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Sent: Monday, November 02, 2015 4:26 PM

To: Andrea Ouse <Andrea.Ouse@cityofvallejo.net>

Subject: Draft Environmental Impact Report for the Vallejo Marine Terminal/Orcem Project State Clearinghouse # 2014052057

Ms. Ouse -

Please accept the attached comments on behalf of the Sierra Club and San Francisco Baykeeper on the Draft Environmental Impact Report for the Vallejo Marine Terminal/Orcem Project.

Please let me know if you are unable to open the attached file or if you have any questions. Thank you.

Sincerely,

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November 2, 2015

VIA ELECTRONIC MAIL

Andrea Ouse
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Re: Draft Environmental Impact Report (DEIR) for the Vallejo Marine Terminal/Orcem Project - State Clearinghouse # 2014052057

Dear Ms. Ouse:

I. INTRODUCTION

We are writing on behalf of Sierra Club and San Francisco Baykeeper to promote a more thorough and adequate review of the potential impacts of the proposed Vallejo Marine Terminal/Orcem Project (State Clearinghouse # 2014052057) (“VMT Project” or “project”). Members of the undersigned groups live, work and recreate in and around the project area. These non-profit organizations represent nearly 150,000 members in California who are dedicated to protecting the environment and our shared natural resources, such as state waterways, and to seeking positive solutions to the challenge of global climate instability caused by the combustion of fossil fuels. We appreciate the opportunity to provide public comment on the VMT Project application materials.

II. LEGAL BACKGROUND

A. CEQA

The California Environmental Quality Act (“CEQA”) has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 Cal. Code Regs. (“CEQA Guidelines”) § 15002(a)(1). The EIR is the “heart” of this requirement. *See No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage whenever possible by requiring alternatives or mitigation measures. *See* CEQA Guidelines § 15002(a)(2) and (3); *see also* *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400).

III. BACKGROUND OF THE VMT PROJECT

The Draft Environmental Impact Report (“DEIR”) for the VMT Project describes the project’s purpose as reestablishing industrial uses through the construction and development of a deep water marine terminal and an associated facility that would manufacture ground granular blast furnace slag (“GGBFS”). The terminal could and would transport any number of bulk commodities, including (but apparently not limited to): feed grains; manufactured steel; timber/lumber; rock aggregate, ores, and related materials (including GGBFS, portland cement clinker material (clinker), and related materials); project-based break-bulk items (e.g., heavy lift transport, large construction assemblies); marine construction materials; and gypsum. The DEIR also acknowledges that petroleum coke may be moved through the facility. DEIR at 3.2-27.

The project site is the former General Mills terminal and flour mill, which has remained vacant since the facility closed in 2004. A portion of the site is owned by the project proponent, and another portion is city land leased by Orcem. The project site is adjacent to the Mare Island Strait, less than a mile away from Grace Patterson Elementary School, the Bay Village housing development, and other residential housing. The project proponents plan to use a rail spur that is connected to the project site; the rail line runs through Napa County and has at least 20 at grade crossings through American Canyon and Vallejo. The rail line passes through multiple residential neighborhoods and is directly adjacent to the Faith Bible Church, the Vallejo Community Center, Amador Park and Tennis Courts, Taylor Chapter Christian Methodist Church, Vallejo Central Seventh Day Adventist, the Vallejo High School Corbus Field, Vallejo Deaf Church Assembly, and the Kaiser Permanente Vallejo Medical Center. Closer to the project site, the rail line crosses Sonoma Boulevard, which also serves as the San Francisco Bay Trail (“Bay Trail”).

IV. THE DEIR MUST ANALYZE AND DISCLOSE ALL OF THE POTENTIAL IMPACTS FROM THE PROJECT

As stated above, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. Guidelines § 15002(a)(1). Here, however, the DEIR for the VMT Project is vague on crucial details about the project and fails to include a full account of the project’s potential environmental and public health effects. Furthermore, even while failing to account for some potential impacts, the DEIR acknowledges significant environmental effects of the project that have not been mitigated for, and does not explain why there has been no attempt to mitigate for these impacts. The VMT Project should not go forward until all of the potential impacts have been disclosed, analyzed, and mitigated to the maximum extent possible.

A. The DEIR Fails to Fully Disclose or Evaluate Several Potentially Significant Environmental Impacts of the VMT Project.

1. The DEIR Fails to Consider Impacts Related to The Transportation and Export of Fossil Fuel Products.

The DEIR states that the VMT Project's deep water marine terminal will be importing and exporting bulk and break bulk materials, and includes a long list of potential commodities, but this list is not exhaustive. In particular, the DEIR indicates that the terminal is anticipated to handle "a wide range of commodities," without specifying all of the potential commodities that will move through the terminal. DEIR at ES-3. This lack of specificity is a major flaw in the DEIR; how can the public or the decision makers know all of the potential environmental impacts of the project if the project proponents don't even disclose all of the potential commodities that will be transported through the terminal?

Given recent efforts by out-of-state coal producers to increase the export of coal through California ports, we are particularly concerned that the VMT project proponents may have plans to move coal through the proposed terminal. The movement of coal or other toxic materials (such as petroleum coke or fertilizer) will have far greater impacts on the surrounding communities and ecosystems than other commodities (such as grain or timber). The DEIR is incomplete and inadequate as it fails to outline each material that may be moved through the terminal, the impacts of moving, storing, and handling those different materials, and the proposed mitigation measures that will be taken to mitigate or avoid those public health and environmental impacts. It is impossible for the public or the decision makers to know the full scope of the potential impacts without this information.

Furthermore, the DEIR acknowledges that the impacts from just the project alone on greenhouse gas emissions are significant and unavoidable, and have not been mitigated in the project plans. The DEIR, however, fails to acknowledge the potential climate impacts from the materials that will be handled by this facility; if coal, petroleum coke, or other fossil fuels are transported by this terminal to foreign markets, the burning of those fuels will have additional negative climate impacts. To address these concerns, the City should condition approval of the VMT Project to prohibit the deep water marine terminal from handling coal, pet coke, or other dirty fossil fuel products. Otherwise, these impacts must be evaluated in the EIR for the project, and the VMT Project should not be permitted if it will have significant and unavoidable impacts.

2. The DEIR Fails to Properly Analyze or Mitigate Impacts to Water Quality.

There are several crucial deficiencies with the Hydrology and Water Quality section of the DEIR. As the DEIR admits, the VMT Project will handle many potentially toxic and harmful products, including granulated blast furnace slag, anhydrite, pozzolan, clinker, ores, metals, and potentially other bulk products that have yet to be disclosed. DEIR at 2-5 – 2-11. In general, operations at both bulk export terminals and cement plants can result in high levels of water

pollution, and have been the subject of several Clean Water Act enforcement actions in the San Francisco Bay region. *See, e.g., San Francisco Baykeeper v. Levin Enterprises, Inc.* (N.D. Cal., Civil Case No. 12-cv-04338-EDL) (bulk marine terminal); *San Francisco Baykeeper v. Cemex, Inc.* (N.D. Cal. Civil Case No. C-09-04832 CW) (three cement production facilities). This is particularly true with facilities that use “clamshell grabs” for the loading and unloading of bulk materials from ships (DEIR at 2-17), that store bulk materials on site in “open storage areas,” subject to wind and rain (DEIR at 2-19), and that have hundreds of trucks and train cars potentially navigating the site each day (DEIR at 2-18).

In discussing whether the VMT Project will violate any water quality standards or waste discharge requirements, the DEIR claims that impacts from the project would be “less than significant” because it would comply with Clean Water Act-related permitting requirements as described in Appendices J-1 and J-2. DEIR at 3.8-19 – 3.8-22. However, these Appendices fail to address the relevant Clean Water Act requirements. For example, Appendix J-1, the “Storm Water Control Plan for 780 & 790 Derr Street,” states that it was “Prepared for Compliance with C.3 Storm Water requirements in accordance with the Municipal Regional Stormwater Permit NPDES No, CA#612008 dated October 14, 2009.” DEIR, Appendix J-1 at 1. However, the appropriate permit governing stormwater discharges from the VMT Project is California’s General Permit for Storm Water Discharges Associated with Industrial Activities, NPDES General Permit No. CAS000001, Water Quality Order No. 92-12-DWQ (as amended by Water Quality Order 97-03-DWQ and Water Quality Order No. 2014-0057-DWQ) (“Industrial Stormwater Permit”). Nowhere are the requirements of the Industrial Stormwater Permit addressed in Appendix J-1. Appendix J-1 is also lacking in specifics about how contaminated stormwater would be handled at the Facility, making it impossible to determine if water quality impacts from the VMT would be less than significant. For example, if the facility operator intends to reduce fugitive dust from the open storage of bulk materials, such as coal and pet coke, by wetting down the material, the water will be contaminated by those materials. Yet the DEIR fails to evaluate how collected stormwater and waste water will be treated to remove these contaminants, or what the impacts will be from discharging such contaminated water to Mare Island Strait or San Pablo Bay.

Similarly, Appendix J-2, entitled the “Ecocem/Orcem Hyro and Water Quality Narrative,” admits that operation of the cement plant “could generate stormwater runoff that could cause or contribute to a violation of water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise substantially degrade the water quality of Mare Island Strait and/or San Pablo Bay.” DEIR, Appendix J-2 at 11. Yet as proposed mitigation, the Appendix simply says that the Project will implement controls in accordance with the “Municipal Regional Permit,” with no discussion of how the Project will comply with the requirements of the Industrial Stormwater Permit. *Id.*

Furthermore, the DEIR’s general approach to “mitigating” the significant water quality impacts from the discharge of contaminated stormwater and waste water, dredging, the removal of creosote piling, the reuse of materials form on-site, and other activities has been improperly deferred. *See, e.g.,* DEIR, Appendix J-2, at 7 (“the project applicant shall prepare and implement a SWPPP designed to reduce potential adverse impacts to surface water quality through the

project construction period”); DEIR at 3.8-29 (“the applicant shall develop a dredged material management plan to outline procedures necessary to evaluate the suitability of dredged materials for either on-side beneficial reuse or in-bay disposal”); DEIR at 3.3-69 (requiring the applicant to develop a “Piling Removal Plan”). The purpose of an EIR is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account. *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392. For the EIR to serve these goals, it must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made.” *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-450.

As the CEQA Guidelines provide, the “[f]ormulation of mitigation measures should not be deferred until some future time.” Guidelines § 15126.4(a)(1)(b). An EIR is inadequate if “[t]he success or failure of mitigation efforts ... may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR.” *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670. “A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA.” *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307. Consequently, not only must the deficiencies in the hydrology and water quality section of the DEIR be addressed, but the DEIR must be recirculated to provide an opportunity for the public and public agencies to comment on the Project and its impacts. *See* Pub. Res. Code § 21092.1; Guidelines § 15088.5(a).

3. The DEIR Fails to Properly Address Impacts to Species Habitat.

The DEIR fails to adequately address or mitigate for the impacts of lost marine habitat, which will include the permanent loss of approximately 2.75 acres of subtidal soft substrate habitat to Bay infill during Project construction, the temporary loss of 12.1 acres due to periodic dredging, and the loss of at least 0.25 acre of rocky intertidal habitat at the City of Vallejo Municipal Marina. DEIR at 3.3-42. Pursuant to the Water Quality Control Plan for the San Francisco Bay Basin (“Basin Plan”), projects that involve the fill of waters of the United States must be mitigated to “ensure that there will be no net loss of wetland acreage and no net loss of wetland functions.”¹ Moreover, pursuant to the San Francisco Bay Plan:

¹ Regional Water Quality Control Board, San Francisco Bay Region (“SF Bay Water Board”), Basin Plan, Section 4.23.24 (March 2015); see also State of California, Executive Order No. W-59-93 (Aug. 23, 1993) (declaring policy of state to ensure “no overall net loss” of wetlands); SF Bay Water Board, “Fact Sheet for Reviewing Wetland and Riparian Projects by the San Francisco Bay Water Board” (Dec. 1, 2006) at 6 (finding that “No Net Loss Policy” typically requires mitigation that results in “a total minimum of 1.5 to 2.5 acres gained for each acre lost”).

The amount and type of compensatory mitigation should be determined for each mitigation project based on a clearly identified rationale that includes an analysis of: the probability of success of the mitigation project; the expected time delay between the impact and the functioning of the mitigation site; and the type and quality of the ecological functions of the proposed mitigation site as compared to the impacted site.²

However, the mitigation proposed to address habitat impacts falls far short of these requirements. In particular, the DEIR finds that such impacts regarding lost and disturbed habitat will be reduced to “less than significant” levels based on the creation of 0.92 acre of new subtidal hard substrate habitat combined with the removal of toxic creosote pilings and the replacement of rocky intertidal habitat at the City of Vallejo Municipal Marina. DEIR at 3.3-42. Not only does such mitigation violate the state’s “No Net Loss” policy, but it provides no identified rationale for the amount and type of mitigation chosen or analyze the probability of success of the mitigation project.

In addition, the determination of “less than significant” impacts appears to be based on the DEIR’s statement that the area to be filled contains no “submerged aquatic vegetation (e.g., eelgrass or widgeon grass).” DEIR at 3.3-42. However, the DEIR earlier provides that “[s]everal types of aquatic vegetation can also be found in or near the study area,” DEIR at 3.3-20, and, in fact, nowhere does Appendix E-4 state that “no submerged aquatic vegetation” is present in the area to be filled. *See* DEIR, Appendix E-4. Furthermore, it is unclear from the DEIR how these fill activities will impact designated critical habitat for Central Coast steelhead, or how impacts to other special status species present at the project site (*i.e.*, green sturgeon, delta smelt, Central Valley spring run Chinook salmon, Central Valley fall/late-fall-run Chinook salmon, and Sacramento splittail) will be mitigated for. *See* DEIR, Appendix E-1 at B-18 – B-20. The DEIR must be revised to address these deficiencies.

4. The DEIR Fails to Properly Address Impacts to the San Francisco Bay Ecosystem from Dredging and Sediment Loss.

While the DEIR states that approximately 136,300 cubic yards of material will be dredged to construct the VMT Project, and ongoing maintenance dredging will occur every few years thereafter, DEIR at 2-7 – 2-9, 3.3-47, it is unclear (1) how such dredging will be conducted and (2) where the dredged materials will be placed. The DEIR states in several places that dredging “would be conducted with a clamshell dredge,” *see* DEIR at 3.3-48, but in other places describes the use of hydraulic suction dredges. DEIR at 3.3-47 – 3.3-48 (describing the lowering of hydraulic suction dredge heads when priming as an LTMS BMP). Hydraulic suction dredging can have far more significant entrainment impacts on listed fish species, such as delta smelt and longfin smelt. In fact, a recent study by the U.S. Army Corps of Engineers found that up to approximately “29 percent of the median annual population abundance” of delta smelt, and up to

² San Francisco Bay Conservation and Development Commission, San Francisco Bay Plan, Mitigation Policy 4, available at: http://www.bcdc.ca.gov/laws_plans/plans/sfbay_plan.shtml

“8 percent of the median annual population abundance” of longfin smelt, are entrained by hydraulic dredging activities in San Francisco Bay.³ Consequently, “the employment of LTMS-established BMPs” will not reduce entrainment impacts to less than significant levels. DEIR at 3.3-48. Rather, the City should condition the VMT Project to require the use of clamshell dredges for all dredging activities.

In addition, the DEIR fails to state with any certainty where the dredged material will be placed. For example, in the Project Description, the DEIR states that “Beneficial reuse of dredge material would be sought through possible sale or upland disposal on site, or would be deposited at the Carquinez disposal site.” DEIR at 2.7. In the discussion of impacts, however, the DEIR states that “dredged sediments may be disposed in the Bay, but if they meet state and federal criteria for beneficial reuse would be dried and mixed with reclaimed and properly sized concrete to produce engineered fill which would be used to construct the new Phase 1 wharf and Phase 2 dike.” DEIR at 3.3-45. Later, the DEIR states that that the VMT Project “would employ either upland disposal or if acceptable would be used for beneficial reuse such as engineered fill on site.” DEIR at 3.3-48.

Whether or not sediment from the VMT Project’s dredging activities is put to beneficial reuse is a significant issue that be addressed. Recent scientific studies led by the United States Geological Survey and others have found an overall sediment deficit throughout the San Francisco Bay ecosystem, which has resulted in significant environmental impacts related to shoreline erosion, wetland loss, sea level rise adaptation, and nutrient growth.⁴ Dredging represents one of the major pathways for the removal of sediment from the estuary, particularly when dredged materials are placed in areas where they are no longer contributing to the coastal ecosystem. In fact, the San Francisco Estuary Partnership’s recent State of the Estuary report found that activities such as dredging have resulted in “an Estuary starved of sediment,” which jeopardizes “critical ecological processes” such as marsh-building to keep pace with and reduce impacts from sea level rise.⁵ Consequently, the City should condition the VMT Project to

³ U.S. Army Corps of Engineers, Final Environmental Assessment/Environmental Impact Report, Maintenance Dredging of the Federal Navigation Channels in San Francisco Bay Fiscal Years 2015 – 2024 (April 2015) at 3.6-37, 3.6-46, available at: http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/dredging/Fed%20Nav%20Channels_FEAEIR_April%202015.pdf.

⁴ See, e.g., Dallas, K. L. & Barnard, P. L., “Linking human impacts within the estuary to ebb-tidal delta evolution,” 56 *Journal of Coastal Research*, 713-716 (2009); Dallas, K. L. & Barnard, P. L., “Anthropogenic influences on shoreline and nearshore evolution in the San Francisco Bay coastal system,” 92 *Estuarine, Coastal and Shelf Science*, 195-204 (2011); Barnard, P. L. et al., “Integration of bed characteristics, geochemical tracers, current measurement, and numerical modeling for assessing the provenance of beach sand in the San Francisco Bay Coastal System,” 345 *Marine Geology*, 181-206 (2013); Barnard, P. L., et al., “Sand transport in the San Francisco Bay Coastal System: An overview,” 345 *Marine Geology*, 3-17 (2013); San Francisco Estuary Institute, *Pulse of the Estuary 2009, Bay Sediments: Past a Tipping Point*, 3 (2009), available at: www.sfei.org/rmp/pulse.

⁵ San Francisco Estuary Partnership, *State of the Estuary 2015* (Sept. 2015) at 65, available at: http://www.sfestuary.org/wp-content/uploads/2015/10/SOTER_2.pdf.

require the beneficial reuse of all sediment resulting from project activities. Such an approach is consistent with the Long Term Management Strategy for the Placement of Dredged Material in the Bay Region Management Plan, as well as and San Francisco Bay Plan Policy 5, which requires dredging projects to “maximize the use of dredged material as a resource.” Without such a condition, the DEIR is significantly flawed in its failure to examine the direct and cumulative impacts of removing sediment from the San Francisco Bay ecosystem and must be revised.

5. The DEIR Fails to Address Impacts to Public Services and Recreation.

The DEIR states that there are no impacts to public services and recreation, yet the increased rail traffic along the rail line will disrupt recreational users of the Bay Trail. The Bay Trail section on Sonoma Boulevard goes over the rail spur that would be used for the project, and the DEIR estimates that there may be as many as three unit trains each week (or six, if departing empty trains are counted). There would also be no public access to the shoreline at the facility site. Given that the Vallejo Municipal Marina already appears to have a small boat launch ramp, it is unclear how the DEIR’s proposed mitigation will address this permanent loss of public access. *See* DEIR at 3.11-6 – 3.11-7. This impact must be acknowledged and analyzed in the EIR, and its economic impact on the city and local businesses must be quantified.

6. The DEIR Fails to Fully Account for Air Quality and Environmental Justice Impacts.

The DEIR also fails to account for impacts to surrounding communities from fugitive dust. The project proponents plan to store raw materials in open storage piles, with some limited use of a water sprayer to control fugitive dust. The DEIR fails to quantify the amount of dust that would be produced at the facility by the storage of these materials out in the open. Moreover, the impacts of dust from open storage piles would vary greatly depending on what types of materials, such as coal or pet coke, are being stored on site. The failure of the DEIR to consider these issues must be addressed.

The DEIR also fails to acknowledge and assess the disproportionate impact of this project on the minority and low-income communities that are directly adjacent to the proposed site. The noise, air pollution, fugitive dust, traffic disruptions, and light pollution impacts from the facility (which may operate 24 hours a day) will fall primarily on these vulnerable communities that already bear the brunt of negative public health and environmental impacts from existing industrial uses. The DEIR should acknowledge this environmental justice issue, fully analyze and disclose the nature of these disproportionate impacts, and provide for mitigation and avoidance of those impacts before this project can be approved.

B. The DEIR Fails to Mitigate for Significant Environmental Impacts.

CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. *See* CEQA Guidelines § 15002(a)(2) and (3);

see also Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400). As discussed above, the proposed mitigation measures for some impacts, such as water quality, have been improperly deferred. In other places, the DEIR acknowledges significant impacts but fails to mitigate for these impacts, and fails to explain why mitigation or avoidance of these impacts was not feasible.

For example, the DEIR states that the project will have significant and unavoidable impacts to local air quality, as it will conflict with the Bay Area 2010 Clean Air Plan and would result in exceedances of the Bay Area Air Quality Management District's threshold for NOx. DEIR at ES-6. The DEIR states that the project proponents will seek a permit to offset the emissions, bringing them from 63.39 to 31.33 tons per year ("tpy") (which is still above the BAAQMD's threshold of 10 tpy). DEIR at 3.2-43. The project proponents state that when this threshold is met (which would be after the facility begins accommodating more than 15 vessels per year), they will start mitigating these impacts by ensuring that at least 75% of the trucks entering the site are model year 2010 or later. *Id.* However, even after this proposed mitigation, the impacts will remain significant and unavoidable. DEIR at 3.2-46. Unless impacts can be mitigated to less than significant levels, the project should not go forward.

Next, the DEIR acknowledges that the VMT Project will contribute to significant impacts to local traffic, including potentially delaying ambulance and fire vehicles, due the projected increase in rail traffic. At full build out, the project proponents anticipate 4 unit trains per week, which is really 8 trains (as the empty trains must exit the facility along the same rail route). These trains would cause delays all along the rail route and the 20+ at grade crossings in Vallejo and American Canyon, potentially delaying emergency responders and police vehicles. These impacts are not mitigated for, other than restricting rail traffic to day time hours, and even this mitigation is not guaranteed, as the DEIR acknowledges that "the City cannot ensure that the California Northern Railroad will agree to the desired hours of operation." DEIR at 3.12-26. If these impacts cannot be mitigated, the project should not be approved.

V. THE DEIR MUST CONSIDER THE CUMULATIVE IMPACTS OF THIS PROJECT COMBINED WITH THE BROADER PORT OPERATIONS, INCLUDING RAIL TRANSPORT

The CEQA analysis for the VMT Project must discuss significant "cumulative impacts." Guidelines § 15130(a). This requirement flows from CEQA Section 21083, which requires a finding that a project may have a significant effect on the environment if:

the possible effects of a project are individually limited but cumulatively considerable. . . . 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Pub. Res. Code § 21083. As the court stated in *Communities for a Better Environment v. Cal. Resources Agency*, (“*CBE v. CRA*”) (2002) 103 Cal.App.4th 98, 114:

Cumulative impact analysis is necessary because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.

Cumulative impacts are defined as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Guidelines § 15355(a). “[I]ndividual effects may be changes resulting from a single project or a number of separate projects.” *Id.* A legally adequate “cumulative impacts analysis” views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. Guidelines § 15355(b).

Mere conclusory statements are not sufficient to satisfy the cumulative impacts analysis requirement. *See Mountain Lion Coalition v. Fish & Game Comm’n* (1989) 214 Cal.App.3d 1043, 1047. A proper cumulative impact analysis must be supported by references to specific evidence. *Id.* As the court in *Mountain Lion Coalition* explained, “it is vitally important that an EIR avoid minimizing the cumulative impacts. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them.” *Id.* at 1051. “A cumulative impacts analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker’s perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval.” *Id.*

Here, the DEIR devotes a mere nine pages to cumulative impacts, with a very general and vague description of potential impacts. There is no numerical or qualitative analysis of the potential cumulative impacts of this project combined with other proposed developments, including other nearby, similar projects such as the Oakland Army Base redevelopment project. This is inadequate under CEQA and renders the DEIR legally deficient.

VI. SPECIFIC POTENTIAL IMPACTS RELATED TO COAL EXPORTS

Below, we outline several potential impacts related to coal exports that have not been analyzed by this project. As noted above, the DEIR fails to limit the commodities that may be moved through this facility, and acknowledges the possibility that petroleum coke will be moved through the facility. Given recent efforts by out of state coal mining interest to increase coal exports through California ports, we are concerned that the VMT Project may also transport coal,

and that the impacts specific to the transportation of coal have not been acknowledged, disclosed, or mitigated for in the DEIR.

A. Climate Change Impacts from the Production, Transport, Export of Use of Fossil Fuel Projects.

Coal and petcoke are major sources of carbon, a greenhouse gas pollutant that causes climate change. Petcoke is a byproduct of oil refining and is more than 90% carbon.⁶ Very recently, the United Nations' Intergovernmental Panel on Climate Change ("IPCC") released the fifth version of its frequently cited report reflecting the scientific consensus that unrestrained greenhouse gas emissions cause global warming. The fifth IPCC report confirms yet again that climate change is being caused by unrestrained carbon pollution from industrial activities. As summarized by the IPCC in an accompanying press release:

Warming in the climate system is unequivocal and since 1950 many changes have been observed throughout the climate system that are unprecedented over decades to millennia. Each of the last three decades has been successively warmer at the Earth's surface than any preceding decade since 1850... Thomas Stocker, the other Co-Chair of Working Group I said: "Continued emissions of greenhouse gases will cause further warming and changes in all components of the climate system. Limiting climate change will require **substantial and sustained reductions** of greenhouse gas emissions."⁷

Reacting to the reality of climate change, in 2006, Governor Schwarzenegger signed AB 32, a landmark law to control and reduce the emission of global warming gases in California along with the companion statute SB 1368, which prohibits California utilities from making long term investments in coal-based electricity generation. AB 32 requires both reporting of GHG emissions and their reduction on an ambitious time line, including a reduction of CO2 emissions to 1990 levels by 2020. Looking beyond 2020, Executive Order S-3-05 sets an emissions reduction target of 80 percent below 1990 levels by 2050. Exec. Order S-3-05. In adopting AB 32, the Legislature made the following specific findings:

(a) Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an

⁶ Stockman, Lorne. "Petroleum Coke: The Coal Hiding in the Tar Sands." Oil Change International: January 2013, *available at*: <http://priceofoil.org/content/uploads/2013/01/OCI.Petcoke.FINALSCREEN.pdf>

⁷ *Available at*: http://www.ipcc.ch/news_and_events/docs/ar5/press_release_ar5_wgi_en.pdf (last visited on December 6, 2013) (emphasis in original).

increase in the incidences of infectious diseases, asthma, and other human health-related problems.

(b) Global warming will have detrimental effects on some of California's largest industries, including agriculture, wine, tourism, skiing, recreational and commercial fishing, and forestry. It will also increase the strain on electricity supplies necessary to meet the demand for summer air-conditioning in the hottest parts of the state.

