https://youtu.be/DhVXnNvaudQ>

Since this terminal site is located on a seismically active area, an earthquake can also cause a release from the storage tanks, either immediately or after the tank suffers fatigue or cracks from the seismic motion. That is beyond anyone's control. **There is a 62 percent probability of at least one magnitude 6.7 or greater earthquake to occur on one of the major faults within the San Francisco Bay region before 2032**

View this to see an example of a fire and explosion at an oil terminal that happened moments after an earthquake: <https://youtu.be/zSRcaF03GEA>

HAZARDOUS EMISSIONS FROM CONSTRUCTION AND RETROFITTING TANKS

In the EIR report, it states that there is 'potential' for hazardous materials in the pipelines and that the storage terminal 'may' contain hazardous constituents and asbestos. **These facts need to be determined before they begin any demolition on this site.**

While the workers at the terminal may be trained on deconstructing haz-mat sites and be outfitted with the proper protective apparel, residents and students nearby will not be protected if any of the contaminants are released during this phase.

- -- Investigators have found asbestos-related diseases in individuals with only brief exposures.
- -- There is evidence that family members of workers heavily exposed to asbestos face an increased risk of developing mesothelioma. This risk is thought to result from exposure to asbestos fibers brought into the home on the shoes, clothing, skin, and hair of workers.
- -- **Crocidolite asbestos**, which was known for having the best heat resistance and used for pipe insulation, is seen as the most dangerous type of asbestos.
- -- Polycyclic aromatic hydrocarbons (**PAH**) were reported present in the soil near some of the tanks. **This is yet another cancer causing substance that will be emitted into the air when soil remediation occurs.**

EMISSIONS FROM THE TERMINAL AND STORAGE TANKS

From the Environmental Impact Report (EIR): *The major emission sources of this project would be the marine vessels that have onboard main propulsion engines, auxiliary engines, and boilers; tugboats that also have onboard main and auxiliary engines; rail locomotives; crude oil storage tanks; and storage terminal equipment (heaters and a thermal oxidizer) that would be operating on natural gas.*

A list of the emissions that each source would generate:

- **Tankers:** The combustion of marine diesel fuel in the main engines and auxiliary engines generates criteria air pollutants, specifically [CO](#), [NO_x](#), [PM₁₀](#), [PM_{2.5}](#), [SO_x](#), [POC](#) (Precursor Organic Compounds), and [TACs](#) (Toxic Air Contaminants).
- **Offloading boilers** for the proposed project would be used during the vessel maneuvering and hoteling operation modes. The combustion of boiler fuel would generate air emissions in the form of [CO](#), [NO_x](#), [PM₁₀](#), [PM_{2.5}](#), [SO_x](#), [POC](#), and [TACs](#).
- **Crude Oil Storage Tanks:** For purposes of air quality impact analysis, the most relevant characteristic is vapor pressure. The compounds in these vapors include: [Benzene](#), [Toluene](#), [Hexane](#), [Xylene](#)
- **Terminal Equipment – Thermal Oxidizer – Natural Gas Combustion:** [NO_x](#), [CO](#), [EF₃](#), [EF](#), [POC](#), [SO₂](#), [PM₁₀](#), [PM_{2.5}](#), [CO₂](#), [CH₄](#), [N₂O](#)
- **Crude Oil Heaters:** Combustion of natural gas in the heaters would generate *emissions of criteria air pollutants, [POC](#), [TACs](#), and metals (such as arsenic, cadmium, chromium, etc.).*
- **Fugitive Emissions from Valves, Flanges, and Pumps:** Movement of crude oil through imperfect piping and pumps would result in small amounts of [POC vapor leaks](#).

Effects of some of these pollutants:

CO: Carbon Monoxide – one of the most common types of fatal air poisoning. Exposures to carbon monoxide may cause significant damage to the [heart](#) and [central nervous system](#), especially to the [globus pallidus](#), often with [long-term chronic pathological conditions](#). Carbon monoxide may have severe adverse effects on the [fetus](#) of a pregnant woman.

NO_x: Nitric Oxide and Nitrogen Oxide - NO_x reacts with [ammonia](#), moisture, and other compounds to form [nitric acid](#) vapor and related particles. **Small particles can penetrate deeply into sensitive lung tissue and damage it, causing premature death in extreme cases.** Inhalation of such particles may cause or worsen respiratory diseases, such as [emphysema](#) or [bronchitis](#), or may also aggravate existing heart disease.

NO_x reacts with [volatile organic compounds](#) in the presence of sunlight to form [ozone](#). Ozone can cause adverse effects such as damage to lung tissue and reduction in lung function mostly in

susceptible populations (children, elderly, asthmatics). **Ozone can be transported by wind currents and cause health impacts far from the original sources.**

In the WesPac EIR, the Tank Release Impact Scenario Summary states a minor release has a 1 in 25 chance probability per year, and was deemed *likely* during this project.

The following combustion byproducts would be released from a minor release:

Naphthalene, polycyclic aromatic hydrocarbons (**PAH**), sulfur dioxide, carbon dioxide, **carbon monoxide**, **nitrogen oxides**, and volatile organic compounds could be formed and released into the air from a fire, along with particulates such as metals and soot.

Naphthalene by inhalation, ingestion, and dermal contact is associated with **hemolytic anemia, damage to the liver, and neurological damage. Cataracts have also been reported** in workers acutely exposed to naphthalene by inhalation and ingestion. Chronic (long-term) exposure of workers to naphthalene has been reported to cause cataracts and damage to the retina. Hemolytic anemia has been reported in infants born to mothers who "sniffed" and ingested naphthalene during pregnancy.

In summary, if this project is passed by our city council members, they will be responsible for poisoning their constituents, possibly to death. That would only be the case if a fire or explosion doesn't happen first.

If the project goes forward, health records for every resident in at least a half mile radius of the terminal and tanks should be recorded prior to the project. If any residents or school children suffer from any of the above mentioned ailments (or death), it should be documented immediately so that the proper people are held accountable for their actions.

Don't just seek the facts, seek the truth. Go by the vision of our community and what we are becoming.

Sincerely,

Jennifer Ocon

Kristin Pollot

From: Jesse Ocon <jesseocon@gmail.com>
Sent: Friday, August 7, 2015 2:31 PM
To: Kristin Pollot
Subject: A Notice of Preparation (NOP) of a Second Recirculated Draft EIR for the 'WesPac Pittsburgh Infrastructure Project'

Dear Kristin Pollot,

My name is Jesse Ocon and I live at 1036 Gridley Drive in Pittsburg, CA 94565. Here are my comments that I would like included in the RDEIR.

1. I am concerned about the valuation of my home decreasing as a result of the proposed project. Please include an analysis on the values of existing homes when similar projects are introduced in similar proximity (less than a mile). Please include how the City of Pittsburg or WesPac intends to offset the decrease in home values for residents located within close proximity to the proposed project.
2. I am concerned about toxic vapor in the soils. Please include an analysis of the soils in the nearby neighborhood of Gridley Drive, and Halsey Way to establish a baseline. Also provide a plan for periodic testing of the soils several times a year.
3. I am concerned about toxic vapor in the air. Please include an analysis of the current air quality to establish a baseline. Also provide a plan for periodic testing of the air several times a year. As an aside the sample should be from a nearby source, not farther than the nearest residence.
4. Due to the flammable nature of crude oil, please provide an analysis of what it would take to keep the residents of Gridley Drive and surrounding neighborhoods that are within a quarter mile of the tanks safe during an explosion of similar magnitude to the Texas City Refinery explosion occurred on March 23, 2005.
5. I am concerned about the existing quality of the soil at the current location of the proposed project. Please provide an analysis of existing soil quality, and provide an analysis of the potential effects of disturbing this soil during construction. Also the project start should be contingent upon reaching an acceptable toxicity level in the soils.
6. I am concerned about asbestos (and other harmful chemical and toxins) containment during the construction portion of the project. Please provide the proposed plan for abatement and an analysis of potential harm inflicted on the nearby residents as a result.

Regards,

Jesse Ocon

COPY TO CITY

To: City of Pittsburg, Ca
Kristin Pollot, Planning Manager
City of Pittsburg, Planning Division
65 Civic Avenue
Pittsburg, CA 94565

RE: Additional comments to: DEIR, EIR, NEPA and Environmental Justice Studies for WesPac crude oil terminal. Include the following statements, questions and exhibits in the administrative record OF ANY AND ALL LOCAL, STATE AND FEDERAL AGENCY INVOLVED IN REGULATION OR SITING OF THIS PROJECT. Respond in writing in accordance with the California Environmental Quality Act (CEQA) to all comments and questions presented. Failure to answer in writing as required by law is denial of my rights to participate in this proceeding and a denial of due process. Use of discriminatory State and Federal laws is a denial of my right to participate in this proceeding in a meaningful manner and a denial of due process under the law as granted to all Citizens of the United States of America by our Constitution and The Declaration of Independence. Pursuant to "Citizens for Ceres v The Superior Court of Stanislaus County (July 8, 2013) 217 Cal.App.4th 889" provide ALL correspondence between applicant, applicant's advisors to the City of Pittsburg, City of Pittsburg advisers, Planning Commission, Planning Commission advisers, Fire Department and all elected and appointed officers there in.

Objection to Citizens Being Denied Rights to Participate in Process; applicant contends they can arbitrarily dismiss the concerns and the rights of citizens simply because applicant has drawn up a new second DEIR. Second Recirculated DEIR is to treat comments and question submitted to the original DEIR and recirculated DEIR as resubmitted to the Second Recirculated DEIR on my behalf. CEQA allows resubmit ion of documents already on the record by name only. CEQA requires a written answer. If applicant believes a question or comment is no longer relevant please state in writing why such question or comment is not relevant. City of Pittsburg has failed to notify potential victims that may be affected by project. Department of Transportation (DOT) has deemed a danger zone of 1 mile radius around potential crude oil spill sites. Contra Costa Water District has identified half a million potential victims.

RECEIVED
JUL 22 2015
PLANNING DIVISION

List of concerns:

**The Residents of Pittsburg next to WesPac
Sensitive Receptors have not been identified
History of Discrimination of Pittsburg Residents by Public Agencies
California State Legislators to Allow Continued Gassing of Pittsburg Residents
Wetland Lease is in Violation of the "Public Trust Doctrine"
Agreement Between the Lands Commission and the City of Pittsburg is Illegal
Air Emissions and there Effects under Estimated
Original Draft EIR Attempts to use Past Discrimination to Justify continued Discrimination
DELTA PROTECTION COMMISSION has failed its fiduciary responsibilities
Project Dose not Conform to the Mandate of State Legislature
Environmental Justice Study
Visual Impacts/Aesthetics
Noise Impacts
Traffic Impact Study (TIS) State Route (SR) 4
Ridiculous Clam; Fewer Ships in Bay
Project is a New Use of facility
Project not Supported by Evidence
Sighting and Construction Concerns
Dangers of Volatile Liquids Storage Known Since 1947
Best Available Control Technology: Spherical Tanks, Doubled Wall Tanks and Pipes, Extra
Pumps and Tanks, on-site Fire Department
Project is in a Flood Zone from both Storm Run off and Tidal Surge
Applicant Acknowledges Evaporative Losses of Highly Detonable Hydrocarbons
Fires, Explosions and an AIR/FUEL DETONATION are the Biggest Immediate Threat to Life
And Property during a Hydrocarbon Spill
Secondary Barrier must Contain Shock Wave and Extreme Heat
Mutual Aide Too Little too Late
Industry Standard for Foaming Oil Spills is 15 Minutes
Special Assessment Proposition 218
Onsite Safety Equipment to Protect Live and Property
State of the Art Monitoring
Nitrogen Replacement of 21% Oxygen**

*7.5 BEATH QUAKE, CURRENT CITY AND VILS
25% BELOW REQUIRED CRITICAL.*

Petroleum Industry is Delusional; It's More than just Trains
Pipe Line Leaks Common and Costly
Damage Caused By Oil Spill More Than Just Cleanup
Facility to be used to Ship Crude to Southern California
Security and Vulnerability Analyses, Terrorist/Employee Sabotage
Drinking Water Supply for .5 Million Customers of Contra Costa Water District
Protection of Wildlife, Scenic, Recreational Habitats and Antioch Dunes National Wildlife Refuge
Certificate of Financial Responsibility for Worst Case Spill
Independent Onsite Verification of Construction Equipment used to Meet BAAQMD Standards
Urban Water Management Plan
Insignificant Finding for Environment may be Significant for Economic and Social Effects
Lead Agency to Select Alternatives for Discussion in EIR
Cost or Impedance of Project Objective in not a Factor in Alternatives
No Verifiable Statistical Analysis Models Were Used In EIR
Why Most Published Research Findings Are False
Less Discriminatory Alternatives
Environmentally Superior, Less Discriminatory Project Alternative
Reckless Disregard for Human Life
Hypothetical Case Study Bighorn Medicine Wheel in Wyoming, 7000 years of Native American
Law
Cumulative Impact
Statistical Analysis, Science or Pseudoscience?

Sincerely:

James B. MacDonald
274 Pebble Beach Loop
Pittsburg. Ca 94565
Jbmd56@yahoo.com

To: City of Pittsburg, Ca
Kristin Pollot, Planning Manager
City of Pittsburg, Planning Division
65 Civic Avenue
Pittsburg, CA 94565

8/3/2015

This document best viewed at: <https://www.mediafire.com/?7fcg01plcpfcexa>

RE: Additional comments to: DEIR, EIR, NEPA and Environmental Justice Studies for WesPac crude oil terminal. Include the following statements, questions and exhibits in the administrative record OF ANY AND ALL LOCAL, STATE AND FEDERAL AGENCY INVOLVED IN REGULATION OR SITING OF THIS PROJECT. Respond in writing in accordance with the California Environmental Quality Act (CEQA) to all comments and questions presented. Failure to answer in writing as required by law is denial of my rights to participate in this proceeding and a denial of due process. Use of discriminatory State and Federal laws is a denial of my right to participate in this proceeding in a meaningful manner and a denial of due process under the law as granted to all Citizens of the United States of America by our Constitution and The Declaration of Independence.

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Objection to Citizens Being Denied Rights to Participate in Process; applicant contends they can arbitrarily dismiss the concerns and the rights of citizens simply because applicant has drawn up a new second DEIR. Second Recirculated DEIR is to treat comments and question submitted to the original DEIR and recirculated DEIR as resubmitted to the Second Recirculated DEIR on my behalf. CEQA allows resubmission of documents already on the record by name only. CEQA requires a written answer. If applicant believes a question or comment is no longer relevant please state in writing why such question or comment is not relevant.

City of Pittsburg has failed to notify **potential victims** that may be affected by project. Department of Transportation (DOT) has deemed a danger zone of 1 mile radius around potential crude oil spill sites, approximately 59,000 **potential victims**. Contra Costa Water District has identified half a million **potential victims**. A major electrical substation, Trans Bay electrical cable to San Francisco and a major rail right away are just next door, A disruption of power and rail could affect millions more for many weeks if not months. The area for **potential victims** from this project covers all of northern California. Scooping meetings need to held in all schools, churches, public meeting areas and local school Boards. Government agencies must convene to consider this input and determine the possible effect of this project, finding to be incorporated into EIR.

CEQA guidelines 15126.6(a) The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. Pittsburg City council has failed to notice and hold public discussion on alternative and vote on them.

Court rules disregarding safety for profit is Gross Negligence under the law

<http://www.cnbc.com/id/101958656#>

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Executive Summary: The Residents of Pittsburg next to WesPac

Frank D Gordon RDEIR comments: “The neighborhood adjacent to the WesPac project was built at a time when the African-American population could not purchase homes anywhere else. It was built specifically for and has remained a minority, low to very low income neighborhood.” The WesPac Pittsburg Energy Infrastructure hydrocarbon storage tank farm project is literally a stone's throw away from a predominantly low-income, minority community consisting of approximately 120+ homes, two churches, one school and Riverview Park. It is common in the summer time to see windows and doors of residences wide open for cooling due to the lack of air conditioning of homes. Residents retreat to the Riverview Park during the summer to cool off in the Delta breeze. Water sport and nature enthusiast use the park as access to the delta. Families bring their children to the park. The homeless use the park for shelter. Subsistence fisherman use Riverview Park for access to the delta for fishing. The fish they are catching are known to be contaminated with industrial toxins and mercury. Residents report high levels of cancer and asthma. WesPac Original Draft EIR estimates the increase in cancer at 14 in a million, which is in excess of the thresholds of significance identified in the Bay Area Air Quality Management District. This is in addition to the 2005 EPA estimate of 50 in a million cancer rate for Pittsburg; brings the total cancer rate to an estimated 64 in a million. WesPac Project will result in an increase in cancer and asthma rates to all that use this park. It is clear **Pittsburg low-income minority community bears a disproportionate share of the cumulative burden of environmental exposure**. Furthermore these facts would indicate Riverview Park is an important sensitive receptor site adversely impacted by the project. Riverview Park needs to be included in the Recirculated Draft EIR as a sensitive receptor.

Executive Summary: History of Discrimination of Pittsburg Residents by Public Agencies

The Recirculated Draft EIR still does not address why the applicant stated in the Original Draft EIR air pollution and ship traffic is of major concern when it is located in the middle of the playground of rich yacht owners and homeowners but is ok when concentrated in the midst of homes, schools, churches and playgrounds of low-income, minority community. Is it because the applicant is convinced agencies are more likely to approve the project if they believe the project will benefit the wealthy over low-income communities? Humanity deserves an answer to this question. A cursory look at S.F. bay area agency actions might support such a conclusion.

The BAAQMD, CARB and the state of California continue to support a discriminatory practice of letting applicants buy pollution credits from outside the adversely affected community and concentrating pollution within already polluted low-income, minority communities, even when the affected community is already above state and federal pollution levels.

BART and highway extension through Pittsburg did not include the completion of Range Road overpass even though the City, police, fire department, school district and emergency responders all testified the overpass was needed to better protect and serve the community. Agencies response was Pittsburg was not deserving of an overpass and splitting the community permanently was not their problem. BART trains on East extension to use dirtier and cheaper diesel powered cars. When we look at those same agencies did for Lafayette and Walnut Creek we see for Lafayette they built 6 under passes (between Acalanes Rd to Pleasant Hill Rd on Highway 24; approximately the same distance between Bailey road exit and Railroad exit, Pittsburg) and for Walnut Creek two major over passes (between Pleasant Hill Rd and Ygnacio Valley; 4,333 ft apart) to serve only a few wealthy homeowners, homes that had other means of access to the nearby community.

A thriving, financially lucrative and community supporting fishing industry in Pittsburg was destroyed by public agencies allowing the Delta water to be diverted away and polluted by industry. This destruction of Pittsburg fishing economy was for the so purpose of making rich property owners, developers and industry stockholders richer.

Pittsburg Unified School District had to close a school and sign a voluntary letter of compliance to answer concerns of racial discrimination.

Keller Canyon landfill was located in Pittsburg so wealthy equestrians would not lose their riding range even though their location would have been more centrally located, producing less truck traffic and pollution.

Delta Protection Act of 1992, the California Delta Protection Commission (DPC) is required to review and approve proposed General Plan amendments affecting land within the Primary Zone. Primary zone boundaries were drawn to deny Pittsburg residents due process and Delta protection. This has negated DPC ability to protect the Delta.

Lands Commission signs agreement with City of Pittsburg allowing City to bypass due process rights of citizens and Delta protection laws.

The Contra Costa Council (a group of elected CCC officials and CCC industries) put out reports on state of commerce and recommendations. They stated the role of Education in Central CCC (Walnut Creek and Lafayette) was to prepare students for leadership roles. The role of Education in East County “Prepare the students for overflow service sector work and the needs of the employer.” I was serving as a trustee of the Pittsburg Unified School District at the time. I went to one of their meetings in Walnut Creek and informed them; “I am a Trustee of the PUSD and I do not make that type of decision for these students. The role of Education is preparing the students for whatever the student invasion’s their future to be.”

The CEC, BAAQMD, CARB and the state of California allowed power plants to use outdated emissions controls and concentrate pollution in Pittsburg by use of pollution credits from outside the affected area. CEC did not require an EJ analysis, as there are “not enough minorities or low income groups in Pittsburg to study.” The CEC went as far as to hold seminars for other state agency to teach them how to handle low income minority communities, thus institutionalizing discrimination against EJ communities in California.

Local and state agency allowed GWF to build several small dirty Petroleum Coke burning power plants to get around strict pollution standards.

PUC only gave PG&E a warning when it was found out PG&E went ahead with power line upgrades without public input, thus denying Pittsburg the opportunity to have high power lines underground. High voltage power lines are now strung all over Pittsburg, detracting from the landscape and bringing down property values.

Pittsburg Unified School District Files EJ complaint against the City of Pittsburg, BAAQMD, CEC, CARB and EPA because of these agencies continued attracts on the health and welfare of Pittsburg Students and the major adverse effects on the learning environment, due to health problems from air pollution.

Los Medanos Community College was built with false smoke stacks and fake industrial doors so student would become accustomed to the environment in with they are expected to live.

Federal EPA pulls from circulation and expunged Public Records of: The EPA’S Final Guidance for Incorporating Environmental Justice Concerns in EPA’s NEPA Compliance Analyses of April 1998. To this day EPA denies existence of this document: in violation of the Freedom of Information Act.

Patrolmen coke lies on the streets of Pittsburg, a highly poisonous material. Nothing has been done to prosecute the corporations responsible for this health risk.

City of Pittsburg removed provisions in its general plan designed to safeguard residents and the Delta from industrial hazards.

Even though Congress recognizes there is a real and present threat to Pittsburg’s residents from terrorist attack, nothing has been done. Dangerous railcars after railcar stand unguarded next to schools and homes.

Executive Summary: DELTA PROTECTION COMMISSION has failed its fiduciary responsibilities

Per the Delta Protection Act of 1992, the California Delta Protection Commission (DPC) is required to review and approve proposed General Plan amendments affecting land within the Primary Zone but not necessarily in Primary Zone. Browns Island (yards away from ship unloading site), located along the northeastern shore of Suisun Bay, lies within the DPC's Primary Zone. Browns Island is primarily owned by the State Lands Commission, leased to the East Bay Regional Park District; a portion of the Island is owned by the Port of Stockton. Local governments must ensure that adopted General Plans, and any development approved or proposed under the General Plan, will be consistent with the DPC's

Land Use and Resource Management Plan and will NOT:

- result in wetland or riparian loss
- result in degradation of water quality
- result in increased nonpoint source pollution
- result in the degradation or reduction of Pacific Flyway habitat
- result in reduced public access
- expose the public to increased flood hazard
- adversely impact agricultural lands or increase the potential for vandalism, trespassing, or the creation of public private nuisance on public or private land
- result in the degradation or impairment of levee integrity
- adverse impacts on navigation.

Ships, trains and pipelines run through DELTA PROTECTION COMMISSION areas of responsibility. A spill or air pollution from WesPac will adversely affect the Delta. The commission has failed the citizens of California. **When will commission exercise its responsible to the State and review this project and changes to Pittsburg's general plain?**

Executive Summary: LANDS COMMISSION has failed its fiduciary responsibilities

Lands Commission signs agreement with City of Pittsburg allowing City to bypass due process of citizens and Delta protection laws. The city can do as it pleases without review from Land Commission.

