

Office of the City Attorney

July 7, 2014

*By e-mail to [FehrmanR@co.kern.ca.us](mailto:FehrmanR@co.kern.ca.us) & [KitchenJ@co.kern.ca.us](mailto:KitchenJ@co.kern.ca.us)*

*By fax to 661-862-8601*

Kern County Planning and Community Development Department  
2700 "M" Street, Suite 100  
Bakersfield, CA 93301

Re: Alon Bakersfield Crude Flexibility Project Draft Environmental Impact Report

Dear Kern County Planning and Community Development Department:

The City of Berkeley joins in the comments of the Association of Irrigated Residents, Center for Biological Diversity, Center on Race, Poverty, and the Environment, Communities for a Better Environment, and Sierra Club on the Draft Environmental Impact Report ("DEIR") for the Alon Bakersfield Crude Flexibility Project ("Project") proposed by Alon U.S.A and its parent Paramount Petroleum Corporation (collectively, "Alon").

While the City fully joins in the comments of those organizations, it will also take this opportunity to emphasize one issue of particular concern to it as a public agency that is responsible for the health and safety of its residents and the protection of its local environment.

The City of Berkeley and its residents are concerned about the serious hazards from transportation of large amounts of dangerous crude oil in enormous shipments by rail, as well as associated impacts to local and regional air quality, including toxic air contaminants. Many major rail lines in California go through densely populated areas, such as Sacramento and Davis, the Bay Area (including Berkeley) and Los Angeles, as well as near rivers and San Francisco Bay. The horrific results of train derailments involving Bakken crude are well known.

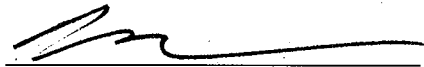
In Berkeley in particular, a major north-south Union Pacific rail corridor passes through the City not far from Interstate 80 and San Francisco Bay, adjacent to heavily used commercial and residential areas.

Berkeley, like most local agencies in California has neither the equipment nor the training to be prepared to respond to the unique challenges posed by Bakken crude derailments, especially in the event of a major explosion, fire or leak of crude oil.

Given these serious and widespread issues, the DEIR's limitation of its analysis of potential safety impacts and mitigation measures to the specific rail-related improvements proposed to be constructed (DEIR, pp. 4.6-45 & 46) is inadequate. The DEIR should examine the potential reasonably foreseeable impacts of derailments along the rail lines where the crude oil supply for the refinery will be shipped.

Moreover, the DEIR's argument that because the County might be preempted from directly regulating rail operations it need not consider effective mitigation measures (e.g., DEIR, p. 3-26) is disingenuous and cannot be accepted. Even if rail operations themselves are beyond the County's control, the proposed project that will give rise to them is not: it is within the County's control. The County can mitigate the impacts of project-related rail activities by limiting the project activities that cause the increased rail traffic in the first place.

Very truly yours,



Zach Cowan  
City Attorney