(c) *California has long been a national and international leader on energy conservation and environmental stewardship efforts*, including the areas of air quality protections, energy efficiency requirements, renewable energy standards, natural resource conservation, and greenhouse gas emission standards for passenger vehicles. ***The program established by this division will continue this tradition of environmental leadership by placing California at the forefront of national and international efforts to reduce emissions of greenhouse gases.***

(d) *National and international actions are necessary to fully address the issue of global warming. However, action taken by California to reduce emissions of greenhouse gases will have far-reaching effects by encouraging other states, the federal government, and other countries to act.*

(e) *By exercising a global leadership role*, California will also position its economy, technology centers, financial institutions, and businesses to benefit from national and international efforts to reduce emissions of greenhouse gases. More importantly, investing in the development of innovative and pioneering technologies will assist California in achieving the 2020 statewide limit on emissions of greenhouse gases established by this division and will provide an opportunity for the state to take a global economic and technological leadership role in reducing emissions of greenhouse gases.

Cal. Health and Saf. Code § 38501 (a) – (e) (emphasis added). The extent of future warming depends on whether and how rapidly California and the rest of the world reduce GHG emissions. Even under a low emissions scenario, which assumes rapid reductions in GHG pollution, California is projected to experience a host of impacts by the end of this century, including 30 – 60% loss of the Sierra snowpack, a 10 – 35% increase in the risk of wildfire, 1.5 times more critically dry years, and increases in ozone formation, smog, and air quality-related fatalities in the South Coast Air Basin. *See California Climate Change Center, Our Changing Climate: Assessing the Risks to California* (2006)⁸ at 15 (hereinafter, “*Our Changing Climate 2006*”). Under a higher emissions scenario, projected impacts to California are staggering and include a 90% loss of the Sierra snowpack and 4 – 6 times as many heat-related deaths. *Id.*

⁸ http://meteora.ucsd.edu/cap/pdffiles/CA_climate_Scenarios.pdf

Even more alarming, recent assessments have concluded earlier analyses understate future climate impacts. In its 2012 update, the California Climate Change Center, a collaboration of researchers assembled by the California Energy Commission, determined that sea level along the California coast could increase by 31-55 inches by the end of the century, 9-25 inches more than its 2006 estimate. Compare *California Climate Change Center, Our Changing Climate 2012: Vulnerability & Adaptation to the Increasing Risks from Climate Change in California* (2012)⁹ at 9, (hereinafter “*Our Changing Climate 2012*”) with *Our Changing Climate 2006* at 15 (estimating 22-30 inches of sea level rise by the end of the century). The 2012 Assessment also concluded that as early as 2050, today’s “100-year storm event” could strike annually as result of sea level rise. *Our Changing Climate 2012* at 9. Because the severity of these impacts will depend on society’s ability to reduce greenhouse gas pollution, “the choices we make today greatly influence the climate our children and grandchildren inherit.” *Our Changing Climate 2006* at 2. The export of coal from California is not only antithetical to the spirit and purpose of California’s Global Warming Solutions Act, but would exacerbate the serious climate change impacts described above. Cal. Health and Saf. Code § 38501 (a), (b).

Concentrations of CO₂ in the atmosphere “are projected to continue increasing unless the major emitters take action to reduce emissions.” See *Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act*, 74 Fed. Reg. 66,496, 66,539 (Dec. 15, 2009). The U.S. Environmental Protection Agency (“EPA”) recognized the cumulative nature of both the climate change problem and the strategies needed to combat it:

[N]o single greenhouse gas source category dominates on the global scale, and many (if not all) individual greenhouse gas source categories could appear small in comparison to the total, when, in fact, they could be very important contributors in terms of both absolute emissions or in comparison to other source categories, globally or within the United States. If the United States and the rest of the world are to combat the risks associated with global climate change, contributors must do their part even if their contributions to the global problem, measured in terms of percentage, are smaller than typically encountered when tackling solely regional or local environmental issues.

Id. at 66,543. Consistent with this finding, the Ninth Circuit has rejected the argument that individual actions represent too minor of a contribution to the global problem to merit consideration under NEPA: “The impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct. Any given rule setting a [vehicle fuel-efficiency] standard might have an ‘individually minor’ effect on the environment, but these rules are ‘collectively significant actions taking place over a period of time.’” See *Ctr. for Biological Diversity v. Nat’l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1217 (9th Cir. 2008) (internal citations omitted). CEQA also calls for a careful review of impacts related to greenhouse gas emissions. Guidelines § 15064.4.

⁹ <http://www.energy.ca.gov/2012publications/CEC-500-2012-007/CEC-500-2012-007.pdf>.

Both the United States and California have sought to meet the challenge of climate change with a variety of statutory and regulatory actions to reduce our reliance on fossil fuels and promote conservation and alternatives. At the federal level, EPA has responded with a formal finding that greenhouse gases endanger the public health and welfare, 74 Fed. Reg. 66,496 (Dec. 15, 2009), the first step in comprehensively regulating greenhouse gases under the federal Clean Air Act. EPA has already issued some regulations relating to reducing emissions from both mobile and stationary sources, including the June 2010 “tailoring rule” governing federal Clean Air Act requirements for greenhouse gas emissions from stationary sources, 75 Fed. Reg. 31,514 (June 3, 2010), passenger vehicle rules, *see, e.g., 2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards*, 77 Fed. Reg. 62,624 (Oct. 15, 2012), and proposed rules for power plants, *see Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources*, 77 Fed. Reg. 22,392 (April 13, 2012). On June 2, 2014, EPA also proposed a new carbon rule to require a 30% reduction in GHG emissions from power plants nationwide.¹⁰ In California, the state Assembly also recognized the harms of exporting coal to countries with less protective air pollution standards and urged fellow states and the president to restrict the shipment of coal to such areas. *See* California Assembly Joint Resolution No. 35.

In short, both the United States and California have made firm and clear commitments to address the causes of climate change and have committed to promote alternatives to projects that generate GHG emissions and mitigate those that cannot be avoided. The potential to transport coal through the VMT Project with massive direct and indirect GHG emissions and other impacts must be evaluated in light of those statutory and regulatory commitments.

B. CEQA Requires the Evaluation of Direct, Indirect and Cumulative Climate Impacts.

In a landmark 2008 case, the Ninth Circuit Court of Appeals found that a federal agency violated NEPA when it failed to prepare a full EIS on proposed corporate average fuel economy (“CAFÉ”) standards for light trucks. *See Ctr. for Biological Diversity*, 538 F.3d 1172. There, the Ninth Circuit rejected the argument that individual actions represent too minor of a contribution to the global problem to merit consideration. Even more recently, the Ninth Circuit again emphasized that “reasonably foreseeable future actions need to be considered [under NEPA] even if they are not specific proposals.” *N. Plains Res. Council v. Surface Transp. Bd.*, 668 F.3d 1067, 1079 (9th Cir. 2011) (quoting EPA guidance document).

Several cases confirm that NEPA requires evaluation of indirect impacts of projects that facilitate movement of fossil fuels, including GHG emissions. For example, in *Mid-States Coal. for Progress v. Surface Transp. Bd.*, 345 F.3d 520 (8th Cir. 2003), the Eighth Circuit Court of Appeals invalidated an EIS for a rail construction project intended to supply coal from the Powder River Basin to power plants because it failed to analyze the emissions of burning the coal that would be transported by the rail line. The Court found that the project was likely to

¹⁰ EPA, Clean Power Plan Proposed Rule, EPA-HQ-OAR-2013-0602, *available at*: <http://www2.epa.gov/carbon-pollution-standards/clean-power-plan-proposed-rule>

affect the country's long-term demand for coal and hence the impacts of coal burning should have been considered in the EIS. Similarly, in *Border Plant Working Grp. v. Dep't of Energy*, 260 F. Supp. 2d 997 (S.D. Cal. 2003), a federal district court invalidated a decision to approve transmission lines that would connect proposed power plants in Mexico to the U.S. power grid because indirect effects were not considered. The Court found that the decision violated NEPA because decision-makers failed to consider the impacts of the operation of the Mexican power plants—including impacts on air quality and climate—that were closely linked to the transmission lines. The Court found that the operation of the power plants were an “indirect effect” of the transmission line project because the two were causally linked. The Court specifically struck down the agency's decision that the project's impacts were too minimal to require preparation of an EIS.

Similarly, CEQA defines a “project” as “an activity which may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and ... that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.” Pub. Res. Code § 21065. The CEQA Guidelines augment this definition by providing that a “project” is “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” and which is undertaken, supported, or approved by a public agency. Guidelines, § 15378(a). The California Supreme Court has determined that “project” is “to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” See *Friends of Mammoth v. Board of Supervisors of Mono County* (1972) 8 Cal.3d 247, 259; see also *McQueen v. Board of Directors of the Mid-Peninsula Reg. 'l Open Space Dist.* (“*McQueen*”) (1988) 202 Cal.App.3d 1136, 1143 [“Project’ is given a broad interpretation in order to maximize protection of the environment”].

The California Air Resources Board has recognized the need for specific analysis of greenhouse gases under CEQA:

There is a strong need [] to aggressively address GHG emissions right now. The pollution we contribute to the atmosphere today will continue to have climate impacts for years, decades, and in some cases, millennia to come. And the longer we delay in addressing the problem, the more we risk being unable to meet our climate objective. CEQA provides a mechanism that is independent of AB 32 through which lead agencies can begin immediately to reduce the climate change-related impacts of the projects that come before them.

California Air Resources Board, *Preliminary Draft Staff Proposal: Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act* (Oct. 2008)¹¹ at 4.

¹¹ <http://www.arb.ca.gov/cc/localgov/ceqa/meetings/102708/prelimdraftproposal102408.pdf> (last visited on December 5, 2013).

The impacts of exporting coal are not limited to the climate impacts of its use in overseas power plants. A valid CEQA analysis must also consider the climate and other air emissions of transporting these huge volumes of coal. For example, by one estimate, each trip of a fully loaded Panamax container ship to China, burns over 1100 tons of bunker fuel.¹² Bunker fuel generates significant CO₂ emissions and other much more potent greenhouse gases like nitrous oxides (N₂O), methane, and black carbon. It also causes a variety of other toxic and harmful air emissions, including diesel particulates that are highly damaging to human health. These kinds of impacts are “indirect effects” of the decision to authorize the coal export facility and should be evaluated in a CEQA analysis, along with any appropriate mitigation.

The CEQA analysis must also include discussion of the impacts of mercury deposition that will be caused by the burning of this increased volume of coal. Coal burned in Asia is a major source of local mercury contamination. Mercury is a highly toxic pollutant that bioaccumulates and poses severe health hazards, especially to pregnant mothers and small children.¹³

Transportation of coal over long distances via rail also has significant environmental impacts, including the fossil fuel consumption of moving large volumes of material hundreds or thousands of miles. Data also shows that open coal trains lose huge volumes of coal dust during transportation. Such discharges would add to air quality problems along the rail route. According to BNSF studies, 500 to 2,000 lbs. of coal can be lost in the form of dust for each rail car; coal trains are typically composed of at least 120 cars per train.¹⁴ In other studies, again according to BNSF, as much as three percent of the coal in each car (around 3,600 lbs. per car) can be lost in the form of dust.¹⁵ This is a huge volume of coal that could escape into the air and water, and be deposited on communities, crops, and fragile ecosystems along the way. Moreover, as with the greenhouse gas impacts, this analysis must be viewed in the context of all existing and reasonably foreseeable similar impacts.

C. The DEIR Must Analyze the Lifecycle Impacts of Transporting Coal to and Exporting Coal from the VMT Project.

There are a wide variety of direct impacts from transporting coal that are distinct and separate from the impacts of transporting other types of materials. First, there are local and regional air impacts from coal transportation. Particulate matter (“PM”) refers to a broad class of diverse substances that exist as discrete particles of varying size. 76 Fed. Reg. 57,105 at 57,302. Recent studies have found an increase in such particles that is higher from coal trains than other types of rail.¹⁶ Depending on the size, these particles can be inhaled and penetrate the respiratory tract to cause significant adverse health effects. Coal dust contains many harmful components

¹² T.C. Bond et al., *Bounding the role of black carbon in the climate system: A scientific assessment*, *Journal of Geophysical Research: Atmospheres* (online version Jan. 15, 2013).

¹³ Jaffe, D. *et al.*, “Atmospheric mercury from China,” *Atmos. Env’t.*, Vol. 39, 3029-38 (2005).

¹⁴ See <http://www.coaltrainfacts.org/docs/BNSF-Coal-Dust-FAQs1.pdf>.

¹⁵ *Id.*

¹⁶ <http://www.atmos.washington.edu/jaffegroup/modules/APOLLO/>

and causes health problems as people are exposed to fugitive coal dust from coal trains, coal storage piles, loading and unloading practices, emissions from dust control systems, and risk of explosion and fire from coal dust.

Coal dust causes a number of well-known respiratory diseases, including pneumoconiosis (commonly known as Black Lung Disease), bronchitis and emphysema, and transportation of coal is identified by the Occupational Health and Safety Administration as one of the methods for human exposure to coal dust. Airborne coal dust can also exacerbate asthma and chronic obstructive pulmonary disease (COPD), and respirable coal dust is responsible for the deaths of as many as 700 miners and ex-miners in the United States each year. In other areas of the world, coal dust from coal terminals has been identified as a factor in increased respiratory problems in children, and cancer rates in workers at the terminals. While the level of exposure that is necessary to trigger these health effects has not been well studied, there may be severe risks associated with exposure to lower levels of coal dust based on what is known about how coal dust impacts the human respiratory system. Coal dust in all size fractions also contains varying amounts of heavy metals, including lead, mercury, chromium and uranium. Fugitive emissions of coal dust from transportation can also cause increases in levels of fine particulate matter (PM10), which also presents significant threats to human health.

Coal is a volatile and easily combustible material—other coal terminals have faced huge fires that pollute the air and put emergency responders and terminal staff at risk. A recent study concluded that the spontaneous combustion of coal stocks, in addition to the “obvious safety hazard and the potential loss of valuable assets” constituted substantial sources of GHGs.¹⁷ [could not load this site] Although difficult to quantify, the study estimated that GHG emissions from spontaneous combustion of coal were likely around 3%.¹⁸

Besides analyzing the potential detrimental effects on air quality that will arise from the export terminal itself, a valid CEQA analysis must also consider the negative impacts that will arise from the mining of the coal, the required transport of coal from its source in Utah and Colorado to Long Beach, the burning of the coal, and the disposal of coal combustion waste. This process will affect air quality through a variety of manners. Mining of the coal and loading it onto trains creates significant particulate matter and NO_x emissions from the explosives. The NO_x emissions from the blasting are so significant that it creates visible clouds of pollution and forces warning signs to be placed near the mines. Transportation creates both the emissions from the diesel locomotives required to carry the coal, as well as the fugitive coal dust that will escape the freight cars along the way, as well as during loading and unloading on both ends of transport. These effects will have a significant impact on the ability of air quality control regions through which the trains will pass to meet the National Ambient Air Quality Standards, which are set in order to protect public health. In fact, no matter which route the trains take from the Powder River Basin (or Utah or Colorado) to the export facility, they will pass through numerous non-attainment and maintenance areas for the criteria pollutants they will be emitting.

¹⁷ Available at: http://www.worldcoal.com/news/coal/articles/Quantifying_emissions_from_spontaneous_combustion_227.aspx (last visited on June 6, 2014).

¹⁸ *Id.*

Exporting coal may also increase the air-quality impacts associated with its combustion. When coal is burned domestically, we can be reasonably certain of the pollution-control regulations to which it will be subject. However, there is no guarantee that equivalent regulations will be in place in the Asian countries where the exported coal will be sold and burned. As a result, the air pollution impacts of exporting American coal may be greater than if the coal were to be burned domestically. Yet these impacts will not stay in Asia. Airborne transport of soot, sulfur compounds, mercury, ozone, and other byproducts of coal combustion can travel across the Pacific Ocean and affect the health of western states' ecosystems and residents. *See Eric de Place, Northwest Coal Exports: Some common questions about economics, health, and pollution* (Nov. 2011) at 7.¹⁹ These kinds of impacts are “indirect effects” of the shipment of coal and should be evaluated in an EIR along with any appropriate mitigation. To complete the lifecycle analysis, the impacts from fugitive particulate matter and heavy metals from the transport and disposal of coal combustion waste must also be considered.

In doing an analysis of air pollution impacts, the agencies should not be tempted to rely on the attainment status of the area alone. First, attainment designations do not tell us anything about air impacts that will happen in the future when a new source of pollution is added. In addition, at present, it is unclear that any part of this project's lifecycle will be subject to New Source Review permitting. Should this be the unfortunate case, a full analysis of the air impacts in the CEQA process is all the more important.

D. The DEIR for the VMT Project Must Consider the Impacts of Transporting, Handling, and Exporting Coal on Water Resources.

The CEQA analysis must consider effects to all surface and groundwater resources from handling and exporting coal within the project area. The CEQA analysis must consider all potential water quality impacts (e.g., increased sediment loads, possible spills, coal dust impacts, mercury deposition, changes to alluvial groundwater quality, degradation of drinking well water), and water quantity impacts (e.g., drawdown of aquifers, diversions or diminutions of surface flow, hydrologic changes affecting seeps and springs, drinking water impacts) of the project's construction and operation. The agencies should ensure that the EIR describes, in detail, the possible sources of all water needed for the railroad and associated mining activities, including water originating in any over-allocated water source. It should also look closely at the experience of water pollution at other coal terminals, the reality of which is generally far from the promises made by its proponents.

During transportation through the use of uncovered rail cars, coal dust is primarily deposited through aerial deposition, which is exacerbated by poorly maintained rail tracks, uneven coal beds, and strong winds. When offloaded using “bottom dump” cars, coal material often leaks through the bottom or is released in a plume of dust at the unloading point.

¹⁹ Available at:

<http://www.sightline.org/wp-content/uploads/downloads/2012/11/coal-FAQ-November-12.pdf>

According to a Burlington Northern Santa Fe (BNSF) study, uncovered rail cars can lose anywhere from 500 to 2,000 pounds of coal dust.²⁰ Ultimately, much of the fugitive coal dust that is carried long distances by wind and water will settle in waterways that lead to the Bay. While surfactants or topping agents may be used for coal originating from Montana and Wyoming, no surfactants are required for coal originating in Utah. Even if surfactants are applied to uncovered rail cars, they are not 100% effective in preventing coal dust and can themselves be a source of pollution.²¹

Once the trains reach the coal terminal, methods of unloading the coal can be either manual or automated.²² Coal is inherently dust producing. For this reason, water is required to control coal dust when handling and unloading/loading coal at the terminal facility.²³ The resulting wastewater highly contaminated with coal particles, unless fully captured, will drain directly into the Bay. Additionally, coal dust, regardless of how it is handled, will inevitably enter the Bay through wind deposition. After the coal is unloaded from the rail cars, it is typically stored in open stockpiles while awaiting loading into ships, subject to wind and rain. In addition to coal blowing into the water, erosion of the pile and polluted stormwater runoff from the coal pile are two additional ways that coal can enter the Bay. Coal spillage can also occur during the loading onto shipping tankers and barges, which sit directly on the water. And any cargo washing of the rail car, ship loaders, shipping tankers and barges will also result in coal runoff.

Exporting coal via rail also increases the chances of a train derailment in addition to a tanker or barge spill in the Bay.²⁴ By way of just a few examples, in December 2012, a tanker that was carrying 180,000 tons of coal crashed into the Westshore Terminal in Vancouver. In July 2012, three coal trains derailed on July 2, 3, and 4, in Pasco, Washington, Pendleton, Texas, and Chicago Illinois, respectively. The Pasco train derailment dumped over 6 million pounds of coal into the Columbia River Gorge, and was caused in part due to an accumulation of coal on the tracks that interfered with the stability and integrity of the track structure.²⁵

²⁰ BSNF Railway Company, 2011, *available at*:

<http://www.coaltrainfacts.org/docs/BNSF-Coal-Dust-FAQs1.pdf>.

²¹ Ashley Ahearn, *What Coal-train dust means for human health*, Oregon Public Broadcasting, March 10, 2013, *available at*: <http://www.opb.org/news/article/coal-dust-a-closer-look/>

²² M.J Ahrens and D.J. Morrisey, *Biological Effects of Unburnt Coal in the Marine Environment*, Oceanography and Marine Biology, 2005.

²³ George D. Emmitt, *Minimizing groundwater consumption for required fugitive dust control programs*, *available at*:

<http://www.powerpastcoal.org/wp-content/uploads/2011/08/MINIMIZING-GROUNDWATER-CONSUMPTION-FOR-REQUIRED-FUGITIVE-DUST-CONTROL-PROGRAMS.pdf>.

²⁴ Laura Nelson, *Derailed coal train fuels critics of increased Northwest shipping*, Los Angeles Times, July 3 2012, *available at*:

<http://articles.latimes.com/2012/jul/03/nation/la-na-nn-coal-dust-train-derail-20120703>.

²⁵ G. Hamilton and T. Crawford, *Ship crashes into dock at Westshore Terminals, spilling coal into water*, The Vancouver Sun, December 9, 2012, *available at*:

Inherently, coal contains numerous pollutants that are toxic at low concentrations such as mercury, lead, arsenic, uranium, thorium, and polycyclic aromatic hydrocarbons (PAHs). Caution should be exercised when pollutants with that combination of toxins threaten to enter the environment in large quantities. The studies that have been conducted in the past few decades of unburnt coal in waterways demonstrate overall negative impacts on water quality and aquatic ecosystems. Based on the studies that have been conducted, it can be inferred that the consequences will be similar in the Bay and along the Vallejo shoreline.

One of the main concerns is the sheer quantity of coal that could be deposited in the Bay. Over a 22-year period, scientists examined coal accumulation around the Westshore Terminal in Vancouver. They observed coal concentrations of over 10% at a distance of 350 meters from the terminal and 2% concentrations as far as 1,750 meters away.²⁶ This steady accumulation of coal dust on aquatic sediments poses harm to the flora and fauna living on the bottom of the sea floor, potentially reducing the diversity and number of species in the aquatic ecosystem. Additionally, increased concentrations of suspended particulate coal in water behaves similarly to other suspended or deposited sediments by blocking light, which can negatively interfere with fish habitat.²⁷ Coal particulates can also find their way into the breathing apparatus of aquatic species, affecting their ability to survive. The suspended coal sediments can also reduce water clarity, which negatively impacts predator fish species from finding food.²⁸

In addition to the physical consequences in aquatic environments, unburnt coal also has chemical consequences on fish species. Studies in the past have shown that exposure to coal particles and dust can result in reduced growth rates in trout and reduced spawning success of fathead minnows.²⁹ Further, exposure to coal has been found to interfere with the mortality of Steelhead and Cutthroat trout.³⁰ Other consequences include the alteration of viral cellular metabolic processes in juvenile Chinook salmon.³¹ Additionally, it been found that the topping agents or surfactants sometimes used to “reduce” coal dust loss on trains, could actually boost the ability of coal pollutants to enter the environment.³²

<http://www.vancouversun.com/news/Ship+crashes+into+dock+Westshore+Terminals+spilling+coal+into+water+with+video/7667184/story.html>.

²⁶ R. Johnson, and R.M. Bustin, *Coal dust dispersal around a marine coal terminal (1977-1999)*, *British Columbia: The fate of coal dust in the marine environment*, International Journal of Geology, 2006.

²⁷ M.J Ahrens and D.J. Morrisey, 2005.

²⁸ D.H. Wilber and D.G. Clarke, *Biological effects of suspended sediments: a review of suspended sediment impacts on fish and shellfish with relation to dredging activities in estuaries*, North American Journal of Fisheries Management, 2001.

²⁹ D.W. Herbert and S.M. Richards, *The growth and survival of fish in some suspension of solids of industrial origin*, Air Water Pollution, 1963.

³⁰ C.F. Pautzke, *Studies on the effect of coal washings on Steelhead and Cutthroat Trout*, Transactions of the American Fisheries Society, 1938.

³¹ P.M. Campbell and R.H. Devlin, *Increased CYP1A1 and ribosomal protein L5 gene expression in a teleost: the response of juvenile Chinook salmon to coal dust exposure*, Aquatic Toxicology, 1997.

³² Ashley Ahearn, 2013.

Oxidizing coal particles also reduce dissolved oxygen levels, which create adverse living conditions for bottom dwelling species.³³ These negative conditions can have reverberating impacts up the food chain. And in freshwater ecosystems, mineral salts in coal oxidize when exposed to water, which can increase the salinity of the water.³⁴ Furthermore, acidic runoff from coal piles is a common problem at these types of terminals, and with high sulfur coal, the runoff in freshwater streams can reduce the diversity of aquatic species.³⁵

The agencies also must consider cumulative water resource impacts flowing from reasonably foreseeable coal mines in the Powder River Basin or in Utah or Colorado (e.g., disruption of hydrologic systems, pollution impacts), as well as impacts to water resources that would be expected from burning the coal and disposal of coal combustion waste, whether domestically or overseas. The DEIR must assess these impacts and detail how federal, state, and local water quality standards will be met, monitored, and maintained.

E. The DEIR Must Consider the Public Safety Impacts from Transporting and Handling Coal at the VMT Project Site.

The impacts to public safety run the gamut from increased train traffic and vehicle accidents, increased derailments and concomitant emergency response, travel time delays at specific intersections, including the economic impacts of those delays, and impacts to/delay of emergency services (i.e., fire, police, EMT).

In addition to the threat of delay already acknowledged in the DEIR, the CEQA analysis must review the threats associated with coal train derailments. There were over 18 derailments of coal trains in the United States in the summer of 2012. In 2013, there were over 90 coal train-related incidents in the U.S. that include derailments, spills and other dumping, 36 of which were derailments. There is a serious risk to human health from a huge increase in coal train traffic along the route to and from the source of the coal and near the VMT project.

Coal dust has also been shown to be a cause of rail bed instability and derailments, which can pose a significant public safety hazard. As the Surface Transportation Board (“STB”), which found coal dust to be “a pernicious ballast foulant,” *see* Surface Transportation Board Decision, *Arkansas Electric Cooperative Corporation – Petition for Declaratory Order*, Docket No. FD 35305 (Mar. 3, 2011),³⁶ acknowledged in its coal dust proceeding, the quantity of coal emitted by

³³ R. Johnson and R.M. Bustin, 2006.

³⁴ M.J Ahrens and D.J. Morrisey, 2005.

³⁵ M.C. Swift, *Effects of coal pile runoff on stream quality and macroinvertebrate communities*, Journal of American Water Resources Association, 1985.

³⁶ *Available at:*

[http://www.stb.dot.gov/decisions/readingroom.nsf/WebDecisionID/40436?\(OpenDocument\)](http://www.stb.dot.gov/decisions/readingroom.nsf/WebDecisionID/40436?(OpenDocument)).

a train into the air, water and onto tracks is not insignificant.³⁷ An average of 500 pounds of coal dust per rail car is lost during each trip. BNSF Railway, Coal Dust Frequently Asked Questions (2011).³⁸ Each train is composed of 120 cars or more. *See* Hearing, July 29, 2010, Arkansas Electric Cooperative Association—Petition for Declaratory Order, Surface Transportation Board, Docket No. FD 35305 at 42:5-13. The risk of train derailments is heightened on lines with heavy coal-train traffic. “Coal dust, even in small amounts, poses a real threat to the integrity of the ballast section and track stability.” *Id.* at 46:18-20. *See* Surface Transportation Board Hearing Transcript (STB Hearing Transcript), Re: *Arkansas Electric Cooperative Corporation – Petition for Declaratory Order*, Docket No. FD 35305 (July 29, 2010).