Executive Summary: California State Legislators to Allows Continued Gassing of Pittsburg (Auschwitz-Birkenau)

BAAQMD RDEIR comments: Air pollution credits may be needed to meet Mitigation Measure AQ-3 (NOx and ROG)

Executive Summary: Original Draft EIR Attempts to use Past Discrimination to Justify Continued Discrimination

The original Draft EIR suggests continued discrimination is OK since public agencies have already destroyed Pittsburg recreational and scenic value as a tourist destination by killing off sport fishing, filling Pittsburg's hills with trash, walling off the delta from public view and use with industrial blight. They have made sure that Pittsburg residents will not prosper by providing poor educational opportunities and closing off access to nearby health care. They have blighted the City with high voltage lines, cut the City in halve with BART and allowed the air to be polluted above State and Federal standards.

Original Draft EIR goes on to suggest if public and private agencies have been successful in dumming down a community's expectations, this dumbed down expectation should be used to judge a project; not what is right: **Every man, woman and child has the right to live in a as clean and as beautiful an environment as anyone else. Civil Rights title VI, Cal Gov. Code 11135 and Presidential Executive Order 12898**

Imagine if:

[Ralph Abernathy](#) (1926–1990) clergyman, activist, [Southern Christian Leadership Conference](#) (SCLC)
[Susan B. Anthony](#) (1820–1906) [Women's suffrage](#) leader, speaker, inspiration
[Ella Baker](#) (1903–1986) SCLC activist, initiated [Student Nonviolent Coordinating Committee](#) (SNCC)
[James Baldwin](#) (1924–1987) essayist, novelist, public speaker, SNCC activist
[Daisy Bates](#) (1914–1999)
[Dana Beal](#) (1947–) pro-hemp activist, organizer, speaker, initiator
[Jeremy Bentham](#) (1748-1832) British philosopher, writer, and teacher on civil rights, inspiration
[James Bevel](#) (1936–2008) SCLC's main strategist, organizer, and Action leader
[Claude Black](#) (1916–2009)
[Antoinette Brown Blackwell](#) (1825-1921) - founded [American Woman Suffrage Association](#) with [Lucy Stone](#) in 1869
[Julian Bond](#) (1940–) activist, politician, scholar, lawyer, [NAACP](#) chairman
[Lenny Bruce](#) free speech advocate, comedian, satirist
[Lucy Burns](#) (1879–1966) women's suffrage/voting rights leader
[Stokely Carmichael](#) (1941–1998) SNCC and Black Panther activist
[Carrie Chapman Catt](#) (1859–1947) suffrage leader, president [National American Woman Suffrage Association](#), founder [League of Women Voters](#) and [International Alliance of Women](#)
[Cesar Chavez](#) (1927–1993) Chicano activist, organizer, trade unionist
[Claudette Colvin](#) (1939–) [Montgomery Bus Boycott](#) pioneer, independent activist
[Marvel Cooke](#) (1903–2000), journalist, writer, trade unionist
[Humberto "Bert" Corona](#) (1918–2001) labor and civil rights leader
[Dorothy Cotton](#) (1930–) SCLC activist, organizer, and leader
[Norris Wright Cuney](#) (1846–1898), Texas politician
[Eugene Debs](#) (1855–1926) organizer, campaigner for the poor, women, dissenters, prisoners
[Frederick Douglass](#) (1818–1895) [abolitionist](#), women's rights, writer, organizer
[W. E. B. Du Bois](#) (1868–1963) writer, scholar, founder of NAACP
[Charles Evers](#) (1922–) Civil Rights Movement activist
[Medgar Evers](#) (1925–1963) NAACP official
[James Farmer](#) (1920–1999) [Congress of Racial Equality](#) (CORE) leader and activist
[Louis Farrakhan](#) (1933–) Minister, National Representative of the Nation of Islam
[James Forman](#) (1928–2005) SNCC official and activist
[Marie Foster](#) (1917–2003) activist, local leader in [Selma Voting Rights Movement](#)
[Betty Friedan](#) (1921–2006) writer, activist, feminist
[Mohandas Gandhi](#) (1869–1948) activist, writer, philosopher, inspiration
[William Lloyd Garrison](#) (1805–1879) writer, organizer, feminist, initiator
[Dick Gregory](#) civil rights movement, free speech advocate, and comedian
[Olympe de Gouges](#) (1748–1793) women's rights pioneer, writer, beheaded after French Revolution
[Prathia Hall](#) (1940–2002) SNCC activist, civil rights movement speaker
[Fannie Lou Hamer](#) (1917–1977) activist in [Mississippi movements](#)

[Harry Hay](#) (1912–2002) early leader in American [LGBT rights](#) movement, founder [Mattachine Society](#)
[Lola Hendricks](#) (1932–) activist, local leader in [Birmingham Movement](#)
[Jack Herer](#) (1939–2010) pro-hemp activist, speaker, organizer, author
[Gordon Hirabayashi](#) (1918–2012) Japanese-American civil rights hero
[Myles Horton](#) (1905–1990) teacher of nonviolence, pioneer activist, [Highlander Folk School](#)
[T.R.M. Howard](#) (1908–1976) founder of Mississippi's Regional Council of Negro Leadership
[Julia Ward Howe](#) (1818–1910) writer, organizer, suffragette
[Dolores Huerta](#) (1930–) labor and civil rights activist
[John Peters Humphrey](#) (1905–1995) author of [Universal Declaration of Human Rights](#)
[Jesse Jackson](#) (1941–) clergyman, activist, politician
[Nellie Stone Johnson](#) (1905–2002) labor and civil rights activist
[Abby Kelley](#) (1811–1887) abolitionist and suffragette
[Coretta Scott King](#) (1927–2006) SCLC leader, activist
[Martin Luther King, Jr.](#) (1929–1968) SCLC co-founder/president, activist, author, speaker, inspiration
[James Lawson](#) (1928–) teacher of nonviolence, activist
[Bernard Lafayette](#) (1940–) SCLC and SNCC activist and organizer
[John Lewis](#) (1940–) [Nashville Student Movement](#), SNCC activist, organizer, speaker, politician
[Joseph Lowery](#) (1921–) SCLC leader and co-founder, activist
[Clara Luper](#) (1923–2011) sit-in movement leader, activist
[James Madison](#) (1751–1836) introduced and lobbied for the U.S. Bill of Rights
[Nelson Mandela](#) (1918–) South African statesman, leading figure in anti-apartheid movement
[George Mason](#) (1725–1792) wrote [Virginia Declaration of Rights](#), influenced U.S. Bill of Rights
[Rigoberta Menchú](#) (1959) - Guatemalan indigenous rights leader, co-founder Nobel
[James Meredith](#) (1933–) independent student leader and self-starting activist
[Mamie Till Bradley Mobley](#) held open casket funeral for son, [Emmett Till](#); speaker, activist
[Charles Morgan, Jr.](#) (1930–2009) attorney, established principle of "one man, one vote"
[Harvey Milk](#) (1930–1978) politician, gay rights activist
[Bob Moses](#) (1935–) leader, activist, and organizer
[Diane Nash](#) (1938–) SNCC and SCLC activist and organizer
[Edgar Nixon](#) (1899–1987) Montgomery Bus Boycott organizer, civil rights activist
[James Orange](#) (1942–2008) SCLC activist and organizer, trade unionist
[Emmeline Pankhurst](#) (1858–1928) [British Suffragette Movement](#)
[Rosa Parks](#) (1913–2005) NAACP official, activist, Montgomery Bus Boycott inspiration
[Alice Paul](#) (1885–1977) major women's suffrage/women's rights leader, strategist, and organizer
[Thomas Paine](#) (1737–1809) English-American activist, author, theorist, wrote Rights
[Elizabeth Peratrovich](#) (1911–1958) Alaska activist for native people
[A. Philip Randolph](#) (1889–1979) [socialist](#), labor leader
[Amelia Boynton Robinson](#) (1911–) voting rights activist
[Jo Ann Robinson](#) (1912–1992) Montgomery Bus Boycott activist.
[Eleanor Roosevelt](#) (1884–1962) women's rights, human rights activist in United Nations
[Bayard Rustin](#) (1912–1987) civil rights activist
[Al Sharpton](#) (1954–) clergyman, activist, media
[Charles Sherrod](#) civil rights activist, SNCC leader
[Judy Shepard](#) (1952–) gay rights activist, public speaker
[Kate Sheppard](#) (1847–1934) New Zealand suffragist in first country to have universal suffrage
[Fred Shuttlesworth](#) (1922–2011) clergyman, activist, co-founder SCLC and Birmingham Movement

[Elizabeth Cady Stanton](#) (1815–1902) women's suffrage/women's rights leader
[Gloria Steinem](#) (1934–) writer, activist, feminist
[Lucy Stone](#) (1818–1893) women's suffrage/voting rights leader
[Thich Quang Duc](#) (1897–1963) Vietnamese monk, freedom of religion self-martyr
[Desmond Tutu](#) (1931–) South African anti-apartheid organizer, advocate, inspiration
[Karl Heinrich Ulrichs](#) (1825-1895) German writer, organizer, pioneer of the [gay rights movement](#).
[C.T. Vivian](#) (1924–) American student civil rights leader, SNCC activist
[Wyatt Tee Walker](#) activist with NAACP, CORE, and [SCLC](#)
[Ida B. Wells](#) (1862–1931) journalist, women's suffrage/voting rights activist
[Walter Francis White](#) (1895–1955) [NAACP](#) executive secretary
[Elie Wiesel](#) (1928–Present) Jewish rights leader
[Roy Wilkins](#) (1901–1981) [NAACP](#) executive secretary/executive director
[Frances Willard](#) (1839–1898) women's rights, suffrage/voting rights leader
[Hosea Williams](#) (1926–2000) civil rights activist, SCLC organizer
[Robert F. Williams](#) (1925–1996) organizer
[Victoria Woodhull](#) (1838–1927) suffragette organizer, women's rights leader
[Malcolm X](#) (1925–1965) author, activist
[Andrew Young](#) (1932–) clergyman, [SCLC](#) activist and executive director
[Whitney M. Young, Jr.](#) (1921–1971) Exec. Director [National Urban League](#), advisor to U.S. Presidents
[William Wilberforce](#) (1759-1833) leader of English [abolition movement](#)
Alexander Fred MacDonald (1920-2006) union leader, civil rights activist, my father

Imagine if all these people said “Oh... let’s go home ladies and gentlemen the law says it’s ok for them to discriminate.”

Executive Summary: Project does not Conform to the Mandate of State Legislature

Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992

29701. The Legislature finds and declares that the Sacramento-San Joaquin Delta is a natural resource of statewide, national, and international significance, containing irreplaceable resources, and it is the policy of the state to recognize, preserve, and protect those resources of the delta for the use and enjoyment of current and future generations.

29702. The Legislature further finds and declares that the basic goals of the state for the Delta are the following:

(a) Achieve the two coequal goals of providing more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.

(b) Protect, maintain, and, where possible, enhance and restore the overall quality of the Delta environment, including, but not limited to, agriculture, wildlife habitat, and recreational activities.

29705. The Legislature further finds and declares that the delta's wildlife and wildlife habitats, including waterways, vegetated unlevered channel islands, wetlands, and riparian forests and vegetation corridors, are highly valuable, providing critical wintering habitat for waterfowl and other migratory birds using the Pacific Flyway, as well as certain plant species, various rare and endangered wildlife species of birds, mammals, and fish, and numerous amphibians, reptiles, and invertebrates,

that these wildlife species and their habitat are valuable, unique, and irreplaceable resources of critical statewide significance and that it is the policy of the state to preserve and protect these resources and their diversity for the enjoyment of current and future generations.

29706. The Legislature further finds and declares that the resource values of the delta have deteriorated, and **that further deterioration threatens the maintenance and sustainability of the delta's ecology, fish and wildlife populations, recreational opportunities, and economic productivity.**

29708. The Legislature further finds and declares that the cities, towns, and settlements within the delta are of significant historical, cultural, and economic value and that their continued protection is important to the economic and cultural vitality of the region.

The Legislature does not use the words significant or less than significant; avoidable or unavoidable but the word FURTHER, (as in any deterioration threatens). State agency, CCCFPD, BAAQMD and WesPac have already stated to negative effects that they call **Significant!** This is more than what Californian State Legislators have mandated as fair or just for the Citizens and environment of the Delta. State and local agencies do not have the legal authority to countermand Legislative intent.

Executive Summary: Wetland Lease is in Violation of the “Public Trust Doctrine”

Senate Bill No. 551 CHAPTER 422 SEC. 3. (a) The trust lands shall be held by the trustee in trust for the benefit of all the people of the state for purposes consistent with the public trust doctrine, (3) “Public trust doctrine” means the common law doctrine, as enunciated by the court in *National Audubon Society v. Superior Court* (1983) 33 Cal. 3d 419, and other relevant judicial decisions, specifying the state’s authority as sovereign to exercise a continuous supervision and control over the navigable waters of the state, the lands underlying those waters, and non-navigable tributaries to navigable waters, including the maritime or water dependent commerce, navigation, and fisheries, and the preservation of lands in their natural state for scientific study, open space, wildlife habitat, and water-oriented recreation. It is clear that the WesPac facility is not for the benefit of all the people. Will have a detrimental effect on fisheries, wildlife habitats and water- oriented recreation and is in violation of public trust doctrine. Terms of Trust require lands to stay open to and for public use. **The City is legally bound by the use condition of the trust to deny lease of wetlands.**

Executive Summary: Air Emissions and Their Effects Under Estimated

Bay Area Air Quality Management District (BAAQMD) RDEIR comments: Air pollution model underestimates air pollution risk. Staff was unable to verify the potential health risk from air model used. Study needs to include hydrogen sulfide and TAC specific to curd type being brought in and ALL possible emission sources. BAAQMD recommends City of Pittsburg require specific methodologies and emission factors developed by the California Air Resources board (CARB). Modeling underestimates ships, tugboat and locomotive pollution, travel time and distances. Letter from Sierra Club: greenhouses gas emissions levels and their effect under estimated. Conclusion GG-3 should show Significant. Frank D Gordon RDEIR comments: “Exposure to crude oil in the air can cause difficulty breathing, headaches, dizziness, nausea, and confusion. Even brief exposure can cause health problems for people with asthma, COPD, and other respiratory problems. Delayed effects of crude oil exposure can include liver, kidney, respiratory, reproductive, blood, immune system and nervous system damage, cancer and birth defects. The occurrence and nature of harm will depend on exposure and individual factors. How will these issues be mitigated?

Asthma

In the County as a whole, the average hospitalization rate for African American children with asthma is more than four times that of Latino children, and almost five times that of white children.

Factors contributing to these disparities include poor outdoor and indoor air quality, limited access to health care, and lack of asthma education programs and social support. These same communities may be subjected to increased levels of outdoor asthma triggers due to their close proximity to industrial facilities and freeways. How does this Draft EIR mitigate the chemical exposures that are a known cause of Asthma?

Leukemia – Benzene

Benzene is a versatile industrial chemical. It is a natural component of crude and refined petroleum products. It is also formed in the combustion of organic materials. Benzene is used primarily as a raw material in the manufacture of synthetic organic chemicals. There is strong evidence linking high levels of exposure to benzene with an increased risk of developing acute myelogenous leukemia. Exposure to benzene is not limited to the occupational setting, non-occupational exposure originating from the general environment or derived from personal life. The investigations of the US Environmental Protection Agency have shown that the major route of personal exposure is through air. Since the first cases of acute myelogenous leukemia (AML) were reported in workers exposed to high concentrations of benzene in shoe manufacturing and rotogravure plants, there have been extensive investigations of the role of benzene in the causation of the hematologic malignancies. Data has been presented that convincingly links benzene exposure to the causation of AML. Incidence increases rapidly with age to reach 52/100,000 in Caucasian men more than 85 years of age and to reach 33/100,000 in Caucasian women 80 to 84 years of age. Multiple myeloma, unlike other lymphatic and hematopoietic malignancies, is more common in blacks than in Caucasians. The age-adjusted incidence rate for Caucasians is 4.1/100,000 and for blacks is 9.1/100,000. With the known exposures that cause blood disorders such as Leukemia, how does the Draft EIR propose to mitigate these exposures, especially in the black and Hispanic adjacent neighborhoods? The Draft talks about crude oil "volatilizing" within 24 hours to several days. This would now release the odors and chemicals, including cancer causing benzene into the air and the water. This is a serious impact to the homes and sensitive receptors in the adjacent area. The same issues would apply to a spill at the rail load out facility where you have home adjacent to the property."

Executive Summary: Project is a New Use of Facility

Facility was constructed as PG&E power plant with fuel storage for bunker fuel #2, a very safe fuel, was imported to PG&E for the power plant needs and later as back-up supplies for PG&E. The power plant was built and permitted as such. It was never permitted as a primary retail or wholesale storage facility for rail, ship or pipeline exports. The use of this facility as proposed is a NEW USE.

Executive Summary: Project not Supported by Evidence

The need for this terminal has not been verified or supported by the evidence. The California Energy Commission (CEC) reports cited by the Recirculated Draft EIR does not take into account refineries in the S.F. bay are well aware of projected decrease of hydrocarbon delivery to refineries by pipeline. Refineries are in the process of at least doubling their ship handling capacity. All refinery ship terminals provide a shorter shipping route than the Pittsburg terminal. Using refinery terminals directly will result in millions of tons of reduction of air pollution compared to using the WesPac facility. Air pollution that is produced will be spread out over a larger area with lower concentration in any one location. Ship arrivals on a as need bases would significantly lower the threats to the public, with a minimum of crude stored on site. There is less likelihood of tanker mishaps in bay and delta, and less likelihood of invasive species contaminating the bay and delta. Sierra Club RDEIR comments: need is not supported by the evidence.

Executive Summary: The California Energy Commission (CEC) proposes to take over oil industry
<http://www.consumerwatchdog.org/story/well-oiled-deal-taking-away-local-control-refineries-family-matter>

Letter to the Supervisors Oct 27 2005 the Contra Costa County Hazardous Materials Commission state "... we are concerned that CEC staff does not yet have sufficient understanding of the complex nature of the safety and accidental release prevention regulations that govern the petroleum industry to carry out this role." The CEC report was produced without public notifications and input, furthering the self-interests of the oil industry. The CEC has a record for discouraging public input (calfree.com). The CEC has no authority in siting oil facilities. Yet the Recirculated Draft EIR quotes the CEC as unquestionable authoritative proof of need. It is obvious the decision to build has already been made by the CEC. The process at this point is nothing more than a smokescreen to disguise this fact.

Executive Summary: Environmental Justice Study

Frank D Gordon RDEIR comments: "The City has been granted the ability to manage and grant leases to the tidelands and submerged lands of the State of California along the shoreline of the City Limits of the City of Pittsburg. This Transfer agreement is between the City of Pittsburg and the State Lands Commission. The grant was created by the State and then modified and approved on October 11, 2011 by Senate Bill 551 (DeSaulnier). The Senate Bill 551, Section 3, (3), (e) states, in part, "When managing, conducting, operating, or controlling the trust lands, or an improvement or betterment, the trustee.....shall not discriminate or unlawfully segregate any person or group of persons because of race, color, creed, national origin, ancestry, or physical disability for any use or service in connection with those sections." Section 6 (a) states "The trustee shall demonstrate good faith in carrying out the provisions of its trust land use plan and amending it when necessary in accordance with Section 3 of this act. The State Lands Commission, who holds title and is the grantor of the trust to the City of Pittsburg, has a very clear Environmental Justice Policy when it comes to its dealings. Environmental Justice is defined by State law as, "The fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation and enforcement of environmental laws, regulations and policies." This definition is consistent with the Public Trust Doctrine principle that the management of trust lands is for the benefits of all of the people. A few of the processes the State Lands Commission uses to guarantee that the Environmental Justice policy is incorporated into their decisions are: Identifying relevant populations that might be adversely affected by Commission programs or by projects submitted by outside parties for its consideration. Seek our community groups and leaders to encourage communications and collaboration with the Commission and the staff. (Not just the Chamber of Commerce). Ensuring that a range of reasonable alternatives is identified when siting facilities that may adversely affect relevant populations and identifying for the Commission's consideration, those that would minimize or eliminate environmental impacts affecting such populations. Foster research and data collection to better define cumulative sources of pollution, exposures, risks, and impacts." Willie J. Mims's RDEIR comments: "East County NAACP and Pittsburg Political Association stress need for EJ study."

Executive Summary: Visual Impacts/Aesthetics

Frank D Gordon RDEIR comments: "The Draft EIR states that, "Generally, small leaks and spills (up to 50 barrels) would be easily contained with contingency measures employed at the Terminal. However, if a spill is not detected immediately, or if a moderate- or large-size spill occurred at or near the Terminal and was not quickly contained, then the spill could spread over a large area.

Oil spill modeling shows that spills originating in the vicinity of the Terminal have the potential to affect shoreline areas both upstream and downstream, with the areal extent depending on the volume of the spill and the time of year (see Chapter 16.0: Marine Transportation and Marine Terminal Operations). Visually, oiling conditions could range from light oiling, which appears as a surface sheen, to heavy oiling, which would include floating lumps of tar. Light product spills generally volatilize relatively rapidly, and little remains within 24 to 48 hours after a spill. Heavy crude oil may disappear over a period of several days, with remaining heavy fractions lasting from several weeks to several months floating at or near the surface. Therefore, the presence of oil on the water would change the color and, in heavier oiling, textural appearance of the water surface. Oil on shoreline surfaces or near shore marsh areas would cover these surfaces with a brownish-blackish, gooey substance. "The State Lands Commission says that there will be no materials allowed to enter the waters of the State of California. With the agreement that the City of Pittsburg has with the State this becomes the responsibility of the City to make sure that extra mitigation measures are included into the EIR, but they are also responsible for the enforcement of those measures. An accidental release of 2,100 gallons (50 barrels X 42 gallons) of crude oil may be "small" by the projects standard, but it is quite significant to not only the water habitat, but also to the neighborhoods east of the project. The impact analysis goes on to talk about other industrial properties along the waterfront that have not affected home values. What the analysis fails to point out is that there are adequate buffers between the industrial properties and homes. Dow Chemical purchased the property to its East in order to create a buffer between them and homes. There is no buffer between the WesPac project and the homes, schools, and churches."

Executive Summary: Noise Impacts

Frank D Gordon RDEIR comments: "As stated in the Draft EIR environmental noise is defined as "unwanted sound resulting from vibrations in the air. Excessive noise can cause annoyance and adverse health effects. Annoyance can include sleep disturbance and speech interference. It can also distract attention and make activities more difficult to perform (EPA, 1978)."Any noise above the current ambient noise level is "unwanted" and will impact on the homes, schools, churches and other sensitive receptors in the adjacent neighborhoods. The Draft EIR lists several noise and vibration impacts to the surrounding area, but list no mitigation measure to lessen these impacts. There should be operation hour limitations to all construction and operations, including the marine terminal operations, and the rail car unloading operations. The construction and operations should be limited to operating during the hours of 8 AM and 7 PM. Effective noise mitigation measures that should be taken are the installation of a sound wall wherever the property is adjacent to either a home, school, or church. Double pane windows should be installed by the project for neighborhood homes adjacent to the project; this would also include sensitive receptors such as schools and, churches."

Executive Summary: Traffic Impact Study (TIS) State route (SR) 4

CalTrans RDEIR comments: "However, despite Caltrans' request, the RDEIR's traffic analysis does not include an analysis of the conditions at these SR 4 mainline locations". How many trucks will be coming and going from facility? Will they be carrying crude oil?