F. The DEIR Must Consider the Overall Economic Impacts of Coal Exports.

The CEQA analysis must further review the economic impacts of this project. Issues here include the impact of increases in train traffic on real estate values and damage to property from coal dust, diesel emissions, vibration, and noise. There are also serious concerns relating to the impact of an increase in coal rail traffic on other non-coal shippers of freight by rail, including ports and shippers of agricultural products. These same issues may affect passenger rail interests. These significant rail traffic increases are likely to create major impacts on communities affected by vehicle traffic problems related to delays at non-grade separated railway crossings, which will affect non-rail freight mobility, access to ports, retailers, tourist centers, and employers. On the marine side, there are likely to be significant economic impacts on marine dependent industries, such as commercial fisheries and shellfish growers, tourism, and other businesses.

³⁷ The STB has conducted two proceedings related to coal dust, referenced at Docket numbers 35557 and 35305. *See* <http://www.stb.dot.gov/newsrels.nsf/219d1aee5889780b85256e59005edefe/72355569b86fcf0485257950006d6966?OpenDocument>.

³⁸ Copy on file with Sierra Club. BNSF website has been taken down but a copy of the webpage is available at: <http://www.coaltrainfacts.org/docs/BNSF-Coal-Dust-FAQs1.pdf>

VIII. THE CEQA ANALYSIS MUST ANALYZE A REASONABLE RANGE OF ALTERNATIVES, INCLUDING NO FOSSIL FUEL EXPORTS.

The analysis of alternatives lies at “the core of an EIR.” *See Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal. 3d 553 at 564; *see also* Pub. Res. Code § 21002.1(a). In this analysis, the EIR must consider a reasonable range of alternatives that would avoid or substantially lessen this impact while feasibly attaining most of the Project’s basic objectives. *See* Pub. Res. Code § 21100(b)(4); Guidelines § 15126.6(a). The purpose of this analysis is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. *See Citizens of Goleta Valley*, 52 Cal.3d 553 at 564. Thus, the EIR “protects not only the environment but also informed self-government.” *Id.* If the lead agency refuses to consider a reasonable range of alternatives or fails to support its analysis with substantial evidence, the purposes of CEQA are subverted. *See San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal. App. 4th 713 at 735-38. If a feasible alternative exists that will meet the project’s objectives while reducing or avoiding its significant environmental impacts, the project may not be approved. Pub. Res. Code § 21002. In addition to the need for thorough consideration of the impacts of permitting fossil fuel exports, the DEIR must consider the option of not including fossil fuel exports out of the VMT Project.

Sincerely,

/s/

Brianna Fairbanks
Staff Attorney
Sierra Club

From: doug [<mailto:ddf4life@sbcglobal.net>]
Sent: Monday, November 02, 2015 11:39 AM
To: Andrea Ouse <Andrea.Ouse@cityofvallejo.net>
Subject: Submittal to DEIR/ Solano Sierra Club

Andrea,

Please find attached, to submit to the DEIR from the Solano Sierra Club.

TY

Date: November 2, 2015

To: Andrea Ouse

Community & Economic Development Director City of Vallejo

From: Solano Sierra Club

Re: Response to DEIR for Vallejo Marine Terminal/Orcem

A DEIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.

The human health, environmental and financial risks associated with this proposed project tip the scales in favor of the Developer only. The approval of this plan would be a disaster for the City, the Community and the Environment.

Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project." (CEQA Guidelines, § 15125, subds. (a), (c)The 7 to 8 year old environmental assessment and field work from a previous EIR included in this DEIR is out of date , it is inadequate to assess current conditions and therefore is not CEQA compliant as it fails to contribute any defensible data towards an environmental baseline from which comparative analyses can be performed Furthermore the DEIR in no way analyses the threat of invasive species transported locally by Ships and or their Cargo , this proposed cycle of Ships between Mare Island straits and ports around the world will have significant environmental impacts for the local ecosystem . Of major concern is the introduction of invasive species to our ecosystem. Exotic species are introduced into the Estuary in many ways But by far the most significant source of invasive species is the ballast water of container and bulk cargo ships. Ballast water is taken on board an empty ship at port in order to provide vessel stability for an ocean voyage. When the ship reaches its destination, it discharges ballast water containing tiny stowaways – the larvae of exotic marine organisms – in and around the local ports.

When these exotic plants and animals enter Bay waters, they are able to thrive, often out competing native species and dominating the ecological community. Scientists estimate that approximately one new exotic species comes to the San Francisco Bay every 14 weeks, so it is no surprise that the Bay is home to 240 invasive species comprising 97% of the total number of Bay organisms. Invasive species are successful because they can tolerate a range of environmental conditions and eat many different types of food. When they reach their new environment, individuals can grow and reproduce quickly in the absence of their natural predators, eventually establishing themselves as a large and

virulent population.

Invasive species wreak havoc on the Bay's ecosystem. The pervasive overbite clam, *Corbula amurensis*, is suspected to have entered the San Francisco Bay as larvae discharged with a ship's ballast water. Now the tiny clam can be found in huge numbers – 19,000 clams per square meter in some regions of the Bay. Because it can tolerate a variety of temperature and salinity conditions, it has truly thrived, to the detriment of the Bay. The invasive clam consumes phytoplankton at a rapid rate and limits the base of the food web, making San Francisco Bay a less productive ecosystem. It also assimilates contaminants in the water more readily than other clam species. As a result, the clams themselves actually become toxic and can poison the fish and ducks that feed on them.

Invasive species may come to the Bay as just a few tiny individuals, but it is nearly impossible to eliminate them once they have taken hold of the ecosystem. The best way to protect the Bay from the damage of more invasive species is to regulate the ships that carry them. In July 2008, San Francisco environmentalists won a legal victory to prevent the spread of invasive species in our waterways. The U.S. Court of Appeals for the Ninth Circuit ruled that the U.S. Environmental Protection Agency (EPA) must regulate ship discharges, including ballast water discharges containing invasive species, that pollute U.S. waters under the Clean Water Act.

But EPA's regulation alone won't be enough. The invasive species problem is severe, and the shipping industry must be closely monitored and regulated. **Laws now** require the implementation of mandatory ballast water treatment, which will effectively kill any organisms in ballast water before they can enter the Estuary ecosystem. The VMT and Orcem proposed projects have no reference at all to complying with these laws and so must be considered an oversight or omission of the DEIR preparation, as a new significant impact this requires a review and supplement or section revision to be in CEQA compliance (sources: Baykeeper, EPA, Cal EPA, USFWS, ACOE)

This proposed project will not only negatively affect the physical health of the people of Vallejo but it would also create a financial burden. Street maintenance alone could outweigh the proposed economics of this project.

“The Lead Agency holds the responsibility to accurately describe and represent actual facts and conditions” Without going into details, much of the descriptions within the DEIR are not current conditions or present-tense, but, future-tense. Future-tense descriptions are not CEQA compliant. The DEIR has a multitude of what can be clarified as “misrepresentations”

The City of Vallejo General Plan must be amended to incorporate this proposed project. The current General Plan does not recognize this proposed plan as compliant.

By the DEIRs own admission, **the negative impacts are substantial**. It should be noted, substantial enough for an entire community to take a strong stand against this proposed development.

When looking at “Environmental Factors Potentially Affected” 64 out of 89 Potential factors are marked as “Potentially Significant Impacts” 24 out of 25 are marked as “No Impact” Only 1 is marked as “Less Than Significant Impact” **Not a single item is marked as “Less Than Significant With Mitigation Incorporated”**. That in itself is alarming and speaks to the level of negative impacts associated with this proposed project.

The former Concord marine terminal is much more capable of handling the deep water shipping terminal needs. Omission of this alternative location should be seen as non-compliant with CEQA.

This proposed location includes a nearby “Eel Grass Colony” This proposed project could have irreversible negative impacts on this established underwater colony.

Is this proposed “Deep Water Marine Terminal” in compliance with International Shipping Standards?

What type of “shipping or marine terminal” expertise does the City of Vallejo have to be qualified for CEQA review?

For the sake of the Environment and a healthy community, the proposed project would be best suited to be implemented through the NEPA.

The Solano Sierra Club recommends the Alternative of “No Development” The risks associated are beyond responsible protection of human health and our environment.

Solano Sierra Club

From: B. Todi [<mailto:boudicca.todi@gmail.com>]
Sent: Monday, November 02, 2015 3:51 PM
To: Andrea Ouse <Andrea.Ouse@cityofvallejo.net>
Cc: FemmeFrazetta <Tothzegri@gmail.com>; Peter Brooks <peterjbrooks@msn.com>
Subject: VMT/Orcem - questions and comments Change.org petition attached

Andrea,

Please find attached the PDF of the expanded comments section of the change.org petition with 1,019 signatures against the proposed VMT/Orcem project at the Sperry Mill site in South Vallejo.

We felt strongly that all stakeholders should be able to voice their opinions: residents too intimidated by the complexity of the City's website, non-residents who live within the impact areas, and folks who do business or have family in Vallejo.

Thank you,
Boudicca Todi
Homeowner Vallejo
323-630-4794
www.linkedin.com/in/boudiccatodi

Please help Stop Vallejo from Cementing a Toxic Future



[Jessica Toth](#)

[Vallejo, CA](#)

1,019

Supporters

Say "No" to Deep-Water Terminal & Cement Production on San Francisco Bay -- sign before November 2, 2015.

All are welcome to sign this petition: Residents of Vallejo AND neighboring communities, family & friends, and visitors & tourists.

On the beautiful San Francisco bay, where it meets the Napa River, is the city of Vallejo. There is a 2-part project that needs "Heavy Industry" permits and rezoning in order to build a cement production plant with deep water terminal for cargo ships: VMT/Orcem. This is currently in a residential area where Families with Children live.

Residents of Vallejo are making it known that this project is too dangerous by writing the city. This change.org petition is for our supporters to add their voices to ours and say, "No, those of us who live downstream also think this is a bad project

for the densely populated San Francisco Bay Area." Please sign before October 7, 2015.

Though cleaning up the old waterfront and the remains of the 1869-2004 Starr flour mill is good, this is not the right project: Orcem proposes a "less" toxic green cement plant, but they will also manufacture the super toxic 'portland' cement. As well as the hazards to humans, this facility would operate 24/7/365 with all the noise, light, and shipping, rail and road traffic through dense residential neighborhoods.

Key statements from the environmental impact report:

Impact 3.2-6: The combined project operations would exceed the BAAQMD [Bay Area Air Quality Mgmt District] threshold for cancer risk.

Impact 3.3-9: The staging or stockpiling of potentially toxic deconstruction debris and materials such as concrete, asphalt, contaminated sediments or other materials, such as asbestos, that are awaiting disposal or reuse, as well as stockpiling new construction materials and equipment near or adjacent to the waterfront could result in the accidental release of these materials into the Napa

River and the Bay-Delta...

Full Report (executive summary pages 21-60)

<http://www.ci.vallejo.ca.us/cms/one.aspx?objectId=504593>

Please go to this site and comment. Resident Commentary

http://www.ci.vallejo.ca.us/living/connect/open_city_hall#peak_democracy

Vallejo has a toxic past, we want to see a green future. Create jobs and economic growth safely. Please help us keep the site used for general industrial or business/retail.

Vallejo is home to many children, lets give them and Vallejo a bright future.

KEY LIFE IMPACTS FOR RESIDENTS NOISE: 24/7/365

Pile driving, construction, and transportation noise galore will annoy humans along roads, railways, and water in all directions.

o Demolition & construction

o Ongoing manufacture & shipping operations (estimated max 189 trucks/day)

LIGHT: 24/7/365 light will irritate human neighbors at night. The processing plant replaces existing structures—but taller silos and adds 2 big docks and ships.

CRITTERS: All the above will hurt the fish and the birds and mammals during demo/construction. *Non-native species that ride along with the bulk cargo ships will be ongoing.

AIR & WATER: For the sake of a 100 jobs we could live with the above! But what we cannot live with is increased risks of cancer and silicosis (miner's lung disease). Even with state-of-the art processing, the transportation and storage of the dust containment's in the air + emissions + pollutants in water/bay could all add up to a big problem. If they decide to produce cheaper portland cement, then those risks increase. (p.362-368, p.671)

RESOURCE USE: Why not solar power from day 1? Can PG&E and Water dept. really keep up?

Letter to
Vallejo City Council and Planning Division
Please help Stop Vallejo from Cementing a Toxic Future

Updates

1. 5 days ago
1,000 supporters
 2. 2 weeks ago
Petition update
-

PUBLIC MEETING OCTOBER 25TH!

[Public meeting on the Draft Environmental Impact Report, SUNDAY OCTOBER, 25, 4-6pm. Please attend if you can, and make your voice...](#)

[5 comments](#)

3. 2 weeks ago
Petition update
-

Thank You for Signing!

[The deadline has been extended to Nov. 2, 2015. Please share this petition. We still need to boost the signal as many Vallejo residence are still unaware of Orcem. We are fighting for clean Air and Water, as well as the health...](#)

[1 comment](#)

4. 1 month ago
750 supporters
5. 1 month ago
Jessica Toth started this petition

Reasons for signing

- [Most Popular](#)
- [Latest](#)
- [Betty Carson](#) VALLEJO, CA
 - about 20 hours ago
 - Liked 0

The company is already dehumanizing us by calling us "receptors" of their planned air pollution! I am asthmatic, as are so many people here, most of which are children and elderly (I am 70). Vallejo does NOT belong to the City officials.. it belongs to every man, woman and child that lives here! WE and WE ALONE should have the say in this. People who are FOR it do not even live here.

- [Taylor Fulmore](#) VALLEJO, CA
 - 2 days ago
 - Liked 0

I'm signing because I care about my hometown!

- [Thomas Arie Donch](#) VALLEJO, CA
 - 3 days ago
 - Liked 0

This is very bad for Vallejo on a number of fronts and for its future economic growth.

- [Christopher Vardijan](#) VALLEJO, CA
 - 3 days ago
 - Liked 0

This is a terrible idea for Vallejo. Do you want us to be the next Richmond or the next Sausalito?

This makes Vallejo polluted, and unwelcoming to new money coming in

This makes Vallejo polluted, and unwelcoming to new money coming in.

It creates very few jobs, while other projects in that space can create thousands.

Don't let them build this plant here. It will be the biggest mistake this city has made, and it will destroy our future!

- [Kaden Kratzer](#) REDWOOD CITY, CA
 - 4 days ago
 - Liked 0

This toxic legacy has no place in our bay area.

- [Diane Fenster](#) PACIFICA, CA
 - 4 days ago
 - Liked 0

bad for the environment and the

Bay. :

This comment is inappropriate

- [Treva Nervis](#) BENICIA, CA
 - 4 days ago
 - Liked 0

because its good for Vallejo and the

enviornment :

This comment is inappropriate

- [Mike Erickson](#) VALLEJO, CA
 - 5 days ago
 - Liked 0

Vallejo deserves a better business, enviromentally, than

this. :

This comment is inappropriate

- [Judy Heyman](#) VALLEJO, CA
 - 6 days ago
 - Liked 0

Don't pollute our town!! Vallejo can choose better options for Mare

Island. :

This comment is inappropriate

- [Disna Hamid](#) VALLEJO, CA
 - 6 days ago
 - Liked 0

I love Vallejo & it's lovely waterfront. I enjoy walking along the river. It is one of the reasons I purchased my home in 2001. I would hate to have an industrial plant locate in the old Genersl Mills site. Surely we can come up with something that does not destroy our air, water & quiet neighborhoods. We in Vallejo & the city council in particular should keep The waterfront as one of our greatest assets & plan ways to maximize the use of it for all Vallejoans.

:

This comment is inappropriate

Report Cancel

- [Barbara Luck](#) VALLEJO, CA
 - 6 days ago
 - Liked 0

The environmental impact of this looks like a complete disaster. I don't want the noise and traffic of this in my backyard. And I certainly don't want the toxic materials. We don't need to think that something is better than nothing on one of the last undeveloped waterfronts in the Bay Area. Something bad is much worse than nothing.

:

This comment is inappropriate

Report Cancel

- [Yvette Luke](#) VALLEJO, CA
 - 7 days ago
 - Liked 0

I'm signing because I am against projects that produce toxic

waste. :

This comment is inappropriate

Report Cancel

- [Adam Butler](#) PHILADELPHIA, PA
 - 7 days ago
 - Liked 0

There is overwhelming opposition to this project from Vallejo residents due to the many environmental and health concerns which would affect the area.

:

This comment is inappropriate

Report Cancel

- [Keilani Maluto](#) VALLEJO, CA
 - 7 days ago
 - Liked 0

I'm signing this because I live in Vallejo, and I do not believe that having that place with be safe for our environment

:

This comment is inappropriate

Report Cancel

- [Natalja Kit](#) OAKLEY, CA
 - 7 days ago
 - Liked 0

I'm signing because I care :

This comment is inappropriate

Report Cancel

- [Ian Francis Yu](#) SAN JOSE, CA
 - 8 days ago

- 8 days ago
- Liked 0

I've worked for and researched communities that have mixed industry and residential zones, and this is a big NO. Please sign!

:

This comment is inappropriate

- [Loren Sorensen](#) VALLEJO, CA
 - 8 days ago
 - Liked 0

I am totally opposed to this

project. :

This comment is inappropriate

- [Dominique Burgess](#) DISCOVERY BAY, CA
 - 9 days ago
 - Liked 0

I don't want this in my community I work

in :

This comment is inappropriate

- [Dan Golesh](#) VALLEJO, CA
 - 11 days ago
 - Liked 0

Allowing a cement plant to be erected along the waterfront is the absolutely dumbest idea the City Council ever came up with. To have 300 cement trucks per day coming and going will ruin the roads, create unwanted noise and make the waterfront an undesirable place to visit. If you want to generate revenue and do something positive for the city, why don't you look at putting a college campus on Mare Island? That would generate both revenue and jobs and would make Vallejo even more desirable since students would not have to travel to Concord, Berkeley, Oakland or San Francisco to attend classes. You can use the example of what the cities of Seaside and Monterey did with the old Fort Ord site,

:

This comment is inappropriate

- [Robert Leone](#) COOL, CA
 - 12 days ago
 - Liked 0

I am a concerned citizen that doesn't feel this is a safe project for the already polluted

bay. :

This comment is inappropriate

- [Jordan Zaragoza](#) MARINA, CA
 - 12 days ago
 - Liked 0

i am signing this because I am against the toxic future for Vallejo

i am signing this because I am against the toxic future for

Vallejo :

This comment is inappropriate

- [Kevin Sharps](#) VALLEJO, CA
 - 14 days ago
 - Liked 0

Kevin Sharps

:

This comment is inappropriate

- [Raffy Vic Aquino](#) VACAVILLE, CA
 - 14 days ago
 - Liked 0

My family and friends live in Vallejo and they have suffered

enough. :

This comment is inappropriate

- [Cari Avist](#) FAIRFIELD, CA
 - 15 days ago
 - Liked 0

I am extremely passionate about providing an environment for our future generations that will be in much better condition than it is currently

:

This comment is inappropriate

- [Tiffani Walton](#) FLORENCE, AL
 - 15 days ago
 - Liked 0

I am signing this because I grew up in Vallejo. My sister was born there and . I also have family that have remained there because they believe in this town. Don't let the residents of Vallejo down! Keep them safe and healthy!

:

This comment is inappropriate

- [Mariah Ortiz](#) VALLEJO, CA
 - 15 days ago
 - Liked 0

I want clean air in my city :

This comment is inappropriate

- [Francis Arrostituto](#) VALLEJO, CA
 - 16 days ago

- o Liked 0

I don't want toxic air in my

town. :

This comment is inappropriate

Report Cancel

- [Laurie Holland](#) VALLEJO, CA
 - o 16 days ago
 - o Liked 0

I do not want this cement plant in the community in which I live, work, and dedicate my time to bettering the community.

:

This comment is inappropriate

Report Cancel

- [Shari Miller](#) WALNUT CREEK, CA
 - o 16 days ago
 - o Liked 0

I'm a Vallejo resident. This cement plant has no business being here. The environmental ramifications are a nightmare for the residents and the region.

:

This comment is inappropriate

Report Cancel

- [Sam Yamahma](#) VALLEJO, CA
 - o 16 days ago
 - o Liked 0

Say NO to cement dust all over our beautiful

city!:

This comment is inappropriate

Report Cancel

- [MONTSE ENRIQUEZ](#) LONDON, UNITED KINGDOM
 - o 17 days ago
- Liked 0

No cement dust clouds on our

waterfront!:

This comment is inappropriate

Report Cancel

- [Kerin Schiesser](#) VALLEJO, CA
 - o 17 days ago
 - o Liked 0

I live in Vallejo, and the beauty of our waterfront areas is part of the charm that - in fact and in potential - can help the town in it's current improvement and growth cycle. I think a cement plant like this will negatively impact the city FAR more than it helps. Traffic, water use, pollution - there are many reasons why this is a bad idea. And right from the beginning they have said that they don't guarantee to only make "green" cement.

:

This comment is

This comment is inappropriate

- [matt warren](#) ALAMEDA, CA
 - 17 days ago
 - Liked 0

hay vallejo...WTF?!?!? we dont want your Toxic

Future. :

This comment is inappropriate

- [Richard Haiyd](#) VALLEJO, CA
 - 18 days ago
 - Liked 0

More art galleries! Say no to dirty

jobs!:

This comment is inappropriate

- [Paul Cotten](#) VALLEJO, CA
 - 19 days ago
 - Liked 0

I live and work near this project and am certain it is not in Vallejo's best

interest. :

This comment is inappropriate

- [Wun Hungduk](#) VALLEJO, CA
 - 20 days ago
 - Liked 0

This project good for

Vallejo :

This comment is inappropriate

- [Nancy Baldauf](#) ELYRIA, OH
 - 21 days ago
 - Liked 0

I used to live on the Bay, and it remains dear to me. Please don't spoil the SF Bay, and destroy tourism for

all. :

This comment is inappropriate

- [Bret Culpepper](#) LA VERNE, CA
 - 22 days ago
 - Liked 0

The last thing that is needed is another Heavy Industry polluter no matter how Green they say they

are. :

This comment is

inappropriate

Report Cancel

- [Amy Kinnard](#) VALLEJO, CA
 - 23 days ago
 - Liked 0

I don't want my city becoming a toxic

dump!:

This comment is inappropriate

Report Cancel

- [Preston McCullough](#) VALLEJO, CA
 - 23 days agoLiked 0

I'm against the cement factory being put in

Vallejo. :

This comment is inappropriate

Report Cancel

- [debbie blocker](#) VJO, CA
 - 24 days ago
 - Liked 0

I love vallejo has a great future if more cared

I grew up here

:

This comment is inappropriate

Report Cancel

- [David Richards](#) VALLEJO, CA
 - 24 days ago
 - Liked 0

I think Vallejo has WAY more to offer than to just become a factory

town. :

This comment is inappropriate

Report Cancel

- [Amanda Meyer](#) EUGENE, OR
 - 25 days ago
 - Liked 0

I care about Vallejo. I used to live there and I value the

waterfront. :

This comment is inappropriate

Report Cancel

- [Valerie Branch](#) VALLEJO, CA
 - 25 days ago
 - Liked 0

I value living in a city that puts the health of its residents first, and support development of the proposed site for residential and retail use that all can enjoy.

:

This comment is inappropriate

Report Cancel

- [karissa gallo](#) VALLEJO, CA
 - 25 days ago
 - Liked 0

I'm signing because I think this is going to negatively effect our whole city! Health problems, safety and traffic problems, property values decrease, and Its not even bringing very many jobs to Vallejo. We can do so much better than this.

:

This comment is inappropriate

Report Cancel

- [Cynthia Rayo](#) VALLEJO, CA
 - 26 days ago
 - Liked 0

I don't think it is worth risking

lives. :

This comment is inappropriate

Report Cancel

- [Fernando Diaz](#) BALTIMORE, MD
 - 26 days ago
 - Liked 0

Life is first

:

This comment is inappropriate

Report Cancel

- [Becca Colbaugh](#) VALLEJO, CA
 - 26 days ago
 - Liked 0

I do not support

:

This comment is inappropriate

Report Cancel

- [Maureen Murphy](#) SAN FRANCISCO, CA
 - 26 days ago
 - Liked 0

Vallejo has a great future ahead but this will not be benefited by a cement plant with increased rates of cancer and pollution to the locals. This will only reduce the options for future companies to join our community. The instant gratification of a new industry In the area does not outweigh the long term effects.

:

This comment is inappropriate

Report Cancel

- [Charles Bartlett](#) VALLEJO, CA
 - 26 days ago

- 26 days ago
- o Liked 0

The City of Vallejo should not pursue a development project that may include the production of Portland cement and further contaminate the environment and waterways.

:

This comment is inappropriate

Report Cancel

- [Jeannine Pires](#) VALLEJO, CA
 - o 26 days ago
 - o Liked 0

I live in Vallejo and don't think this is

safe!:

This comment is inappropriate

Report Cancel

- [Skot Croshere](#) VALLEJO, CA
 - o 26 days ago
 - o Liked 0

No toxic cement factory!:

This comment is inappropriate

Report Cancel

- [gina young](#) VALLEJO, CA
 - o 26 days ago
 - o Liked 0

I am a Vallejo resident and I am extremely concerned about the health risks that this factory would pose to my children and grandchildren.

:

This comment is inappropriate

Report Cancel

- [Thomas Bilbo](#) VALLEJO, CA
 - o 26 days ago
 - o Liked 0

I want Vallejo to move forward for the benefit of all it's citizens, not just a few. Further, I do not believe that the city management has the best interest of Vallejo in mind. The Jumpstart group of council members should be held liable for their actions, and ousted from office.

:

This comment is inappropriate

Report Cancel

- [jaime gon](#) VALLEJO, CA
 - o 26 days ago
 - o Liked 0

Im care about the future :

This comment is

inappropriate

Report Cancel

- [Demetra Stall-Nash](#) VALLEJO, CA
 - 26 days ago
 - Liked 0

I don't want any Toxic cement Company to disrupt our future for a beautiful Vallejo!

This comment is inappropriate

Report Cancel

- [joan faires](#) VALLEJO, CA
 - 27 days ago
 - Liked 0

no me gusta ensuciar el rio

napa :
This comment is inappropriate

Report Cancel

- [Debbie Clay](#) VALLEJO, CA
 - 27 days ago
 - Liked 0

No more hazardous industry on historic mare island. Let's use it for housing, schools, movie and tv studios, restaurants, breweries, and artists space.

This comment is inappropriate

Report Cancel

- [Joni Bolland](#) VALLEJO, CA
 - 27 days ago
 - Liked 0

Vallejo has worked too hard rebuilding the city after a total, financial and community break down to bring in pollution, massive noise and truck congestion, and few jobs. No on the cement factory.

This comment is inappropriate

Report Cancel

- [Douglas Trieschman](#) VALLEJO, CA
 - 27 days ago
 - Liked 0

I'm signing because I think there are alternative solutions for this space that are better for the environment and our community. Vallejo will not benefit from this and as a newer resident I feel like the city has the option to truly be the "City of Opportunity" and not approve this!

This comment is inappropriate

Report Cancel

- [Jacob roberts](#) VALLEJO, CA
 - 27 days ago
 - Liked 0

I love vallejo and don't want to see this toxic

company. :

This comment is inappropriate

- [Joan Holthusen](#) SAN JOSE, CA
 - 27 days ago
 - Liked 0

The serene environment needs to be

preserved :

This comment is inappropriate

- [Julie Gabbard](#) VALLEJO, CA
 - 27 days ago
 - Liked 0

I own a home here and want to see Vallejo grow with clean business that won't pollute our city and waterways. Don't allow them here.

:

This comment is inappropriate

- [Kathleen Gifford](#) VALLEJO, CA
 - 27 days ago
 - Liked 0

Toxic-and only 40 jobs? No good enough for

Vallejo. :

This comment is inappropriate

- [Waite Colbaugh](#) OKLAHOMA CITY, OK
 - 27 days ago
 - Liked 0

This plant will cause air, water, light and noise pollution and will cause long term negative effects on the areas property values.

:

This comment is inappropriate

- [Keith Kjar](#) VALLEJO, CA
 - 27 days ago
 - Liked 0

The proposed project is by no means clean & will have a negative impact on South

Vallejo. :

This comment is inappropriate

- [Birgit Rickert](#) VALLEJO, CA
 - 27 days ago
 - Liked 0

- Liked 0

This is NOT the answer to Vallejo's economic

development :

This comment is inappropriate

Report Cancel

- [D. L. Chaban-Delmas](#) PALM SPRINGS, CA
 - 27 days ago
 - Liked 0

I am a homeowner in the Bay Area, a 4th generation SF'n, and I do NOT want our children and grandchildren to suffer the consequences. Do you? I cannot imagine you would perpetrate this toxic situation on your loved ones.

:

This comment is inappropriate

Report Cancel

- [Anita Yaffe](#) VALLEJO, CA
 - 27 days ago
 - Liked 0

too many heavy trucks in a residential

neighborhood :

This comment is inappropriate

Report Cancel

- [Ann Cohen](#) WALNUT CREEK, CA
 - 28 days ago
 - Liked 0

Vallejo had been cleaning up it's city and bringing a cement factory will bring cancer causing

pollution :

This comment is inappropriate

Report Cancel

- [Judy Terry](#) THERMALITO,, CA
 - 28 days ago
 - Liked 0

I do not want to see the bay polluted by anything. When I was young the SF Bay was a sewer, nothing like that should ever happen again.

:

This comment is inappropriate

Report Cancel

- [Matthew Decker](#) VALLEJO, CA
 - 28 days ago
 - Liked 0

Because I do not want the quality of life in Vallejo

compromised. :

This comment is inappropriate

Report Cancel

- [Hilary Aitken](#) OAKLAND, CA

o 28 days ago

Liked 0

For the benefit of a select few the city is wagering the quality of life of

many. :

This comment is inappropriate

Report Cancel

- [Sarah Nichols](#) VALLEJO, CA

o 28 days ago

o Liked 0

This is an inappropriate development for Vallejo's

waterfront!:

This comment is inappropriate

Report Cancel

- [Victoria Wells Wells](#) SAN RAFAEL, CA

o 28 days ago

o Liked 0

I care for the environment and care for people lives and our future.

:

This comment is inappropriate

Report Cancel

- [Dennis Ocampo](#) VALLEJO, CA

o 29 days ago

o Liked 0

Health concerns (Asthma).

Too few jobs and income generated. Negative impact on home

values. :

This comment is inappropriate

Report Cancel

- [Steve Keith](#) SAN FRANCISCO, CA

o 29 days ago

o Liked 0

vallejo deserves so much better than

this. :

This comment is inappropriate

Report Cancel

- [billy williams](#) VALLEY SPRINGS, CA

o 29 days ago

o Liked 0

Just doesn't look like somethig Vallejo Napa area

needs!:

This comment is inappropriate

Report Cancel

- [Leigh Walters Manning](#) SEATTLE, WA
 - 30 days ago
 - Liked 0

Cement plants are at the top of the EPA's list of toxic industrial polluters. Not only will a cement plant be dangerous to the health and well being of Vallejoans and those in the surrounding community, but it will be an eyesore and not the kind of forward-looking business that would enhance Vallejo versus making it an even less desirable place to live.

:

This comment is inappropriate

- [Teresa Barbour](#) SAN RAFAEL, CA
 - 30 days ago
 - Liked 0

The environmental impact on this community as a whole, their health and well being has not been properly taken into consideration before implementation was begun. This is not a good thing for the people of this area.

:

This comment is inappropriate

- [John Butterfield](#) BERKELEY, CA
 - 30 days ago
 - Liked 0

this has no long term vision or takes the character of the place into view. Short sided and greed

driven :

This comment is inappropriate

- [Vita Callari](#) VALLEJO, CA
 - 30 days ago
 - Liked 0

Vallejo is a hidden gem. Lets not make this a dumb site for hazard business industries. Stop the

insanity :

This comment is inappropriate

- [Paula McConnell](#) VALLEJO, CA., CA
 - about 1 month ago
 - Liked 0

It will strongly disrupt, and endanger the citizens of

Vallejo. :

This comment is inappropriate

- [Linda Gholson Detwiler](#) FRISCO, CO
 - about 1 month ago
 - Liked 0

That is where I was born & raised & there have been to many buildings destroyed there

:

This comment is inappropriate

Report Cancel

- [Meredith Gregory](#) VALLEJO, CA
 - about 1 month ago
 - Liked 1

I live upwind of the proposed plant and believe it will be hazardous to several established neighborhoods, especially during construction. Our roads are already deplorable and extra truck will destroy what little is left.

:

This comment is inappropriate

Report Cancel

- [Guy woods](#) VALLEJO, CA
 - about 1 month ago
 - Liked 1

The property use is best for a condo like apartment building with a wharf for parking boats. City of Camden N.J. (see Ny Times Sept 30 2015) has the right idea for their waterfront property The developer Michael Marcus of Jones Lang LaSalle is building a hotel retails space and residential units his would be a better use for this beautiful property on the water of Vallejo Guy Woods

:

This comment is inappropriate

Report Cancel

- [Janice Moore](#) MAGALIA, CA
 - about 1 month ago
 - Liked 1

keep it clean

:

This comment is inappropriate

Report Cancel

- [Jonah Nickolds](#) FAIRFAX, CA
 - about 1 month ago
 - Liked 1

I love how Vallejo has been developing into such a wonderful, active and friendly community, and will continue to do so, unless it is ruin by heavy industry!

:

This comment is inappropriate

Report Cancel

- [Wanda Hoff](#) JANESVILLE, WI
 - about 1 month ago
 - Liked 1

It is too heavily populated an area to exceed the threshold for cancer risk. The environmental impact is too much!!!

:

This comment is inappropriate

Report Cancel

- [April Keegan](#) MARTINEZ, CA
 - about 1 month ago
 - Liked 1

This is bad!

:

This comment is inappropriate

- [karen black](#) VALLEJO, AMERICAN SAMOA
 - about 1 month ago
 - Liked 1

I lived near a simmlar plant in berekely. We had many problems with the cement laden trucks leaving the sight. Noise, street and air pollution.

:

This comment is inappropriate

- [David Moreno](#) VALLEJO, CA
 - about 1 month ago
 - Liked 1

I want too

:

This comment is inappropriate

- [Anne Carr](#) VALLEJO, CA
 - about 1 month ago
 - Liked 1

The cement plant and marine terminal have WAY too many downsides, way too few benefits. 300 big rigs a day on Lemon St? Toxic pollution for all the kids & seniors in s Vallejo? And all this for hardly any jobs, hardly any revenue to the City? Bad deal, bad idea. If you breathe, it's a problem!

:

This comment is inappropriate

- [Ben Aller](#) VALLEJO, CA
 - about 1 month ago
 - Liked 1

Just bought a house in Vallejo, don't want this toxic mess in our front yard, right when Vallejo is starting to become a more attractive city to live and work in. I moved a business here too and am providing jobs without polluting the environment or ticking off my neighbors.

More tech and tourism, not toxic waste for almost 0 jobs...not worth it!

Thanks

:

This comment is inappropriate

- [Janine Ryle](#) SAN FRANCISCO, CA
 - about 1 month ago

- o about 1 month ago
- o Liked 0

Not only is this project dangerous, it takes away from the Vallejo waterfront. Stop this project now!:

This comment is inappropriate

Report Cancel

- [Adam Aflague](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

Its a bad idea bad for the environment among so many other

things. :

This comment is inappropriate

Report Cancel

- [Tyler Wonacott](#) CLEVELAND, OH
 - o about 1 month ago
 - o Liked 0

Less toxic is still toxic :

This comment is inappropriate

Report Cancel

- [kailyn Johnson](#) FAIRFIELD, CA
 - o about 1 month ago
 - o Liked 0

I understand what i read and if its true, it would be a major problem in the future of

Vallejo. :

This comment is inappropriate

Report Cancel

- [James Mortlock](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

This is wrong.

:

This comment is inappropriate

Report Cancel

- [Michael Sparks](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I dont want this pollution in my

city :

This comment is inappropriate

Report Cancel

- [Robin Watson-Bird](#) LIVERMORE, CA
 - o about 1 month ago

- o Liked 0

I was born and raised in Vallejo and my family still lives there. The fish as well as the water in the napa river and bay are polluted enough. We do't need more physical pollution there in addition to the noise pollution this will also bring!

:

This comment is inappropriate

Report Cancel

- [Doritina Phenix](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I am signing because this would be a horrible addition to the city. Maybe take a step back and ask the citizens what could be a possible/helpful addition to the city.

:

This comment is inappropriate

Report Cancel

- [Lynda Gregor](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I only want good businesses in

Vallejo :

This comment is inappropriate

Report Cancel

- [curtis pruit](#) AMERICAN CANYON, CA
 - o about 1 month ago
 - o Liked 0

Even though this will bring employment opportunities to Vallejo the risks out weighs the benefits. :

This comment is inappropriate

Report Cancel

- [Linda Hall](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

The noise and air pollution plus water traffic will be unbearable for the Vallejo residents living in the hills on Sandy Beach Drive

:

This comment is inappropriate

Report Cancel

- [ADAM CHAVEZ](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I am signing because this will unsightly addition to our Napa River entrance to Vallejo and completely out of context with what development should be along the waterfront if we want to attract people.

:

This comment is inappropriate

This comment is inappropriate

- [Ellia Bisker](#) BROOKLYN, NY
 - about 1 month ago
 - Liked 0

I have dear friends in Vallejo and have visited their beautiful home in an interesting town with a bright future. Please don't turn it into a polluted industrial wasteland.

:

This comment is inappropriate

- [Patti Winkler](#) FAIRFIELD, CA
 - about 1 month ago
 - Liked 0

We need to keep our water ways clean & make better environmental choices than our parents generation

did. :

This comment is inappropriate

- [Penney Timm](#) RICHMOND, CA
 - about 1 month ago
 - Liked 0

We need less toxic industry in the Bay Area, and should not allow any new projects that would be detrimental to the health of the residents around it.

:

This comment is inappropriate

- [Stephanie Mays](#) FAIRFIELD, CA
 - about 1 month ago
 - Liked 0

I'm signing because I love our city and how it's growing and feel this would end up ruining the city in so many ways. Pollution & traffic for a few temporary jobs is definitely not the path Vallejo needs to take!

:

This comment is inappropriate

- [Donnalisa Gonzalez](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

i live in Vallejo by the mare island and my child goes to school on mare island. I don't my child's health at risk for profit.

:

This comment is inappropriate

- [Starlyn Ragland](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

Im signing this because it's not good for the air and people will get sick pluse we don't need this in

Vallejo . :

This comment is inappropriate

- [Melinda Swallow](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I do not want to see our channels destroyed by

cement. :

This comment is inappropriate

- [cc castro](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

This has no place in our

town :

This comment is inappropriate

- [Daniel Hagy](#) NEW YORK, NY
 - o about 1 month ago
 - o Liked 0

Because I grew up in Vallejo and this is not safe or environmentally sound. I say NO to Cement Production on San Francisco Bay.

:

This comment is inappropriate

- [john raible](#) COTTAGE GROVE, MN
 - o about 1 month ago
 - o Liked 0

Vallejo is my home town. I love Vallejo and it does deserve

better. :

This comment is inappropriate

- [Kravets Kathleen](#) PASO ROBLES, CA
 - o about 1 month ago
 - o Liked 0

I lived in Vallejo for 25 years until recently. This is a horrible, toxic mistake waiting to happen. Vallejo has suffered for decades from shortsighted actions from civic officials having disastrous consequences for decades (i.e. the razing of the historic district downtown, ridiculous policies by overpaid out of town managers and more. Don't let this be another catastrophe that the coming generations will be made to suffer. Vallejo deserves better, cleaner solutions.

:

This comment is inappropriate

- [Tamara Brandstater](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

This port is too close to housing and schools to operate as heavy industrial. In addition the trucking traffic and train traffic pose significant safety risks for our community.

:

This comment is inappropriate

- [Rhonda Hise](#) MCALESTER, OK
 - about 1 month ago
 - Liked 0

I was born and raised in Vallejo and I'm for the

residents!:

This comment is inappropriate

- [Delight Pendola](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

I'm signing because of the added air pollution, 24/7 noise, lights and truck traffic on our already poor roadways and the Hwy 80 congestion at Vallejo. I am very concerned about train congestion causing delayed emergency services.

:

This comment is inappropriate

- [Juliana Gaul](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

Vallejo needs businesses, but not polluting, cancer causing businesses! Just say NO to bad

business!:

This comment is inappropriate

- [susan laub](#) CONCORD, CA
 - about 1 month ago
 - Liked 0

My Vallejo friends read the whole 700 page proposal. Toxic and no real jobs for Vallejo

people. :

This comment is inappropriate

- [Shamus Thornton](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

The EIR reveals this 24/7 heavy industry right on our waterfront would bring cancer, noise, dust, traffic, long trains, and endless light. It would lower the property values in all of Vallejo.

:

This comment is inappropriate

Report Cancel

- [Faustino Gamulo III](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I do not want my children to be exposed to any additional

pollution. :

This comment is inappropriate

Report Cancel

- [Sean Robinson](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

Vallejo deserves better :

This comment is inappropriate

Report Cancel

- [Adrienne studer](#) AMERICAN CANYON, CA
 - o about 1 month ago
 - o Liked 0

i am a lifelong Vallejo

resident :

This comment is inappropriate

Report Cancel

- [Mary Rodrick](#) BEVERLY, MA
 - o about 1 month ago
 - o Liked 0

Environmentally this is a bad project for Vallejo. The small amount of tax revenue it will bring is negligible compared to the cost to the residents.

:

This comment is inappropriate

Report Cancel

- [LeloraAtkins Atkins](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

this is my backyard!:

This comment is inappropriate

Report Cancel

- [Alex Chaney](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

Vallejo needs to attract some of that Silicon Valley tech wealth. and this will only reveal that. Why aren't we

Vallejo needs to attract some of that Silicon Valley tech wealth, and this will only repel that. Why aren't we both San Francisco and Sacramento attract tech and other businesses to an area with low rent and good access to

:

This comment is inappropriate

Report Cancel

- [Thomasine Jones](#) MERCED, CA
 - o about 1 month ago
 - o Liked 0

I grew up in Vallejo, I lived there for more than 25 years. I hate to see the destruction that has come to that city. It used to be a wonderful place to raise a family and I would love to see it restored to its original beauty.

:

This comment is inappropriate

Report Cancel

- [Anthony Stoner](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I live here in Vallejo. :

This comment is inappropriate

Report Cancel

- [Neil Artz](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

This isn't bringing anything good to Vallejo.. more health problems than

anything :

This comment is inappropriate

Report Cancel

- [KT Graham](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I'm very concerned about both the toxic air quality and about the traffic, both trucking and shipping. I have been shopping for a house to buy in Vallejo, but if this goes through, I most certainly will not buy here.

:

This comment is inappropriate

Report Cancel

- [Angela Sanders](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

Go build this in Bray.. :

This comment is inappropriate

Report Cancel

- [Amanda Cundiff](#) VALLEJO, CA

- o about 1 month ago
- o Liked 0

I believe Vallejo should make use of its natural assets and amazing location for economic development; cement production does not do that, and--even worse-- its pollution equals a high environmental and public health cost.

:

This comment is inappropriate

Report Cancel

- [Francesca McDonald](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

im a resident of vallejo and want to see vallejo thrive with a project that has a more positive impact.

:

This comment is inappropriate

Report Cancel

- [Richard Weatherill](#) VICTORIA, CANADA
 - o about 1 month ago
 - o Liked 0

I'm signing because I'm getting sick and tired of watching the same old, same old happening over and over again.....

:

This comment is inappropriate

Report Cancel

- [Donna Jones](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

Asthma rates in our city are one of the highest in the state. Allowing this toxic dump to operate in Vallejo is unconscionable and abusive to the citizens of our city. Lights, noise, and disruption on city streets 24/7. Not to mention air, water, and soil pollution. How many on the city council and planning commission would want this in their neighborhood?

:

This comment is inappropriate

Report Cancel

- [Debra Thomas](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I think it is unhealthy. :

This comment is inappropriate

Report Cancel

- [Joseph Paurel](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

no heavy industry in Vallejo only on Mars Island

no heavy industry in Vallejo only on Mare

Island :

This comment is inappropriate

Report Cancel

- [Samantha Fordyce](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I'm signing because I believe precious waterfront acreage should be used in a beautiful way for people. This factory is a bad idea: pollution, heavy traffic, not many jobs. The notion of a waterfront condo complex is a good idea. I've visited such residences elsewhere, and they can be beautiful, as well as add to the tax base here.

:

This comment is inappropriate

Report Cancel

- [Gregory Whitfield](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I'm signing because I want to prevent another city government condoned debacle. I would like to change Vallejo from "The City That Doesn't Know How" to at least "The City That's Starting to Get It". I just wonder who is going to make money off of this if it happens.

:

This comment is inappropriate

Report Cancel

- [Cameron Shearer](#) CARMICHAEL, CA
 - o about 1 month ago
 - o Liked 0

Nothing in this for Vallejo' voters - 20-25 jobs and \$350K tax money each year. We're much better than this, and we're on the right side

:

This comment is inappropriate

Report Cancel

- [Kent Peterman](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

It is not a good idea it will ruin our quality of

life. :

This comment is inappropriate

Report Cancel

- [Maurice Beaulieu](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

This proposed project will increase air pollution, cause excessive wear and tear on our already stressed street conditions. It is a poor use for the Vallejo waterfront and will not enhance the beautification or reputation of Vallejo.

:

This comment is

inappropriate

Report Cancel

- [Lea anderson](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

I really enjoy vallejo, just moved here in feb. I will leave of this comes to vallejo. No way am I living with this toxic disruption of this beautiful town trying so hard to come out of the ashes

:

This comment is inappropriate

Report Cancel

- [Diana Lang](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

The negative environmental impact is just not worth

it!:

This comment is inappropriate

Report Cancel

- [Lou Bustamante](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

We can do better!:

This comment is inappropriate

Report Cancel

- [Julianna Norris](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

I believe this will cement factory will bring health risks to the community. This can have a negative effect on growth and development and Vallejo having a chance to be a desirable place to live and work.

:

This comment is inappropriate

Report Cancel

- [Richard Weiss](#) OQKLQND, CA
 - about 1 month ago
 - Liked 0

They will pollute! It's a matter of How

bad!:

This comment is inappropriate

Report Cancel

- [Rachael Anema](#) OAKLAND, CA
 - about 1 month ago
 - Liked 0

I used to live in Vallejo and this makes me very

sad :

:

This comment is inappropriate

Report Cancel

- [John De La Torre](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

The environmental effects on our waterfront is not acceptable. The waterfront needs to be a place we can all be proud of. Environmental justice is in question when South Vallejo residents will be the most adversely impacted if this use is allowed. The number of jobs does not justify the environmental risk.

:

This comment is inappropriate

Report Cancel

- [Holliday Cullimore](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

I live in Vallejo and care about air quality. I have asthma and need to breathe clean

air. :

This comment is inappropriate

Report Cancel

- [Colleen Luethje](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

Vallejo deserves better than to be home to a toxic polluter. We have a beautiful waterfront and we are surrounded by affluent cities who take full advantage of the Bay Area's geography, weather and beauty. Let's join them instead of being the lowest on the rung.

:

This comment is inappropriate

Report Cancel

- [David Pearce](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

This is not something that adds to Vallejo in a positive way. Way to many risks to the local environment. For shame if any of our city officials support this

:

This comment is inappropriate

Report Cancel

- [James Trochet](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

This is not fair to the citizens of Vallejo!

Any city politicians supporting this are either stupid or

crooks!!!:

This comment is inappropriate

Report Cancel

- [Charles Belleville](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

Sandy beach, mare island shoreline preserve, osprey... Don't fuck up the

waterfront!:

This comment is inappropriate

- [Mignon Fritts](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

No heavy industry. No more pollution. No more industries which do not offer clean

jobs. :

This comment is inappropriate

- [David H. Rutschman](#) CHICAGO, IL
 - about 1 month ago
 - Liked 0

We cannot accept another pollution source in such a densely populated

area. :

This comment is inappropriate

- [Carol Pearlman](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

i don't want a cement factory on the vallejo waterfront. those who vote for this do not represent

me. :

This comment is inappropriate

- [Valery Asenjo](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

We do NOT need a company that will pollute our air, water, soil, plus noise & light pollution 24/7 in our pristine Marina. Let's get a Port of Vallejo going but not a polluting cement factory. Save our beautiful water front Vallejo Citizens!

:

This comment is inappropriate

- [Laureen Beach](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

I don't want this in my city. :

This comment is

inappropriate

Report Cancel

- [Malcolm Baskerville](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

I don't think the health and environmental risks are worth the potential economical

benefits. :

This comment is inappropriate

Report Cancel

- [Catrina Gillus](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

While Vallejo needs more jobs and industry brought to it, they should not be brought in at the expense of residents' health.

:

This comment is inappropriate

Report Cancel

- [Tracu Boyd](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

We live in Vallejo and care about our

health :

This comment is inappropriate

Report Cancel

- [Jennifer Glover](#) SAN JOSE, CA
 - about 1 month ago
 - Liked 0

I grew up in Vallejo and the Waterfront area is one of the great treasures of a troubled town. Please don't let a toxic factory be another blight on a city that has so much promise. Let Vallejo be a champion for sustainability and environmental protection, not pollution & short-sightedness.

:

This comment is inappropriate

Report Cancel

- [Dom Matthews](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

Not in my back yard!:

This comment is inappropriate

Report Cancel

- [J. Manuel Ascencio](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

J.Manuel Ascencio

:

This comment is inappropriate

Report Cancel

- [Greg Morris](#) GEYSERVILLE, CA
 - about 1 month ago
 - Liked 0

Because I believe that this project, industry does not fit into the big picture of what the majority of the people see as Vallejo. It is a complete contradiction to the goal of crating a Vallejo that I for one want to live in, invest in and raise my family in. Quality of life is what we are talking about here. This industry does zero to improve quality of life. Zero to negative.

:

This comment is inappropriate

Report Cancel

- [Evelyn Cestoni](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

All this is was causing damage to our

world :

This comment is inappropriate

Report Cancel

- [CL](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

I live in the neighborhood directly above the proposed cement plant. It's nice and quiet and we don't want the noise and pollution this plant will cause.

:

This comment is inappropriate

Report Cancel

- [Megan schwenker](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

i don't want this in Vallejo :

This comment is inappropriate

Report Cancel

- [Emily Mann](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

This type of industry would only ultimately hurt the positive change that has been happening within

Vallejo. :

This comment is inappropriate

Report Cancel

- [Tracy Taquino](#) VALLEJO, CA
 - about 1 month ago

- o about 1 month ago
- o Liked 0

we dont need toxic chemicals near the

water. :

This comment is inappropriate

Report Cancel

- [Janet youngdale](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

i dont want an industrial toxic cement plant so close to residential

vallejo :

This comment is inappropriate

Report Cancel

- [Tanya Anguita](#) BERKELEY, CA
 - o about 1 month ago
 - o Liked 0

This is bad for Vallejo and bad for Solano

County. :

This comment is inappropriate

Report Cancel

- [Kathleen Powell](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

this is not an environment friendly company

:

This comment is inappropriate

Report Cancel

- [Edward Coyne](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I want clean industry in

Vallejo. :

This comment is inappropriate

Report Cancel

- [Ricardo Zegri](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

As a resident within half a mile of the proposed site, I object to this project on multiple

grounds. :

This comment is inappropriate

Report Cancel

- [Laura Noel](#) VALLEJO, CA
 - o about 1 month ago

- o Liked 0

This is in my neighborhood and i would be directly, negatively impacted by this. This city can't be in such a blind rush for money that it causes irreparable damage to our environment and quality of life.

:

This comment is inappropriate

Report Cancel

- [Susan Schneider](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I WANT TO SEE VALLEJO'S BEAUTIFUL WATERFRONT CONVERTED TO A GREEN TOURIST DESTINATION NOT A HEAVY INDUSTRIAL ZONE OR SHIPPING PORT.

:

This comment is inappropriate

Report Cancel

- [Tamera Boyd](#) MODESTO, CA
 - o about 1 month ago
 - o Liked 0

I have friends who live and are raising their kids in Vallejo. I wouldn't live or raise my kids in that environment and I would never ask that of my friends.

:

This comment is inappropriate

Report Cancel

- [cyndal mackert](#) FAIRFIELD, CA
 - o about 1 month ago
 - o Liked 0

I live close to Vallejo and don't want my two children breathing in air or having ANYTHING TO DO WITH ANY SORT OF A TOXIC CONTAMINATION!! WTF IS REALLY WRONG WITH SOME HUMANS NOW DAYS?!?!?!?!?

:

This comment is inappropriate

Report Cancel

- [Cybele Baker](#) SANTA ROSA, CA
 - o about 1 month ago
 - o Liked 0

We don't need that kind of toxic waste in

Vallejo!:

This comment is inappropriate

Report Cancel

- [Denise Keary](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

After doing research on this, the long term health costs to residents are too high. Not what people need. This would not be good for Vallejo.

:

:

This comment is inappropriate

Report Cancel

- [Joye Beachum](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

This is not the kind of industry that we need or want in Vallejo. The health hazards far outweigh any benefit to this community!

:

This comment is inappropriate

Report Cancel

- [bonny kuhfal](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

I do not want a cement factory of any kind in my town! Use the beautiful spaces we have for enrichment of our city not producing dust noise and pollution to our waterfront.

:

This comment is inappropriate

Report Cancel

- [Katie Anderson](#) PALO ALTO, CA
 - about 1 month ago
 - Liked 0

Because I'm from the bay area and have friends and loved ones in

Vallejo. :

This comment is inappropriate

Report Cancel

- [Elena ionov](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

This will do more harm than good for the city and the

environment. :

This comment is inappropriate

Report Cancel

- [Russell Abee](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

I'm not sure the cement plant is a good. The pollution portion of the Environmental Impact Report is questionable for community health.

:

This comment is inappropriate

Report Cancel

- [Elena Ionov](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

this will create more pollution, traffic and noise.

:

This comment is inappropriate

Report Cancel

- [Barb Carlson](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

The disadvantages heavily outweigh benefits. I believe the citizens of Vallejo deserve so much more.

:

This comment is inappropriate

Report Cancel

- [Melanie Buck](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

Save Vallejo.

:

This comment is inappropriate

Report Cancel

- [Flavia Bortulin](#) AMERICAN CANYON, CA
 - o about 1 month ago
 - o Liked 0

I live very close to Vallejo and frequent the city and it's waterfront regularly. I really love this city and see that it has so much potential. I wish those in power would see what Vallejo could be instead of accepting the status quo. We as a nation need to find cleaner resources and projects to enhance where we live.