Executive Summary: Ridiculous Claim; fewer ships in Bay

Again in the Recirculated Draft EIR as in the Original Draft EIR they make this ridiculous claim that somehow this project will reduce the number of ship in the SF bay; knowing tanker ships have to transfer some of their load to other tanker ships in order to move into the shallow upper bay. Wait: this just in!

Northern Waterfront Economic Development Initiative - Authored by Supervisor Federal Glover
<http://www.cccounty.us/DocumentCenter/View/26503> Note: Shipping Channel Deepening Project Study Area –

35 feet increased to 45 feet (See map on page 6 in cc county project link) PITTSBURG CA

"Gateway to Pacific Rim and Western U.S." (For Dirty Tar Sands Crude and Petroleum Coke.) Note: Existing Koch Carbon marine shipping facility in Pittsburg for Petroleum Coke (i.e., PetCoke) Export - derived from Bay Area Refineries that have increasingly received PetCoke-producing low-quality Canadian Tar Sands heavy crude oil by railroad, i.e., Valero, and etcetera.

("Bottom-of-the-Barrel" garbage in, Pet Coke garbage out.)

April 23, 2013 Board of Supervisors Approve Northern Waterfront development Initiative Work Plan - What is the Northern Waterfront?

- Approximately 50-miles of shoreline stretching from Hercules to the Antioch Bridgehead area - San Pablo Bay to the Sacramento and San Joaquin Rivers
- Approximately 15% General Plan designation for Heavy Industrial (HI) use
- Covers both cities and unincorporated areas
- Hosts several major petroleum/chemical manufacturing facilities, other manufacturing industries, class 1 railroads, docks, and ports
- Gateway to Pacific Rim and Western U.S. - Why Northern Waterfront?
- Rail-served by the UPRR and BNSF
- Deep-water wharfs for exports/imports, as well as, transbay shipments

Primary Contact: Rich Seithel (925) 674-7869 Rich.Seithel@dcd.cccounty.us

Ok I see, with Federal Glover leading the charge and the CCC Supervisors and CEC right behind him it must be a slam dunk for approval of deep water shipping channels throughout the upper Bay going to all refineries and new projects (taxpayer's money used to maintain them of course). **But how in June of 2012 when the original draft EIR came out did the authors know the Contra Costa County Supervisors would Approve Northern Waterfront development Initiative Work Plan, April 23 2013?** Is this why there is a Recirculated EIR, so the dates of this action will be in the proper order of independent agency action? **Facility would allow millions of tons of crude shipped South by pipeline. Hundreds more ships a year could be coming to the bay.**

Executive Summary: Sighting and Construction Concerns

The bunker fuel tank farm was built over 50 years ago by PG&E on very poorly compacted marsh mud and sand which is highly susceptible to liquefaction, flooding and settling. Many earthquake faults are nearby with an estimated 98.006% probability of a 5.0 quake, 61.613% probability of a 6.6 quake, and a 7.5 quake predicted as max in next 50 years. Existing tanks and pipes are made of what is now known to be the wrong metals and used outdated welding techniques. The tanks have been abandoned with little or no up keep. Some tank tops have collapsed and other are severely rusted. This leaves these tanks very susceptible to major failure due to brittle metal fractures. Computer modeling and on site inspection of tanks failures have confirmed that current tank specifications and secondary containment strategies are not sufficient. It is reasonably foreseeable that the hydrocarbon storage tank farm could experience a 7.5 earthquake; hydrodynamic loads on tanks during an earthquake will be 25% higher than current code specification. This combined with a near total loss of hydrocarbon tank foundation due to liquefaction and no reinforced hydrocarbon tank support down to bedrock will result in at least 25% of tank farm contents flooding neighborhood homes, a major Northern Californian electrical substation, a train yard full of industrial tank cars, and the Delta which is the source of fresh water for over 500,000 residents of

Contra Costa County (CCCWD). Floating roof top systems will collapse and sink to bottom allowing contents of tank to form a detonable air/ fuel mixture over tanks. Tanks may experience an almost instantaneous rupture along welds and seams. This sudden release of potential energy around the bottom tank weld has been seen to propel entire tank shells straight up into the air leaving the hydrocarbons behind to achieve high outward velocities overtopping secondary containment and flooding near by residents. Tanks that spit down the side have been seen to set off a chain reaction as one tank is propelled laterally into an adjacent tank CCCFPD DEIR comment: This type of hydrocarbon is extremely volatile requiring modernization of facility.

Executive Summary: The Project is in a Flood Zone from both Storm Runoff and Tidal Surge

The project sits in a low lying area, is in a 100 year flood zone, can be negatively affected by sea level change and can experience flash flood. In as little as 2 feet of water tanks have been seen to pop loose from their foundation, oil being lighter than water it wants to float. There is a reasonably foreseeable probability that the entire site along with near by rail cars could be submerged, tanks and rail cars afloat and leaking due to storm and tidal surge. (The "Ark Storm Scenario," prepared by the U.S. Geological Survey and released at the Ark Storm Summit in Sacramento on Jan. 13-14, combines prehistoric geologic flood history in California with modern flood mapping and climate-change projections to produce a hypothetical, but plausible, scenario aimed at preparing the emergency response. "We think this event happen once every 100 or 200 years or so, which puts it in the same category as our big San Andreas earthquake/tsunami for this type of hazard" <http://pubs.usgs.gov/of/2010/1312/> . Outer containment barrier needs 360 degree protection from flood including rail yard. High capacity pumps to remove excessive runoff, containment ponds constructed not to flood from storm runoff or tidal surge. Big enough to hold hydrocarbon tank farm flood waters ten feet deep. Contra Costa County Flood Control & Water Conservation District RDEIR Comments: calls for Drainage study to include sediment and erosion control, sampling and monitoring plain, hydrology and hydraulic calculations and conform to Nation Pollutant Discharge Elimination System requirements.

Executive Summary: Dangers of Volatile Liquids Storage Known Since 1947

Hugh Harvey, J.Chem. Educ, 1947, Publication Date: April 1947 STORAGE OF VOLATILE LIQUIDS, Shell Oil Company, New York City. As far back as 1947 the petroleum industry knew of the dangers associated with volatile liquids and just like the tobacco industry chooses to ignore them. Hugh Harvey "By far the best closed container for handling volatile liquids is obtained by using spherical construction."

Executive Summary: Dangers of Hydrogen Sulfide in Crude Oil

Hydrogen sulfide (formula H₂S) is a colorless gas with the characteristic foul odor of rotten eggs; it is heavier than air, very poisonous, corrosive, flammable, and explosive. Hydrogen sulfide is released from hydrocarbon storage facilities. Exposure to hydrogen sulphide causes severe irritation and respiratory problems. It is immediately dangerous to life and health at concentrations above 100 parts per million (ppm), according to the federal government's Occupational Safety and Health Administration (OSHA). Hydrogen sulphide is explosive when mixed with air, and can cause severe corrosion to oil field equipment including pipelines. The characteristic rotten egg smell is detectable at concentrations well under 1 ppm, and becomes sickly sweet over 30 ppm, but is dangerously odorless when the concentration rises over 100 ppm because the olfactory nerves in the nose are paralyzed.

Concentrations of as little as 50-200 ppm can cause shock, convulsions and coma. Inhaling H₂S in excess of 1,000 ppm will cause immediate respiratory paralysis followed by death according to the Environmental Protection Agency (EPA) ("Report to Congress on Hydrogen Sulfide Air Emissions Associated with the Extraction of Oil and Gas" 1993). Under OSHA regulations, workers must not be exposed to an average concentration more than 20 ppm over the course of an eight hour shift. Exposures of 20-50 ppm are permitted for no more than 10 minutes at a time. Workers must never be exposed to concentrations over 50 ppm. **Test of crude oil have found concentrations above 1200 ppm.**

BAAQMD records show complaints of very foul odors, eye and throat irritation caused by former operator Mirant's transfer of fuel several years ago; odors from tank can still be smelled at times to this day. Complaints came from residents at least one mile down-wind and very wide spread. A community meeting was held by Mirant to apologize to the community for being such a bad neighbor. Crude containing fatal levels of Hydrogen Sulfide are currently allowed to be shipped. Standard should be set at no more than 5 parts per million and monitors install in near by homes.

<http://www.reuters.com/article/2013/05/29/column-kemp-bakken-pipelines-idUSL5N0EA3SU20130529>

Executive Summary: State of the Art Monitoring

Water build up in tanks can rust out tank causing weld failures or lead to a very dangerous and uncontrollable condition known as a boil over during firefighting of tank fire Tank bottoms must be monitored constantly for any deformation that could collect water at bottom of tank. Tank foundation monitored for any ground subsidence that might compromise the integrity of the tanks. Tanks monitored for excessive pressures, vacuum, temperatures and overfill. Hydrogen sulfide monitors need to be installed at near by homes, parks and schools.

Executive Summary: Applicant Acknowledges Evaporative Losses of Highly Detonable Hydrocarbons

Applicant acknowledges evaporative losses of hydrocarbons into the atmosphere from tanks, a vapor that is routinely ignited by lightning strikes and static electricity worldwide and a major source of tank farm fires. Applicant misrepresents the potential danger of explosions and characterizes the danger as air pollution. Applicant has not informed the City of the dangers of Hydrogen sulfide (formula H₂S)? A colorless gas with the characteristic foul odor of rotten eggs; it is heavier than air, very poisonous, corrosive, flammable, and explosive? Has or will applicant claim trade secret laws allow them to withhold information vital to the safety and protection of citizens? Did applicant give this information to City officials as long as it was kept confidential? Did applicant knowingly put persons in danger by not informing the City and its residents of the dangers? Where schools noticed of dangers?

Executive Summary: Fires, Explosions and an AIR/FUEL DETONATION are the Biggest Immediate Threat to Life and Property during a Hydrocarbon Spill

Total tank destruction from static discharge, lightning strikes and operator error are common. The hydrocarbon storage facility is very vulnerable to fire, explosions and an AIR/FUEL DETONATION due to the extremely flammable nature of the hydrocarbons inside. As toxic the hydrocarbons are to the environment and the human body, the biggest immediate threat to human life and property are fire, explosions and an AIR/FUEL DETONATION. Within 15 minutes of a hydrocarbon spill an extremely explosive condition can result as the released hydrocarbons vaporizes mixes with the 21% oxygen in the air. This condition is referred to by the U.S. military as an air/ fuel bomb, and is a highly effective weapon. Industry standards require hydrocarbon spills to be completely foamed in 15 minutes to prevent this catastrophic explosion from happening. Unfortunately it is Industry practice to ignore this standard.

All vapors from all sources must be collected and not released into the environment where it might be detonated. If you have a vapor release point into the environment you have a 21% oxygen introduction point into the system. This condition of 21% oxygen being pulled under floating roof systems and through vents has been the cause of many tank explosions. This is so common floating roofs are built with a weak seam weld that will rupture in hope of relieving pressure and hopefully stop total tank destruction. The outcome of the 1988, 400,000 gallon Shell oil Martinez spill from a tank could have been significantly worse. If the oil was contained as designed in secondary containment instead of leaking out into marsh an air fuel detonation could have occurred. All of the Shell oil refinery and most of Martinez would have been destroyed.

Executive Summary: Secondary Barrier must Contain Shock Wave and Extreme Heat

<https://www.youtube.com/watch?v=GmRASCHJe2Q> . In this YouTube video you can see a relatively small amount of fuel is first dispersed into the air creating an air/ fuel mixture, then detonated with the result of total destruction of 2-story structure from the shock wave and the release of a massive fireball. This is a 2000 pound bomb, roughly equal to 20 barrels of crude oil vaporized into an air/fuel mixture then detonated. BBC news: "Fuel-air weapons exploit the devastating effects of detonating volatile vapor in air. The explosion caused by igniting a fuel air mixture produces a fireball and a rapidly-expanding blast wave many times greater than that from conventional explosives. The effects are similar to those from a small nuclear weapon, without the radiation.

http://news.bbc.co.uk/1/hi/english/static/in_depth/world/2001/fuel_air/default.stm

This is not a game but the lives of men, women and children WesPac is playing with.

<http://www.youtube.com/watch?v=Ttl9FDxtm8> These games use the same physics engines that scientist use to model real live events. If a spill is not foamed within the industry standard of 15 minutes an air/ fuel detention can occur. Once an air/fuel cloud has formed the only thing firefighters can do (decides gather up children around them and run for their lives) is to pray the wind blows it away before it is detonated.

Executive Summary: Mutual Aide Too Little too Late

In the response letter to WesPac crude oil facility in Pittsburg Ca. the Contra Costa Fire Department acknowledge they do not have the manpower and equipment to put out hydrocarbon fires, mutual response would be too little too late It is simply ludicrous to believe hometown fire departments are capable of handling industrial emergencies. Emergency response personnel to the Richmond refinery fire and Lac Mégantic, Québec Canada train derailment even though well trained made the disasters worse. In Quebec firefighters shut down the smoking locomotive that was parked uphill from the town but did not realize the train had been deliberately kept running by the railroad. Firefighters inadvertently deactivated the train's air-brake system by doing so. Firefighters did not know air pressure to brakes would bleed down without engine running. They did not lock down the train's manual brakes, block the tracks or pull up rail down hill of train so train would be stopped if it started to move. Ten minutes after the firefighters left the train **unattended** the first bleve explosion (but not a worst case scenario of an air/fuel detonation) where heard as the train derailed. 2012 Richmond oil fire made worse by responders <http://www.sfgate.com/bayarea/article/Report-Chevron-Richmond-refinery-fire-response-6047548.php>

Is the city and county prepared to pay out some 400 million dollars in settlements simply because of firefighter negligence? In accepting the responsibility to respond to such disasters Pittsburg and Country Costa County will have to accept the responsibility for mistakes as well.

It makes sense to do what many other cities require applicants to do, supply man, equipment and train their own firefighters and response crew? Mistakes made by the company would be at the company's expense, NOT THE TAXPAYERS. Has the city informed its insurance carriers of a 400 million dollar + liability it may incur if this facility is built? BNSF is trying to buy off local fire departments with free training and equipment. Training that consists of putting out small butane fires, a barrel of oil spilled or simulation very small storage tank fire. The equipment, water and foam are already on site, on a big open field and ready to go. A disaster at tank farm could be many times grater than that of a railcar derailment. Will firefighter be given a hands-on demonstration on how to fight/survive an air/fuel detonation of just 20 barrels of crude? Will they vaporize into the air 20 barrels of crude oil then detonate it so firefighters (standing 1 mile away) can see and **feel** what they might face? Will they get an after earthquake demonstration: Buildings and overpasses down, fires, gas line ruptures, roads congested and blocked. Emergency calls from citizens, schools, churches, commercial, retail and industrial sites, health care facilities AND NOW THE CALL FOR HELP FROM WESPAC; FULLY INVOLVED STORAGE TANK FIRE, COME PUT IT OUT? What is the priority list of what will be responded to first? Who will be abandoned in the middle of rescue so firefighters can fight the hydrocarbon fire if left unattended too could destroy Pittsburg? If the fire department does not respond to WesPac will the City be hit with a negligence lawsuit from WesPac calming fire department was understaffed, under trained and under equipped and city should pay for damages? (How ironic, their insurance carriers could point to the many statements made in response to their DIER of this fact. **"It was reasonably foreseeable that city and county could not respond to a disaster yet you still approved the project.** Pay up"). Does the City of Pittsburg have any comprehensive fire fighting plans other than mutual aid? Will they be trained on treating men women and children who are severely burned? Survivors with concussion, blindness, ruptured eardrums, seared lungs, flying debris injuries, multiple internal hemorrhages, and internal organ displaced and rupture? Will there be specially built bomb shelters throughout the City fully equipped to help victims?

CCC Fire Protection District <http://www.mediafire.com/view/6ytzyt6jlp9m62l/CCCFPD.pdf>

Iowa emergency responders say they don't have enough supplies to fight a fire from even one tank car, much less a unit train carrying 35 cars of extra-flammable crude. Winneshiek County Emergency Manager's advice to communities facing a oil spill **"Make sure your tennis shoes are on and start running,"** <http://thegazette.com/subject/news/few-iowa-emergency-responders-ready-for-crude-oil-train-derailment-20140629#sthash.74kFWt5F.dpuf>

The deal with other local oil facilities like Chevron, Suncor and Shell is the facility will fight its own fire, while the department protects the surrounding community.

<http://www.burnabynow.com/news/burnaby-fire-department-wants-kinder-morgan-to-fight-its-own-fires-1.1200135#sthash.ICi40K0I.dpuf>

Aurora has nine fire engines and 195 firefighters, including a 27-member hazardous-materials team. Chief Jim Lehman **"We could do all the training in the world and have all the equipment in the world, but if one of those (trains) comes off the rails and creates an issue in a very densely populated area, our exposure would be very significant". "Our ability to deal with an incident of that magnitude would be very taxing".**

http://articles.chicagotribune.com/2014-05-25/news/ct-railroad-tankers-foam-met-20140525_1_foam-aid-box-alarm-system-fire-chief

Executive Summary: Onsite Safety Equipment to Protect Life and Property

It is reasonably foreseeable that in place safety equipment and trained personnel will be needed: backup power supply capable of running the entire facility even if facility is completely under water.

A self contained on site foaming rings around each tank top, foaming into double walled, spherical constructed tanks, secondary blast containment structure around each hydrocarbon tank equipped with self contained foaming ring and capable of stopping any lateral blast of complete storage tank assembly into another storage tank or the community. A third outer containment barrier with yet another self contained foaming ring and automated water/foam monitors manned by a dedicated 24 hour firefighting crew. In addition to the 24 hour firefighting crew, 24 hour skimmer and spilled hydrocarbon recover crew, the facility needs to maintain a minimum 7 man operation crew 24 hours a day. The facility must be equipped with state of the art computer controls, sensors and redundant back up pumps, pipes and tanks. There must be enough redundant pumps, pipes and tanks to transfer the entire hydrocarbon storage if needed in an emergency. Blast shelters and walls need to be built at near by homes, parks, schools, churches and community accessible places. Blast shelters to be equipped to handle multiple severely burned and injured patients. All has to be able to withstand extreme temperatures, total loss of foundation stability do to liquidation, magnitude 7.5 earthquake (25% stronger than current code) and complete flooding (10 feet or more) from storm runoff and tidal action. School personal and community members trained on how to treat severely burned children and adults.

It is reasonably foreseeable Firefighters response will not be in time to prevent multiple blocks of Pittsburg burning to the ground in the event of fire if the aforementioned safeties are not in place.

Contra Costa County Fire Protection District RDEIR comments: "CCCFPD does not have the manpower, equipment or training to handle a rail or tank farm facility fire, little aid will be coming from other districts, storage of this type of hydrocarbon is extremely volatile.

New automatic foam protection, equipment and personnel, and complete fire safety assessment should be done due to possibly not enough water, men and equipment. Impact to safety of surrounding community, PSU-1 and PSU-8 is revised to significant impact. Without additional resources the Fire District would likely be unable to prevent a fire incident from becoming a significant event with direct life safety, environmental, and economic impact on the adjacent community." That's why sane corporations build such facility away from residential and commercial properties.

Summary: Nitrogen Replacement of 21% Oxygen

It is common practice to introduce 21% oxygen into tanks, ships and rail cars as hydrocarbons are removed. If 21% oxygen is not allowed in holding tank it would be crushed by the powerful vacuum that is applied to them as the pumps try to remove hydrocarbons. This is not an uncommon event as work crews forget to open inlet valves or pumps are run at too high of a speed. 21% oxygen mixes with the vapors inside storage containers making an air/fuel mixture that is detonable.

<https://www.youtube.com/watch?v=BFq9RoF4eok> In this video of a crude oil tanker ship fire you can see the result as fire finally reaches the air/fuel mixture in a mostly empty holding tank. A 20 ton hatch is blown clear across the harbor and badly damaged two other ships. If this ship was equipped with a Nitrogen Replacement System designed to be able to flood ship as needed and holding tanks as hydrocarbons are removed, the original fire could have been put out with the push of just one button and the air/fuel detonation would not have accrued. Ironically if the storage tanks had been completely filled with crude oil an air/fuel detonation could not have happen. NOTE THE LARGE NUMBERS OF FIREFIGHTERS. http://en.wikipedia.org/wiki/Inert_gas Two other inert gas systems, flue gas system or kerosene inert gas generators have been proposed. The problem with both is they produce an extensive amount of air pollution, need extensive maintenance and training to work properly and need ships engine operational. Nitrogen replacement of atmosphere into tanks, pipes, double halls as hydrocarbons are removed will significantly lessen but not stop the chance of an air/fuel condition forming of 21 % oxygen and hydrocarbon vapor.

Executive Summary: Special Assessment Proposition 218

Under Proposition 218 Pittsburgh can form a Commercial/ Industrial firefighting district for all businesses needing foam firefighting equipment or pass an ordinance firefighters' respond to such fires only to protect nearby retail and residential properties.

Summary: Petroleum Industry is Delusional; It's More than Just Trains

In response to calls for stronger regulation of crude oil by rail The Petroleum Industry on behalf of culpable stockholders has acknowledged that ALL CRUDE OIL IS AS DANGEROUS OR EVEN MORE DANGEROUS THAN BAKKEN CRUDE. They conjecture it is not that Bakken crude is any more dangerous than other crudes but the railroads have been negligent in their handling of it. Just like the tobacco industry and BP they have been hiding the facts from the public, putting employees and the public in danger; ignoring basic safety protocols for nothing more than stockholder's greed. Here is just a very few of the accidents within the Petroleum Industry not caused by the railroad's negligence.

Hydrocarbon Tank Failures Common:

June 5th 2006 Mississippi USA

Dec 11th 2005. Burchfield oils storage, Hertfordshire

Sep 3rd 2005 Louisiana USA

Oct 25th 2004 Belgium

June 4th 2003 Brisbane, Australia

July 20th 2002 Nigeria

May 2002 Poland

August 21st 2001 five tanks go up Kansas USA

July 17th 2001 Delaware USA

2000 Ohio USA

1999 Michigan USA

USEPA 1990 to 2000 312 tank farm accidents USA

1997 Iowa USA

Oct 16th 1995 Pennsylvania USA

Aug 10th 1990. Three river Texas 30 are burned as small crude oil tank goes up USA

Dec 21st 1985 Naples, Italy

Losses due to earthquake

1964 Alaska; 1960 Chile; 1960 two in Japan: 1964 Niigata; 2003 Tokachi 1980 rupture of one 100000 bbl crude oil storage tank did extensive damage to four block area, damage 8.5 million.