:

This comment is inappropriate

Report Cancel

- [Heidi Wohlwend](#) SAN FRANCISCO, CA
 - o about 1 month ago
 - o Liked 0

I live in the heritage district and do not want this kind of heavy industry on our

waterfront. :

This comment is inappropriate

Report Cancel

- [pamela mccraven](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

We don't need this here, there are other areas that would not need all the damage heavy ship traffic would

create :

This comment is inappropriate

Report Cancel

- [belinda Seidemann](#) VALLEJO, CA
 - o about 1 month ago

- o Liked 0

The downsides to this proposal outweigh any advantages for the people of Vallejo and the surrounding bay area :

This comment is inappropriate

Report Cancel

- [kimberly sax](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

wherd do you want me to

start!:

This comment is inappropriate

Report Cancel

- [Amanda Sullivan](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I don't want to live with toxins 4 blocks from my

home. :

This comment is inappropriate

Report Cancel

- [Lucia Tabarsi](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

I am signing this because I want Vallejo to be a better place to live and raise a

family. :

This comment is inappropriate

Report Cancel

- [Deceia Shaw-McClellan](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

Vallejo is my home as well as my children's I don't think this is what's best for our

City. :

This comment is inappropriate

Report Cancel

- [terry zukoski](#) VALLEJO, CA
 - o about 1 month ago
 - o Liked 0

For the sake of a 100 jobs we could live with the above!But what we cannot live with is increased risks of cancer and silicosis (miner's lung disease). Even with state-of-the art processing, the transportation and storage of the dust containment's in the air + emissions + pollutants in water/bay could all add up to a big problem. If they decide to produce cheaper portland cement, then those risks increase.

:

This comment is inappropriate

Report Cancel

- [jan cook](#) VALLEJO,, CA
 - about 1 month ago
 - Liked 0

Save our beautiful waterfront for a better future for

all. :

This comment is inappropriate

- [Haley Mosher](#) VALLEJO, CA
 - about 1 month ago
 - Liked 0

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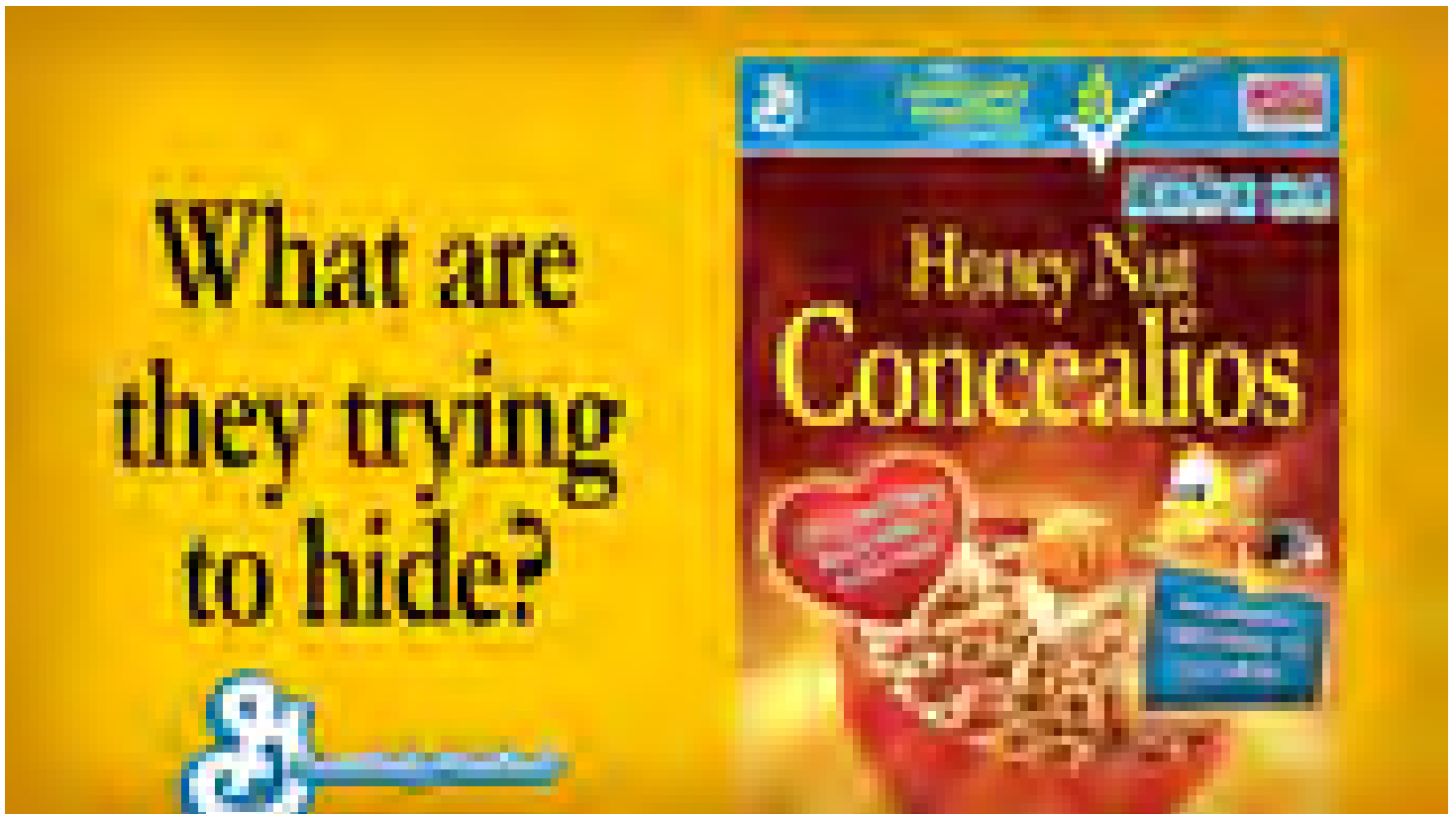
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English (United States) 

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From: Jason R. Flanders [<mailto:jrf@atalawgroup.com>]
Sent: Monday, November 02, 2015 3:25 PM
To: Andrea Ouse <Andrea.Ouse@cityofvallejo.net>
Subject: VMT/Orcem DEIR Comments

Dear Ms. Ouse, please find the attached comments and exhibits on behalf of Fresh Air Vallejo. Please contact me at your earliest convenience should you have any difficulty with any of these attachments.

Thank you,

Jason R. Flanders
Aqua Terra Aeris Law Group
(ATA Law Group)
916-202-3018
www.atalawgroup.com

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Andrea Ouse, Director
Community & Economic Development
555 Santa Clara Street
Vallejo, CA 94590
Sent via electronic mail to:
andrea.ouse@cityofvallejo.net

November 2, 2015

Re: Opposition to Vallejo Marine Terminal and Orcem Project, and Environmental Impact Report, SCH # 2014052057

Dear Ms. Ouse,

On behalf of Fresh Air Vallejo, please find the following comments and concerns on the Draft Environmental Impact Report ("DEIR") regarding the significant environmental effects of the Vallejo Marine Terminal ("VMT") and Orcem Project ("Orcem") (collectively, "the Project.")

The Project DEIR is defective for several reasons. Critically, the DEIR fails to adequately describe the whole of the Project and the foreseeable significant environmental impacts of the Project as a whole. The DEIR improperly segments the Project and its impacts among the VMT portion and the Orcem portion, but the law requires local lead agencies like Vallejo to consider the environmental impacts of a project as a whole. Further, there is no meaningful discussion of the likely significant environmental impacts of using the Project to produce and transfer other materials, such as coal, oil, petcoke, and Portland cement, even though the DEIR suggests that the Project will indeed be used for such purposes. The DEIR's analysis and mitigation of the considerable number of significant environmental impacts from the Project are similarly inadequate as well. Not only has the DEIR failed to meet these procedural requirements of CEQA, it is also substantively defective because it fails to analyze and mitigate the severely disproportionate impacts the Project will have on communities already suffering from poor environmental conditions – specifically, the citizens of Vallejo. Accordingly, the DEIR should be revised to comply with the legal requirements of CEQA and to ease the strain of pollution on overburdened communities.

I. **The Project will Result in Disproportionate Impacts to Disadvantaged Communities and Should be Rejected or Significantly Modified.**

The DEIR should include an environmental justice analysis because the Project will have its worst and most concentrated environmental impacts on the low income communities of color around the Project site. Census data from 2010 shows the minority population in the area is 79% and more than half of the households in that area, 58%, have an annual income under \$50,000 – an amount well below the cost of living for the San Francisco Bay Area. Thirty-six percent of the population in the communities surrounding the Project site are either children under age 17 or senior citizens over age 65. There is an elementary school sited 600 yards from the Project site and homes on the fence-line of the plant. The citizens of Vallejo are entitled to

review of the severely disproportionate environmental burdens that this Project will have on their already disadvantaged communities, especially the children and elderly in those communities.

Under California law, “environmental justice” is 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. (Gov. Code § 65040.12, subd. (e).) In turn, CEQA requires that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects” (Pub. Res. Code, § 21002.) Human beings are integral part of this “environment,” and an agency is required to find that a “project may have a ‘significant effect on the environment’” if, among other things, “[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly[.]” (Pub. Res. Code, § 21083, subd. (b)(3); see also CEQA Guidelines,² § 15126.2 [noting that a project may cause a significant effect by bringing people to hazards].) CEQA does not use the term “environmental justice,” and instead centers on whether a project may have a significant effect on the physical environment. Nonetheless, as explained by the California Attorney General, local governments must advance principles of environmental justice “by following well-established CEQA principles.” (Fact Sheet, “Environmental Justice at the Local and Regional Level Legal Background,” Office of the Attorney General, July 10, 2012 [hereinafter “Fact Sheet”].)

“[M]ajor consideration [must be] given to preventing environmental damage, while providing a decent home and satisfying living environment for every California.” (Pub. Res. Code § 21000, subd. (g).) Local lead agencies must “[t]ake all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historical environmental qualities, and freedom from excessive noise.” (Pub. Res. Code § 21001, subd. (b).) These broad mandates are highly relevant to this project and should be considered here. The Attorney General’s Fact sheet provides several examples of specific provisions of CEQA and its guidelines that require local lead agencies to consider how the environmental and public health burdens of a project might specifically affect the communities most acutely impacted by the project.

First, the Attorney General advises local lead agencies to consider the significance of an activity in the broader context of its environmental setting. It is well established that “[t]he significance of an activity depends upon the setting.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718 [citing CEQA Guidelines, § 15064, subd. (b)]; see also *id.* at 721; CEQA Guidelines, § 15300.2, subd. (a) [noting that availability of listed CEQA exceptions “are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.”]) For example,

a proposed project’s particulate emissions might not be significant if the project will be located far from populated areas, but may be significant if the project will be located in the air shed of a community whose residents may be particularly sensitive to this type of pollution, or already are experiencing higher-than-average asthma rates.

(Fact Sheet at p. 3.) Therefore, local lead agencies “should take special care to determine whether the project will expose ‘sensitive receptors’ to pollution” because if it will, the impacts of

that pollution are more likely to be significant. (Fact Sheet at p. 3, quoting CEQA Guidelines, Appx. G.)

Next, the Attorney General warns lead agencies that while a project's effects may appear limited on their own, those effects might nonetheless be "cumulatively considerable" and therefore significant. (Fact Sheet at p. 3, quoting Pub. Res. Code § 21083, subd. (b)(3).) "Cumulatively considerable" means that the incremental effects of an individual project "are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (*Id.*) CEQA thereby requires local lead agencies to determine whether pollution from a proposed project will have significant effects on any nearby communities when considered with any pollution burdens those communities are already bearing, or may bear from probable future projects. (Fact Sheet at p. 4.) As the Attorney General aptly noted, "[w]here there already is a high pollution burden on a community, the 'relevant question' is 'whether any additional amount' of pollution 'should be considered significant in light of the serious nature' of the existing problem." (Fact Sheet at p. 4, citing (*Hanford, supra*, 221 Cal.App.3d at 661; see also *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025 [holding that "the relevant issue ... is not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant in light of the serious nature of the traffic noise problem already existing around the schools."]) "Accordingly, the fact that an area already is polluted makes it *more likely* that any additional, unmitigated pollution will be significant." (Fact Sheet at p. 4, emphasis original.)

Here, there will be several significant and unavoidable environmental impacts that disproportionately will affect the economic and social well-being of the local community, especially air quality impacts. The result of a proposed rezoning of 5.25 acres of the Project site, Impact 3.2-2 is the Project's exceedance of BAAQMD's NO_x threshold, "which would conflict with the Clean Air Plan's goal of bringing the San Francisco Bay Area into attainment for ozone since NO_x is a precursor . . . of ozone." (*Id.*) The Project would also substantially contribute to a significant cumulative impact because the Project would exceed BAAQMD's NO_x threshold during project operations. (Impact 3.2-4.) Impact 3.2-1 has "the potential to introduce a more intensive land use to the property" and the potential change was "not taken into account in the most recent state ozone plan." (DEIR, § 5.2.) Relatedly, the Project will also exceed the "BAQQMD threshold for operational GHG emissions of 10,000 metric tons of carbon dioxide equivalent (MT CO₂E) per year." (DEIR, § 5.2, Impact 3.6-1.) Impacts 3.6-2 and 3.6-3 cannot be mitigated to a level to ensure that the Project's greenhouse gas emissions will be consistent with the City of Vallejo Climate Plan's emissions reductions goals for 2020 and 2035, or with the state's target greenhouse gas reduction goals for 2030 and 2050.

The Project will also cause significant and unavoidable noise and transportation impacts as well. First, noise levels due to operation of the VMT project component would exceed established policies and standards at two locations (Impact 3.10-1) and a major source of noise and vibration, rolling stock on the existing jointed track, will remain a significant and unavoidable impact as well. (Impact 3.10-3.) As far as significant and unavoidable traffic impacts, 3.12-2 and 3.12-3 both cannot be mitigated to prevent substantial delays and queues at rail crossings relative to delays and queues without the project. (DEIR, § 5.2.) Finally, the Project would have a significant impact on emergency access, based on the potential delays generated by train crossings at the grade crossings in Vallejo, American Canyon, and other crossings further north.

(DEIR, § 5.2, Impact 3.12-5.) The DEIR suggests that none of these significant, adverse impacts can or will be mitigated, and as a result, will be born almost entirely by the surrounding communities.

Moreover, there are many more significant environmental impacts that will be caused by the project, but which the DEIR hopes to mitigate or lessen, including air quality, noise, cancer risk, biological impacts, hazardous materials, transportation, aesthetics, and geology. These manifold significant environmental impacts will ultimately be felt by the residents of Vallejo, and will be magnified by existing environmental conditions considering the neighborhood has among the worst environmental scores from CalEPA in the state. Despite the degraded levels of existing environmental conditions, the DEIR does not even mention the Project's effects on historical exposure to Asbestos, PCBs, Chromium, and other carcinogens that Vallejo residents have already suffered from the shipyard, the mill, and the three major freeways running through the neighborhood. Neighbors of the Project site already have some of the highest asthma rates in California, as well as some of the highest rates of cancer and heart disease. The neighborhood and its environment are still recovering from the closing of the old flour mill and the naval shipyard, but the significant environmental impacts of this Project will reverse that recovery. Analysis of the Project's effects on the cumulative impacts of these historical sources of pollution that will be exacerbated by the Project should not be ignored by the DEIR, or governmental decision-makers.

II. The DEIR Fails to Adequately Describe the Whole of the Project and its Foreseeable Impacts.

Under CEQA, the project must include “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...” 14 Cal. Code Regs., § 15368; see also *Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 271. To comply with CEQA's standards for completeness, the project description must address “not only the immediate environmental consequences of going forward with the project, but also all ‘reasonably foreseeable consequence[s] of the initial project’.” *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 428; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391, fn. 2 (*Laurel Heights I*)). As courts have recognized for decades, “an accurate, stable and finite project description” is “the sine qua non of an informative and legally sufficient EIR.” *County of Inyo v. City of Los Angeles (Inyo III)* (1977) 71 Cal.App.3d 185, 199. Reliance on a “curtailed, enigmatic or unstable definition of the project” stands as the paradigm of legal error under CEQA, because it “draws a red herring across the path of public input.” *Id.* at 199.

The Supreme Court in *Laurel Heights I* held that an EIR must analyze future effects of a project where such effects are (1) reasonably foreseeable, and (2) significantly greater in scope or degree. 47 Cal.3d 376, 393-399. For example, in *Communities for a Better Environment*, the court held that the City of Richmond's EIR for a refinery project “fails as an informational document,” in part because the EIR's project description “is inconsistent and obscure as to whether the Project enables the Refinery to process heavier crude.” 184 Cal.App.4th at 89. The court noted that conflicting information in the EIR, and in statements filed with the Securities and Exchange Commission, contradicted the benign account provided in the EIR. If the EIR does

not “adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences, informed decision-making cannot occur under CEQA and the final EIR is inadequate as a matter of law. *Id.* at 83 (citations omitted). In contrast, in *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, the Court of Appeal upheld an EIR that considered only a 20 year lifespan for a project, where the facility at issue obtained only a 20 year contract and permit to operate. Any future decision to extend the plant operation would require a new permit approval, and therefore, subsequent CEQA review. (739.)

The Marine Terminal DEIR suffers from the same fundamental flaws as did the EIRs in *Laurel Heights I* and *Communities for a Better Environment*, while the types of project controls found in the *Kings County* EIR to be adequate under CEQA are missing here.

A. The DEIR fails to meaningfully disclose or analyze impacts related to coal, oil, petcoke, and Portland cement.

There can be no dispute that transport of coal, oil, and petroleum coke, and production of traditional Portland cement, would result in far more severe environmental impacts to surrounding communities than the transport of, say, sand, or production of GGBFS. But the DEIR fails to disclose that coal, crude oil, or petroleum coke may be foreseeably handled by the facility. (DEIR at 3.2-27.)

The East Bay is already affected by particulate matter from coal dust. For example, coal trains pass through Richmond weekly, often with uncovered cars that can lose up to 500 pounds and one ton of coal in dust in transit. (See Julie Small, “Coal Train Dust Worries Richmond Residents,” KQED Science, June 22, 2015.¹) Unsurprisingly, children in the community are acutely impacted. One six-year old girl whose asthma becomes so exacerbated by coal dust in her neighborhood that her medications do not help and she has to go to the emergency room for treatment. (*Id.*) Nonetheless, the DEIR fails to provide any information regarding whether the rail transport facility and marine terminal could foreseeably be used or modified to transport coal by rail. The DEIR should discuss the impacts of using the Project for the transportation of coal because the Project is being espoused as capable of handling materials beyond just GGBFS and those other materials, like coal, could have significant environmental impacts.

The DEIR also fails to provide any information regarding whether the rail transport facility and marine terminal could foreseeably be used or modified to ship crude oil by rail. The catastrophic impacts of oil car derailments, explosions, and oil spills as a result of recent increases in quantities, and changes in types, of crude shipment by rail, are well documented, yet are unaddressed by this DEIR. Analysis of government data shows that more oil was spilled from rail cars in 2013 than in every year between 1975 and 2012 *combined*.² For example:

- Lac Megantic, Quebec, July 2013, 1,580,000 gallons.³
- Pickens County, Alabama, November 2013, up to 750,000 gallons.⁴

¹ <http://ww2.kqed.org/science/2015/06/22/coal-train-dust-worries-richmond-residents/> (Exhibit A).

² http://www.huffingtonpost.com/2014/01/22/oil-train-spills_n_4645339.html (Exhibit B).

³ *Id.*

⁴ <http://articles.latimes.com/2013/nov/09/nation/la-na-nn-train-crash-alabama-oil-20131109> (Exhibit C).

- Casselton, ND, December 2013, 400,000 gallons.⁵
- Winona, MN, February 2014, 12,000 gallons.⁶

Given that each rail car could carry approximately 30,000 gallons of crude, the DEIR fails to provide the public and agency decision-makers with an accurate assessment of the Project's likely environmental impacts.

The DEIR vaguely states that "Orcem would primarily operate as a GGBFS production facility, although the facility could also be used for production of Portland cement." (DEIR at 3.2-14.) How much, or when, production of Portland cement may occur, however, is entirely uncertain, and the production of Portland cement would require a Clean Air Act Title V permit.⁷ Just like coal and oil transport by rail, Portland cement production has highly destructive impacts on air quality. California is already one of the nation's largest cement producers, with eight production facilities regulated by the EPA, including the second-highest mercury emitting facility in the country. (See Sam Pearson, "Calif. Cement plant has one of nation's highest mercury emission levels," California Watch, February 8, 2012.⁸) Despite the critical need for regulation and environmental review of new cement production facilities, the DEIR omits any significant discussion of the environmental impacts of using the Project for production of Portland cement, while suggesting the facility could also be used for Portland cement production.

"Another possible material which may at some future date be imported is pet coke." (DEIR at 3.2-27.) Petroleum coke, or "petcoke" is a solid carbon material resembling coal that is a product of oil refining. EPA regulates petcoke under the PM₁₀ umbrella because pet coke particles are of the size of particle that generally passes through the throat and enters the lungs. Once inhaled, this particulate matter can affect the heart and lungs and cause serious health effects.⁹ Again, despite the obvious potential for significant environmental and public health impacts, the DEIR omits environmental analysis for a hazardous substance regulated by EPA that the DEIR suggests may enter the community because of the Project.

In contrast to the EIR under review in *Kings County*, this DEIR references no future, binding, limitations, such as an expiring contract or regulatory permit, that would necessarily require new environmental review and lead agency approval prior to transition to coal, oil, petcoke, or Portland cement.

B. The DEIR unlawfully segments project review between VMT and Orcem.

While the DEIR considers the Orcem plant and the VMT terminal to be one project for purposes of this environmental review, the DEIR is inconsistent in this approach, and the shift back and forth between joint and separate projects confuses and undermines the EIR.

⁵ <http://www.latimes.com/nation/nationnow/la-na-nn-north-dakota-oil-train-crash-investigation-20140113-story.html#axzz2qfnvXmS1> (Exhibit D).

⁶ <http://thinkprogress.org/climate/2014/02/05/3255791/crude-rail-oil-spill-minnesota/> (Exhibit E).

⁷ <http://www3.epa.gov/airquality/permits/obtain.html> (Exhibit F).

⁸ <http://californiawatch.org/environment/calif-cement-plant-has-one-nation-s-highest-mercury-emission-levels-14723> (Exhibit G).

⁹ <http://www2.epa.gov/petroleum-coke-chicago/health-effects-petroleum-coke> (Exhibit H).

To what extent are the projects dependent and independent? The project objectives, for example, list what are in fact separate project objectives for VMT and Orcem. (DEIR at 2-3.) Illegal segmentation. As discussed, below, the DEIR fails to evaluate a reasonable range of alternatives to the Project. A natural alternative to the Project, as proposed, would be effectively cut the Project impacts in half by approving one project component, but not the other. For example, according to the DEIR, most significant and unavoidable impacts are the result of the VMT project component, and not the Orcem project component.

The DEIR's review of air quality impacts, for example, assumes air quality permit requirements for Orcem, but not for VMT, then imposes delayed mitigation measures on VMT, and not Orcem. (DEIR at 3.2-43) This shell game does not comport with CEQA's requirement to consider the "whole of the project."

Similarly, the DEIR determines that the aesthetic impact of night lighting at Orcem and VMT would be potentially significant, offering (improperly) deferred mitigation measures, as discussed further below. Separately, however, the DEIR considers the impact of VMT night lighting upon sensitive species to be potentially significant, and requires a more detailed deferred mitigation measure based on performance standards.

Given the DEIR's tendency to improperly segment its review of impacts as between Orcem and VMT, it is then entirely unclear who is responsible when the DEIR considers impacts jointly. For example, who will prepare the plans and documents required by MM 3.4-1a, 3.4-1b, 3.4-1c, 3.4-2a, and 3.4-2b? The DEIR does not say, lending to future ambiguity, confusion, and potentially significant impacts as construction moves ahead.

C. The DEIR should be revised, recirculated, and based on an accurate, finite, and stable project description.

In sum, the DEIR is premised on an improperly "curtailed" and "distorted" project description. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal. App.3d 185, 192.) Since "[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR" (*id.* at p. 193), even were an EIR is deemed to be adequate in all other respects, the use of an incomplete and/or shifting project description violations CEQA and mandates recirculation of the DEIR.

III. The DEIR's Analysis and Mitigation of Air Quality Impacts is Fundamentally Flawed and Must be Revised.

The DEIR fails to include numerous required elements to support a meaningful analysis of the Project's significant adverse impacts. First, the deficiencies in the incomplete and undefined project description and incomplete description of existing environmental conditions render any true impact analysis impossible. See, e.g., *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818; *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645. Second, even the analysis provided fails to completely analyze the Project's significant adverse impacts, to support its conclusions with substantial evidence, and to characterize the Project effects in the proper context and intensity. (*Id.*; 40 C.F.R. § 1508.27(a); *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 391; *Laurel Heights Improvement Association v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 393;

Madera Oversight Coalition, Inc. v. County of Madera (2011) 199 Cal.App.4th 48, 102 (“whether an EIR is sufficient as an informational document is a question of law subject to independent review by the courts.”)

CEQA requires that the lead agency consider and adopt feasible mitigation measures that could reduce a project’s adverse impacts to less than significant levels. Pub. Resources Code §§ 21002, 21002.1(a), 21100(b)(3), 21151, 22081(a). An adequate environmental analysis in the EIS/EIR itself is a prerequisite to evaluating proper mitigation measures: this analysis cannot be deferred to the mitigation measure itself. *See, e.g., Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412. Moreover, a mitigation measure is inadequate if it allows significant impacts to occur before the mitigation measure takes effect. *POET, LLC v. State Air Resources Board* (2013) 218 Cal.App.4th 681, 740. An agency may not propose a list of measures that are “nonexclusive, undefined, untested and of unknown efficacy.” *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 95. Formulation of mitigation measures should generally not be deferred. CEQA Guidelines § 15126.4(a)(1)(B). If deferred, however, mitigation measures must offer precise measures, criteria, and performance standards for mitigation measures that have been evaluated as feasible in the EIR, and which can be compared to established thresholds of significance. *E.g., POET, LLC v. State Air Resources Board* (2013) 218 Cal.App.4th 681; *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260; *Sacramento Old City Association v. City Council* (1991) 229 Cal.App.3d 1011; CEQA Guidelines § 15126.4(a)(1)(B); *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275. Where the effectiveness of a mitigation measure is uncertain, the lead agency must conclude the impact will be significant. *Citizens for Open Govt. v. City of Lodi* (2012) 70 Cal.App.4th 296, 322; *Fairview Neighbors v. County of Ventura* (1999) 70 Cal.App.4th 238, 242. An EIR must not only mitigate direct effects, but also must mitigate cumulative impacts. CEQA Guidelines § 15130(b)(3).

A. The DEIR’s evaluation of NOx impacts is inadequate, incomplete, internally inconsistent, and must be revised.

The DEIR admits that “[t]he proposed project would exceed the BAAQMD threshold for NOx emissions. Cumulative NOx impacts due to NOx emissions during operations would therefore be significant.” (DEIR at ES-10.) And after application of MM 3.2-1, the DEIR concludes that this impact will remain “significant and unavoidable.” (DEIR at ES-9.) However, as discussed below, the DEIR likely understates the true impact of NOx to the local and regional environment, while also failing to properly evaluate and impose feasible mitigation measures that could reduce this impact to less than significant levels.