[Oil refinery ablaze after devastating Japan earthquake ...](#) Mar 11, 2011 Japan after earthquake

[Russia Attacked? Largest Oil Refinery In Europe on Fire In...](#)

[Oil refinery fire - YouTube](#) Lithuania 2006

[Fire shuts down major Chevron oil refinery in northern Ca ...](#) Aug 6, 2012

[Fire breaks out after explosion at Okla. oil refinery - U.S. News](#) Aug 2, 2012

[German oil refinery fire and explosion - YouTube](#) Jan 10, 2014

[Huge Oil Refinery in Venezuela Explodes, Fire Rages ...](#) Aug 29, 2012

[One Critically Burned in Explosion and Fire at Oil Refinery in ...](#) Dec 11, 2013

[4 workers injured in Kansas oil refinery fire | News OK](#) Jul 29, 2014

[Oil refinery is on fire in Lisichansk : UNIAN news](#) Jul 18, 2014

[Venezuelan oil refinery fire spreads to third tank - video ...](#) Aug 28 2012

[Ghana oil refinery fire explosion kills one - Yahoo News](#)

[4 Workers Injured In SE Kansas Oil Refinery Fire](#) Jul 29, 2014

[BP Oil Refinery Fire, Birch Bay, WA, 2012 - YouTube](#)

[Fire at Shell oil refinery on Pulau Bukom Singapore - YouTube](#) Sep 28, 2011

[Video: Lightning sparks massive fire at refinery in ... - YouTube](#) Aug 12, 2013

[Lightning strike sparks fire at Venezuela oil refinery - BBC](#) Sep 20, 2012

<http://www.businessweek.com/articles/2014-03-13/25-years-of-oil-spills>

<http://sanfrancisco.cbslocal.com/2015/02/11/shell-says-oil-leak-in-bay-near-martinez-refinery-was-result-of-tests-on-the-line/>

The American Fuel & Petrochemical Manufacturers (AFPM) release report ALL CRUDE OIL IS AS DANGEROUS OR EVEN MORE DANGEROUS THAN BAKKEN CRUDE

<http://www.afpm.org/news-release.aspx?id=4230>

Charles Drevna, president of AFPMA says all crude is basically the same.

<http://www.businessweek.com/articles/2014-05-16/bakken-crude-is-volatile-but-train-operators-have-made-mistakes-too>

Executive Summary: Pipeline Leaks Common and Costly

Sep 9, 2011 34 inch crude oil pipeline burst in Romeoville Illinois causing \$46.6 million in damages.

May 19 2015 105,000 gallons of crude flood 9 miles of Santa Barbara coastline, caused by a pipe line %74 corroded, clean up is still on going, cost to date \$92 million.

Oil leak Martinez Shell Oil <http://sanfrancisco.cbslocal.com/2015/02/11/shell-says-oil-leak-in-bay-near-martinez-refinery-was-result-of-tests-on-the-line/>

Pipelines WesPac wants to use are 50 years old, made of the wrong metal using outdated welding practices. Pipe lines have history of leaking and will not stand up to the corrosives and higher pressures needed.

Executive Summary: Damage Caused By Oil Spill More Than Just Cleanup

July 6, 2013 Lac-Mégantic train disaster much of the 69,000 cubic meters of soil contaminated in the impact zone is beyond use in its current state. Preliminary tests revealed higher than accepted levels of benzene, metals including copper, arsenic and lead. Two other low-lying downtown areas were also deeply contaminated. Oil had seeped into the soil underneath a restaurant near the marina, and an ice cream store close to the river. Both buildings had to be demolished. The damage to some buildings still goes unseen, but could prove just as devastating as explosions and flames. If enough oil seeps into the foundation of a building, it becomes too dangerous to inhabit. Over time, it will release toxic vapors, such as benzene, or methane, an explosive gas.

Executive Summary: Security and Vulnerability Analyses, Terrorist/Employee Sabotage

Because of heightened concerns of intentional releases due to terrorism or sabotage by employees, The California Accidental Release Prevention Program gives local regulators the authority to require such studies. It also requires considering mechanical, earthquakes, flooding, lightning and weather related events. The extreme flammability, easy access to facility by already existing public access, and nearby major electrical substation, rail cars full of flammable and toxic materials, military ammunition trains; possibly with nuclear war heads (neither confirmed or denied by the U.S.) makes this project reasonably foreseeable as an ideal target for terrorist attack. Hydrocarbon and rail facilities are routinely targeted for terrorist attack worldwide. This project will have NO defense against such attacks. Loss of a very near by major electrical substation could leave Northern California blacked out for weeks, costing the Nation's economy billions. Congressional report Contra Costa County is potential target terrorist attack.

There is such a high and real present danger to the citizens of Pittsburg to a terrorist attack that specifics of the Congressional study have been classified. This fact standing on its own is enough to warrant the stopping of this project. If government agencies allow this project to go forward it will be sending only one message. Persons who can afford an airline ticket are more valuable than the citizens of Pittsburg. To this day government agencies have done absolutely nothing to protect the citizens of Pittsburg. There are rail cars after rail cars of some of the most dangerous materials known to man just yards away from homes and schools. It is literally possible to pull over to the side of the road, get out of your car and walk right up to these rail cars. No fences, no blast berms, no security force. These rail cars stay next to schools even though just a few miles West there is a rail facility that was built and run by the U.S. government which was specifically built to handle and secure dangerous rail car materials: Concord Naval Weapon Station. This facility is now in the process of being dismantled so rich developers can get even richer at the expense of Pittsburg residents' safety.

Executive Summary: Drinking Water Supply for .5 Million Customers of Contra Costa Water District

Contra Costa Water District RDEIR comments: RDEIR indicates an *oil spill within the Delta is inevitable*. Spill would be very serious because incoming tides would push oil far into channels and sloughs but outgoing tide will not be strong enough to flush out oil making cleanup difficult and costly. Oil will affect City of Antioch's Delta water intake; CCWD's Middle River intake on Victoria Island; Mallard Slough intake, emergency water supply and Pump station just west of project; Rock Slough intake and Old River pump station near Discovery Bay. There is a need for Emergency Response Plan, oil spill equipment to be in place and maintained to protect freshwater supplies.

Executive Summary: Protection of Wildlife, Scenic, Recreational Habitats and Antioch Dunes National Wildlife Refuge

WesPac tank farm is 3000 ft upwind of Browns Island Regional Shoreline; 14000 ft upwind of Dow Wetland land Persevere and Sherman Island Waterfowl Management Area, and 24000 ft upwind of Antioch Dunes National Wildlife Refuge. All have endangered plants and animals. All will be adversely affected by air pollution and hydrocarbon spill damage during flood tide. Their scenic value obscured by ships and pollution haze. All could be permanently lost just by one minor hydrocarbon spill. All are in the Primary Delta Protection zone as defined by Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992. Project is very near to Grizzly Island Wildlife Area, Benicia Point, Roe Island, Ryer Island, Carquinez Strait Regional Shoreline, Martinez Regional shoreline, Benicia State Recreation Area, Point Edith Wildlife Area, Joice Island State Game Refuge, Pittsburg point, Riverview Park. These areas will need permanent hydrocarbon barriers installed and maintained, tons of hydrocarbon dispersant, miles of movable containment booms, dozens of hydrocarbon skimmers on site and manned 24 hr a day.

Executive Summary: Certificate of Financial Responsibility for Worst Case Spill

There are several federal laws governing compensation in case an oil spill including Title 33 (Navigation and Navigable Waters), 40 (Protection of Environment), and 46 (Shipping) of the Code of Federal Regulations (CFR), and the Oil Pollution Act (OPA) of 1990, which includes a \$1 billion Oil Spill Liability Trust Fund. In addition, the state of California has a program requiring parties who handle petroleum products to file a Certificate of Financial Responsibility with the State establishing the party's financial wherewithal to respond to and cleanup a worst case spill. CCWD July 12, 2012 RDEIR comments: "California requires parties handling petroleum products to file a Certificate of Financial Responsibility for worst case spill."

Department of Transportation (DOT) expects 15 mainline derailments in 2015.

<http://www.argusmedia.com/News/Article?id=917541> Without the new rules, DOT agency the Pipeline and Hazardous Materials Safety Administration (PHMSA) expects about 15 mainline derailments to occur in 2015, falling to about five per year by 2034. The US could also experience over the next 20 years an additional 10 safety events of higher consequence, with **nine having environmental damages and injury and fatality costs exceeding \$1.15bn each, the DOT predicts. One future accident over the next 20 years would cost over \$5.75bn.** While DOT's report was primarily on rail and pipeline any crude oil accident could have the same or even bigger consequence. WesPac tanks hold considerably more crude oil than a train shipment. Does WesPac have the financial ability to cover a \$5.75bn disaster? Has WesPac filed such a Certificate?

Executive Summary: Independent Onsite Verification of Construction Equipment used to meet BAAQMD Standards

Bay Area Air Quality Management District (BAAQMD) RDEIR comments: Mitigation Measure AQ-1 will not reduce NOx impacts below the significance level during construction, additional measures needed, use of non diesel equipment recommended. To Meet Mitigation Measure AQ-2 all equipment must meet Tier II engine standard or Toxic Air Contentment (TAC) may have potentially significant impacts.

Executive Summary: Urban Water Management Plan

Urban Water Management Plans (UWMP) is prepared by California's urban water suppliers to support their long-term resource planning and ensure adequate water supplies are available to meet existing and future water demands. Every urban water supplier that either provides over 3,000 acre-feet of water annually or serves more than 3,000 or more connections is required to assess the reliability of its water sources over a 20-year planning horizon considering normal, dry, and multiple dry years. This assessment is to be included in its UWMP, which are to be prepared every 5 years and submitted to the Department of Water Resources. DWR then reviews the submitted plans to make sure they have completed the requirements identified in the [Urban Water Management Planning \(UWMP\) Act](http://www.water.ca.gov/urbanwatermanagement/docs/water_code-10610-10656.pdf) http://www.water.ca.gov/urbanwatermanagement/docs/water_code-10610-10656.pdf (Division 6 Part 2.6 of the Water Code §10610 - 10656). With the major shortage of water how is Pittsburg supply fire fighting water in an emergency? What other communities are requiring is for applicant to impound firefighting water on premises. This water will be available even after an earthquake has taken out local water supplies. State regulation requires new projects within California to certify a 20 year supply of water. Where is applicant's certification?

Executive Summary: Insignificant Finding for Environment may be Significant for Economic and Social Effects

"15131. ECONOMIC AND SOCIAL EFFECTS

(b) Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant. As an additional example, if the construction of a road and the resulting increase in noise in an area disturbed existing religious practices in the area, the disturbance of the religious practices could be used to determine that the construction and use of the road and the resulting noise would be significant effects on the environment.

The religious practices would need to be analyzed only to the extent to show that the increase in traffic and noise would conflict with the religious practices. Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR shall explain the reason for determining that the effect is significant.”

Executive Summary: Lead Agency to Select Alternatives for Discussion in EIR

CEQA guidelines 15126.6(a) “The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553 and Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376”.

15126.6. CONSIDERATION AND DISCUSSION OF ALTERNATIVES TO THE PROPOSED PROJECT. (a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553 and Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376).

(b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

(c) Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency’s determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

(d) Evaluation of alternatives. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed (County of Inyo v. City of Los Angeles (1981) 124 Cal.App.3d 1).

(f) Rule of reason. The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.

The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

(1) Feasibility. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553; see Save Our Residential Environment v. City of West Hollywood (1992) 9 Cal.App.4th 1745, 1753, FN. **When will the City notice alterative meetings and vote so the public can have input?**

Executive Summary: Cost or Impedance of Project Objective in not a Factor in Alternatives

15126.6. CONSIDERATION AND DISCUSSION OF ALTERNATIVES TO THE PROPOSED PROJECT.

(b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, **even if these alternatives would impede attainment of the project objectives, or would be more costly.**

Executive Summary: No Verifiable Statistical Analysis Models Were Used In EIR

What statistical models were used in study? Why was statistical models chosen best for this study? What are the bases of theorem for each statistical model used? What were your step by step analyses in choosing models? What verification methods for models were used? What other verification methods are available? How do models chosen determine relevant or irrelevant data? How would other statistical models determine relevant or irrelevant data? What is the percent of error in your study and how did you arrive at that conclusion? What factors were chosen to determine the study area boundaries? How would other models determine study areas? Was Bayesian, Fisher or Loannidis theorems used to verify your models, if so how? How many persons both living in and travailing through the DOT Risk Zone of 1 mile have existing health problems that may need emergency response? What is the death, asthma, chronic diseases, have/had cancer rates in the DOT Risk Zone by Census block? What is the studies definition of a low-income/minority community? How are low-income/minority community geographic boundaries determined in your studies and their locations in the DOT Risk Zone? By census block show low-income/minority statistics within DOT Risk Zone? Why was data from worse case scenario not applied to models? Why was data on children behavior and health needs not included in your models? Why was the data on the health of persons living near an industrial zone not used in your models? Why no studies on the effects of project on the homeless and consistence fisherman? What steps were taken to identify homeless and consistence fisherman? Why was data on health effect of stress during a crisis not included in models? Why was Census block information on low-income/minority communities within DOT Risk Zone not used? Why no studies on near by sensitive receptors like parks, schools and churches? How did your statistical models miss the some 59000 potential victims the Department Of Transportation statistical models picked up?

Why was the School Board denied involvement, an elected government body with the fiduciary responsible to look after the health and educational needs of the children of Pittsburg? Did WesPac choose alternatives for DEIR or the City of Pittsburg? Did city staff make a unilateral decision on alternatives? Did elected officials make decision on alternatives, when and how and if not why not. Did City staff inform elicited officials of State, Federal and Constitutional laws, regulations, guidelines, acts, findings and legal alternative available to elected officials? Some of which are quoted in this document, if not why not? Has any City staff or advisor received training from or gone to any seminars sponsored by California Energy Commission? If so what dates, on what topics and was any materials provided?

Executive Summary: Why Most Published Research Findings Are False

John P.A. Ioannidis, C. F. REHNBORG PROFESSOR IN DISEASE PREVENTION IN THE SCHOOL OF MEDICINE AND PROFESSOR OF HEALTH RESEARCH AND POLICY AND, BY COURTESY, OF STATISTICS, Stanford School of Medicine. From his published essay, Why Most Published Research Findings Are False. “Most research findings are false for most research designs and for most fields” “There is increasing concern that most current published research findings are false. The probability that a research claim is true may depend on study power and bias, the number of other studies on the same question, and, importantly, the ratio of true to no relationships among the relationships probed in each scientific field. In this framework, a research finding is less likely to be true when the studies conducted in a field are smaller; when effect sizes are smaller; when there is a greater number and lesser preselection of tested relationships; where there is greater flexibility in designs, definitions, outcomes, and analytical modes; when there is greater financial and other interest and prejudice; **and when more teams are involved in a scientific field in chase of statistical significance.** Simulations show that for most study designs and settings, it is more likely for a research claim to be false than true. Moreover, **for many current scientific fields, claimed research findings may often be simply accurate measures of the prevailing bias.** In this essay, I discuss the implications of these problems for the conduct and interpretation of research”.

<http://www.plosmedicine.org/article/info%3Adoi%2F10.1371%2Fjournal.pmed.0020124>

<https://med.stanford.edu/profiles/john-ioannidis>

Executive Summary: Less Discriminatory Alternatives

Contra Costa Water District Comments to RDEIR: “The consequences of a spill in the Delta are significant and the DEIR has not evaluated reasonable alternatives to minimize or avoid this risk...the use of tanker ships within the freshwater Delta may not be necessary in order to achieve the project objectives.”

Less Discriminatory Project Alternatives, Best protection of bay endangered species 1:

Have Bay Area refineries build a pipeline out to sea so that ships can unload outside of the bay, less air pollution, less ship traffic and less chance of invasive species contaminating the bay and delta. No rail export of raw or partially refined crude. For those of you that are now hopping up and down proclaiming this to be preposterous, ludicrous, outlandish, unthinkable, undoable and does not conform to the Master Plan already pushed through the CEC; here is a link to a map of The Gulf Mexico showing some of the 25,000 miles of pipeline in the Gulf. <http://stateofthecoast.noaa.gov/energy/gulfenergy.html>

Less Discriminatory Project Alternatives 2:

Have bay refineries at least double their ship handling capacity having ships arrive as needed. This would result in less ship congestion and pollution and less on site crude lowering risk.

All refinery ship terminals provide a shorter shipping route than the Pittsburg terminal. Crude to arrive on as needed with the minimal amount stored on site. Using refinery terminals directly will result in millions of tons of reduction of air pollution compared to using the WesPac facility. Air pollution that is produced will be spread out over a larger area with lower concentration in any one location. There is also a less likelihood of tanker mishaps in bay and delta, and less likelihood of invasive species contaminating the bay and delta. No rail export of raw or partially refined crude.

Less Discriminatory Project Alternatives 3:

Continue the current practice of holding ships in the bay until needed by refineries. No rail export of raw or partially refined crude.

Less Discriminatory Project Alternatives 4:

Find a suitable site west of Bay Point to Martinez. No rail export of raw or partially refined crude.

Executive Summary: Environmentally Superior, Less Discriminatory Project Alternative

We should accept the battle over preserving the “natural” environment of the Delta and the Bay” has failed, it is long gone. This does not mean we have to accept continued destruction, the inevitable silting in and housing developments to come. There is nothing about the Delta and the Bay’s interconnected ecosystems that can in all honesty be termed natural. They are now nothing more than toxic man made cesspools. And the very few acres that you may be able to argue as being natural are soon to be “destroyed” by sea level rise, whether or not global warming is caused by man. Hansen still argues 5 meter 21st C sea level rise possible <http://www.resilience.org/stories/2012-01-03/hansen-still-argues-5m-21st-c-sea-level-rise-possible> Short sighted decision makers (that includes the public) allowed an infinitely more valuable fishing, wildlife and recreational hebetate, one that was one of the world's most productive fishing hebetate to be turned into a cesspool so farmers could make a few cents growing turnips and landowners could make billions off of uncontrolled growth. If decision makers had insight into the future they would of realized their was much more money to made by protecting the fishing, wildlife and recreation resources of Bay and Delta and used other land resources for drought tolerant crops and future controlled development. We need to focuses our gaze on the certain demise of the Farallon Islands ecosystem that is now well under way. The Farallon Islands ecosystem is the third interconnected environment of the Delta and Bay. It is dependent on nutrients delivered by spring floods washing down through the Delta, Bay and out to the Farallon Island. So the questions are: How do we restore the flow of nutrients to the Farallon Islands? How do we restore the S.F. Bay and Delta to a near as possible pristine fishing, wildlife and recreation environment (of any kind) leaving behind we must have what once was? How do we prevent sea level rise from destroying all that we do. **And most importantly how do we put America back to work in an eco friendly way?** The California State Legislature finds and declares “Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.” To this end and in this spirit I offer the following comments. We can start to put America back to work, address EJ issues and clean up the environment starting here, now, with this project and not stopping until it goes nationwide. Remove all existing development and create a 1 mile deep green zone around refineries, industry and rail right of ways. Support displaced residents by building new, clean, beautiful communities and educating them how to build this for themselves. Build electric cars, trucks, ships and a modern electric railroad with the capacity to safely deliver high speed heavy freight nationwide. Build a pipeline out to sea so that ships can unload outside of the bay. Build a fleet of electric ships to Transfer goods from SF and Oakland Ports to Sacramento and Stockton Ports.

Having all goods moving into or out of the Bay Area using these facilities will reduce both rail and truck traffic and pollution. With refineries phased out of fuel production they can turn their greedy gaze on the trillions of dollars to made producing new building materials to replace wood products; thus saving our forests (Would not want the petroleum industry to do anything on moral or just grounds.)

A tidal dam built under the golden gate could:

1. Control the salinity of bay by controlling how much sea water enters bay.
2. During potential flooding the gates can be closed at low tide, blocking high tide waters and leavening room for flood waters to accumulate. Central California can see a flood scenario of biblical proportion (ARkStorm). U.S. Geological Survey (USGS) has predicted that such a storm could hit Central California, a storm not seen in modern times but no less likely to hit us.
USGS Overview of the ARkStorm Scenario <http://pubs.usgs.gov/of/2010/1312>
3. A freshwater reservoir created behind the dam. Municipalities around the bay could draw water directly for the Bay restoring water flow through the delta.
4. Shipping locks to allow passage.
5. Waters backed up on the bay side to max levels then at low tide gates opened at bottom of dam to allow sediments to be flushed out to Farallon Island. A series of tidal dams may be needed to flush out the upper Delta and Bay of sediments. Possible locations San Pablo strait, Carquinez Bridge, Antioch Bridge, Reo Vista and Bay Bridges. Each using the same process to flush silt out, and built to accommodate mass transit crossing.
6. Gates and ladders to best allow aquatic live to move.
7. Provide power, there are many new technologies for producing power from tide surge that do not rely on shredding up every living thing in the ocean with high speed turbines. One that comes to mind is a design with a long very slow moving arm that is push back and forth by tidal forces acting on a rudder.
8. Investigate constructing an oxygenated cold water conduit running from tidal dam to the upper reaches of the delta and possible beyond, this conduit to be used by migratory fish. You can see an example of a totally man made environment along highway 37, built upon the mud flats laid down by placer mining in the Sierra. Dragged, leveled and diked by heavy equipment, populated by both “native” and “non native” species of plants and animals. Environmentalists like to call this man made ecosystem a restoration. How do we pay for this? First let’s not forget about the good will of taxpayers that are already supporting industry in a very big way. Make sure support goes to cleaning the environment, creating jobs, correcting environmental injustices of the pass. Support corporations that believe they have a moral obligation to act in the best interest of The UNITED STATES. Corporations that recognize they have a **legal responsibility** to look after the long term interest of their stockholders, not short term gains at the expense of long term profits and sustainability. Taxpayers have shown the willingness to bring in the future only to be disappointed again and again by poor leadership and special interests unduly capitalizing on such dreams; high speed rail?, Really? How many problems are you going to solve with that? At least name it what it is, Special Interest Rail. Secondly fill the thousands of miles of green zones with solar cells, allowing the removal of high power lines, power plants and windmills. Answer these futures of mankind questions. How many hundreds of thousands of job would this create nationwide? How many billions of tons of pollution would this reduce (assuming all new construction and equipment are state of the art)? How many tens of thousands of lives saved due to less health problems associated with pollution? How many gigawatts of electricity produced? We can already surmise the improvement in quality of live. How many billions of dollars would be pumped back into the economy? How many decades of full employment would the American Economy enjoy? Please compare this to current project proposals. Some will say the economy can’t support spending trillions of dollars on the environment. The majority of which is money in paychecks to hard working Americans.

What these “economist” are really saying is the Economy can’t afford to put Americans back to work. Is this not what a good economy is- Americans working? Losing control of Power and exploiting the American workers are their only real concerns.

Executive Summary: Reckless Disregard for Human Life

Reckless disregard for human life defined: Wikipedia: Definition of terms, criminal law recognizes recklessness as one of the mens rea elements to establish liability. It shows less culpability than intention, but more culpability than criminal negligence. The test of any mens rea element is always based on an assessment of whether the accused had foresight of the prohibited consequences and desired to cause those consequences to occur. The three types of test are: Subjective where the court attempts to establish what the accused was actually thinking at the time the actus reus was caused; Objective where the court imputes mens rea elements on the basis that a reasonable person with the same general knowledge and abilities as the accused would have had those elements, although *R v Gemmell and Richards* deprecated this in the UK; or hybrid, i.e. the test is both subjective and objective.

The most culpable mens rea elements will have both foresight and desire on a subjective basis. Recklessness usually arises when an accused is actually aware of the potentially adverse consequences to the planned actions, but has gone ahead anyway, exposing a particular individual or unknown victim to the risk of suffering the foreseen harm but not actually desiring that the victim be hurt. The accused is a social danger because they gamble with the safety of others, and the fact they might have acted to try to avoid the injury from occurring is relevant only to mitigate the sentence. Note that gross criminal negligence represents such a serious failure to foresee that in any other person, it would have been recklessness. Hence, the alternative phrase “willful blindness” acknowledges the link representing either that the accused deliberately engineered a situation in which they were ignorant of material facts, or that the failure to foresee represented such a danger to others that it must be treated as though it was reckless. Criminal systems of the civil law tradition distinguish between intention in the broad sense (*dolus directus* and *dolus eventualis*), and negligence. Negligence does not carry criminal responsibility unless a particular crime provides for its punishment. Wise GEEK: Reckless “disregard is a somewhat redundant legal term that is used in many courts to discuss the intent of a person who is charged with a crime. Intent or mens rea generally has to be established in order for a criminal case to be successfully prosecuted, and one of the ways to establish this is to propose that a person was reckless. They can also have done something purposefully, negligently or knowingly. Each description means slightly different things — when someone acts with reckless disregard, they commit an act they know is probably illegal and that could harm people, but they don’t have an actual intent to harm a person or people.” How many train derailments, tank farm fires, deaths before a person can be held accountable for their continued action as recklessness under the law? Is it the first, second, tenth, hundredth, thousandth person to die by their pursuing invariably the same object evinces? What standard do you hold professionals or experts in their field? With modern communication world wide is it acceptable for cooperation board members, stockholders, professionals, government and elected officials to claim they have no knowledge of any problems, injuries or deaths from crude oil storage and shipment? Is it recklessness for a corporation to hide behind trade secrets laws when it is reasonably foreseeable people will die not having the information they are withholding? Is it recklessness for professionals hired by the city to withhold information on alternatives, regulations and laws that may be available to elected officials when such information could reasonably foreseeable lead to a safer environment? Is it recklessness for an elected official to act in a way where it is reasonably foreseeable their action will endanger life and property?

Is it recklessness for decision makers to ignore reasonably foreseeable dangers, condemning a small part of the population to live under absolute despotism so others can profit off of it? “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness.” Is it recklessness for mere mortal men to unilaterally dismiss evinces rights given to humanity by their creator and the bases for the legal form of government we now “enjoy” today? At what point do the above action constitutes “Willful Blindness” or “Criminal Negligence” under the law. Our founding fathers clearly states these right are from “their Creator”. Laws that permit others to pollute the creators land, air and water are denial of religious freedoms and Constitutional rights. These rights use to be recognized by our government and Constitution, why not now? **Court rules disregarding safety for profit is Gross Negligence under the law** <http://www.cnn.com/id/101958656#>

Executive Summary: Hypothetical Case Study Bighorn Medicine Wheel in Wyoming, 7000 years Of Native American Law

In Native American spirituality the Big Horn Medicine Wheel in Wyoming represents harmony and connections to the spiritual word. It is considered a major symbol of peaceful interaction among all living beings on Earth. The natives had divided up the circle into pie shape areas, aligned to astrological events (they are very intelligent) and denoted by lines of small rocks. In spiritual reverence for peaceful interaction among all living beings on Earth the circle may have been at times within a teepee for spiritual gathering and worship. Each member having equal rights and duties could use their space for worship while respecting the rights of others. Each had a uniquely different consequences to those rights based solely on the physical location of their area in relation to the opening. Those at the opening could come and go without crossing over another’s area but would have to give passive consent to others crossing to get to their areas in the circle. The person directly across from opening would not need to give passive consent for no one would need to cross to be seated but would need passive consent from half seated to pass over their areas to be seated. This passive consent did not mean they had to accept someone damaging or overturning their goods. Person crossing over had to respect the rights and property of others in doing so (peaceful interaction among all living beings on Earth). Passive consent did not mean they could come and go as they chose as this may be disruptive to all. Rules of order would be adopted as to when and why such movements were acceptable, observing respect for others as they did so. They could not put up obstacle to block movement through their space then claim person crossing was not respectful of their property when overturned. Neither could they put up screens that would block line of sight and communication. Or act in a manner that was disruptive to others communication or worship. Let’s take the case where a member seated on the far side from the opening suddenly got a call from nature and not wanting to leave an embarrassing unsightly stinky mess in the tent dashed out. In doing this he disrupted communication and worship, overturned goods and bruised a member. Should this person be banished from the group for his violations? It was noted by others while upsetting as it was to them it was not his intention to have to dash out the opening, he tried to show respect for the rights and property of others as best he could under the circumstances and while some of the damage could not be immediately undone; bruises and broken baskets, the action was deemed justified and in the best interest of the group. The consequences to the group would have been much more damaging and unpleasant if he had stayed.

This was the law of the land in America 7000 years before the European land grab (might makes right), common law doctrines, The Continental Congress, The Declaration of Independence, Articles of Confederation and The Constitution of The United States. Is the applicant acting in the best interest of humanity or self-interest? Should deliberately “polluting” others’ water, air, food and exposing them to harm be considered peaceful interaction among all living beings on Earth? **Will humanity suffer unjustified consequences if Wes Pac’s project is denied?**

States and places have been named after Native American words.

American Indian Place Names <http://www.infoplease.com/spot/aihmnames1.html>

First People <http://www.firstpeople.us/glossary/States-With-Indian-Names.html>

Alabama - Thicket Clearers, Alaska - Great Land, Arizona - Silver Slabs, Arkansas - Down Stream People
Connecticut - Upon The Long River, Dakota - Related People, Idaho - Sunrise, It Is Morning
Illinois - Men or Great Men, Indiana - Land of the Indians, Iowa - Drowsy People
Kansas - People of the South Wind, Kentucky - Hunting Ground, Massachusetts - Great Hill
Michigan - Great Water, Minnesota - Sky Tinted Water, Mississippi - Father of Water
Missouri - Long Canoe People, Nebraska - Flat Water, New Mexico - Aztec God Mexitli
Ohio - Beautiful Valley, Oklahoma - Land of the Red Man, Oregon - Beautiful Water
Tennessee - From Chief Tennessee, Texas - Tejas or Allies, Utah Those - Who Dwell High Up
Wisconsin - Where Waters Gather, Wyoming - Great Plain

Executive Summary: Cumulative Impact

Frank D Gordon RDEIR comments: “The Attorney General is particularly concerned that local governments, in permitting new projects, consider potentially significant environmental impacts on communities already burdened with pollution, as required by the [California Environmental Quality Act](http://oag.ca.gov/environment/ceqa). <http://oag.ca.gov/environment/ceqa> Attorney General Harris focuses on the need to address those impacts that affect our most vulnerable residents – children, the elderly, and people who already are bearing an unfair share of pollution (see [Environmental Justice](http://oag.ca.gov/environment/communities/justice)) <http://oag.ca.gov/environment/communities/justice> – and those impacts that will be particularly felt by our children and grandchildren. A cumulative impact study should include an ambient air baseline assessment to insure that we are not already near or above the allowable risks for Cancer, Asthma, Leukemia, and other chronic diseases. The Population and Housing chapter of the DEIR talks about the City as a whole but say nothing about the neighborhoods directly adjacent to the project. The only impact, which is shown as Less Than Significant, that is cited is PH-5 that says, " While it is not anticipated that the proposed project would reduce nearby property values, it is possible that nearby property values could be impacted as a result of the reactivation of the existing facility should existing homeowners decide to relocate out of the City of Pittsburg. However, while it is reasonable to anticipate that some existing homeowners may decide to relocate as a result of the reactivation and operation of the existing Terminal, it is not reasonable nor foreseeable to anticipate that these homes would be left unoccupied, resulting in a physical change (such as dilapidation of existing housing) or a potential significant impact to the environment." So, what the Draft EIR is saying is, “Let them move, it is not our problem and we did not cause it. These people are less than significant." There is no mention of an Environmental Justice Policy as it affects this population.” It is reasonably foreseeable project will lead to higher PM10 and PM2.5 concentrations, air pollution, greenhouse gases, explosions, exposure to carcinogenic compounds and poisonous chemicals, higher illness and asthma rates and deaths within Pittsburg. Higher illness rates among students and family members have been shown to be a major detriment to student learning. It is reasonably foreseeable there will be an increase in non-indigenous species and deterioration of the delta habitat, reducing the economic prosperity of the delta.

This project will have no significant impact on reducing air pollution in the SF bay as stated in Original Draft EIR. It is reasonably foreseeable Project may become a target for terrorist attack. Classified Congressional report states Contra Costa County is potential target terrorist attack. It is reasonably foreseeable there is a 98.006% chance of tank failure within the next 50 years just due to earthquake alone. This does not include other causes of failure such as poor design and containment strategies, lightning strike, metal cracking or rusting, water in tanks, flooding, wrong construction materials used, poor welds, lack of inspection and repair, subsidence, tornados, high winds, terrorists, boil over and explosions from overheating hydrocarbons, operator error is very likely. It is reasonably foreseeable a nearby facility failure could easily cause major tank failures. These include but are not limited to the power plant, a major PG&E substation and Pittsburg Power's trans-bay terminal (both are very high energy ignition point), a rail yard full of explosive liquids, train derailment, terrorist attack or underground pipe lines, (http://en.wikipedia.org/wiki/2010_San_Bruno_pipeline_explosion) The barbeques in the backyards of some of the homes are close enough to set off tank fumes. It is reasonably foreseeable a problem at any one of these sites would quickly spread to all the others. Everything within 1 mile (DOT estimate) could be destroyed, a major electrical blackout of the Bay Area, rails, pipelines and tank cars destroyed with major release of toxins, local industry unable to receive or ship supplies, millions of barrels of hydrocarbons in the Delta and bay and substantial loss of life. Frank D Gordon RDEIR comments: "Why would the City of Pittsburg want to endanger the people and the environment after investing so much time and money to make the City an attractive and enjoyable place to live? The Environmental Justice impacts alone would surely raise red flags to the folks that run the City and advise the City Council. The Draft EIR describes 130 impacts that this project will have on the environment and the residents of the City of Pittsburg. The DEIR show that 97 of those impacts of "Less than significant". At what point does that many "Less than Significant" impacts cumulatively create a significant issue. There are 13 impacts that are "Potentially Significant." These are the only impacts that have any mitigation measures attached to them. The final 20 impacts are being listed as "Significant but Unavoidable." Any project with that many unavoidable and unmitigated impacts should not be allowed within the City of Pittsburg. This affects the whole city, not just the downtown area. This project, if left without major changes will negatively affect our City for generations.] **The Californian State Legislators has already answered Frank's question. "29706 The Legislature further finds and declares that the resource values of the delta have deteriorated, and that further deterioration threatens the maintenance and sustainability of the delta's ecology, fish and wildlife populations, recreational opportunities, and economic productivity."** Or is California's Legislature expected to go back on its word to Delta residents, California, the Nation and the world? With the successful destruction of Pittsburg's very last recreational and scenic habitat it is reasonably foreseeable the demise of the marina, yacht club and down town redevelopment. It will be slow but enviable. Boaters and wild life enthusiast will find that their wonderland on the delta has been replaced with messy oily stained ships. Their nostrils filled with a smelly noxious hydrogen sulfide and sulfur dioxide gas that turns their stomach, burn their eyes and throat. The sky turned brown and the scenic view obscured with ships particulate matter and smog. Wild live gone, stinky algae blooms and fish kill more prevalent from the increase in nutrients in the water from ships stirring up the sediments. Their view obscured by a brown haze reaching far into the Central Valley. Persons who never experienced breathing problems before will find their lungs getting tighter and breathing getting labored. For those who already have breathing problem more emergency room visits more missed days from work and school. The community will experience a higher death rate from cancer and chemically induced asthma. (Yet we shame others for gassing their own people).

Those who can will leave and not come back to Pittsburg. Pittsburg downtown will become boarded up as before, the housing become predominantly low income and section 8: A place for the "poor" as it was once envisioned by some to always remain.

Executive Summary: Statistical Analysis; Science or Pseudoscience?

The age-old dispute (science or Pseudoscience?) on statistical analysis has irrevocably been settled with the advent of the Fukushima Daiichi nuclear disaster. Statistical analysis for what is most likely to happen, even when done by the best engineers and researchers in a Country world renowned as the leaders in earthquake engineering have once again has been **shown to be fundamentally flawed!** The question is not what is most likely to happen to a particular person or group but what can happen. Residents should not be made to put their health and the lives of their families on the line so the applicant can save a few bucks. Of course there will always be persons that believe there is no global warming, the world is flat, destruction of Native American lands and high power tension lines strung across our nation is the only solution to global warming, Santa Claus, the Easter Bunny Rabbit, the trips to the moon were faked, little green men from Mars and the Holocaust never happened. **Everything in this report has already happened and is reasonably foreseeable will happen once again.** Daily if not hourly we see disaster after disaster from foreseen, unforeseen and human errors. **Things going wrong is the current state of affairs for mankind.** Statistical Analysis Mystics try to obscure this fact in a toxic cloud of smoke.

Executive Summary: Conclusion

Very small crude oil tank boilover, 30 burned, Texas USA March 02 2011

<https://www.youtube.com/watch?v=DhVXnNvaudQ> these firefighters were well trained in fighting such fires but were not able to control it. With the aforementioned safety equipment and blast walls this fire could have been easily controlled by just one person with the push of just one button.

The concept of using innovation to solve today's problems is referred to as progress, moving forward, not living in the past or just common good since; It used to be called "The American Way."

Let's put America back to work doing what The United States of America was second to none in doing and made you proud to be an American: building it right.

Fire department needs to get out of commercial and industrial fire frightening, fire department to respond to such fires only to protect nearby retail and residential properties. Applicant needs to have all men and equipment on site, manned 24 hours a day.

Additional Questions:

Why no health studies of Pittsburg residents living in the downtown? Pittsburg, especially the area around the project, is a low-income, minority community. Pittsburg residents are burdened with an unfair amount of pollution while having the least access to health care. Pittsburg air pollution is above State and Federal standards. Pittsburg residents' health is deserving of protection under the Federal Environmental Justice Memorandum of Understanding and Presidential Executive Order 12898 (Environmental Justice).

Air model studies should be performed to detail total area that may be affected by the project. A minimum of 10 miles down wind should be studied.

What are all possible compounds that may be in crude, their percentages and known health effects on children, elderly and pregnant women? Which of these compounds cause eye, throat and skin irritation; asthma, bad smells and/or vomiting?

Why not documented, monitor and determine long-term effects on residents' health?

Why not give free health services, including but not limited to cancer and asthma screening and treatment in the exposure zone?

Why not build electric or hydrogen powered ships to be used in bay and Delta?

Why not include the following sites in your study as sensitive receptors?

Senior housing complex, Railroad Ave and 8th Street

Marina Vista Elementary School, Railroad Ave and 8th Street

St Peter Martyr School, West 4th Street

Riverview Park, River Park Dr.

Stewart Memorial Christian Methodist Episcopal Church, Linda Vista Way and Front

First Baptist Church, Odessa Dr.

St. Peter Martyr Catholic Church, Black Diamond St. and 8th St.

Greater McGluthen Memorial Temple Church, 550 Black Diamond St.

Parkside Elementary School, within 1000ft of KLM alt 1 connection.

Pittsburg High School, School St.

El Pueblo Federal Housing Project, El Pueblo

All section 8 housing within 1 mile of project

Will ships going to Pittsburg need to moor in the SF bay to "lighter" (transfer some of their load to other ships to reduce their draft) before entering the upper bay and Delta?

Why not build a pipeline out to sea to off load from? Ocean-going ships are a major source of non-indigenous species of clam, plants, crabs and parasites in the Delta. This invasion has damaged the quality and economic vitality of the Delta habitat.

How will you stop shoreline and levee erosion from ships?

How will you stop the stirring up of sentiments from the ship's water displacement and props?

What emergency staff and supplies will be on site in case of an accident?

Can WesPac get air pollution credits from sources that currently affect near by residents?

In the event of an accident what agency will be notified and what will be their response? How fast and in what numbers will help come?

How much money will applicant put toward getting, maintaining and training firefighters per year?

The concept of "shelter in place" implies that there is something the homeowners can do to save themselves in case of a catastrophe. Will residents be given home fire fighting equipment, gas masks, first aid supplies and fire resistant suits?

Which agency has been notified for their input on Environmental Justice issues for this project?

Which agency does the City of Pittsburg expect to do an Environmental Justice study?

How much insurance coverage do applicants have?

Why not a study on a reasonably foreseeable worst-case scenario: sabotage to the facility, including the possibility 5,000,000 BBL tank content vaporizing into an explosive air/fuel mix and detonated? With LPG, ammonia, and chlorine storage railroad cars being engulfed in fire and shock wave resulting in major rail right away destroyed. What effect would such a worst-case scenario have on the nearby residents and power substations just northwest of project? The electric power substations are a major supplier of power in California. It is vital to both the economic success of California and National Security that this substation remains safe from any possible threat.

Will applicant be required to put up a bond covering the total expense of insurance coverage for the next 30 years or more?

How close to existing waterways are tanks?

CCC fire department is being downsized and is already undermanned. How much would it cost to have onsite fire fighting equipment and personnel to completely foam site and within the industry standard of 15 minutes?

Will Riverview Park be closed or made smaller?

What is the cancer rate and pollution for Brown Island?

What is the cancer rate and pollution for the Pittsburg Yacht Club?

How many people in Pittsburg have asthma? How many die from asthma?

What are you going to do to protect the scenic value of the Delta?

Will the facility be closed down on a spare the air day?

Will the facility be closed down when wind speeds drop below 10 miles an hour?

What steps will be taken to trap air pollution so that it does not pollute the environment?

What about the Bay area bike trail that is to be built through this property? This project has been approved.

Why should children be allowed to get asthma so WesPac can make a profit?

Is it legal for the Lands Commission to transfer its responsible to all Californians' to Pittsburg? Where is the do process if someone disagrees with Pittsburg's decision?

Can oil be shipped South through Pipeline?

References:

Frank D Gordon

A resident of the City of Pittsburg for over 30 years and have been involved with the city on many levels. Served on the Pittsburg Planning Commission for 9 years, and served two terms as the Chair of the Commission and passed President of the Bay Harbor Park Homeowners Association representing 160 homeowners and their families.

James B MacDonald

Licensed Factory Automotive Master Technician, retired

5 years Trustee Pittsburg Unified School District

3 years Certified Instructor for California State's Smog Technician training and certification program

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National Transportation Safety Board pipeline rupture does \$5.6 million in damages

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Bio: John P.A. Ioannidis

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Sincerely:

James MacDonald

274 Pebble Beach Loop

Pittsburg, Ca

Jbmd56@yahoo.com

Kristin Pollot

From: hummylovers@comcast.net
Sent: Friday, July 31, 2015 12:19 AM
To: Kristin Pollot
Subject: WesPac Pittsburg Energy Infrastructure Project

Hi Kristin,

This e-mail is to let you know that we, Jim and Nancy Kraus, new home owners of a Discovery Home build in Clipper Cove, are "opposed" to allowing the WesPac Pittsburg Energy Infrastructure Project from becoming a reality. Bringing a mega oil terminal within hundreds of feet of residential homes (such as ours), schools and churches is a disaster of monumental proportion just waiting to happen; one that would have devastating affects on the bay, delta, marine life, wild life and people of Pittsburg for many, many years. In conclusion we hope that the City Council will think long and hard on this issue and in the end "reject" it.

Jim and Nancy Kraus
1041 Gridley Drive
Pittsburg, CA 94565
(925) 318-4596
hummylovers@comcast.net

Joe & Margo Miyamoto
298 Heron Drive, Pittsburg, CA 94565 ♦ (925) 439-8151
jmmiyamoto@att.net

July 22, 2015

Ms. Kristin Pollot
Planning Manager
City of Pittsburg
Community Development Department
65 Civic Avenue
Pittsburg, CA 94565-3814

RECEIVED
JUL 22 2015
PLANNING DIVISION

Subject: Notice of Preparation of a Second Re-Circulated Draft Environmental Impact Report (RDEIR) WesPac Pittsburg Energy Infrastructure Project and July 22, 2015 Public Hearing

Dear Ms. Pollot,

Thank you for this opportunity to comment on the scope of a second recirculation of the Draft Environmental Impact Report (RDEIR). We were encouraged the City of Pittsburg determined that additional information needed to be added to ensure a more complete and comprehensive analysis of the RDEIR. We agree with the subject areas that will be addressed in the RDEIR and the focused topics to be included based on public comments. The DEIR needed a more accurate description of baseline conditions and rigorous analysis of the project purpose and need, type of oil being imported, risk of fire and explosions to sensitive receptors, impact of degraded air quality on the local community and risk to water supplies, the marina and aquatic habitat from an oil spill. Based on the NOP dated July 1, 2015 we would like to specifically address several of the subject areas that will be re-analyzed in the second RDEIR including biological resources, odor impacts, cumulative impacts and project alternatives.

The draft EIR states the proposed project site is bounded by Suisun Bay to the north, primarily single family residences to the east, and industrial facilities to the immediate south, with residential uses to the far south. The Pittsburg marina is 0.5 miles to the east. The project is located adjacent to Honker and Suisun bays which includes the low salinity entrapment zone, an area of high biological productivity.

Biological Resources.

The NOP indicated the effects of a potential oil spill at the marine terminal on biological resources will be analyzed in the DEIR. The California State Lands Commission (CSLC) August 2011 letter states it is important to assess the potential spill impact on biological resources based on a better than fifty percent chance a habitat type will be impacted. One of the most important habitats that needs to be assessed is the area within Suisun Bay that provides shallow water habitat which is critical to maintain biological productivity. X2 is a proxy for this habitat and corresponds to the central axis of open water estuary habitat where salinity near the bottom of the water column is two parts per thousand as measured in kilometers from the Golden

Gate Bridge. Based on a USFWS Biological Opinion the State Water Resources Control Board manages the exports to State and federal water projects and upstream reservoir releases to maintain fall X2 between 74 and 81 km, depending on the governing water year type. The marine terminal is located at 78 km which is close to the center of this regulatory management area. Oil spill trajectory modeling needs to analyze the long-term contamination of intertidal areas and sediments for this low salinity zone. The model needs to be run for a sufficient length of time for a range of water year types until the spill dissipates on the water or makes contact with the shore or bottom sediments.

The CSLC letter states the improper deferral of mitigation should be avoided and mitigation measures should either be presented as specific, feasible and enforceable obligations or presented as formulas containing specific performance standards which would mitigate the significant effect of the project. It is important the DEIR includes monitoring and performance standards for all mitigation measures.

Endangered species should not be considered as "natural resource services" and the use of "compensation restoration" is an unacceptable approach based on the CSLC position on deferred mitigation. The use of "compensation restoration" also does not meet the action policy of Section 9-P-12 of the City of Pittsburg General Plan which states: "Protect and restore threatened natural resources such as estuaries, tidal zone, marine life, wetlands and waterfowl habitat." Section 9-P-13 states: "Ensure that special-status species and sensitive habitat areas are preserved, as required by State and federal agencies during redevelopment and intensification of industrial properties along the Suisun Bay waterfront." Will the RDEIR present a risk analysis so the State and federal agencies can determine if a major oil spill from the marine terminal or pipelines places sensitive fish species in jeopardy or causes the adverse modification of critical habitats?

Since the project will likely affect California Endangered Species Act (CESA) listed fish species, was early consultation initiated with the California Department of Fish and Wildlife for an incidental take permit? An oil spill could result in direct mortality of a listed species or impair migration. The lighting at the marine terminal could make juvenile fish more vulnerable to predation. Introduced species brought in from vessels calling on the marine terminal could have an impact on Delta ecosystem by displacing native species. Take could also occur through entrainment into propellers from tanker ships traveling to and from the marine terminal. These tankers will be traversing some of the most sensitive aquatic habitat in the entire Bay and Delta ecosystem.