As a threshold matter, the DEIR fails to explain how the City may legally approve a project it knows will immediately and repeatedly result in violations of law. Not only would the Project, as proposed, exceed BAAQMD public health standards, but California Health & Safety Code § 41700 also prohibits the discharge of air contaminants known to endanger the health of the public, which the DEIR expressly allows through excessive NOx, and PM 2.5 and 10. This is especially crucial for downwind receptors with existing respiratory issues. The DEIR must be revised to explain this inconsistency, and the City must reject any project that proposes to violate public health laws.

Next, the DEIR impermissibly piecemeals its review of the Project's air quality impacts. While the DEIR does consider the air quality impacts of Orcem and VMT taken together, the DEIR, without explanation, assumes only the Orcem component would receive a BAAQMD permit, even though the Orcem and VMT emissions would, individually and taken together, exceed BAAQMD standards. Moreover, and as discussed, above, the DEIR wrongly assumes that the Orcem facility should not receive a Major Facility permit, despite the fact it intends to produce Portland Cement. Nor does the DEIR explain its conclusion that, as a result of Orcem's BAAQMD permit, the Orcem contributions to NOx impacts would be fully offset. Offset where, and how? Would local impacts remain the same? Later, the DEIR alludes to the existence of "credits in a BAAQMD-certified emission bank offset program," but again fails to provide any information as to how and where such offsets would occur, and whether they would reduce or avoid significant impacts for local residents and neighbors of the Project. (DEIR at 6-11.)

Moreover, the DEIR fails to explain the extent to which implementation of MM 3.2-1 would actually reduce impacts 3.2-2 and 3.2-4. Without any quantification of exactly to what extent MM 3.2-1 would actually reduce NOx emissions, the DEIR fails to support its conclusion that "this measure would not reduce impacts to a level that is less than significant. As such, "Impacts 3.2-2 and 3.2-4 would remain **significant and unavoidable** with mitigation." (DEIR 3.2-45.) Understanding precisely how and to what extent MM 3.2-1 reduces NOx emissions is critical to an understanding of whether all feasible mitigation measures have been required. For example, why must the Orcem component be required to purchase offsets, but not the VMT portion? The DEIR offers no explanation. The DEIR considers these two project components together to be a single project, and may not piecemeal these two project components for purposes of imposing mitigation measures. Considered together as one project, there is no justification for requiring Orcem to reduce air quality impacts only to a certain level, while giving VMT more leeway to continue to pollute.

Why does the DEIR propose delaying implementation of 3.2-1? Wouldn't immediate NOx reductions better help to reduce the significant of the impact? Nor does the DEIR explain why VMT should not and cannot be held to the same standards, to avoid what the DEIR anticipates will be regular and long-term violations of air quality standards.

Importantly, the DEIR alternatives analysis confirms that further mitigation measures to reduce or avoid NOx impacts to less than significant levels are feasible. The DEIR's "Revised Operations Alternative would meet all of the basic objectives of the proposed project, since it accommodates the same level of throughput." (DEIR at 6-12.) Under the Revised Operations Alternative, the applicants "would develop the project site in an identical manner as the proposed project; however, the operation of each project component would be altered, with the resulting reductions in impacts." While CEQA does permit an EIR to evaluate a reasonable range of alternative using changes to individual project components, rather than overarching changes to the project as a whole; here, the DEIR's approach does not comply with CEQA, since the DEIR has simply relocated what should be analyzed as a feasible mitigation measure that may reduce a significant and unavoidable impact to a less than significant level, into a mere component of a revised project alternative. Consequently, the Revised Operations Alternative fails to include any reductions or avoidance of air quality impacts, since its air quality components must be required as mitigation measures, before any project alternative is analyzed. (See CEQA Guidelines, § 15370(a)-(b).)

B. The Air Quality assessment relies on numerous additional unsupported assumptions and incomplete information.

The remainder of the DEIR's air quality analysis is replete with unsupported or unexplained assumptions and omissions that undermine the EIR's fundamental purpose of informed environmental decision-making.

Further inadequacies in the project description undermine the accuracy and completeness of the air quality analysis. For example, the number of hours of operation, types of fuel, idling rules, emissions calculations and other impacts of the onsite switch mobiles or small locomotives to handle rail car movements on the VMT site and to/from the train spurs do not seem to be included in the emissions calculations and impacts analysis. (DEIR at 2-13.) Locomotives using different means of power may not have been included. Similarly, there is no breakdown between the types of ships expected to call at the wharf. (DEIR at 2-17.) The geared ships require Orcem and VMT to utilize equipment to remove materials, whereas the self-discharge ships have booms to unload. The source and type of emissions will vary depending on the type of ship, and applicable mitigation measures should also be accounted for. Also, if Port of Richmond is used as a short term emergency storage facility as envisioned, then materials would be shipped by truck, thereby increasing the number of truck trips per day, a scenario not accounted for in the air quality analysis. The air quality analysis accounts for truck idling, but not ship nor train idling. And, as mentioned previously, the DEIR's fugitive dust BMP does not account for how Portland cement clinker will be handled and fugitive dust controlled, under PDF-AQ-4. The inclusion of Portland cement and associated clinker both increase the rate of emissions for fugitive dust, truck traffic and total emissions. The DEIR should include what operational measures will be taken to minimize impacts when clinker is imported, stored and shipped out, and the resulting air quality impacts.

What is the basis for the DEIR limiting its air quality analysis to a maximum raw material import of 160,000 MT per year, based on 48 ship calls per year? It is reasonably foreseeable that there could be up to 90 ship calls per year (see Table 2-3), and the significance of those impacts have not been accounted for, and would significantly increase NO_x and carcinogenic emissions, rail cars, truck trips, and other operations.

The DEIR states that "The contractor shall implement the following BMPs that are required of all projects" to reduce air quality impacts. (DEIR 3.2-15.) Given that it is not anticipated that a BAAQMD permit will be required for the whole of the project—and even for the portion required, some uncertainty remains as to the precise scope and requirement of any BAAQMD permit—the DEIR does not offer sufficient proof that these BMPs are binding project components, and any project approval, therefore, must expressly state that full implementation of these BMPs are immediate and continuous project requirements. When this arises in other contexts, for example, for traffic mitigations, the DEIR expressly states that no certificate of occupancy shall be issued until certain conditions are satisfied. While this, too, must be made express in any lead agency approval of the project, the lead agency should also consider making these required air quality BMPs conditions of obtaining and implementing a certificate of occupancy.

The DEIR states that:

The BAAQMD also adopts Clean Air Plan control measures into the BAAQMD rules and regulations, which are then used to regulate sources of air pollution in the SFBAAB. Therefore, compliance with these requirements would ensure that the proposed project would not obstruct implementation of the Clean Air Plan.

(3.2-17.) But this misleads the public and decision-makers, as the DEIR itself acknowledges that the Project *would not* comply with BAAQMD rules and regulations. (See DEIR at 3.2-30, “operation of the Orcem Plant would exceed annual thresholds as established by the BAAQMD for NOx.” Moreover, while the DEIR says the Project would comply with the Clean Air Plan, there is, in fact, no process provided to verify compliance with fleet emissions standards, drayage and port trucks, ships in ports, locomotives, and harbor craft. (DEIR at 3.2-17.)

The DEIR’s evaluation of fugitive dust emissions is undermined by the lack of detail provided regarding the phasing of projects. Without clearly explaining when, how, and why the project would transition from one “phase” to the next, the DEIR appears to assert that air quality BMPs will only be implemented during later phases of the project, making acute air quality impacts during the early phases of the Project potentially worse than those described by the DEIR:

During the initial project stages, trucks will be loaded using front-end loaders to load cargo directly into the truck trailers. Railcars will ultimately be loaded via a loading station requiring railcar switching, but can be loaded in similar mobile manner as trucks initially. When the annual throughput increases at the VMT Terminal, a railcar loading station and surge bin will be constructed on the site to improve operational efficiency and reduce the use of wheel loaders. Wheel loaders would then be used only in the stockyard to reclaim the cargo to receiving hoppers that feed conveyors leading to the rail loading stations and to maintain the stockpiles. Truck load-out is assumed to remain mobile during both Phase 1 and Phase 2 operations.

(DEIR 3.2-28.) Hence, the EIR requires less effective BMPs during earlier project phases; but no impact evaluation discloses what the impacts of lesser BMPs during earlier phases might be. Elsewhere, the DEIR segments the project phases for Orcem as follows: given a max production rate of 900,000 million tons per year, phase II BMPs only kick in once production reaches 500,000 MT per year, over half of plant capacity. What will be the impacts of the Project producing 500,000 MT per year without adequate air pollution control BMPs? The DEIR also fails to support its assumption that the “maximum transportation mode would not occur until at least 2020.” (DEIR at 3.2-26.)

The DEIR states that “The VMT operational analysis reflects operation of the VMT Terminal without barge access; this scenario represents the greatest impacts because it requires the transport of all products from the facility via truck and rail, which would result in greater impacts than barge transport.” (DEIR at 3.2-28.) But the DEIR clearly indicates that barge traffic will be a part of the Project, especially in phase II. How were these emissions accounted for? Also, are the DEIR’s assumptions applicable to emissions for each individual criteria pollutant?

The DEIR’s discussion of local carbon monoxide (“CO”) impacts misleads the public and decision-makers by claiming that the project will be consistent with all LOS goals established within the General Plan, when in fact, the DEIR fails to describe the resulting LOS that will occur

as a result of rail car crossings during peak traffic hours, in conjunction with added delays caused by Project truck traffic. How will these increased delays increase CO emissions?

To mitigate for impacts 3.2-1 and 3.2-5, the DEIR discusses a deed restriction running with the land to establish a hillside buffer on "parcel 3." (DEIR 3.2-42.) The DEIR rejects this mitigation measure as infeasible without any substantial evidence, noting only that "The applicants have determined that implementation of this mitigation would be economically infeasible."

The DEIR states that, "For the purposes of a conservative analysis, the materials with the greatest potential for fugitive dust release (sand and aggregates) were assumed to be the dominant material imported." (DEIR at 3.2-28.) But these are not the most toxic or carcinogenic materials that may be emitted as fugitive dust. The DEIR should disclose the foreseeable human health impacts associated with fugitive release of coal, petcoke, and portland cement products. (See, *supra*, section I.A.)

The DEIR fails to analyze the potential for toxic air contaminants associated with the slag material.¹⁰ (See DEIR at 3.2-27 to 3.2-31) Metals, like chrome or lead, could be considered a toxic air contaminant, and should be accounted for as part of emissions from handling, manufacturing and storage, and should be included in any risk assessment to the community right across the street.

For each of the foregoing reasons, the DEIR must be revised and recirculated for new public and agency review.

IV. The DEIR's Review of Traffic Impacts is Fundamentally Flawed and Must be Revised.

The DEIR fails to meaningfully describe or mitigate the Project's impacts to traffic resulting from additional train crossing during peak commute times. (DEIR 3.12-22.) Instead, the DEIR indicates that the impact will be significant and unavoidable. This process and conclusion are flawed for two reasons. First, CEQA requires a meaningful description of the physical changes in the existing environment that will be caused by a proposed project. For example, while the DEIR analyzes the extent to which vehicle traffic will worsen the LOS at each intersection within the Project study area, no such detailed analysis is provided in conjunction with expected delays from railroad car crossing. Instead, the DEIR simply provides that, "While traffic operations were not assessed at the adjacent intersections at each grade crossing, the projection of gate-down time (7.6 minutes) and the blockage finding indicate that these movements would result in substantial delays." (DEIR 3.12-22.) This impact should be evaluated and described in the same detail as the resulting delays from added vehicle traffic, *as well as* in conjunction with the changing LOS caused by additional vehicle traffic. The DEIR cannot artificially segment its project impacts to traffic between those caused by added vehicles and those caused by added rail cars. The end result impact is the same: worsened traffic conditions. To properly inform decision-makers and the public about the location and extent of traffic impacts from the Project, the DEIR must be revised to accurately show the vehicle traffic plus rail traffic post-project conditions. This is especially important where the DEIR misleadingly reports the resulting LOS

¹⁰ <http://www.buildsite.com/pdf/lafarge/Ground-Granulated-Blast-Furnace-Slag-GGBFS-MSDSSDS-1295069.pdf> (Exhibit I).

at each Project area intersection (DEIR, Table 3.12-10), when in fact, we know that none of these LOS will actually occur. This compounding variable also calls into question the viability of the mitigation measures proposed to address added vehicle traffic.

V. The DEIR Fails to Adequately Analyze Impacts from Hazardous Materials.

Blast furnace slag emissions in water used to control dust emissions is highly toxic to aquatic life and may occur in significant amounts; yet no discussion of how water used in dust control that contains these emissions will not make its way into the marine environment

With regard to transportation fuel filling, the DEIR is not clear if there would be above ground storage tanks with petroleum on site.

The DEIR asserts that all trash will be in a totally enclosed containment (MM3.7-1a), but the DEIR does not explain how waste will be determined to be hazardous or not. If hazardous waste and non-hazardous waste is commingled, all such comingled waste should be disposed of as hazardous. If the hazardous characteristics of the waste are not determined prior to generating the waste, there is a high probability the trash will contain hazardous waste.

Fugitive dust measures rely heavily on watering of transfer points, storage piles, and roadways, but the cement dust and dust from other project materials are highly alkaline and have the potential to alter pH when leached into soils and water. How much water used for the dust control will enter the soil and coastal waters? What are the impacts of the addition of water for dust control to blast furnace slag material will create (blast furnace slag is supposed to be consistently dry to prevent hazardous chemical reactions)?

VI. The DEIR Illegally Defers Formulation of Aesthetic Impacts from Night Light.

MM 3.1-1 requires that

The City shall verify that the final lighting plans include provisions to ensure that outdoor lighting is designed so that potential glare or light spillover to surrounding properties is minimized through appropriate site design and shielding of light standards, consistent with the preliminary plans.

This deferral of mitigation fails to comply with CEQA's requirements. Formulation of mitigation measure should generally not be deferred. CEQA Guidelines § 15126.4(a)(1)(B). If deferred, however, mitigation measure must offer precise measures, criteria, and performance standards for mitigation measures that have been evaluated as feasible in the EIR, and which can be compared to established thresholds of significance. *E.g.*, *Sacramento Old City Association v. City Council* (1991) 229 Cal.App.3d 1011; CEQA Guidelines § 15126.4(a)(1)(B). MM 3.1-1 contains none of these qualities, and instead merely defers the complete formulation of night lighting avoidance or minimization measures to a future time, with no public review, and no guiding standards.

The detail provided by MM-3.3-7 is better, and should be incorporated into MM 3.1-1:

VMT shall develop and implement a wharf lighting plan that minimizes to the maximum extent practicable and with regard to operational and personnel safety, artificial lighting installed on and adjacent to the VMT wharf. This plan shall include but not be limited to:

- Use of fully shielded, downward casing, low-voltage, sodium, LED, or nonyellow-red spectrum lights that are well shielded to restrict the transmittance of artificial light over the water.
- Restriction of artificial lighting to those areas of the wharf and adjacent staging areas that require lighting.
- Directing all wharf and near wharf lighting to illuminate only the wharf and ground and not adjacent Napa River waters or the sky.

In addition, the DEIR should impose height restrictions on night lighting, no greater than that which is needed to safely illuminate the working surface. Further, the DEIR should evaluate motion sensors to activate night lighting only when needed. Such motion sensors are regularly required by building code for residential development, and, where feasible, industrial development should be no exception. Additional useful and feasible performance standards may be found in Exhibit J.¹¹ Each of these additional measures and standards, along with those detailed in MM 3.3-7, should be incorporated into MM 3.1-1 to cure its deficiencies.

VII. Conclusion

Thank you for your careful consideration of these comments.

Sincerely,



Jason R. Flanders
On behalf of,
Fresh Air Vallejo

¹¹https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CB0QFjAAahUKEwiNs--jqOPIAhUCOz4KHQmYDGG&url=http%3A%2F%2Fwww.skykeepers.org%2Ffordguide.htm&usg=AFQjCNF_sZxjabXK4jBMeA1WLG1Fskzh4Q&sig2=micwmriUt0i9Deo5k6Aqvg (Exhibit J).

Coal Train Dust Worries Richmond Residents

By Julie Small

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Editor's Note: This post contains a [correction](#).

Trains heaped with coal pass through Richmond every week on their way to the city's port.

In Parchester Village, a largely black and Latino neighborhood in northwestern Richmond, residents say coal dust blows off the open mounds, covering the grass and coating their screen doors.

"This little neighborhood, nobody seems to care about," says Paul Marquis, who moved to Parchester Village three years ago.

Marquis says in the last year, he's seen more trains go by, and more black dust on his property.

"It's everywhere," he says. "If your truck sits here for two, three days without moving you can write your name on the front."



Paul Marquis wipes dust from his screen door. He says the dust blows off open mounds of coal as trains pass by. (Julie Small/KQED)

To demonstrate, Marquis pours a bucket of water down his screen door.

It runs off dark.

That coal trains can lose particles and dust from open cars is no news to BNSF Railway, which has studied the issue. BNSF found that every uncovered coal car can lose between 500 pounds and one ton of coal in transit.

It's such a big safety problem on the tracks that BNSF requires coal companies in Montana and Wyoming that ship a lot of volume to cover their coal cars or spray them down to reduce the amount of dust lost in transit.

But no such rule applies to the coal cars traveling through Richmond because those shipments come from Colorado and Utah, states that don't ship as much volume.

After passing Parchester Village, the coal cars trundle on to the privately owned Levin-Richmond Terminal on the waterfront, just south of Interstate 580.

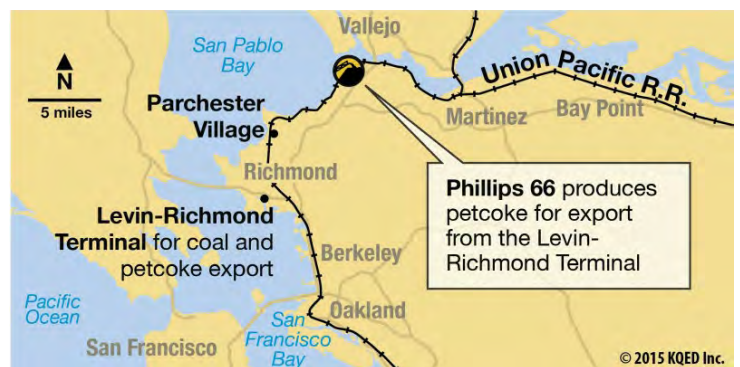
Richmond Mayor Tom Butt says he doesn't know how many coal trains pass through his town because federal law protects that information. But he describes it as "a big operation."

Last year Richmond exported more than a million tons of coal and petcoke combined.

Coal ships mostly to Japan and Mexico.

Petcoke comes in covered trucks from the nearby Phillips66 refinery to load onto boats headed for Australia and Europe.

"People are worried," says Butt. In the last year he says more residents have called his office to ask about the coal cars. "Fresh coal actually does have an odor to it," he explains. "People can smell it and they see it and they don't know what it is."



It's not the first time the contents of stockpiles at the Levin-Richmond Terminal have raised concerns.

"Our staff saw the material dropping from the conveyor belt directly into the water, saw it falling off the piles into the water, and blowing off of the piles into the water." *Sejal Choksi-Chugh*
San Francisco Baykeeper

The company began exporting coal in 2013, but before that had exported petcoke for at least a couple of decades. Three years ago, an environmental group sued the Levin-Richmond Terminal over its handling of the petroleum by-product.

"They will pile it up very high on the order of ten, twenty, thirty feet high on the dock," says Sejal Choksi-Chugh, executive director of San Francisco Baykeeper.

Staff at the non-profit observed problems at the terminal during a boating patrol.

"Our staff saw the material dropping from the conveyor belt directly into the water, saw it falling off the piles into the water, and blowing off of the piles into the water."

Baykeeper sued the Levin-Richmond Terminal for violating the Clean Water Act.

Admitting no wrongdoing, the company settled the lawsuit in 2014. The terminal operator agreed to enclose the conveyor system it used to load the ships and to stop loading when the wind is too strong. Choksi-Chugh says the settlement has reduced water pollution problems.

Nothing has been done, however, to address potential health problems related to airborne particles from the piles of coal and petcoke, or from the rail cars that transport the coal.

The company declined to be interviewed but in a written statement said it complies with all regulations and rules, and is considering a plan to enclose the stockpiles.



Richmond Mayor Tom Butt says he'd like to know how much coal dust blows from open piles at the Levin-Richmond Terminal. Coal particles can break down into smaller particulate matter that's harmful to lungs, as they get kicked up over and over by cars and shoes. (Julie Small/KQED)

Just outside the terminal fence, Mayor Butt bends down to scoop up a handful of black soot, "You can see there's dust here. You can see the remnants of it."

For Butt the question isn't whether there's dust escaping the Levin-Richmond terminal operations, it's "How much, and how far away does it move, and what's the size of the particulate matter?"

Butt says that's information he's like to get.

Federal law regulates petcoke and coal dust — not as toxic substances — but as particulate matter. Because particulate matter tends to effect communities in close proximity to the source, it usually falls to state and local governments to enforce limits. That's one reason efforts to diminish particulate matter from petcoke and coal vary widely in California.

Air regulators for the San Francisco Bay have a [district rule](#) that prohibits visible dust from crossing property lines, but according to Eric Stevenson with the Bay Area Air Quality Management District, it's hard to enforce.

"An inspector has to be there for a certain amount of time," Stevenson explains, "see the dust particles crossing across the fence line, ensure that those particles are coming from that facility."

"Usually what we do is attack emissions and things like that in a 'What are we going to get the biggest bang for our buck?' kind-of-way." *Eric Stevenson*
Bay Area Air Quality Management District

Documents obtained by KQED under a public records request shows that BAAQMD's inspections of the Levin-Richmond terminal found no visible dust coming off the property from 1997 to 2011. And then regular inspections stopped.

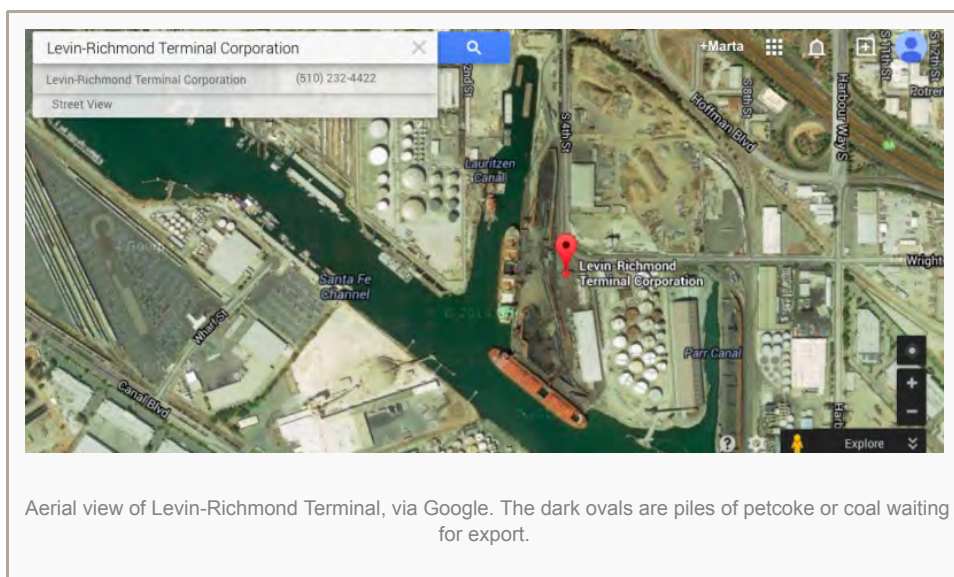
In 2012, the inspector assigned to the facility investigated a complaint of dust coming from the terminal, but found no supporting evidence.

Over the last three years, since Baykeeper sued and coal exports began, the air district has not inspected the property.

Part of the challenge for regulators is that the district lacks specific rules governing the storage or transport of petcoke and coal.

Stevenson says regulators focus resources on the largest sources of emissions, like Chevron and other Bay Area refineries.

“Usually what we do is attack emissions and things like that in a ‘what are we going to get the biggest bang for our buck?’ kind-of-way.”



Compared to Chevron, the Levin Richmond Terminal is small potatoes.

But at the Los Angeles and Long Beach Ports, exports of petcoke and coal are a much bigger deal. Shipments of both started causing problems there over twenty years ago.

“We had a significant number of complaints from residents near the ports,” recalls Mohsen Nazemi with the South Coast Air Quality Management District.

Nazemi, who directs engineering and compliance, says the houses of people living near rail tracks and truck routes were blanketed with black soot, and so were the schools.

“We thought it was a health issue,” Nazemi says, “because some of the particles were fine particles and if you inhale fine particles it can cause respiratory and other types of health problems.”

In the 1980’s the South Coast Air District adopted [new rules](#) that require refineries and ports to enclose conveyor belts and stockpiles. Trains and trucks had to cover their loads.

A recent [report](#) found no more significant problems with petroleum coke and coal dust in the area.

Last month, the Richmond City Council passed a [resolution](#) urging Bay Area air regulators to adopt the South Coast’s rule.



Maria Sahagun with the California Nurses Association is surveying the health of residents in Richmond's Parchester Village. (Julie Small/KQED)

Air district staff is drafting regulations that would closely mirror Southern California's rule but it could take a year or two for the board to adopt them.

Recently, the Sierra Club and the California Nurses Association began surveying residents at Parchester Village for health impacts from coal dust.

On the first day of the survey, nurse Maria Sahagun knocked on the door of a house where the back yard faces the train tracks.

A six-year-old girl was doing cartwheels across the yard.

"So agile!" exclaims Sahagun. Then, fighting back tears, observes, "She's the perfect example of the children in this community that are affected by the coal dust."

Sahagun, who worked at Doctors Medical Center until it closed in April, says the girl has asthma so severe medications sometimes don't work and she has to go to the emergency room.

Activists plan to continue surveying Richmond residents through the summer.

The BAAQMD's board is expected to begin parsing new regulations on coal and petcoke dust later this year.

Correction: This post originally stated that BNSF owns the train tracks that ship coal to Richmond. In fact, BNSF does not ship coal in California. Union Pacific "has on occasion hauled coal to the city of Richmond," according to a company spokesman. The coal comes mainly from Colorado and Utah.

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Oil Trains Spilled More Crude Last Year Than In The Previous 38 Years Combined

The Huffington Post | By [James Gerken](#)

Posted: 01/22/2014 3:41 pm EST | Updated: 01/23/2014 11:59 am EST



A new analysis of government data shows that more oil was spilled from trains in the U.S. in 2013 than in every year between 1975 and 2012 combined. Railcars released more than 1.15 million gallons of crude oil last year, reports McClatchy's Curtis Tate, while only a combined 800,000 gallons were spilled in the previous 38 years.

The analysis used data from the Department of Transportation's Pipeline and Hazardous Materials Safety Administration and does not include the deadly July 6 train derailment in Lac-Mégantic, Quebec, that released an estimated 1.58 million gallons of oil and killed 47 people.

Questions have arisen about the safety of transporting oil by rail, as the number of "mobile pipeline" trains has increased relative to an oil production boom in the central U.S. in recent years. Much of this boom (and the source of the crude oil in many of the recent oil train spills) is centered around North Dakota and the Bakken formation. Ten percent of all U.S. oil production now comes from this 200,000-square mile rock formation, which also underlies parts of Montana, Manitoba and Saskatchewan.

North Dakota currently produces several hundred thousand barrels of oil daily, exceeding the capacity of the existing pipeline infrastructure. This -- along with producers' preference for selling the oil on the east and west coasts, which are largely inaccessible by most pipelines but where the oil fetches a higher price -- has led to a surge in oil-by-rail shipment. The railroad industry shipped only 9,500 carloads of crude oil in 2008. That rose to 234,000 by 2012 and continues to grow.