Odor Impacts. One of the focused topics to be included in the RDEIR will be a discussion of how odors will be analyzed and an evaluation of how the proposed use of current Best Available Control Technology-compliant equipment would reduce odors below previously experienced levels. Such an evaluation should not rely on anecdotal evidence based on interviews with former PG&E employees that were likely exposed to a different type of fuel at the former PG&E plant. As suggested by the Natural Resource Defense Council in their September 13, 2013 comment letter on the RDEIR, the analysis should look at the record of complaints from a public agency such as the Bay Area Water Quality Management District. The analysis of odors should also include an analysis of odors from "fugitive" emissions such as leaks in pressurized

equipment, pipelines, seals and valves and from sources related to the transport of the crude oil. Such odors would likely not be reduced by Best Available Control Technology-compliant equipment.

Cumulative Impacts. The San Francisco Bay to Port of Stockton ship channel phase III navigation improvement project will deepen Suisun Bay to 45 feet up to Chipps Island and to 35 feet beyond to Stockton. The purpose of this Corps dredging project to modify the deep water ship channel is to accommodate tanker ships such as those that will call on the marine terminal. The project is estimated to shift the salt water intrusion upstream by one-half mile. Such a shift could reduce populations of listed fish species since each 10 km upstream shift in X2 during the spring corresponds to a two to five fold decrease in abundance or survival (San Francisco Estuary Project, The State of San Francisco Bay Report 2011). How will this cumulative impact be addressed in the RDEIR?

Alternatives. The California State Attorney General (AG) January 15, 2014 comment letter indicated the RDEIR was fundamentally defective because it considered only one action alternative to reduce storage capacity by eighteen percent. Based on current trends there may be sufficient infrastructure to meet the State's need for imported oil. The AG letter suggests two additional alternatives: 1) use smaller dispersed upgrades to docks and storage tanks to provide the capacity at existing refineries and 2) eliminate the rail component and utilize an electrified marine terminal and pipeline. While the rail component has been eliminated from the project, the transport of oil over water or through a pipeline still places water supplies and the Delta ecosystem at risk. A spill in the Delta near the project will quickly spread since tidal action and freshwater inflows can push oil into the Delta channels and sloughs where water supply intakes are located and which serve as critical habitat for special status fish and wildlife.

Thank you for this opportunity to comment on the Notice of Preparation for the second RDEIR. We hope that you incorporate the recommendations from our comment letter in order to prepare a more complete and comprehensive analysis of the second RDEIR.

Sincerely,



Joseph J. Miyamoto
Certified Fishery Professional
Retired Water District Manager



Margo P. Miyamoto
Retired Administrator, Planner and Grant Manager

July 22, 2015

Kalli Graham
P.O. Box 1313
Pittsburg CA 94565

WesPac Scoping Meeting

RECEIVED
JUL 22 2015
PLANNING DIVISION

Hello, my name is Kalli Graham. I am a resident of Pittsburg and a director with the Pittsburg Defense Council.

I am speaking & writing today to register my comments on the WesPac project. I would like the following issue to be studied in the Environmental Impact Report.

With respect to the Public Service and Utilities section it will be essential to investigate the clear & present risks of **fire** in regard to this project.

What is the flash point temperature for the materials proposed to be stored in the tanks?

What measures are being proposed to address the changes in ambient liquid and vapor-space temperatures of the tanks throughout the day?

What are the risks of a "bomb tank" by analogy to a "bomb train" given the volatile contents of the materials proposed to be stored in the tanks?

What evidence exists regarding fires or explosions of tanks on other properties containing these same materials?

What were the costs to the affected cities where these oil storage tank explosions occurred?

What is the "blast zone," shrapnel distance, and pressure wave impact that could be expected from an explosion of one of the tanks on this property?

Given the small distance between each tank, what is the likelihood that a fire and related explosion from one tank will create a domino effect or chain reaction of explosions to each of the tanks in the project?

What is the maximum area that would be impacted and affected by such a disaster?

What is the potential destruction and loss to life (either human, animal, or other organic environmental), or property that would be caused by a fire on this property?

What is the capability of the local fire department to address any fires that would be generated on this property from either natural or oil-based disasters?

As an example, last year there was a 3-alarm fire on the property. Due to the location of the power lines and potential for "arcing" to spark greater risk the fire department had to retreat and simply "wait out" the fires to abate organically. In this example the fire didn't contain any of the extremely volatile chemicals or materials proposed by this WesPac project.

Please enter these comments into the public record. Thank you.

July 27, 2015

Kristine Pollot, Planning Manager
City of Pittsburg, Planning Division
605 Civic Ave
Pittsburg, Ca. 94565

Re: West Pac, Pittsburg Energy Infrastructure project.

Ms. Pollot,

I have been a resident in Pittsburg for many years and have seen it grow substantially in great ways, but this current Westpac choice you are currently trying to bring to our city is a huge problem.

I have done my research on this matter and it could and will cause substantial damage to our city and cause illness to our children.

I currently have 3 children in the Pittsburg district one of my children is just feet away from the sight on which you choose to have your project on 4th st, another of my kids go to school on 8th st not to mention a childrens park feet away.

This West Pac project is a major danger to not just our kids but to

everyone involved in the project.

This is not just in case an explosion or vapors occur it is a matter of when, people will die schools are not educated on what to do in an explosion and you are feet away the city is not educated on what or how to care for the catastrophic events that will occur, were talking hrs to days to get through the fires chemicals, debris, and severe injuries from the westpac explosions to get to children.

The city will be on lock down homes and families destroyed because of this and the city is not prepared or ready for the events that will occur

The WestPac is not needed the city has the new bart train to bring in income that won't cause severe problem for our city lets keep it at that

Kimberly Cullen
255 E. 16th St
Pittsburg, CA 94565
(925) 727-5147

July 22, 2015

Lisa Graham
P.O. Box 1313
Pittsburg CA 94565

RECEIVED
JUL 22 2015
PLANNING DIVISION

WesPac Scoping Meeting

Hello, my name is Lisa Graham. I am a resident of Pittsburg and an active member of Pittsburg Defense Council.

I am speaking & writing today to register my comments on the WesPac project. I would like the following issue to be studied in the Environmental Impact Report.

With respect to the Vulnerable Populations section it will be essential to investigate the clear & present risks of **cancer** in regard to this project.

One or more of our speakers here tonight are addressing the significant findings of asthma rates for our community's vulnerable populations. However, equally important to consider are the rates of cancer, specifically lung cancer, as it relates to the particulates found in our air pollution.

In his recent article (July 2015) in the Antioch Herald Jeff Belle reported that, "according to the Center for Disease Control (CDC), long term exposure to particular matter in the air increased the risk of lung cancer even at levels lower than the government agency recommended limit values. Consequently, residents living near polluting industrial facilities have the greatest risk exposure; thereby resulting in a localized pattern of disease such as lung cancer. But the question remains: What's the connection between air toxins from industrialized facilities in East County and asthma and lung cancer among residents of East County?"

"A group of interns from Los Medanos Community Healthcare District undertook a descriptive epidemiology and methodological process in the hopes of identifying the link between air pollutants from industrial facilities located near Pittsburg and Antioch, and the increase in asthma exacerbations and lung cancer mortality among residents in East County. In addition to the four known air toxins which trigger asthma exacerbations, [they] identified four known carcinogenic air toxins which have been known to cause lung cancer. In fact, five industrial chemical facilities located near Pittsburg, California have a long history (since 2002) of releasing large quantities of these toxins."

Partial Sources: - Request that these agencies be contacted regarding this project:
Asthma and Air Pollution: Natural Resources Defense Council Report
California Air Resources Board, July 2013
California Department of Health Services, Environment Health Investigation, March 2004.
California Cancer Registry, October 2009.
Center for Disease Control (CDC), 2012
Occupational Hazard Report January 2000.
Scorecard Report on Environmental Releases

The impact of this increased level of air toxins from this proposed project will have an unmitigatable effect on the health, safety and quality of life for our community residents. This topic should be addressed with equal measure in the DEIR.

Please enter these comments into the public record. Thank you.

August 4, 2015

Kristin Pollot, Planning Manager
65 Civic Avenue
Pittsburg, CA 94565
kpollot@ci.pittsburg.ca.us

Subject: Comments regarding Buffer Zone Protection, for City of Pittsburg NOP for Recirculated DEIR for WesPac Pittsburg Energy Infrastructure Project. ["WesPac Project" or "Project"]

Dear Ms. Pollot,

I am writing to clarify the need for full discussion and analyses of all impacts and risks to public health and safety associated to the proposed WesPac Project's marine/pipeline oil terminal and crude oil storage tanks, especially regarding the Project's tank farm's proximity to existing residential neighborhoods and the lack of adequate buffer zones.

Despite the removal of the rail component from the Project description, significant daily risks of exposure to dangerous toxic air emissions with increased safety hazards and risks to the public from explosion, spills and other dangers related to the transport and storage of crude oil are posed by the Project as currently presented. It is especially concerning because of they types of crude oil that are likely to be imported, stored and transported. Those "extreme crudes" (Bakken Oil and tar sands) have characteristics that would increase emissions of benzene, TAC emissions and VOCs, as well as heavy metals including lead, arsenic and cadmium.

My comments below cite what I know about the Benicia refinery's buffer zones, specifically with emphasis on Exxon's land purchase (prior to Valero's purchase of the refinery in 2000), for a new approx. 250 acre buffer zone west of the refinery's existing perimeter, nearest Exxon's headquarters building and refinery processing block. At that time, Exxon's community liaison person, Mike Mallon, had explained that the new buffer zone was necessary to protect the refinery against encroachment from a then proposed single-family residential development (proposal for 400+ homes on the Tourtelot property west of East 2nd Street), a new development that Exxon surmised could conceivably be extended in the future all the way to East 2nd Street that served as "buffer" along the refinery's western perimeter. While the new buffer zone was intended to protect existing neighborhoods from refinery impacts, it also was meant to protect the refinery from residents' complaints against emissions (odors) and noise.

BACKGROUND

After the Benicia Arsenal closed and the Army left in 1964, the 2,700 acres once owned by the federal gov't, (whose eastern border was the edge of the Suisun Marsh), became open for industrial and commercial development. The City of Benicia – then a small historic town of about 5,000 people that had been totally dependent on the Arsenal for jobs and revenue source since the Civil War – was eager to see an industrial park created in the wake of the Arsenal's closure. Deals were negotiated to put almost all of the 2700 acres up for sale for industrial development. The Arsenal properties had only been superficially "cleaned up" by the Army – a crucial factor for all subsequent developments, both residential, commercial and industrial.

The refinery was built in the mid 1960's by Humble Oil on former Arsenal land – acres bounded (eventually) by East 2nd (to the west) and Industrial Way (in the east), with residential neighborhoods, called "Hillcrest" built during the WWII on the refinery's southwest perimeter. Allowance for buffer zone *within* the refinery property, southwest and east of the tank farm area as then defined, was said to be adequate to protect the Hillcrest neighborhood.

On the northern perimeter of the refinery other businesses were eventually established following the industrial park's development trend.

In 1968, Exxon, which had purchased the refinery from Humble Oil, began to build out the refinery to process the then glut of oil coming from Exxon's own fields in Prudhoe Bay, Alaska.

For many years, East 2nd Street, a 4-lane divided boulevard constructed sometime in the late 60's or early 70's, and which runs perpendicular to I-780, links the lower older downtown residential neighborhoods to the northern hills where suburban single family residential development was being proposed. East 2nd thus served as an asphalt buffer for the refinery immediately to the east. Trucks leaving the refinery with finished product use East 2nd, which continues eastward, intersecting with I-680. East 2nd basically served then, and still serves, as a dividing line between residential neighborhoods to the west of East 2nd, and the Benicia industrial park to the east.

The City of Benicia's general plan was being completely revised and updated in the mid 1990's, and the new plan was finally adopted in 1999. In the plan's new community health and safety section, policies were written to protect residents from hazards and toxics associated to former uses of land then slated for residential development. The new plan also provided protections for existing industrial zones and for future development options.

In 1978, Southampton Co., a residential development company (made up of a few local notables) had proposed building upwards of 400 homes in the northern hills, part of which was privately owned land called "Tourtelot", which had formerly been leased by the Army for testing howitzer guns, and, as was later to be learned, for blowing up excess ordnance. By virtue of a small group of citizens doing its own reconnaissance (I among them), a massive, 7 year investigation and cleanup led by CalEPA and Army Corps of Engineers called "The Tourtelot Restoration Project" was begun. This cleanup was essentially ordered to prepare the land for residential housing, considered by EPA and the Dept of Defense to be "highest and best use", thus requiring most conservative cleanup standards. In the end, the property was cleaned up and houses were built, with the caveat that a portion of the land in a swale where ordnance had been found and cleaned out had to be zoned "off limits". Ford Motor ended up with a court settlement for Tourtelot cleanup bill – they'd had to pay the upfront cleanup costs of \$50 million, then seek cost recovery from the federal gov't. [Settlement Agreement and Consent Order: Granite Management Corporation; Pacific Bay Homes; FN PROJECTS INC and PACIFIC BAY HOMES, LLC - Plaintiffs v UNITED STATES OF AMERICA AND DEPARTMENT OF THE ARMY, defendants, Filed DEC 20, 2004.]

It was roughly around this time, in the 90's, that Exxon purchased land west of East 2nd Street from any future encroachment of residential development closer to the refinery's western perimeter, which Exxon surmised could be pushed to the edge of East 2nd, thus just opposite the refinery's western headquarters building and the refinery processing block behind it. However, the reasons for the purchase might be more complicated: Exxon, which had just merged with Mobil, was required to sell their Benicia refinery under order of CA Attorney Gen'l. The refinery was put up for sale in 1999. Extending the boundaries of the refinery could have been seen to add "value" to the sale; however, an Army Corps of Engineers map dated 2000 (a copy of which I have in my possession), shows that ordnance at various depths had been identified by magnetometer scans of this same "buffer zone" that had so recently been purchased.

Thus, the "buffer zone protection" that Exxon also served to block public access to a dangerous area known to the Army to have buried ordnance. Of course, during discussions held during a general plan update process, Exxon proposed that their buffer zone might also support some

commercial development. At first, the City didn't oppose the idea, thinking of revenues, but public pressure during the general plan update process rejected commercial development in the newly established refinery buffer zone.

When the refinery was sold to Valero in 2000, it is unknown what Exxon told the new owners about the condition of their western buffer zone with regard the buried ordnance issue. In 2009, during Valero's excavations within their processing block for a new berm, several live grenades were found.

With regard to refinery buffer zones: they have been mostly described in relation to need for protection of residential housing; but buffer zones have not been seen to be necessary to protect businesses surrounding the refinery in the industrial park on the refinery's eastern perimeter and in the northern area currently zoned for commercial development. Many employees work near the refinery and are exposed daily to toxic emissions and other risks of fires, explosions and spills. Valero has recently purchased a small piece of land for roughly \$350,00 and called it a "buffer zone" but they've said nothing about this, and to my knowledge, the City does not consider the land purchased to be a buffer.

Meanwhile, Valero has proposed building a rail terminal at the eastern perimeter of the refinery, the proposed "Crude By Rail Project" creating potential blast zones within a 1/2 mile radius around tracks that run in and out of the industrial park. At this writing, there is no discussion by the refinery of the need for buffer zones surrounding UP trackage within the industrial park that would serve their proposed rail terminal. The public is decrying the fact that people living and working within a half mile of rail tracks that would be daily transporting increasing amounts of flammable product and extreme crudes (Bakken oil) are therefore within BLAST ZONES.

I hope these comments help to more clearly define the need for the public's protection against WesPac's proposed crude oil terminal and crude oil tank farm. The fact that new residential and commercial areas were developed *after* PG&E closed down its plant and gave up the property with its old tank farm is a key point: this is *not* a case of the airport syndrome that Exxon allegedly had feared, prompting the corporation to purchase land west of East 2nd Street to buffer the refinery against residential encroachment.

Thank you for consideration of my comments.

Respectfully,

Marilyn J. Bardet
333 East K Street, Benicia CA 94510
707-745-9094 mjbardet@comcast.net

Kristin Pollot

From: Martin MacKerel <martin.mackerel@gmail.com>
Sent: Friday, August 7, 2015 8:30 AM
To: Kristin Pollot
Subject: Comments on the scope of the WesPac EIR, part 1

In this document, I am listing all comments on the scope of the WesPac 2015 RDEIR other than those related to climate change.

Pipeline and tank integrity issues

When I refer to "pipelines", I mean both the pipelines fully internal to the site, as well as the external pipelines that connect to the regional refineries and other distribution networks.

Please include detailed information about the age of all tanks and pipelines. Which of these tanks will be refurbished?

What are the limits of vapor pressure that the tanks and pipelines can handle? How does this compare to the known very high vapor pressure of Bakken shale oil?

What other effects does crude type have on pipeline or tank integrity? For example, both tar sands dilbit and Bakken shale are likely to be more corrosive than fuel oil or other crudes, and the more viscous tar sands dilbit is likely to be pumped at higher pressure than other crudes. Tar sands dilbit is also often heated to get it to flow; how does this affect pipeline integrity? It could increase corrosion and it could also increase wear-and-tear from thermal expansion and contraction.

The Mayflower spill in Arkansas was a result of the rupture of Pegasus, a 65-year-old pipeline that was intended for refined products. Exxon 1) reversed the flow and 2) sent more corrosive tar sands dilbit down the pipe 3) at high pressure. All three actions stressed the already quite old pipeline; together, they weakened it enough to rupture it.

To what extent do the plans for external pipelines connected to the WesPac site match the Mayflower situation? As I understand it, they are almost as old as the Pegasus pipeline, and transported fuel oil from the refineries to the storage tanks. WesPac would reverse that flow, and its products could be more corrosive and pumped under higher pressure (as noted above). How does this increase the stress on the pipelines, and to what extent does this increase the chances of a leak or rupture?

How much can double-walled pipelines reduce these risks? Please note that there have been recent spills even with double-walled pipelines; see e.g. <http://globalnews.ca/news/2116785/nexen-to-provide-update-on-northern-alberta-pipeline-spill/>

Please use total numbers for us to better assess risk. As noted in <http://pittsburgdc.org/?p=583> the previous EIR listed leak and rupture probabilities for each pipeline segment. Those numbers are each low, but summing them together they give a return period of less than 30 years; i.e. a rupture or leak of one of the pipelines during the oil terminal's lifetime is very likely. (I would add that those numbers don't reflect the greater risks of expected crude types as listed above.)

Similarly, leak, spill, and rupture probabilities can be presented per-tank, but should also be summed to give the probability of at least one leak, spill, or rupture occurring on the site.

The possibility of legally binding restrictions

Is it possible for us to get a legally binding restriction against the use of tar sands-based crudes in this project?

Is it possible for us to get a legally binding restriction against ever adding a rail component to this site in the future?

Is it possible for us to get a legally binding restriction against the use of this facility to export crude oil or partially refined crude oil, in the event that the federal restriction against crude oil export be repealed?

Miscellaneous

Why is diesel, a finished product, included as a possible cargo, given that the project need claims a lack of adequate storage for *crude oil* in the Bay Area?

There appear to be health dangers of tar sands dilbit due to the volatilization of the diluent beyond than that of other crudes. Please include the latest information and research on this point.

In Vancouver, Washington, the EPA has asked for the EIR for a proposed oil-by-rail terminal there to include "a broad, cumulative analysis that considers not just [that] terminal but other regional facilities that handle crude oil" (see <http://www.columbian.com/news/2015/aug/03/epa-oil-terminal-plan-doesnt-pass-muster/>). Similarly, the WesPac project should be considered within a broader regional context of oil facility development, including refinery marine terminal enhancements and crude-by-rail facilities in San Luis Obispo, Benicia, and Richmond.

Please include a consideration of a project alternative of no heating.

Finally, I ask that information about the EIR be distributed quite widely, and not just given to those who live within a relatively short distance of the site. I'd recommend that all those who live within a mile of the site be notified, and that such notification be provided in simple English and in other languages, including Spanish and Tagalog.

Thank you,

Martin MacKerel
1647 McAllister St. #6
San Francisco, CA 94115

Kristin Pollot

From: Martin MacKerel <martin.mackerel@gmail.com>
Sent: Friday, August 7, 2015 2:12 PM
To: Kristin Pollot
Subject: Comments on the scope of the WesPac EIR, part 2

This is the second part of my comments on the scope of the WesPac RDEIR, focusing on climate change, both the project's effect on climate change and the effects of climate action on the project's purpose and long-term viability.

Preface

It is not merely the manner in which the proposed WesPac project would operate that is a problem; it is its very existence itself. The purpose of the project is to increase the flexibility and capacity of the petroleum industry. It is likely to, however marginally, increase production of and reduce the costs of fossil fuels, and thereby increase the global use of those fossil fuels. And that is precisely the problem.

In a public comment of September 13, 2013, I said the following:

Even if the facility operated flawlessly, however, it would contribute to the increased global use of fossil fuels, which generates greenhouse gases that through climate change endanger our physical infrastructure, our health, our environment, and potentially the very viability of human civilization.

It is imperative that we change our energy system. To start with, we must insist on **NO MORE FOSSIL FUEL INFRASTRUCTURE**.

There is simply no excuse to do otherwise; any statement of environmental impact that claims low impact for additional fossil fuel infrastructure and allows its construction is extremely irresponsible.

Two years later that comment is, unfortunately, still valid. My claim that the very viability of our civilization is endangered is far from being an exaggeration. The climate change that is already "locked in" will strain our ability to adapt. The very material bases of our civilization are under assault: changing weather patterns mean that agriculture will be increasingly difficult, sea-level rise threatens many cities and much infrastructure, and more heat waves, storms, and cold spells mean more property damage and fatalities in the years ahead.

Much recent research has shown that climate change is happening faster than expected, and that the sensitivity of the climate to increased levels of heat-trapping gases (aka greenhouse gases aka GHGs) is on the high end of estimates. For instances, climatologist James Hansen and colleagues recently presented a paper (see http://www.slate.com/blogs/the_slatest/2015/07/20/sea_level_study_james_hansen_issues_dire_climate_warnin_g.html) in which they claim that existing climate models severely underestimate sea-level rise, and they predict that we might have as much as 10 feet of sea-level rise just in the next 50 years. That would put downtown Pittsburgh (and the proposed WesPac site) underwater.

Morality, and the extra weight of symbolic significance

Climate change is fundamentally a *moral* issue, and therefore hard to address in the technocratic format of an EIR. Nevertheless, in this document I present some ways that we might attempt to think about the WesPac project in relation to climate change.

There are a couple standard ways that promoters of projects such as these try to get off the hook for the entirely foreseeable moral consequences of their actions, which I rebut here to prevent their glib inclusion in the EIR. One claim is a call to the fundamental amorality of the market: "if we don't do it, someone else will, so we might as well do it and benefit from it". Morally, that holds little water, but as a technocratic economic argument, it might. The second claim, somewhat related, is that the moral emphasis in a market society lies elsewhere than with producers: either with consumers, who can ostensibly refrain from buying a product whose production might entail moral harm, or with governments, who can pass regulations to mitigate or prevent that harm. While plausible at first glance, on deeper inspection we see that the same producing class has engaged in heavy promotion of their product to consumers, and heavy lobbying and ideological attack to prevent and minimize regulation. Nevertheless, for the second claim, if part of the moral responsibility lies with governments (as I believe it does), then that is all the more reason that the City of Pittsburgh should deny a permit to a project of this kind.

As for the remainder of the first claim: in a perfectly fluid market, denying the WesPac project might just lead to a similar project somewhere else, with exactly the same effect on oil market dynamics. However, there are few examples of a perfectly fluid market. The site for the proposed WesPac project is a great match for the purpose they intend it for; other sites would function less well, and would therefore be less beneficial to the oil industry.