Despite high-profile oil train derailments in North Dakota and Alabama, among others, McClatchy's analysis of the oil spilled from tank cars in 2013, as a share of the total volume of oil shipped by rail in the U.S. that year, jibes with the railroad industry's stated 99.99 percent safety record.

Oil train crashes may be statistically infrequent, but the shipment of Bakken crude presents one notable challenge. The PHMSA announced on Jan. 2 that the crude oil being transported from the region "may be more flammable than traditional heavy crude oil."

Regulators have begun to pay increased attention to oil train safety and shipping practices in recent months, although federal investigators have known about oil train safety issues, like overweight and mislabeled railcars coming from the Bakken formation, since at least the fall of 2011.

Following a closed-door meeting with federal regulators last week, the railroad industry agreed to implement voluntary safety improvements over the next month. "The industry, if they are motivated, can undertake preventative steps that will enhance the safety of the movement of these materials across the country," U.S. Transportation Secretary Anthony Foxx said, according to the Associated Press.

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Oil Spill

Train in Alabama oil spill was carrying 2.7 million gallons of crude

November 09, 2013 | By Soumya Karlamangla

A train that derailed and exploded in rural Alabama was hauling 2.7 million gallons of crude oil, according to officials.

The 90-car train was crossing a timber trestle above a wetland near Aliceville late Thursday night when approximately 25 rail cars and two locomotives derailed, spilling crude oil into the surrounding wetlands and igniting a fire that was still burning Saturday.

Each of the 90 cars was carrying 30,000 gallons of oil, said Bill Jasper, president of the rail company Genesee & Wyoming at a press briefing Friday night. It's unclear, though, how much oil was spilled because some of the cars have yet to be removed from the marsh.

"Most of the cars did not spill all of the product that was inside it," Don Hartley, a regional coordinator for the Alabama Emergency Management Agency, told the Los Angeles Times.



A tanker train that derailed and caught fire in western Alabama outside... (Bill Castle / Associated...)

Emergency responders have to wait until the fire has burned out, Hartley said.

Hartley said that the marsh where the oil spilled is stagnant, so the oil hasn't spread to other water systems. Scott Hughes, spokesman for the Alabama Department of Environmental Management, told The Times that responders had set up booms to absorb some of the oil.

"Typically wetlands are a sanctuary for a variety of different types of aquatic species, so once we're able to get in and assess environmental impacts, we'll certainly look at any impacts to aquatic organisms and other types of wildlife," Hughes told The Times.

There are extensive wetlands near Aliceville, a town of about 2,400 in western Alabama, according to the state's Forestry Commission website.

Hughes said Friday that a check of the water quality of the nearby drinking wells came up clean. The U.S. Environmental Protection Agency has been at the scene since Friday monitoring air quality in the region.

There are more than 100 people from various local, state and federal agencies surveying the scene, Hartley said.

Hartley said 21 cars were still in the marsh, but that most of the other cars had been moved back onto the track. The most damaged cars in the water will be removed last. The 60-foot-long, 10-foot-high wooden trestle, which also caught on fire, will have to be rebuilt. That will take about a week, Hartley said.

The cause of the crash is under investigation, and will probably take weeks to determine. The train, which

was en route from Amory, Miss., to Walnut Hill, Fla., was traveling below the posted track speed of 40 mph, according to Jasper.

“No issues have been found with the performance of the train’s two-man crew,” reads a statement from the train company.

The track was last inspected Monday, and the most recent train to traverse the section of track where the crash occurred passed the site approximately 2.5 hours before the derailment, according to the statement.

The explosion of an oil train in Lac-Megantic, Canada, in July has fueled criticism regarding the use of rail to move oil. Railroads are carrying 25 times more crude oil than they were five years ago. In that incident, a train with 72 tank cars carrying crude oil from North Dakota’s Bakken Shale fields ignited an inferno in the city, [The Times reported in September](#).

Hartley said that the Alabama train probably originated from North Dakota.

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400,000 gallons of crude oil spilled in North Dakota train crash

By **Ralph Vartabedian**

JANUARY 13, 2014, 3:41 PM

About 400,000 gallons of crude oil spilled from 18 rail cars after after a Dec. 30 derailment near Casselton, N.D., the National Transportation Safety Board said in a preliminary investigation report Monday.

An ensuing explosion sent a massive mushroom cloud of fire above the prairie and forced the evacuation of 1,400 residents.

Damage was estimated at \$6.1 million, the NTSB said.

The accident occurred when a BNSF Railway grain train derailed on the westbound tracks, obstructing the eastbound tracks less than a minute before the 106-car oil train arrived.

Article continues below ↓

The NTSB's preliminary report shed little new light on what may have caused the grain train to derail. Twenty-one cars on the oil train derailed, including 20 carrying crude and one carrying sand ballast.

Both trains were under the 60 mph speed limit for freights. The oil train was traveling at 43 mph when the crew triggered emergency brakes, and had slowed to 42 mph when it crashed into a car obstructing its track. The grain train was traveling about 28 mph when it derailed.

The cause of the grain train's derailment remains under investigation. The NTSB has shipped a broken axle and two wheels from that train to its laboratory in Washington for analysis.

In an earlier statement, investigators said they could not be sure whether the broken axle caused the crash or resulted from it. Investigators also said in the earlier statement that the derailment occurred on or near a switch to a side track, although the switch appeared to be properly aligned.

In the days after the accident, the Pipeline and Hazard Material Safety Administration issued a safety alert that the Bakken crude being hauled by the BNSF train was more flammable than expected. The agency, which is part of the federal Transportation Department, said it was

conducting further investigation into the crude's flammability.

Over the last six months, there have been five major rail accidents in North America, including one Wednesday in New Brunswick, Canada, in which crude hauled in tanker cars burned or exploded.

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Train Spills 12,000 Gallons Of Oil In Minnesota, No Major Cleanup Effort Planned

BY [EMILY ATKIN](#) [T](#) FEB 5, 2014 5:50PM

CREDIT: SHUTTERSTOCK

12,000 gallons of crude oil leaked from a Canadian Pacific Railway train on Monday in Minnesota, dribbling oil along the tracks for 68 miles, according to local [media reports](#).

Officials at the Minnesota Pollution Control Agency said Tuesday they would investigate the cause of the spill, but said no major cleanup effort was planned because of its relatively small size (one single tanker car carries 26,000 gallons) and the way that it happened: the tanker carrying the oil didn't derail and leak all in one place, rather oil gradually splattered out of the car between the rails onto the track bed as the train was moving. The leak, according to the [Star-Tribune](#), was traced to a valve or cap problem.

"It's like it spray-painted oil," MPCA spokesperson Cathy Rofshus told the [Leader-Telegram](#). There were no reported pools of oil, Rofshus added, saying the agency would continue to monitor the area's conditions.

Concerns about the safety of transporting crude by rail have ballooned in the last year, most infamously characterized by the [deadly derailment](#) in Lac-Mégantic, Quebec this past summer. The derailment caused a 1.5 million gallon oil spill, and an explosion which killed 47 people. Federal regulators [recently reported](#) that more oil has spilled from rail cars in 2013 than in the last four decades combined, which is in line with how much the practice itself has increased.

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Title V Operating Permits

Who Has to Obtain a Title V Permit

Any Major Source:

- A major source has actual or potential emissions that meet or exceed the major source threshold for their location.
- The major source threshold for any “air pollutant” is 100 tons/year (this is the “default value”).
- Lower thresholds apply in non-attainment areas (but only for the pollutant that are in non-attainment). (See Table below).
- Major source thresholds for “hazardous air pollutants” (HAP) are 10 tons/year for a single HAP or 25 tons/year for any combination of HAP.
- EPA generally has not required non-major sources to get permits (except as shown below).

Any Source with a Major Source Permit under PSD or NSR

“Affected Sources” under Acid Rain Rules - Regardless of Size

Solid Waste Incineration Units under Section 129 - Regardless of Size

- Municipal waste combustors (large and small)
- Hospital/medical/infectious waste incinerators
- Commercial and industrial solid waste incinerators
- Other solid waste incinerators
- Sewage sludge incinerators

Non-major Sources subject to NESHAP (MACT or GACT) Standards

- Hazardous waste combustors
- Portland cement manufacturers
- Mercury cell chlor-alkali plants
- Secondary lead smelters
- Carbon black production
- Chemical manufacturing: chromium compounds
- Primary copper smelting
- Secondary copper smelting
- Nonferrous metals area sources: zinc, cadmium, & beryllium
- Glass Manufacturing
- Electric Arc Furnace (EAF) Steelmaking Facilities
- Gold Mine Ore Processing and Production

[Note that if any newly promulgated NSPS or MACT standard regulates area sources, it must clarify whether the area sources are required to obtain title V permits.]

Certain Synthetic Minor Sources subject to NESHAP Standards

- Chemical Manufacturing

Non-major Sources subject to MACT and NSPS Standards

- Municipal solid waste landfills
(design capacity ≥ 2.5 million mega-grams and 2.5 million m³)

Any Source in a Source Category Designated by EPA – None so far

Table 1 – Lower Major Source Thresholds for Non-attainment Areas

Non-attainment Area Designation	VOC or NO _x	CO	PM-10
Marginal	100 tpy		
Moderate	100 tpy	100 tpy	100 tpy
Serious	50 tpy	50 tpy	70 tpy
Ozone transport region (other than severe or extreme)	50 tpy (VOC only)		
Severe	25 tpy		

Extreme	10 tpy		
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Note: Do not rely on this information for determining major source status or for a list of area sources required to obtain title V permits. This list may not be updated regularly. Instead rely on the applicable regulations as published in 40 Code of Federal Regulations (see [Laws and Regulations](#)).

Last updated on 9/23/2015

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ENVIRONMENT | SPOTLIGHT

Calif. cement plant has one of nation's highest mercury emission levels

February 8, 2012 | [Sam Pearson](#)

PRINT



Sam Pearson/California Watch

The Lehigh Southwest Cement plant in Tehachapi emitted the most mercury of any cement plant in California in 2010.

TEHACHAPI – At the end of an empty road just north of Highway 58 and past the outfield wall of an abandoned high school looms the towering **Lehigh Southwest Cement** plant – a behemoth kiln that belches mercury and other toxics into the air, as it has for decades.

After **a round of publicity and public outcry** in 2006 over mercury contamination from the plant, Lehigh's emission rates for the deadly chemical plummeted.

But now, the mercury emissions have spiked back up to some of the highest in the nation.

The Lehigh Tehachapi plant produced 872 pounds of mercury in 2010, according to the Environmental Protection Agency's Toxics Release Inventory data – the

most of any cement plant in California and the second-highest among all cement plants in the United States. In 2007, mercury emissions had dropped to 144 pounds, and then began climbing again.

Inside the plant, workers burn coal to cook limestone mined from the nearby hillside at more than 2,600 degrees. Both materials contain mercury, which then escapes into the atmosphere. Once in the air, scientists say, the mercury settles on the ground and contaminates the soil and water – and, eventually, fish that are eaten by humans.

California, rich in natural resources and massive in size, is one of the country's largest producers of cement, with eight production facilities on the EPA's list of mercury emitters. As such, a debate in Congress over controlling emissions from cement plants could have a major impact on the industry here.

The Obama administration and EPA have promised to impose strict limits on some of the most harmful pollutants emitted from cement plants, like mercury, hydrogen clouds, toxic organic pollution, arsenic and hexavalent chromium – the pollutant made famous in the 2000 movie "Erin Brockovich."

Jim Pew, a lawyer with the environmental group Earthjustice, said the move by the EPA is long overdue.

"These plants were supposed to be in compliance over a decade ago," Pew said. "They have so successfully played the system that they have avoided these standards for years."

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Under the new rules, which are scheduled to begin in September 2013, plants will be banned from emitting more than 55 pounds of mercury per million tons of cement produced. The cement industry said complying with the regulations could cost as much as \$3.4 billion and force the closure of some plants, but federal regulators put the cost at less than \$1 billion.

Andy O'Hare, vice president for regulatory affairs at the Portland Cement Association, which represents cement plants that use the "Portland" method of cooking limestone in kilns, said the regulations could cripple

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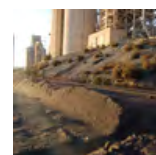
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small towns across the country that rely on cement plants to provide local, well-paying jobs.

For Lehigh's Tehachapi plant, which employs about 100 people, controlling mercury emissions "will be one of the primary challenges we have," said Tom Chizmadia, a spokesman for the cement company based in Texas.

The limestone mined from the volcanic earth near Tehachapi is naturally high in mercury, the company notes, and transportation costs prohibit importing limestone from great distances.

"We're looking at a number of technologies and operating systems to see how we can best meet" the new mercury emissions standards, Chizmadia said. "Our focus is to meet that, so we can have the facility operating."

Despite this federal effort, environmental activists remain skeptical that anything substantial will get done after decades of pollution and what they said is inattentive oversight by local air pollution boards.

In Southern California, environmental activist Jane Williams has waged a fight for years against the eight cement kilns operating in Kern and San Bernardino counties. She remembers driving toward Las Vegas along the old Route 66 at night with her infant son when she passed TXI Riverside Cement's plant in Oro Grande.

The air became so thick, she said, that she could not see well enough to drive. So she stopped the car, got out and started videotaping what she saw. She sent the tape to the **Mojave Desert Air Quality Management District**, but never received a response.

"This kiln is just out of control," she remembers thinking. "(The air board) did nothing. Nothing."

Mojave Desert Air Quality Management District spokeswoman Violette Roberts said the agency investigates all complaints from residents, as long as they concern stationary pollution sources and are within the district's boundaries. "Sometimes when we show up on the site, the same exact thing may not be occurring," Roberts said.

In most cases, state and federal EPA authorities have done most of the policing of California's cement plants.

In December, the **CalPortland Co.** agreed to pay a fine of \$1.42 million for Clean Air Act violations at its plant in Mojave, about 11 miles from Lehigh's Tehachapi plant. In a settlement with the EPA, CalPortland said it would install equipment to reduce its nitrogen oxide and sulfur dioxide pollution, which are linked to asthma and cardiovascular diseases.

Throughout the country and California, cement plants remain a persistent environmental problem. A recent review of EPA documents by the Center for Public Integrity found 10 cement plants on a "watch list" of plants that, according to a 2007 report from the EPA's inspector general, "tracks facilities with serious or chronic noncompliance that have not received formal enforcement action."

The **investigation by the Center for Public Integrity and NPR** found that across the country, regulators have struggled to protect hundreds of communities from harmful pollutants, and sometimes chronic, serious violators of the Clean Air Act faced no enforcement for months or years. California Watch, which partnered with the center, looked closer at some of the worst violators here.

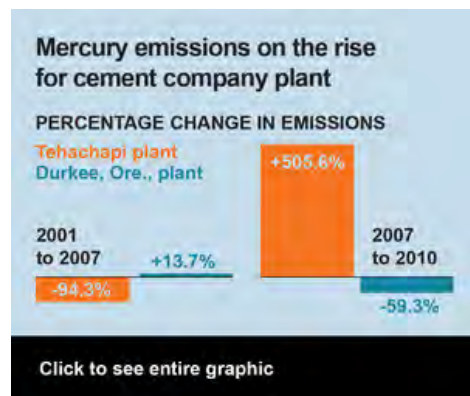
In many cases, cement plants in other states have been given permission to pollute at high levels. One plant in Chanute, Kansas, has been allowed to burn hazardous waste like industrial solvents; aluminum-paint waste; and toxic leftovers from chemical, pharmaceutical and oil production, **NPR and the Center for Public Integrity reported**.

City residents worried

Residents like Neoma Recalde, who lives about a mile from the Tehachapi plant, sometimes see dust on neighborhood cars and strange clouds coming from the plant. Recalde said she is not always certain where it comes from.

Tehachapi Mayor Ed Grimes remembers growing up in the town in the 1950s, when cars left outdoors overnight would be covered in cement dust the next morning. "The pollution was just outrageous," Grimes said, adding that he believes the plant is cleaner now than it was back then.

Grimes, who also leads the **Eastern Kern Air Pollution Control District**, started scrutinizing the plant when his daughter-in-law was diagnosed with multiple sclerosis. Grimes said he knows other women – four or five of them in the city – with the same condition and points to mercury pollution as the likely culprit.



While the Lehigh plant is the largest source in the area, there is no evidence to suggest that exposure to heavy metals like mercury causes multiple sclerosis, **according to the National Multiple Sclerosis Society**.

Grimes admits that despite his nagging suspicions, “I don’t have any scientific evidence of that, and maybe I never will.”

Built to provide cement for the Los Angeles Aqueduct **in 1908**, Lehigh Southwest’s Tehachapi plant has emitted startlingly high levels of mercury ever since. According to EPA records, the plant emitted the most mercury of any cement plant in California in 2010, and until 2005, it was the highest in the nation.

But over the years, the plant had faced little pressure to cut back its mercury emissions. The plant’s owner, Lehigh Cement Co., was fined \$10,625 by local regulators from 2005 to 2010 for other violations, even as it emitted 3,257 pounds of mercury during that time.

When the Los Angeles Times **identified** Lehigh’s plant as the nation’s highest emitter of mercury pollution in 2006, based on 2004 statistics, “a lot of people were up in arms,” said Glenn Baumann, a Tehachapi resident who has been involved in monitoring the plant.

Baumann said he understands the cement companies’ need to stay in business, make money and produce a product. But, he said, “just don’t make us sick or kill us.”

Since 2004, mercury emissions had been declining – tests for 2005 and 2006 showed 697 and 586 pounds, respectively. By 2007, the plant cut its emissions to 144 pounds. Air district officials said at the time that the decline showed that Lehigh was making progress in reducing its mercury problem.

But the numbers spiked again – in 2008, emissions reached 944 pounds, and in 2010, the plant’s mercury emissions were 872 pounds.

Explaining plant’s emissions

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Various explanations have been offered for why the plant’s mercury emissions have varied so widely – offering a window into the complicated nature of measuring mercury emissions as the Obama administration pursues its new regulations.

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Chizmadia said the plant in 2008 switched to a newer method of calculating mercury emissions – from a more traditional “stack test,” which measures a snapshot in time, to a more accurate “mass balance” test. Now, the mercury content in their limestone is measured before production. The mercury in the plant’s “clinker” byproduct is tested after production, and the difference is assumed to be the emission levels.

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Activist Williams said the emissions declined because plant officials measured the mercury content in various areas of the limestone mine and then began mining limestone from areas with lower mercury content.

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Chizmadia and David Jones, air pollution control officer for the Eastern Kern Air Pollution Control District, said the plant stopped using silica from the mine that contained high levels of mercury, and this had contributed to lower levels. The silica is now imported from another source with less mercury, Chizmadia

said.

Jones disputed the accuracy of past EPA data showing Lehigh emitting more than 2,500 pounds of mercury annually. Jones said those results were just “estimates.” He also said that the plant had not been producing as much cement during the economic downturn and that also accounted for decreased emissions.

Mercury, a potent neurotoxin, has an impact that is difficult to quantify, but is believed to be most dangerous for pregnant women and small children. It can contaminate bodies of water and cause fish to be unsafe for human consumption; it also causes other symptoms like reduced IQs, behavioral problems and heart conditions.

Cement officials argue that Lehigh’s Tehachapi plant, along with Ash Grove Cement Co.’s plant in Durkee, Ore., are unique among the nation’s cement plants as “mercury outliers,” because of the naturally occurring variations in the limestone at their facilities. The volcanic rock mined from nearby sources has a far higher mercury content than limestone supplied to other cement plants.

Ash Grove’s plant has emitted nearly 18,000 pounds of mercury in the past decade, while Lehigh’s plant emitted nearly 14,000 pounds.

Politics and industry

O’Hare, the Portland Cement Association official, said a cement industry study looked at each plant individually and calculated whether it would be cost-effective for the plant to purchase new equipment to reduce emissions.

The study concluded that 18 cement plants could be forced to shut down because of the new regulations, with a total of 3,000 to 4,000 jobs lost.

“Once you close down an industrial facility like this,” O’Hare warned, “you’re not going to reopen them.”

O’Hare declined to release the specific plants deemed most vulnerable to closure, but Chizmadia said the Tehachapi plant was not on the list.

Earthjustice lawyer Pew said the cement makers were simply playing politics by using the threat of a shutdown as leverage to escape pollution controls. He discounted arguments by cement manufacturers that further controls would force plants to close.

“The argument is so disingenuous,” he said. “All of the control technologies have been available for decades that will let them reduce their emissions by 90 percent.”

But if there really were no way to comply, Williams said the goal of the Clean Air Act would be to force the most toxic industrial plants to stop operating.

“Chemicals that are a danger to human health should be reduced in the environment,” Williams said, arguing that if the Lehigh plant in Tehachapi shut down, its production simply would shift to other cement plants that emitted less mercury.

Many environmentalists believe that the actual levels of mercury emissions could be significantly higher than what EPA data suggests. Earthjustice has argued that continuous emissions monitoring should be required for all plants to ensure accuracy.

A bill that passed the House of Representatives **in October** would remove the EPA’s effort to tighten regulation of cement plants. The measure passed the House 262-161, with 25 Democrats voting to support it and two Republicans opposing it. Obama has vowed to veto any attempts to weaken the new standards.

Environmental groups said the effort to kill the regulations is misguided.

There is “no credible reason to delay that implementation, except that the Portland Cement Association is upset that this will cost their plants extra money,” said Diane Bailey, spokeswoman for the National Resources Defense Council.

“The public health and air quality benefits from these proposed regulations are tremendous,” she said. “Really, we’re talking about literally thousands of lives that would be saved by implementing these regulations.”

O’Hare said that argument might make sense in the present economic climate, in which there is little demand for cement because construction has slowed. But he said that when the economy eventually rebounds, all existing cement plants would need to be operating to meet demand.

If they could not, O’Hare argued, the production would be replaced by imported cement from places like China – where comparable pollution standards do not exist.

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Health Effects of Petroleum Coke

What is petroleum coke?

Petroleum coke, also called pet coke or petcoke, is a solid carbon material that resembles coal; it is a product of oil refining.

What are the health risks of petroleum coke?

Significant quantities of fugitive dust from pet coke storage and handling operations present a health risk. EPA is particularly concerned about particles that are 10 micrometers in diameter or smaller (referred to as PM₁₀) because those are the particles that generally pass through the throat and nose and enter the lungs. Once inhaled, these particles can affect the heart and lungs and cause serious health effects. The air quality monitoring equipment installed by KCBX at its North and South facilities continuously measures concentrations of particulate matter 10 micrometers and smaller.



Close-up view of a pet coke pile on Chicago's south side.

- [Particulate matter \(also known as particle pollution or PM\)](#)
- [Particle Pollution and your Health](#)
- [Health and Environmental Effects of Particulate Matter](#)

Petroleum coke is 90% elemental carbon and 3% to 6% elemental sulfur; the rest is elemental hydrogen, oxygen, and nitrogen. There are also trace amounts of metals and organic compounds. While trace amounts of toxic materials have been measured in petroleum coke, studies on rats show that petroleum coke itself has a low level of toxicity and that there is no evidence of carcinogenicity.

- [Screening-level hazard characterization of petroleum coke \(technical document\) \(PDF\)](#) (20 pp, 409 K, [About PDF](#)) June 2011

EPA's research does not suggest that petroleum coke poses a different health risk than PM₁₀.

Detroit Bulk Storage

In 2013, the City of Detroit had a similar issue; residents were concerned about pet coke storage and handling facilities. Michigan Department of Environmental Quality conducted analyses of the constituents of pet coke, and of potential health effects. The following reports are from those analyses.

The following links exit the site [Exit](#)

- [Petroleum Coke: MDEQ Summary of Composition and Evaluation of Inhalation Toxicity \(PDF\)](#) (3 pp, 279 K, [About PDF](#)) April 2013
- [MDEQ Petroleum Coke Metals Analysis \(PDF\)](#) (3 pp, 70 K, [About PDF](#)) March 2013
- [MDEQ Petroleum Coke Fuel Analysis \(PDF\)](#) (1 pg, 520 K, [About PDF](#)) March 2013

SECTION 1: IDENTIFICATION

1.1. Product Identifier

Product Name: Slag

Synonyms: NewCem®, Litex™ Lightweight Aggregate, True Lite Lightweight Aggregate™, Vitrex™ Pelletized Slag, Ground Granulated Blast Furnace Slag (GGBFS), Blast Furnace Slag, Steel Slag, Granulated Slag, Pelletized Slag, Metallic Slag, Air Cooled Slag, Nonmetallic Slag, Slag Cement, Hydraulic Slag Cement, Slag

Note: This SDS covers many types of slag. Individual composition of hazardous constituents will vary between slag types.

1.2. Intended Use of the Product

Slag is used as a supplementary cementitious material for cement, concrete and concrete products. It is also used in soil stabilization and as filler in asphalt and other products that are widely used in construction.

1.3. Name, Address, and Telephone of the Responsible Party

Company

Lafarge North America Inc.
 8700 West Bryn Mawr Avenue, Suite 300
 Chicago, IL 60631
 Information: 773-372-1000 (9am to 5pm CST)
 email: SDSinfo@Lafarge.com
 Website: www.lafarge-na.com

1.4. Emergency Telephone Number

Emergency Number : 1-800-451-8346 (3E Hotline)

SECTION 2: HAZARDS IDENTIFICATION

2.1. Classification of the Substance or Mixture

Classification (GHS-US)

Skin Irrit. 2 H315
 Eye Dam. 1 H318
 Carc. 1A H350
 STOT SE 3 H335
 Full text of H-phrases: see section 16

2.2. Label Elements

GHS-US Labeling

Hazard Pictograms (GHS-US)



Signal Word (GHS-US)

: Danger

Hazard Statements (GHS-US)

: H315 - Causes skin irritation.
 H318 - Causes serious eye damage.
 H335 - May cause respiratory irritation.
 H350 - May cause cancer.

Precautionary Statements (GHS-US)

: P201 - Obtain special instructions before use.
 P202 - Do not handle until all safety precautions have been read and understood.
 P261 - Avoid breathing dust.
 P264 - Wash hands, forearms, and exposed areas thoroughly after handling.
 P271 - Use only outdoors or in a well-ventilated area.
 P280 - Wear eye protection, protective clothing, protective gloves.
 P302+P352+P313- IF ON SKIN: Wash with plenty of water. Get medical advice/attention.
 P304+P340 - IF INHALED: Remove person to fresh air and keep at rest in a position comfortable for breathing.
 P305+P351+P338 - IF IN EYES: Rinse cautiously with water for several minutes. Remove

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contact lenses, if present and easy to do. Continue rinsing.
P308+P313 - If exposed or concerned: Get medical advice/attention.
P362 - Take off contaminated clothing and wash before reuse.
P403+P233+P405- Store in a well-ventilated place. Keep container tightly closed. Store locked up.
P501 - Dispose of contents/container in accordance with local, regional, national, territorial, provincial, and international regulations.

2.3. Other Hazards

Inhalation can cause serious, potentially irreversible lung/respiratory tract tissue damage due to chemical (caustic) burns, including third degree burns. Individuals with lung disease (e.g. bronchitis, emphysema, COPD, pulmonary disease) or sensitivity to hexavalent chromium can be aggravated by exposure. Heating the product or containers can cause thermal decomposition of the product and release hydrogen sulfide. Hydrogen sulfide is a highly flammable, explosive gas under certain conditions, is a toxic gas, and may be fatal. Gas can accumulate in the headspace of closed containers, use caution when opening sealed containers. The presence of heavy metals may cause sensitization in sensitive individuals. Risk of thermal burns on contact with molten product.