More importantly, the very nature of this as a contestation over morality, and a large-scale political struggle over the future of our society, means that our choice here has real weight. How much weight is hard to say, but sometimes these things have an influence far greater than we might suspect.

By analogy, look at the Keystone XL pipeline. In some ways, it's just one more pipeline. Many have been built before it, and many are still being built. But climate activists decided to make it "a line in the sand", and the huge controversy over Keystone has made visible and understandable the fight against climate change, the fight for our future against the profits of an ecocidal industry. In so doing, it has set a precedent that no pipeline will be easily built.

I sometimes view the WesPac project as the Bay Area's Keystone XL. There are other projects in the Bay Area that will increase the fossil fuel industry's capacity and flexibility. But this, as a brand new project in a place without a refinery, is notable. We have drawn the line in the sand. It has, whether its proponents like it or not, symbolic value which greatly magnifies its consequences. We have made it important; whether it is built or not will therefore have a greater effect on the future of the fossil fuel industry – and hence *much greater environmental impact* – than it would have when viewed as simply a piece of physical infrastructure.

It is not easy to quantify this symbolic significance, this extra weight, and therefore it's hard to write about it in an EIR. But that does not mean that this is not a very real effect.

Request: I ask that this symbolic significance be included in the EIR, and that some attempts be made to determine its qualitative and quantitative effects. How will rejection or acceptance of this project affect the moral viability of other fossil fuel infrastructure projects? Put another way, what are the consequences of *moral leadership* on this issue?

Specific consequences of enabling crude slate change

Leaving aside the harder-to-measure consequences of this symbolic significance, the WesPac project would likely lead to increased GHG emissions, above and beyond any emissions directly associated with its construction and operation.

The WesPac project is likely to bring in new types of crude, particularly tar sands dilbit. Tar sands is an incredibly dirty fuel source, and its production is energy-intensive. It takes an enormous amount of energy (usually produced by burning natural gas) to get the tar sands out of the ground. Pre-processing the tar sands into a form suitable for transport takes a lot of energy and produces a lot of CO₂. Its transport and storage often requires heating equipment and high pressure. Its refinement into finished products such as gasoline also requires more energy than other crudes.

Gasoline and diesel produced from this process has a lot of GHG emissions behind it, separate from those produced when the fuel is burned.

Request: I ask that the EIR include estimates of the additional GHGs that would be emitted, throughout the whole mining-to-refining process, by changing the crude slate of regional refineries to include a high percentage of tar sands.

Consequences of climate action on purpose and viability

For all this doom and gloom, there is good news. Slowly, the tide is turning. The climate movement is winning, through many different strategies. The new Clean Power Plan is but one example, as are the new California goals for fuel efficiency and renewable electricity. We can expect more change in the regulatory environment in future – whether that's a reduction in fossil fuel subsidies, a price on carbon of some kind, government acceleration of the rollout of renewable electricity and electric vehicles, or even a massive overhaul of our transportation infrastructure. All of these are likely to reduce the demand for gasoline and diesel and therefore impact the viability of the WesPac project.

Furthermore, there are a couple of other factors that imply less demand for gasoline and diesel in the next decade or two. There appears to be a generational shift: people now under 40 are markedly less interested in owning a car and in driving than previous generations. Also, electric vehicles (EVs) are gaining in popularity. It is important when thinking about technology like EVs to realize that the adoption curve is usually exponential, not linear. We see this in solar today. This article discusses the idea that, counter-intuitively, 1% is "halfway to market dominance": <https://www.greentechmedia.com/articles/read/are-we-halfway-to-market-dominance-for-solar> EVs have 2+% market share of new cars in California, about 0.7% in the US as a whole.

Request: I'd like to see some projections – different scenarios – for how climate action and technology affect demand for gasoline and diesel over the next 20 to 30 years. One set of scenarios should specifically look at different carbon price scenarios and the consequences. You may find this carbon price forecast helpful: <http://www.synapse-energy.com/project/synapse-carbon-dioxide-price-forecast>

Request: I'd like to see projections of the consequences of this reduced demand on Bay Area refineries. How many will close in the next 20 to 30 years? How does that affect the purpose and economic viability of the WesPac site?

Divestment

Lastly, the movement to divest from fossil fuel stocks is the fastest growing divestment movement ever. Its goal is not just to hurt the industry financially, but to hurt its political power and its "social license to operate". Again, these are hard effects to quantify, but at some point are likely to impact the industry in a noticeable way.

Request: I ask that the EIR consider how fossil fuel divestment might affect the ability to finance the WesPac project, and how it might accelerate the financial and political decline of the fossil fuel industry from the factors above.

Thank you,

Martin MacKerel
1647 McAllister St. #6
San Francisco, CA 94115

Kristin Pollot

From: Martin MacKerel <martin.mackerel@gmail.com>
Sent: Friday, August 7, 2015 4:22 PM
To: Kristin Pollot
Subject: Re: Comments on the scope of the WesPac EIR, part 2

Thanks. One quick, but striking update, that supports my point about electric vehicles and reduction of demand for gasoline, and should be included as a scenario. California may aim to have all new cars emission-free by 2030.: <http://gas2.org/2015/08/07/california-aims-new-cars-emissions-free-2030/>

On Fri, Aug 7, 2015 at 2:20 PM, Kristin Pollot <KPollot@ci.pittsburg.ca.us> wrote:

Got it. Thanks,

Kristin Pollot

[\(925\) 252-6941](tel:(925)252-6941)

From: Martin MacKerel [mailto:martin.mackerel@gmail.com]
Sent: Friday, August 7, 2015 2:12 PM
To: Kristin Pollot
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Thank you,

Martin MacKerel

1647 McAllister St. #6

San Francisco, CA 94115



Martinez Environmental Group

PO Box 3111, Martinez, CA

(925) 704-HAWK

mrtenvgrp@gmail.com

www.mrtenvgrp.com

July 19, 2015

Kristin Pollot, Planning Manager
65 Civic Avenue
Pittsburg, CA 94565
kpollot@ci.pittsburg.ca.us

RE: Public comment on WesPac EIR scope

Dear Ms. Pollot,

We are writing on behalf of the Martinez Environmental Group, which is an organization of Martinez residents focused on pollution from local refineries and other environmental concerns. The City of Martinez is about 15 miles west of Pittsburg, and home to the two oil refineries (Shell and Tesoro) that are named in the EIR to receive crude oil that will be shipped and stored at the WesPac terminal.

We request that the following questions and issues be addressed in the WesPac EIR:

1. With regard to the need for this project, there are already THIRTEEN active marine terminals along the Carquinez straits, many already devoted to the transport of oil. The project proponents must explain in detail why they need to add another marine terminal, instead of leasing an existing marine terminal for the same purpose. The EIR must enumerate each existing marine terminal and demonstrate why each one is unsuitable for the purposes intended by the WesPac terminal. The Notice of Preparation mentions that all the surrounding terminals are at capacity (page 2); to justify this point, the EIR must include a 20-year projection that describes whether those terminals will all be at capacity for the foreseeable future.
2. The Notice of Preparation indicates that the project may include dredging (page 5). The EIR must document in detail the potential effects of dredging. We understand that the Port of Stockton and Western States Petroleum Association have undertaken a feasibility study to dredge the Carquinez by an additional three feet. The EIR must identify exactly where dredging would occur, when and how often it would occur, how

deep the dredging would be, and which entities will be responsible for it. Additionally, the EIR must require core soil/rock sample testing of the marine floor equal to the distance of the proposed dredging, to identify the toxins that would be released into the water as a result of dredging. Finally, the EIR must project exactly how the release of those toxins would affect marine life, salinity and water quality -- including explicit salinity and water quality projections on drinking water from the Delta.

3. The EIR must disclose the amount and type of oil that will be brought and stored at the WesPac site, including whether the oil has a high sulfur content (tar sands) and whether the oil is highly flammable (fracked/Bakken). Using this data, the EIR must also analyze the cumulative effects of refining that oil at the Shell and Tesoro refineries, which is where the pipelines will go (NOP, page 3). If the WesPac oil terminal will be allowing more polluting oil to be refined at these or other local refineries, the EIR must project in detail the increased and cumulative pollution that will be inflicted on residents of Martinez and other communities, including increases in particulate matter that will be released from the refineries as a result of utilizing crude from the WesPac terminal.
4. Using the same data about crude content that will be shipped to Shell, Tesoro or other refineries, the EIR must project the increased risk of fires and flaring at those refineries due to use of oil with higher sulfur content. As we learned from the disastrous 2012 Chevron refinery fire that sickened 14,000 residents, crude with high sulfur content can corrode refinery pipes, causing massive fires. The WesPac EIR must include assurances from the receiving refineries (Shell, Tesoro, and possibly others) that state and federal regulators have inspected and approved their equipment on the specific question of whether that equipment can handle any new type of oil that will be delivered from the WesPac terminal.

Thank you for considering our questions and we appreciate the opportunity to participate in the process.

Sincerely,

Tom Griffith
Aimee Durfee
Co-Founders of Martinez Environmental Group

Kristin Pollot

From: Michael Boyter <michaelboyter@gmail.com>
Sent: Monday, July 20, 2015 11:32 PM
To: Kristin Pollot; Sal Evola
Cc: Abby vazquez; newsdesk@kpix.com; newstips@nbc11.com; Michael Boyter; Pittsburg Calif
Subject: The Wes Pac Project A Recipe for Disaster! Please help us show the facts to everyone!

Dear Sal and Karen, All of the Pittsburg City Council. Please forward this letter to all!

I would like to say that that as a Resident of Pittsburg, residing at 436 E Santa Fe. Ave. Pittsburg CA 94565, I am very much against the approval of the Wes Pac project. I firmly believe that it will not bring anything to the residents of Pittsburg except:

<> Great Increasing the Danger from a Derailment in a high density populated area

<> More Air Pollution

<> Greatly Increased Noise and Rail Traffic.

<> The blatant Irresponsibility of the BNSF Railroad has been demonstrated by their failure to update the 100 years old railway overpass located near Solari Ave and East Santa Fe Ave. The Poor Condition of the main rail bridge has been pointed out to them by me more than once and also shown on KPIX Eyewitness News. To this date the railroad have failed to address any of the issues of this railway overpass that is decades past its necessary replacement. Please show up and help show the bay area community, and those who depend on the San Joaquin Delta for their water and natural resources about this dangerous threat we are all facing and what the real issues are. If people know what they have planned, they will be outraged.

Please Contact me if you have any questions,

Best Regards,

Michael Boyter

436 E. Santa Fe Ave

Pittsburg, Ca. 94565

michaelboyter@gmail.com

Cell 925-783-2132

July 22, 2015

Kristin Pollot
Planning Department
City of Pittsburg
Pittsburg CA

RECEIVED
JUL 22 2015
PLANNING DIVISION

RE: WesPac Pittsburg Energy Infrastructure Project

Dear Ms. Pollot,

Although I live in Richmond, I submit these comments on the scope of the EIR for the WesPac Pittsburg Project because, given its scale of operations, its impacts would be both regional and global.

I request that the following elements be introduced or receive greater emphasis within the scope of EIR for this project.

1. Please evaluate the benefits of electrification of dockside, storage terminal, and piping equipment. Replacing diesel pumps and other equipment in these locations with electrical equipment will yield significant benefits in terms of reduction of greenhouse gas and particulate matter emissions, as well as the lowering of overall noise levels.

2. Please re-assess the impact of noise on nearby residents in the light of the most current research. Last week researchers from the University of Pennsylvania and Columbia University published a study¹ involving ten of thousands of Pennsylvania residents. The study showed a 27% increase in hospitalization rates for those living nearby fracking sites.

The researchers suggested that noise impacts—the non-stop operations of trucks and pumps—may be a factor in increased hospitalization for coronary and neurological illnesses. This is note-worthy because, whereas links to air and water contamination are well documented, the link between noise and morbidity is less clear.

3. In assessing the economic impacts of industrial facility on nearby property values, we again ask that you use the most recent data. The dramatic increase in the frequency of oil spills clearly factor into the public's perception of risk, and therefore the value of a residential property sited near the facility.

The intensity of fossil fuel processing and distribution has increased in recent years. Therefore it is imperative that the most current findings be used to assess potential economic effects, both in terms of increased health care costs and in terms of declining property values.

A feasible alternative

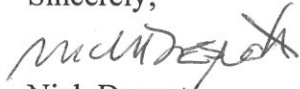
Finally I want to suggest a feasible alternative, perhaps a benchmark against which the impacts of this project should be judged.

Among the most significant and unavoidable impacts on this new proposal may be its contribution to greenhouse gas emissions resulting from tens of millions of barrels of oil delivered annually for combustion around the world.

We must bear in mind that emission reduction offsets, though they can gradually reduce greenhouse gasses globally, do *not* reduce health impacts on Pittsburgh's residents. Lungs know nothing of accounting systems.

Given the unavoidable negative effects this project would impose at every geographic scale, I ask that the City of Pittsburgh invest in a clean energy future—its own future—by soliciting proposals for the construction of a solar energy farm on this site.

Sincerely,



Nick Despota
633 Kern Street
Richmond CA 94805

¹ Jemielita T, Gerton GL, Neidell M, Chillrud S, Yan B, Stute M, et al. (2015) Unconventional Gas and Oil Drilling Is Associated with Increased Hospital Utilization Rates. PLoS ONE 10(7): e0131093. doi:10.1371/journal.pone.0131093

National Institutes of Health, accessed July 22, 2015:
http://www.nlm.nih.gov/medlineplus/news/fullstory_153600.html

The Conversation, accessed July 22, 2015. <http://theconversation.com/people-near-fracking-wells-show-higher-hospitalization-rates-44755>

August 7, 2015

Kristin Pollot, Associate Planner
City of Pittsburg, Planning Department
65 Civic Avenue
Pittsburg, CA 94565
kpollot@ci.pittsburg.ca.us

Re: Comments on the Notice of Preparation of Second Recirculated Draft
Environmental Impact Report for the WesPac Pittsburg Energy
Infrastructure Project

Dear Ms. Pollot:

On behalf of the undersigned organizations, we submit this letter regarding the City's Notice of Preparation of Second Recirculated Draft Environmental Impact Report (DEIR) for the WesPac Pittsburg Energy Infrastructure Project. WesPac proposes to build an oil storage and transfer terminal just 200 feet from the nearest homes in Pittsburg. After the City decided to recirculate the DEIR in 2013 to rectify numerous deficiencies, WesPac opted to place its application on hold. We were therefore disappointed to learn that WesPac has recently re-activated its application.

Although WesPac has apparently abandoned the rail terminal component of the project, the remaining aspects of the project will still impose unacceptable burdens on Pittsburg citizens. The project, if approved, will pollute the air, expose residents to the risk of explosions and fires, and damage the fragile Suisun Bay ecosystem—all while pumping more dangerous greenhouse gases into our atmosphere. The Second Recirculated DEIR must fully disclose and analyze these significant environmental impacts and propose feasible mitigation measures and alternatives.

Project Need – The Notice of Preparation states that the project is needed to address an alleged lack of adequate storage and receiving capacity for crude oil. However, the City fails to note that California is moving away from fossil fuels and that the demand for crude oil is expected to fall over time, undercutting the need for additional import capacity. The City has cited no other evidence of the need for this project.

Project Description – The DEIR should explain exactly what type of oil WesPac plans to import and store at the terminal. As we have explained previously, the environmental impacts of crude oil vary greatly depending on the specific type of oil. The DEIR should also explain, with specificity, what additional governmental approvals will be necessary

for the project. The previous DEIRs did not adequately disclose this information. Finally, the DEIR should disclose any plans, no matter how remote, to re-activate the rail terminal component of the project. Conversely, if there is no chance the rail terminal component will be built, the DEIR should say so and the City should make that commitment a condition of approval.

Air Quality – The proposed project is just a stone’s throw from homes, churches, business, schools, and parks. The DEIR should fully analyze all types of air pollution that this project would cause, including direct and fugitive emissions from ships, storage tanks, pipelines, trucks, and ancillary equipment.

Greenhouse Gases – The Notice of Preparation states that the DEIR will include an analysis of potential effects on global climate change. The project will allow additional crude oil to be extracted, transported, refined, and consumed. Therefore, the DEIR must include a lifecycle emissions analysis that takes into account the indirect emissions of the project as well as the direct emissions.

Biological and Water Resources – The project will require dredging and will introduce new tanker traffic to this fragile region, which is home to protected species, including the delta smelt, green sturgeon, and Chinook salmon. The DEIR should analyze the historic contamination of sediments in the Bay, the potential for re-suspension, and potential impacts on disposal sites. The DEIR must also take into account the cumulative impact of the project on protected species in light of California’s historic drought.

Hazards and Hazardous Materials – WesPac proposes to store volatile crude oil just 200 feet from the nearest homes. The DEIR must analyze all applicable regulations and setback or buffer requirements for the storage of these hazardous materials. Furthermore, the DEIR must describe what would happen during a major upset incident involving an explosion and fire, and explain what response plans are in place for such an accident.

Environmental Justice – The project is located in an area with many low-income people and people of color. The City should use the information available on the Office of Environmental Health Hazard Assessment’s CalEnviroScreen 2.0 to analyze how this project will affect environmental justice communities and assess any cumulative impact.

Alternatives – The City must include a no-project alternative and describe a range of reasonable alternatives to the project that would avoid or substantially lessen its significant impacts. Simply including one reduced-capacity alternative, as the prior DEIRs did, is not sufficient. The DEIR should also include green energy alternatives or other alternatives that would provide jobs and/or recreational space for Pittsburg residents without damaging the environment and risking public health. The City cannot define the project objectives so narrowly that the proposed project is the only alternative that would serve those objectives.

We appreciate the opportunity to provide these comments. Please keep us informed of all notices, hearings, staff reports, meetings, and other events related to the proposed project. Please also notify us when the DEIR is available.

Sincerely,

Jaclyn H. Prange
Natural Resources Defense Council

Roger Lin
Communities for a Better Environment

Ross Hammond
ForestEthics

Kalli Graham
Pittsburg Defense Council

George & Lyana Monterrey
Pittsburg Ethics Council

Roger Straw
Benicians for a Safe & Healthy Community

Manisha Rattu
Freedom Breathers

Shoshana Wechsler
Sunflower Alliance

Rosa Fallon
Bay Area Refinery Corridor Coalition

CITY OF PITTSBURG

July 31, 2015

To Whom It May Concern,

I am writing this letter to let you know that my family and friends around the area are against whatever WesPac is trying to do. I am on a time constraint and just trying to beat the deadline, so forgive me if I cannot construct a good letter. I will just put some information here regarding the effects that having Wespac will do. I have a child with asthma and I know a lot of people in the area with asthma. I work in the healthcare system and I see that many of our patients have asthma.

This project will expose residents to the potential danger of crude oil leak or explosion. In addition, emissions from increased rail and ship traffic will overburden our population that already suffers from high rates of asthma and cancer stemming from industrial pollution.

Crude oil is a complex mixture including toxic chemicals that have been shown to cause cancer, according to the Centers for Disease Control and Prevention.

You need to hear the residents' voices and put a stop to the WesPac project.

NO TO WESPAC. NO TO WESPAC. NO TO WESPAC.

Sincerely Yours,



Pittsburg Resident

Kristin Pollot

From: Rev. Will McGarvey <eye4cee@gmail.com>
Sent: Wednesday, July 29, 2015 9:38 AM
To: Kristin Pollot
Cc: Federal Glover; dist3@bos.cccounty.us; supervisormitchoff@bos.cccounty.us; supervisorandersen@bos.cccounty.us; district5@bos.cccounty.us
Subject: WESPAC and Rulemaking 12-06-013 as a part of the Bay Area Air Quality needs
Attachments: PastedGraphic-1.pdf; ATT00001.htm

Kristin Pollot, Planning Manager
City of Pittsburg, Planning Division
65 Civic Ave., Pittsburg 94565

Dear Kristin Pollot and the City Council of Pittsburg,

I've served as the pastor at Community Presbyterian Church of Pittsburg for the last 11 years. We are the oldest congregation in Pittsburg with membership from Concord to Brentwood. We are dually aligned with both the Presbyterian Church (USA) and the United Church of Christ. We share ministry with our sister congregation, First Congregational Church of Antioch (UCC) who moved in with us 5 years ago to share worship and mission. We are Peacemaking congregations with an emphasis on relieving hunger, environmental justice and equality for all, regardless of sexual orientation or gender identity or expression. You should know that we have made our 3rd Saturday Meal Program an every month event to help address the increasing needs in East County.

I'm also the Executive Director of an Interfaith Council of 106 congregations, monasteries and retreat centers in Contra Costa County - where four of the five Bay Area refineries and multiple power plants operate creating health disparities for congregation members mainly in West County and East County. We operate the Winter Nights Rotating Shelter in the county and we are hoping to expand into East County to end the school year in May for our clients before school ends. We launched our Interfaith Climate Action Network on Earth Day 2015 with over 125 people from diverse faith traditions ready to make a difference.

Our congregational membership who live very close to the proposed railways that Crude by Rail will travel are very concerned with the prospect that Pittsburg, or Martinez, or Pinole will become another statistic in the many explosions of such trains on our aging rail system. As a resident of Benicia, this is also an issue for me as I live within one mile of the Valero Refinery where much of this explosive Backen Crude will be transported and refined. (see <http://beniciaindependent.com/montana-county-has-had-5-derailments-in-two-years/>)

We have been told that much of this has been taken care of with newer, safer cars. However, the recent spills and accidents – including oil spills – involve the new CPC-1232 Tank Cars (<http://beniciaindependent.com/most-recent-oil-train-accidents-and-spills-involved-safer-cpc-1232-tank-cars/>). In these places, they were just lucky that the oil didn't ignite. Given the aging rail system in CCC if such cars are allowed to operate here we will be increasing exponentially the risk to our neighborhoods and infrastructure. God forbid such an explosion occurs near one of the refineries themselves which could turn into an extremely disastrous event.

We live in one of the top three most polluted counties in California. As you know, there are laws that preclude the increase of health disparities in communities like ours. Richmond and Pittsburg/Antioch have some of the highest Asthma rates in California. Adding this risk with more trains and the greater risk of dangerous explosions is a non-starter for these communities that are already over the amount of exposure rates we should experience – especially during a drought when air quality is at it least.

I'm most worried that the Bay Area Air Quality Management District is not taking it's oversight and regulation responsibilities very seriously. When we cannot even get the Feds to comply with their own regulations, we see CA also doing less to regulate Fracking and other requirements (<http://beniciaindependent.com/feds-warn-railroads-to-comply-with-oil-train-notification-requirement/>). In a time when Green House Gasses are increasing (GHG), especially from our area with 5 refineries and multiple power plants that rely on the water from the river and delta to cool themselves. If we consider the conservative estimates of seal level rise over the next 100 years as anywhere between 10 to now 70-100 feet I have no idea how any infrastructure we build along the Northern Shoreline will be able to exist with the investment timelines many companies imagine without Dutch style derricks and water control systems. (This is the debate: http://thinkprogress.org/climate/2015/07/27/3684564/james-hansen-climate-danger-hyper-anthropocene/?utm_source=newsletter&utm_medium=email&utm_campaign=tptop3).

Therefore, I'm attempting to understand the rationale in following the electrical rates being proposed by PG&E – and now the BAAQMD (which looks a lot like other proposals being put forth nationally by Koch Industries connections nationwide). Please understand that we are moving from a monopolistic energy industry to a more localized grid system. PG&E can change and adapt as a green energy company or they can become the operator of the grid. Relying on the Cap and Trade will not get us anywhere near the 1990 level goals. We cannot meet the Green House Gases reduction goals we need to reach while continuing to support their monopoly model. Given our proximity to rising sea levels, not directly addressing the use of GHG puts many of our bayside neighborhoods and industries at greater risk of inundation in the next 100 years. Even though AB32 was signed into law, CA still has no binding legislation to enact the goal of reaching emissions 80% below 1990 levels by 2050. As the attached image shows, we need to significantly reduce our use of GHG in order to protect our water, air, wetland and shoreline qualities.

According to the research of Dr. Mark Jacobson at Stanford University, we know that California can have 100% renewable energy sources by 2030 if we start today, but that means a rapid movement toward electric engines in cars, new technologies for home heating and cooling, all while attempting to decrease water usage during our drought.

If PG&E doesn't wish to make the transition as rapidly as is needed to keep our growing population here (rather than having to move away due to a lack of clean air and water), then we will need to move toward a shared grid model even more quickly than 2030. Perhaps PG&E can translate their technological prowess from Fossil Fuel energy to water desalinization, but you will be putting our entire region at risk of significant health, wealth and displacement disparities if you follow their timetables – especially given their failing pipeline and infrastructure needs which need to be abandoned for the newest technologies. Given Tesla's new home batteries which can store energy and be ready to release some energy back to the grid when necessary, the time for large scale monopolistic energy production is on its way out. PG&E may be able to survive as more of a grid operator if they create more comprehensive solar, wind and geothermal power plants in Northern California to desalinate more water before it becomes more brackish in the Bay Area, but not if they continue to rely on the fossil fuels of the past.

Commissioner Florio's rate structure actually supports efforts to get out of the dirty energy production business and get's us closer to meeting the 2050 goals for GHG reduction in our area, but it doesn't go far enough. Because of the many refineries and power plants in our neighborhood, we need you to ensure a progressively tiered system that encourages rooftop solar, geothermal, and even local wind technologies that are

emerging. Anything less, continues the high rates of asthma and other airborne pollution health disparities in Richmond, Martinez, Pittsburg and Antioch that are passed along to our health and wellness programs in the county.

Given the greater activity on the Concord Fault, the abandonment of the Tesoro Refinery in Concord is also a risk of the creation of another Superfund Site in our midst. Fossil Fuel companies are massively overvalued and are at risk of creating an investment bubble on the world markets since their valuation is based on burning every last atom of carbon they have the rights to. I'm afraid our county will be left holding the bag of cleanup costs once again when this industry fails. Is there a contingency plan should one of the four refineries in our county end their business in Contra Costa County? Given the Carbon Bubble that's being exposed by the Fossil Fuel Divestment movement, many of these companies are overvalued since they will not be able to burn every molecule of carbon that they have the rights to should practical regulation be enabled shortly. (see <http://www.forbes.com/sites/chriswright/2015/02/13/will-the-carbon-bubble-be-the-next-financial-crisis/>).

On a personal note, I experienced my first asthma attack this spring and I've noticed that without the rains we have come to rely on the air quality has gotten much worse. Allergies, respiratory illnesses and more health disparities will only increase with this drought. Please start to do something, anything, to make our lives more livable.

Our health and well being is as interconnected as every breath we take.

"Envisioning a World of Interfaith Peace."

Shalom, Peace, Salaam, Om Shanti, Solh, Amani, Paz, 평화, Ping On...

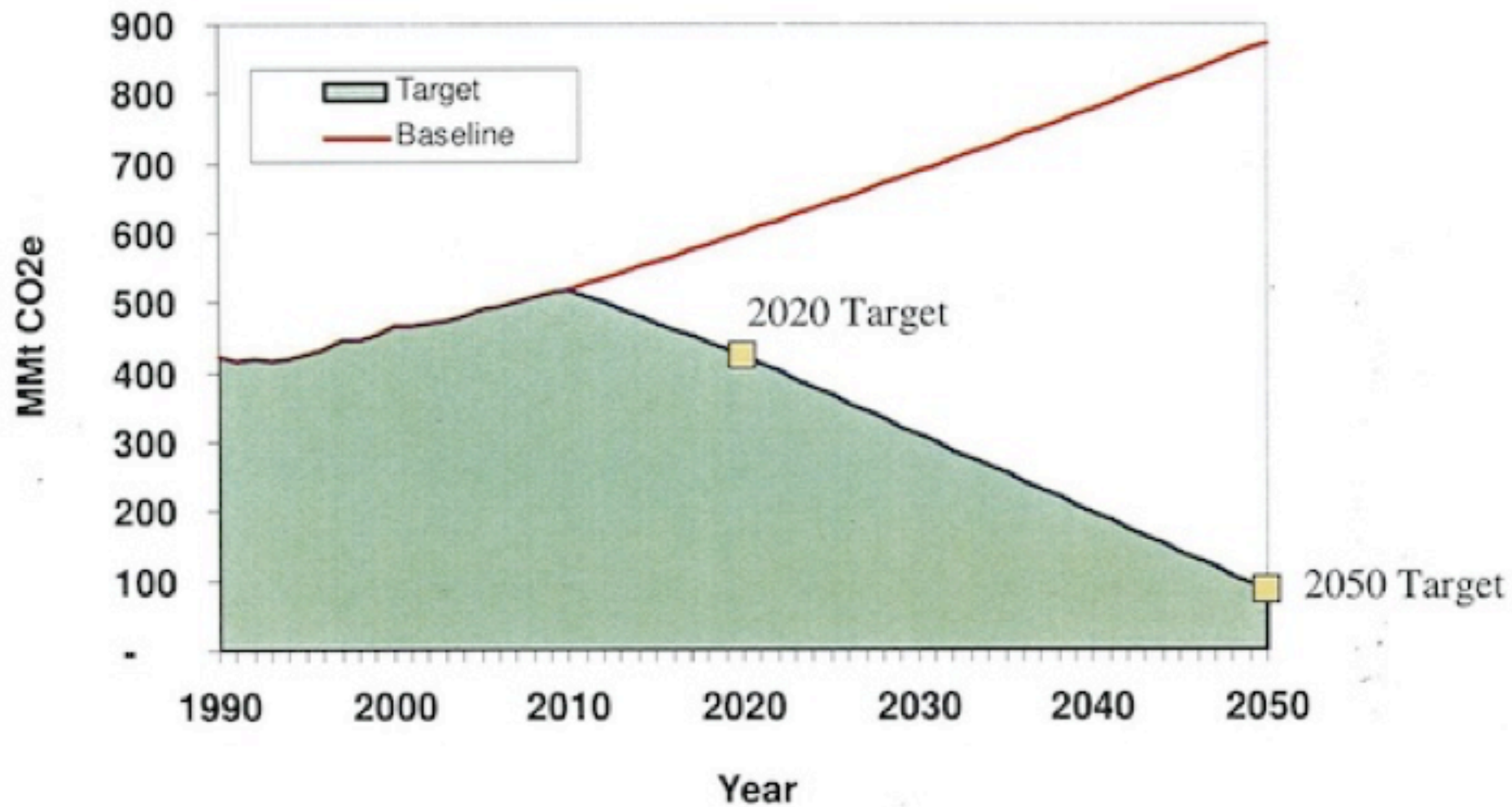
Rev. Will McGarvey
willymac4@me.com
925-597-9797 mobile

Community Presbyterian Church
200 E. Leland Rd.
Pittsburg, CA 94565
925-439-9361 church
www.cpcpittsburg.org

Rev. Will McGarvey
Executive Director
Interfaith Council of Contra Costa County
1543 Sunnyvale Avenue
Walnut Creek, CA 94597
(925) 933-6030 office

eye4cee@gmail.com
925.597.9797 mobile
<http://interfaithccc.org>

Please consider the environment before printing this email.



Kristin Pollot

From: R Eason <visions3@mac.com>
Sent: Monday, August 3, 2015 9:00 PM
To: Kristin Pollot
Subject: WesPac

Kristin Pollot

I am writing to tell you how I am opposed to WesPac coming to Pittsburg in any form. I have lived in downtown Pittsburg for over 21 years close to where my grandparents home was and in this area for my whole life. We used to have many industries that polluted our cities along this deltas air and ground, I am glad to see they are no longer around continuing to do so. WesPac wants to bring this dangerous oil to our neighborhood and they say it's perfectly safe but I do not believe it, it only takes ONE mistake and our neighborhoods will be blown away, many people and homes would be lost. It would only take ONE explosion to destroy the downtown I love living in along with many of my friends and homes, there would be such destruction it could never recover. I hear them say there will be no smells coming from this operation, I smell Richmond and Martinez every time I get close and I know from talking with people who have lived in areas where they unloaded crude oil, these people say that you're wrong and it does smell. There is no way of stopping some odors from escaping during unloading.

I believe approving this project will be the death of Pittsburg, people will sell their homes and others will be afraid of buying these homes. The state and city of Pittsburg have put too much money into the redevelopment of the downtown to sign it's death certificate by approving WesPac to move in, no businesses will ever want to come to our wonderful downtown with a bomb being so close.

I ask the Pittsburg planning commissioner say NO to WesPac and save our city, do the right thing and not just look at dollar signs.

Thank You
Ric Eason
Old Town resident

Kristin Pollot

From: R Eason <visions3@mac.com>
Sent: Tuesday, August 4, 2015 9:53 PM
To: Kristin Pollot
Subject: Re: WesPac

Kristin Pollot

I am sorry but a few very important things I forgot to mention. The Pittsburg Marina is one of the largest marinas on the delta filled with a large number of very expensive boats, if there should be an oil leak or spill it could be a very costly disaster to the marina as well as the Dow wetlands which is in very close proximity, as we all know the tides go in and out which could cause contamination of a very large area in all directions, it could possibly reach as far as the Antioch Marina. This is just too large of a risk to take and we do not need any more diesel particulates in our air from ships sitting idle unloading and loading, we already have poor quality air with much larger amounts of diesel particulates than advisable for healthy breathing and living.

Thank You
Ric Eason

On Aug 4, 2015, at 8:47 AM, Kristin Pollot <KPollot@ci.pittsburg.ca.us> wrote:

Comments received. Thank you,

Kristin Pollot
(925) 252-6941

From: R Eason [<mailto:visions3@mac.com>]
Sent: Monday, August 3, 2015 9:00 PM
To: Kristin Pollot
Subject: WesPac

Kristin Pollot

I am writing to tell you how I am opposed to WesPac coming to Pittsburg in any form. I have lived in downtown Pittsburg for over 21 years close to where my grandparents home was and in this area for my whole life. We used to have many industries that polluted our cities along this delta's air and ground, I am glad to see they are no longer around continuing to do so. WesPac wants to bring this dangerous oil to our neighborhood and they say it's perfectly safe but I do not believe it, it only takes ONE mistake and our neighborhoods will be blown away, many people and homes would be lost. It would only take ONE explosion to destroy the downtown I love living in along with many of my friends and homes, there would be such destruction it could never recover. I hear them say there will be no smells coming from this operation, I smell Richmond and Martinez every time I get close and I know from talking with people who have lived in areas where they unloaded crude oil, these people say that you're wrong and it does smell. There is no way of stopping some odors from escaping during unloading.

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I ask the Pittsburg planning commissioner say NO to WesPac and save our city, do the right thing and not just look at dollar signs.

Thank You
Ric Eason
Old Town resident



July 28, 2015

Kristin Pollot
Planning Manager
Community Development Department – Planning Division
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Re: WesPac Pittsburg Energy Infrastructure Project

Dear Ms. Pollot:

This letter is submitted to you in response to the Notice of Preparation ("NOP") of a Second Recirculated Draft Environmental Impact Report ("EIR") being prepared by the City of Pittsburg ("City") on the WesPac Pittsburg Energy Infrastructure Project ("WesPac Project").

The WesPac Project

As described in the City's NOP, the main components of the WesPac Project consist of the modernization and reactivation of the existing fuel storage and distribution systems at the facility, including: (1) the marine terminal; (2) the onshore storage terminal; (3) an existing pipeline connection to the Shell San Pablo Bay Pipeline, a proposed new pipeline connection to the existing Chevron KLM Pipeline, and a proposed new pipeline connection to the existing Kinder Morgan Pipeline; and (4) the upgrade of other existing ancillary equipment.

The Trans Bay Cable Project

Trans Bay Cable LLC ("TBC") owns and operates a substantial energy infrastructure facility adjacent to, in the immediate vicinity of, and partially within the WesPac Project's footprint. TBC's facility includes a converter station in Pittsburg and a 400 megawatt (MW) high voltage, direct current submarine electric cable connecting to a converter station in San Francisco ("TBC Project"). The TBC Project became operational in November 2010 and is an important component of the California ISO's Greater Bay Area-San Francisco electric transmission grid, capable of supplying up to approximately 60 percent of San Francisco's electrical demand. The TBC converter station in Pittsburg is at 570 West 10th Street, immediately adjacent to certain of the oil storage tanks in the WesPac Project. The converter station includes enclosed space of approximately 28,500 square feet, with offices, a converter hall, transformers and related outdoor alternating current ("AC") and direct current ("DC") electrical protection and switching equipment. TBC recently completed construction of two ancillary buildings (spare parts storage and multi-use building for administrative functions) totaling 14,700 square feet. TBC's converter

Trans Bay Cable LLC
One Letterman Drive • Bldg C • 5th Floor • San Francisco CA 94129
T +1 415 291 2300 • F +1 415 651 9500 • www.transbaycable.com

station is connected to the Pacific Gas & Electric ("PG&E") Pittsburg Substation through a high voltage AC transmission line which traverses the WesPac Project site. TBC's 400 MW cable extends underground from the converter station passing underneath the WesPac Project site and adjacent property, and exiting into the Sacramento River in the immediate vicinity of WesPac's proposed marine terminal.

Potentially Significant Impacts

1. Public Services and Utilities; Transportation

The NOP notes the potential for impacts to public services during operation of the WesPac Project if, for example, an oil spill were to occur. However, the EIR should also analyze the possibility of inadvertent damage to TBC's DC and AC transmission lines and cable facility during construction of the WesPac Project, and to possible anchor strikes and dredging interference with TBC's undersea cable during marine terminal construction and operation.

In reviewing the previous Recirculated Draft Environmental Impact Report ("RDEIR") for the WesPac Project, TBC was unable to identify any reference to the presence or location of TBC's facilities. Figure 2-9 showed certain then-existing PG&E transmission lines, but not those of TBC. Routine pre-construction use of the underground service alert protocols (as proposed in Environmental Commitments WR-3 and PSU-4, RDEIR) is not considered sufficiently reliable to avoid possible damage to TBC's facilities (whether onshore or undersea). A geophysical utility survey (as proposed in Environmental Commitment PSU-5) is prudent, but may or may not identify all relevant TBC facilities depending upon the scope and focus of the survey.

The EIR should consider reasonable mitigation measures to avoid damage to TBC's land-based DC and AC cables by heavily loaded construction vehicles. Given the Project's proposed removal and replacement of four oil storage tanks, TBC is concerned that WesPac and its contractors may utilize unusually heavy construction vehicles and requests that they direct appropriate attention to the presence of TBC's underground cables and adopt suitable protective measures.

The EIR should also consider the potentially significant impacts of dredging and ship traffic in connection with the marine terminal on TBC's submarine cable, both during construction and operation. Vessels should be specifically notified of the presence and general location of TBC's cable to help avoid inadvertent strikes by anchors and dredging equipment. The EIR should consider whether vessels of a certain size should be accompanied by tug boats as they approach the marine terminal in the presence of TBC's submarine cable. The usual Local Notice to Mariners process (as proposed in Environmental Commitment MT-1) would not be sufficient to address this concern.

The EIR should consider as a mitigation measure a requirement for WesPac to prepare and implement a construction and operations utility safety plan. WesPac should consult with affected utilities (including TBC) in order to obtain input and arrive at mutually satisfactory components. For example, TBC would like to have its representatives physically present during the marking of utilities in areas of concern to TBC. TBC is ready and willing to consult with WesPac and make available necessary documentation concerning its facilities on an appropriate basis. TBC has discussed these issues directly with WesPac in the past and its representatives were very willing to cooperate with TBC on arriving at a suitable plan. TBC will continue this private effort. However, given the grid reliability and public safety issues described above, TBC asks that the City utilize its jurisdiction through the environmental review and conditional use permit process in order to require an appropriate utility safety plan.

On a separate note, storm water runoff has been an issue on portions of the WesPac Project site, including in the vicinity of the former railroad right of way that lies between the WesPac site and TBC's converter

station site. The EIR should analyze potentially significant drainage impacts to adjacent properties and the public storm drain system, and recommend appropriate mitigation measures.

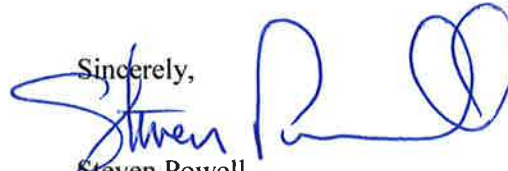
2. Waterfront Recreational Access

The NOP states that the EIR will include discussion regarding activities to define an appropriate alignment for a multi-use trail easement to be part of the Great California Delta Trail. The EIR should analyze any particular trail alignment with reference to public health and safety issues given the proximity of high voltage electrical facilities at TBC's converter station site. At one time, TBC understood that consideration was being given to locating this public trail in the former railroad right-of-way between and immediately adjacent to one of the WesPac storage tanks and TBC's converter station. That location could expose members of the public to hazardous conditions if they were to stray from the trail or throw debris, rocks or other material over the fence onto closely proximate and sensitive high-voltage electrical equipment. Coupled with the drainage issue mentioned above, a public trail location in this location raises significant public safety concerns.

Conclusion

TBC appreciates the opportunity to provide this response to the NOP, and looks forward to the City's analysis in the EIR along with appropriate mitigation measures to address the potentially significant environmental effects of the WesPac Project as described above.

Please feel free to contact me if you would like any additional information or to discuss this matter further.

Sincerely,

Steven Powell
Director of Operations
TRANS BAY CABLE LLC

cc: Lenneal K. Gardner, Esq.
Michael R. Woods, Esq.

Kristin Pollot

From: Jennifer Klein <jnk@transdevelopment.com>
Sent: Friday, July 10, 2015 2:56 PM
To: Kristin Pollot
Subject: Notice of Preparation - WesPac

Hello Kristin,

Thank you for the material regarding the Notice of Preparation for the WesPac Energy Facility in the City of Pittsburg. TransDevelopment Group has no further commentary on the project to submit at this time.

Regards,

Jennifer N. Klein
Development Administrator
[TransDevelopment Group](#)
T 503.241.1551 | C 503.880.6832
2701 NW Vaughn Street, Suite 201
Portland, OR 97210 | transdevelopment.com

WesPac Scoping Meeting, July 20, 2015

My name is Trena Machado. I have been a resident of Pittsburg since 1984.

I am speaking and writing tonight to register my comments about the WesPac project. I would like the following issue to be studied in the Environmental Impact Report.

With respect to the location of the WesPac project near homes, a school and a church it will be essential to determine what would be a safe buffer zone in terms of families and children. Per the CEQUA handbook, chapter 2 on Environmental Review and Thresholds, Section 2.3.2, p. 2-4, Land Use Conflicts and Exposure of Sensitive Receptors, occurs when a "sensitive receptor" is close to a source of toxic air contaminants or a potential source of accidental releases of hazardous materials." "Sensitive receptors" are defined as "facilities that house or attract children, the elderly and people with illnesses or others who are especially sensitive to the effect of air pollutants." The question is, what is in place in the project prohibiting the daily air pollutants that will arise with the transfer of oil from barges into the storage containers and the removal of oil into the pipelines carrying the oil to refineries? The CEQA handbook, on pp. 2-5, specifically states that a localized impact to sensitive receptors occurs when "A (new) source of air pollutants is proposed to be located close to existing receptors. For example, an industrial facility is proposed for a site near a school."

How is the WesPac project going to fulfill the CEQA regulations of being next to a school and homes? Since WesPac does not have such a storage facility in operation anywhere in the world, how can it be shown that the pollutants released from the processes of oil transfer from barges to storage containers are within acceptable daily limits, especially when the wind often blows from the west in Pittsburg and the homes, school and church would receive the pollutants since they are downwind to the east of the proposed WesPac project? Will the composition of the oil that is being brought in be thoroughly analyzed, as part of the EIR, as to the possible toxic properties that can be released from it into the air? Also, will the type of oil brought in be fully disclosed and not wrapped in the cloak of "proprietary" information when our health is at stake?

Please enter these comments into the public record.

Thank you,



Trena Machado

RECEIVED
JUL 22 2015
PLANNING DIVISION

Kristin Pollot

From: w kerby <wwkerby@yahoo.com>
Sent: Thursday, July 23, 2015 8:02 PM
To: Kristin Pollot
Cc: Kalli Graham
Subject: WESPAK PROJECT

My name is Wildy Kerby, I live on the Marina, not too far from the proposed WesPak site.

I am concerned about the risk of fire explosions and the increased pollution as a direct result of this project will cause. Our AQI is in a hazardous stage. Because of our location, we do not have an escape exit....

The tanks they are planning on using are old, full of leaks and antiquated. My understanding, even with the covered tanks, toxic fumes will escape and pollute the air. The ships will be offloading oil, which may cause hazardous accidents and pollution, and there will be additional trucks at the site that will add to our congested traffic. We do not need additional traffic jams.

As for the old pipelines...they continually have undetected leaks. On May 21, 2015, there was a ruptured pipeline off the Santa Barbara Coast. 105,000 gallons leaked from the ruptured pipeline. That was devastating, as it did lots of damage for the environment and the beautiful beaches, the marine life and human. There has been many pipeline accidents over the years in different states.

My understanding, WesPak lease with Pittsburg is \$99,000 yr. There are approximately 63,000 residents in Pittsburg, that will equal to approximately \$15.50 per person, considering all the risks and hazards the residents will be facing, is it worth it??/

Kristin Pollot

From: William Neace <wmpatsf@yahoo.com>
Sent: Saturday, July 25, 2015 7:15 AM
To: Kristin Pollot
Subject: WePac

Ms Pollot,

I'm writing to express my concerns of the WesPac Pittsburg Energy Infrastructure Project. This project should not and must not be allowed or completed. The tanks in question are simply too close to existing homes and our neighborhood. We were told when we moved to Pittsburg by the builder of our home that the tanks would be removed. We naively believe them. Now to hear of the WesPac project brings worry and concern that our lives and those of our neighbors will be negatively impacted. Volatile oil near our homes, schools and downtown area is a bad idea. The city of Pittsburg must make it's citizen's quality of life the priority. There are health quality concerns, air quality concerns, and major safety concerns. The money received from the WesPac Project simply cannot offset the impact to the lives of its residents. It doesn't matter what the expert reports spell out. No one will believe that it's safe to live near these tanks. This will depress the area further into a place where no one wants to live.

Those of us who live in the area feel betrayed by the city and its leaders. Our leaders have yet to take a stand and voice opposition. Instead we hear how our council members don't want to take a position or have no opinion. Bull.

The WesPac Pittsburg Energy Infrastructure Project is a bad idea and I ask that this project be denied.

Thank you.
William Neace
640 Herb White Way
Pittsburg, CA 94565