2.4. Unknown Acute Toxicity (GHS-US) No data available

SECTION 3: COMPOSITION/INFORMATION ON INGREDIENTS

3.1. Substances

Not applicable

3.2. Mixture

Name	Product Identifier	% (w/w)	Classification (GHS-US)
Slags, ferrous metal, blast furnace	(CAS No) 65996-69-2	100	Not classified
Contains	Product Identifier	% (w/w)	Classification (GHS-US)
Calcium oxide	(CAS No) 1305-78-8	30 - 50	Skin Irrit. 2, H315 Eye Dam. 1, H318 STOT SE 3, H335
Magnesium oxide (MgO)	(CAS No) 1309-48-4	> 0.1, 0.1 - 1, 1 - 5, 5 - 10, 10 - 20	Not classified
Quartz	(CAS No) 14808-60-7	< 1	Carc. 1A, H350 STOT SE 3, H335 STOT RE 1, H372

Slag is a nonmetallic byproduct from the production of iron. Trace amounts of chemicals may be detected during chemical analysis. For example, slag may contain trace amounts of manganese oxide, titanium oxide, chromium compounds, sulfur compounds, and other trace compounds.

Multiple WHMIS ranges have been utilized to account for varying concentration.

Full text of H-phrases: see section 16

SECTION 4: FIRST AID MEASURES

4.1. Description of First Aid Measures

General: Never give anything by mouth to an unconscious person. If you feel unwell, seek medical advice (show the label if possible).

Inhalation: When symptoms occur: go into open air and ventilate suspected area. Keep at rest and in a position comfortable for breathing. If you feel unwell, seek medical advice.

Skin Contact: Remove contaminated clothing. Gently wash with plenty of soap and water followed by rinsing with water for at least 15 minutes. Call a POISON CENTER or doctor/physician if you feel unwell. Wash contaminated clothing before reuse.

Eye Contact: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing for at least 60 minutes. Immediately call a POISON CENTER or doctor/physician.

Ingestion: Rinse mouth. Do not induce vomiting. Immediately call a POISON CENTER or doctor/physician.

4.2. Most Important Symptoms and Effects Both Acute and Delayed

General: Irritation to eyes, skin and respiratory tract. Causes serious eye damage.

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Inhalation: Breathing dust may cause nose, throat, or lung irritation, including choking, depending on the degree of exposure. Prolonged or repeated inhalation of respirable crystalline silica from this product can cause silicosis, a seriously disabling and fatal lung disease. Some studies show that exposure to respirable crystalline silica may be associated with increased incidences of autoimmune disorders such as scleroderma, systemic lupus erythematosus, rheumatoid arthritis, and diseases affecting the kidneys. The extent and severity of lung injury depends on duration and level of exposure. Corrosive to the respiratory tract.

Skin Contact: Slag may cause dry skin, discomfort, irritation, and dermatitis. Slag is capable of causing dermatitis by irritation and allergy. Skin affected by dermatitis may include symptoms such as, redness, itching, rash, scaling, and cracking. Irritant dermatitis is caused by the physical properties of slag including moisture and abrasion. Allergic contact dermatitis is caused by sensitization to hexavalent chromium (chromate) present in slag. The reaction can range from a mild rash to severe skin ulcers. Persons already sensitized may react to the first contact with slag. Others may develop allergic dermatitis after years of repeated contact with slag.

Eye Contact: Airborne dust may cause immediate or delayed irritation or inflammation. Eye contact with large amounts of dry powder or with wet slag can cause moderate eye irritation. Eye exposures require immediate first aid to prevent significant damage to the eye.

Ingestion: Do not ingest slag. Ingestion is likely to be harmful or have adverse effects.

Chronic Symptoms: If dust is generated, repeated exposure through inhalation may cause cancer or lung disease.

4.3. Indication of Any Immediate Medical Attention and Special Treatment Needed

If exposed or concerned, get medical advice and attention.

SECTION 5: FIRE-FIGHTING MEASURES

5.1. Extinguishing Media

Suitable Extinguishing Media: Use extinguishing media appropriate for surrounding fire.

Unsuitable Extinguishing Media: Do not use a heavy water stream. Use of heavy stream of water may spread fire.

5.2. Special Hazards Arising From the Substance or Mixture

Fire Hazard: Not flammable.

Explosion Hazard: Product is not explosive.

Reactivity: Slag is incompatible with acids, ammonium salts and aluminum metal. Slag and cement dissolves in hydrofluoric acid, producing corrosive silicon tetrafluoride gas. Slag and cement reacts with water to form silicates and calcium hydroxide. Silicates react with powerful oxidizers such as fluorine, boron trifluoride, chlorine trifluoride, manganese trifluoride, and oxygen difluoride.

5.3. Advice for Firefighters

Precautionary Measures Fire: Exercise caution when fighting any chemical fire.

Firefighting Instructions: Do not get water inside containers. Do not apply water stream directly at source of leak.

Protection During Firefighting: Do not enter fire area without proper protective equipment, including respiratory protection.

Hazardous Combustion Products: None.

Reference to Other Sections

Refer to section 9 for flammability properties.

SECTION 6: ACCIDENTAL RELEASE MEASURES

6.1. Personal Precautions, Protective Equipment and Emergency Procedures

General Measures: Do not breathe dust. Do not get in eyes, on skin, or on clothing.

6.1.1. For Non-Emergency Personnel

Protective Equipment: Use appropriate personal protection equipment (PPE).

Emergency Procedures: Evacuate unnecessary personnel.

6.1.2. For Emergency Personnel

Protective Equipment: Equip cleanup crew with proper protection.

Emergency Procedures: Upon arrival at the scene, a first responder is expected to recognize the presence of dangerous goods, protect oneself and the public, secure the area, and call for the assistance of trained personnel as soon as conditions permit.

6.2. Environmental Precautions

Prevent entry to sewers and public waters.

6.3. Methods and Material for Containment and Cleaning Up

For Containment: Place spilled material into a container. Avoid actions that cause the slag to become airborne. Avoid inhalation of slag and contact with skin. Wear appropriate protective equipment as described in Section 8. Scrape wet slag and place in container. Allow material to dry or solidify before disposal. Do not wash slag down sewage and drainage systems or into bodies of water (e.g. streams).

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Methods for Cleaning Up: Avoid actions that cause dust to become airborne during clean-up such as dry sweeping or using compressed air. Use HEPA vacuum or thoroughly wet with water to clean-up dust. Use PPE described in Section 8.

6.4. Reference to Other Sections

See heading 8, Exposure Controls and Personal Protection. Concerning disposal elimination after cleaning, see item 13.

SECTION 7: HANDLING AND STORAGE

7.1. Precautions for Safe Handling

Additional Hazards When Processed: Cutting, crushing or grinding hardened cement, concrete or other crystalline silica bearing materials will release respirable crystalline silica. Use all appropriate measures of dust control or suppression, and Personal Protective Equipment (PPE) described in Section 8 below. Heating the product or containers can cause thermal decomposition of the product and release hydrogen sulfide. Hydrogen sulfide is a highly flammable, explosive gas under certain conditions, is a toxic gas, and may be fatal. Gas can accumulate in the headspace of closed containers, use caution when opening sealed containers. Risk of thermal burns on contact with molten product.

Hygiene Measures: Handle in accordance with good industrial hygiene and safety procedures. Wash hands and other exposed areas with mild soap and water before eating, drinking, or smoking and again when leaving work. Wash contaminated clothing before reuse.

7.2. Conditions for Safe Storage, Including Any Incompatibilities

Storage Conditions: Store in a dry, cool and well-ventilated place. Keep container closed when not in use.

Incompatible Materials: Slag is incompatible with acids, ammonium salts and aluminum metal. Slag and cement dissolves in hydrofluoric acid, producing corrosive silicon tetrafluoride gas. Slag and cement reacts with water to form silicates and calcium hydroxide. Silicates react with powerful oxidizers such as fluorine, boron trifluoride, chlorine trifluoride, manganese trifluoride, and oxygen difluoride.

7.3. Specific End Use(s) Slag is used as a supplementary cementitious material for cement, concrete and concrete products. It is also used in soil stabilization and as filler in asphalt and other products that are widely used in construction.

SECTION 8: EXPOSURE CONTROLS/PERSONAL PROTECTION

8.1. Control Parameters

For substances listed in section 3 that are not listed here, there are no established Exposure limits from the manufacturer, supplier, importer, or the appropriate advisory agency including: ACGIH (TLV), NIOSH (REL), OSHA (PEL), Canadian provincial governments, or the Mexican government.

Quartz (14808-60-7)		
Mexico	OEL TWA (mg/m ³)	0.1 mg/m ³ (respirable fraction)
USA ACGIH	ACGIH TWA (mg/m ³)	0.025 mg/m ³ (respirable fraction)
USA OSHA	OSHA PEL (STEL) (mg/m ³)	250 mpppcf/%SiO ₂ +5, 10mg/m ³ /%SiO ₂ +2
USA NIOSH	NIOSH REL (TWA) (mg/m ³)	0.05 mg/m ³ (respirable dust)
USA IDLH	US IDLH (mg/m ³)	50 mg/m ³ (respirable dust)
Alberta	OEL TWA (mg/m ³)	0.025 mg/m ³ (respirable particulate)
British Columbia	OEL TWA (mg/m ³)	0.025 mg/m ³ (respirable)
Manitoba	OEL TWA (mg/m ³)	0.025 mg/m ³ (respirable fraction)
New Brunswick	OEL TWA (mg/m ³)	0.1 mg/m ³ (respirable fraction)
Newfoundland & Labrador	OEL TWA (mg/m ³)	0.025 mg/m ³ (respirable fraction)
Nova Scotia	OEL TWA (mg/m ³)	0.025 mg/m ³ (respirable fraction)
Nunavut	OEL TWA (mg/m ³)	0.1 mg/m ³ (respirable mass)
Northwest Territories	OEL TWA (mg/m ³)	0.1 mg/m ³ (respirable mass)
Ontario	OEL TWA (mg/m ³)	0.10 mg/m ³ (designated substances regulation-respirable)
Prince Edward Island	OEL TWA (mg/m ³)	0.025 mg/m ³ (respirable fraction)
Québec	VEMP (mg/m ³)	0.1 mg/m ³ (respirable dust)
Saskatchewan	OEL TWA (mg/m ³)	0.05 mg/m ³ (respirable fraction)
Yukon	OEL TWA (mg/m ³)	300 particle/mL
Calcium oxide (1305-78-8)		
Mexico	OEL TWA (mg/m ³)	2 mg/m ³
USA ACGIH	ACGIH TWA (mg/m ³)	2 mg/m ³
USA OSHA	OSHA PEL (TWA) (mg/m ³)	5 mg/m ³

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USA NIOSH	NIOSH REL (TWA) (mg/m ³)	2 mg/m ³
USA IDLH	US IDLH (mg/m ³)	25 mg/m ³
Alberta	OEL TWA (mg/m ³)	2 mg/m ³
British Columbia	OEL TWA (mg/m ³)	2 mg/m ³
Manitoba	OEL TWA (mg/m ³)	2 mg/m ³
New Brunswick	OEL TWA (mg/m ³)	2 mg/m ³
Newfoundland & Labrador	OEL TWA (mg/m ³)	2 mg/m ³
Nova Scotia	OEL TWA (mg/m ³)	2 mg/m ³
Nunavut	OEL STEL (mg/m ³)	4 mg/m ³
Nunavut	OEL TWA (mg/m ³)	2 mg/m ³
Northwest Territories	OEL STEL (mg/m ³)	4 mg/m ³
Northwest Territories	OEL TWA (mg/m ³)	2 mg/m ³
Ontario	OEL TWA (mg/m ³)	2 mg/m ³
Prince Edward Island	OEL TWA (mg/m ³)	2 mg/m ³
Québec	VEMP (mg/m ³)	2 mg/m ³
Saskatchewan	OEL STEL (mg/m ³)	4 mg/m ³
Saskatchewan	OEL TWA (mg/m ³)	2 mg/m ³
Yukon	OEL STEL (mg/m ³)	4 mg/m ³
Yukon	OEL TWA (mg/m ³)	2 mg/m ³
Magnesium oxide (MgO) (1309-48-4)		
Mexico	OEL TWA (mg/m ³)	10 mg/m ³ (fume)
USA ACGIH	ACGIH TWA (mg/m ³)	10 mg/m ³ (inhalable fraction)
USA OSHA	OSHA PEL (TWA) (mg/m ³)	15 mg/m ³ (fume, total particulate)
USA IDLH	US IDLH (mg/m ³)	750 mg/m ³ (fume)
Alberta	OEL TWA (mg/m ³)	10 mg/m ³ (fume)
British Columbia	OEL STEL (mg/m ³)	10 mg/m ³ (respirable dust and fume)
British Columbia	OEL TWA (mg/m ³)	10 mg/m ³ (fume, inhalable)
Manitoba	OEL TWA (mg/m ³)	10 mg/m ³ (inhalable fraction)
New Brunswick	OEL TWA (mg/m ³)	10 mg/m ³ (fume)
Newfoundland & Labrador	OEL TWA (mg/m ³)	10 mg/m ³ (inhalable fraction)
Nova Scotia	OEL TWA (mg/m ³)	10 mg/m ³ (inhalable fraction)
Nunavut	OEL STEL (mg/m ³)	20 mg/m ³ (fume)
Nunavut	OEL TWA (mg/m ³)	10 mg/m ³ (fume)
Northwest Territories	OEL STEL (mg/m ³)	20 mg/m ³ (fume)
Northwest Territories	OEL TWA (mg/m ³)	10 mg/m ³ (fume)
Ontario	OEL TWA (mg/m ³)	10 mg/m ³ (inhalable)
Prince Edward Island	OEL TWA (mg/m ³)	10 mg/m ³ (inhalable fraction)
Québec	VEMP (mg/m ³)	10 mg/m ³ (fume)
Saskatchewan	OEL STEL (mg/m ³)	20 mg/m ³ (inhalable fraction)
Saskatchewan	OEL TWA (mg/m ³)	10 mg/m ³ (inhalable fraction)
Yukon	OEL STEL (mg/m ³)	10 mg/m ³ (fume)
Yukon	OEL TWA (mg/m ³)	10 mg/m ³ (fume)
Particulates not otherwise classified (PNOC) (RR-00072-6)		
USA ACGIH	ACGIH TWA (mg/m ³)	3 mg/m ³ Respirable fraction 10 mg/m ³ Total Dust
USA OSHA	OSHA PEL (TWA) (mg/m ³)	5 mg/m ³ Respirable fraction 15 mg/m ³ Total Dust
Alberta	OEL TWA (mg/m ³)	10 mg/m ³ (total)
British Columbia	OEL TWA (mg/m ³)	10 mg/m ³ (total dust)

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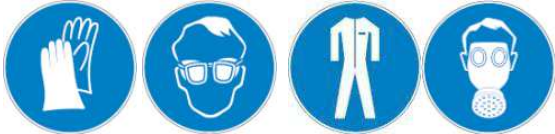
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Manitoba	OEL TWA (mg/m ³)	10 mg/m ³ (inhalable particles, recommended)
New Brunswick	OEL TWA (mg/m ³)	3 mg/m ³ (particulate matter containing no Asbestos and <1% Crystalline silica, respirable fraction)
Newfoundland & Labrador	OEL TWA (mg/m ³)	10 mg/m ³ (inhalable particles, recommended)
Nova Scotia	OEL TWA (mg/m ³)	10 mg/m ³ (inhalable particles, recommended)
Nunavut	OEL TWA (mg/m ³)	5 mg/m ³ (respirable mass)
Northwest Territories	OEL TWA (mg/m ³)	5 mg/m ³ (respirable mass)
Ontario	OEL TWA (mg/m ³)	10 mg/m ³ (inhalable)
Prince Edward Island	OEL TWA (mg/m ³)	10 mg/m ³ (inhalable particles, recommended)
Québec	VEMP (mg/m ³)	10 mg/m ³ (including dust, inert or nuisance particulates; containing no Asbestos and <1% Crystalline silica-total dust)
Saskatchewan	OEL STEL (mg/m ³)	20 mg/m ³ (insoluble or poorly insoluble-inhalable fraction)
Saskatchewan	OEL TWA (mg/m ³)	10 mg/m ³ (insoluble or poorly soluble-inhalable fraction)

8.2. Exposure Controls

Appropriate Engineering Controls: Emergency eye wash fountains and safety showers should be available in the immediate vicinity of any potential exposure. Use local exhaust or general dilution ventilation or other suppression methods to maintain dust levels below exposure limits. Power equipment should be equipped with proper dust collection devices.

Personal Protective Equipment: Gloves. Protective goggles. Protective clothing. Insufficient ventilation: wear respiratory protection.



Materials for Protective Clothing: Chemically resistant materials and fabrics.

Hand Protection: Wear gloves impervious to water to prevent skin contact.

Eye Protection: Wear safety goggles when handling dust or wet slag to prevent contact with eyes. Wearing contact lenses when using slag, under dusty conditions, is not recommended.

Skin and Body Protection: Wear gloves, boot covers and protective clothing impervious to water to prevent skin contact.

Respiratory Protection: Wear a NIOSH approved respirator that is properly fitted and is in good condition when exposed to dust above exposure limits.

Other Information: When using, do not eat, drink or smoke.

SECTION 9: PHYSICAL AND CHEMICAL PROPERTIES

9.1. Information on Basic Physical and Chemical Properties

Physical State	: Solid
Appearance	: Gray/black or brown/tan powder
Odor	: None
Odor Threshold	: Not available
pH	: 8 - 11 (in water)
Evaporation Rate	: Not available
Melting Point	: Not available
Freezing Point	: None, solid
Boiling Point	: > 1000 °C (> 1832 °F)
Flash Point	: Not available
Auto-ignition Temperature	: Not available
Decomposition Temperature	: Not available
Flammability (solid, gas)	: Not available
Lower Flammable Limit	: Not available
Upper Flammable Limit	: Not available
Vapor Pressure	: Not available
Relative Vapor Density at 20 °C	: Not available
Relative Density	: Not available

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Specific Gravity	: 2 - 3
Solubility	: Negligible
Partition Coefficient: N-Octanol/Water	: Not available
Viscosity	: None, solid
Explosion Data – Sensitivity to Mechanical Impact	: Not expected to present an explosion hazard due to mechanical impact.
Explosion Data – Sensitivity to Static Discharge	: Not expected to present an explosion hazard due to static discharge.

SECTION 10: STABILITY AND REACTIVITY

- 10.1. Reactivity:** Slag is incompatible with acids, ammonium salts and aluminum metal. Slag and cement dissolves in hydrofluoric acid, producing corrosive silicon tetrafluoride gas. Slag and cement reacts with water to form silicates and calcium hydroxide. Silicates react with powerful oxidizers such as fluorine, boron trifluoride, chlorine trifluoride, manganese trifluoride, and oxygen difluoride.
- 10.2. Chemical Stability:** Stable under recommended handling and storage conditions (see section 7).
- 10.3. Possibility of Hazardous Reactions:** Hazardous polymerization will not occur.
- 10.4. Conditions to Avoid:** Extremely high or low temperatures. Incompatible materials.
- 10.5. Incompatible Materials:** Acids. Ammonium salts. Aluminum. Hydrofluoric acid. Water. Oxidizers.
- 10.6. Hazardous Decomposition Products:** Hydrogen sulfide gas may be released from moist or wet slag when it is heated.

SECTION 11: TOXICOLOGICAL INFORMATION

11.1. Information on Toxicological Effects - Product

Acute Toxicity: Not classified

LD50 and LC50 Data: Not available

Skin Corrosion/Irritation: Causes skin irritation

pH: 8 - 11 (in water)

Serious Eye Damage/Irritation: Causes serious eye damage

pH: 8 - 11 (in water)

Respiratory or Skin Sensitization: Not classified

Germ Cell Mutagenicity: Not classified

Teratogenicity: Not classified

Carcinogenicity: May cause cancer

Specific Target Organ Toxicity (Repeated Exposure): Not classified

Reproductive Toxicity: Not classified

Specific Target Organ Toxicity (Single Exposure): May cause respiratory irritation

Aspiration Hazard: Not classified

Symptoms/Injuries After Inhalation: Breathing dust may cause nose, throat, or lung irritation, including choking, depending on the degree of exposure. Prolonged or repeated inhalation of respirable crystalline silica from this product can cause silicosis, a seriously disabling and fatal lung disease. Some studies show that exposure to respirable crystalline silica may be associated with increased incidences of autoimmune disorders such as scleroderma, systemic lupus erythematosus, rheumatoid arthritis, and diseases affecting the kidneys. The extent and severity of lung injury depends on duration and level of exposure. Corrosive to the respiratory tract

Symptoms/Injuries After Skin Contact: Slag may cause dry skin, discomfort, irritation, and dermatitis. Slag is capable of causing dermatitis by irritation and allergy. Skin affected by dermatitis may include symptoms such as, redness, itching, rash, scaling, and cracking. Irritant dermatitis is caused by the physical properties of slag including moisture and abrasion. Allergic contact dermatitis is caused by sensitization to hexavalent chromium (chromate) present in slag. The reaction can range from a mild rash to severe skin ulcers. Persons already sensitized may react to the first contact with slag. Others may develop allergic dermatitis after years of repeated contact with slag

Symptoms/Injuries After Eye Contact: Airborne dust may cause immediate or delayed irritation or inflammation. Eye contact with large amounts of dry powder or with wet slag can cause moderate eye irritation. Eye exposures require immediate first aid to prevent significant damage to the eye

Symptoms/Injuries After Ingestion: Do not ingest slag. Ingestion is likely to be harmful or have adverse effects

Chronic Symptoms: If dust is generated, repeated exposure through inhalation may cause cancer or lung disease

11.2. Information on Toxicological Effects - Ingredient(s)

LD50 and LC50 Data:

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Quartz (14808-60-7)	
LD50 Oral Rat	> 5000 mg/kg
LD50 Dermal Rat	> 5000 mg/kg
Calcium oxide (1305-78-8)	
LD50 Oral Rat	> 2000 mg/kg
LD50 Dermal Rabbit	> 2500 mg/kg
Quartz (14808-60-7)	
IARC Group	1
National Toxicology Program (NTP) Status	Known Human Carcinogens.

SECTION 12: ECOLOGICAL INFORMATION

12.1. Toxicity No additional information available

Calcium oxide (1305-78-8)	
LC50 Fish 1	1070 mg/l (Exposure time: 96 h - Species: Cyprinus carpio [static])

12.2. Persistence and Degradability Not available

12.3. Bioaccumulative Potential Not available

12.4. Mobility in Soil Not available

12.5. Other Adverse Effects Not available

SECTION 13: DISPOSAL CONSIDERATIONS

13.1. Waste treatment methods

Waste Disposal Recommendations: Dispose of waste material in accordance with all local, regional, state, national, provincial, territorial and international regulations.

SECTION 14: TRANSPORT INFORMATION

14.1. In Accordance with DOT Not regulated for transport

14.2. In Accordance with IMDG Not regulated for transport

14.3. In Accordance with IATA Not regulated for transport

14.4. In Accordance with TDG Not regulated for transport

SECTION 15: REGULATORY INFORMATION

15.1. US Federal Regulations

Slag	
SARA Section 311/312 Hazard Classes	Immediate (acute) health hazard Delayed (chronic) health hazard
SARA Section 313 - Emission Reporting	This product may contain constituents listed under SARA (Title III) Section 313, but not in amounts requiring supplier notification under 40 CFR Part 372 Subpart C.

Quartz (14808-60-7)	
Listed on the United States TSCA (Toxic Substances Control Act) inventory	

Calcium oxide (1305-78-8)	
Listed on the United States TSCA (Toxic Substances Control Act) inventory	

Magnesium oxide (MgO) (1309-48-4)	
Listed on the United States TSCA (Toxic Substances Control Act) inventory	

Slags, ferrous metal, blast furnace (65996-69-2)	
Listed on the United States TSCA (Toxic Substances Control Act) inventory	

15.2. US State Regulations

Quartz (14808-60-7)	
U.S. - California - Proposition 65 - Carcinogens List	WARNING: This product contains chemicals known to the State of California to cause cancer.

Quartz (14808-60-7)	
U.S. - Massachusetts - Right To Know List	

Slag

Safety Data Sheet

According To Federal Register / Vol. 77, No. 58 / Monday, March 26, 2012 / Rules And Regulations

U.S. - New Jersey - Right to Know Hazardous Substance List
U.S. - Pennsylvania - RTK (Right to Know) List

Calcium oxide (1305-78-8)

U.S. - Massachusetts - Right To Know List
U.S. - New Jersey - Right to Know Hazardous Substance List
U.S. - Pennsylvania - RTK (Right to Know) List

Magnesium oxide (MgO) (1309-48-4)

U.S. - Massachusetts - Right To Know List
U.S. - New Jersey - Right to Know Hazardous Substance List
U.S. - Pennsylvania - RTK (Right to Know) List

15.3. Canadian Regulations

Slag

WHMIS Classification	Class D Division 2 Subdivision A - Very toxic material causing other toxic effects Class D Division 2 Subdivision B - Toxic material causing other toxic effects
----------------------	---



Quartz (14808-60-7)

Listed on the Canadian DSL (Domestic Substances List)
Listed on the Canadian IDL (Ingredient Disclosure List)

IDL Concentration 1 %

WHMIS Classification	Class D Division 2 Subdivision A - Very toxic material causing other toxic effects
----------------------	--

Calcium oxide (1305-78-8)

Listed on the Canadian DSL (Domestic Substances List)
Listed on the Canadian IDL (Ingredient Disclosure List)

IDL Concentration 1 %

WHMIS Classification	Class E - Corrosive Material Class D Division 2 Subdivision B - Toxic material causing other toxic effects
----------------------	---

Magnesium oxide (MgO) (1309-48-4)

Listed on the Canadian DSL (Domestic Substances List)
Listed on the Canadian IDL (Ingredient Disclosure List)

IDL Concentration 1 %

WHMIS Classification	Uncontrolled product according to WHMIS classification criteria
----------------------	---

Slags, ferrous metal, blast furnace (65996-69-2)

Listed on the Canadian DSL (Domestic Substances List)

WHMIS Classification	Uncontrolled product according to WHMIS classification criteria
----------------------	---

This product has been classified in accordance with the hazard criteria of the Controlled Products Regulations (CPR) and the SDS contains all of the information required by CPR.

SECTION 16: OTHER INFORMATION, INCLUDING DATE OF PREPARATION OR LAST REVISION

Revision Date : 04/14/2015

Other Information : This document has been prepared in accordance with the SDS requirements of the OSHA Hazard Communication Standard 29 CFR 1910.1200.

GHS Full Text Phrases:

Carc. 1A	Carcinogenicity Category 1A
Eye Dam. 1	Serious eye damage/eye irritation Category 1
Skin Irrit. 2	Skin corrosion/irritation Category 2
STOT RE 1	Specific target organ toxicity (repeated exposure) Category 1
STOT SE 3	Specific target organ toxicity (single exposure) Category 3

Slag

Safety Data Sheet

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H315	Causes skin irritation
H318	Causes serious eye damage
H335	May cause respiratory irritation
H350	May cause cancer
H372	Causes damage to organs through prolonged or repeated exposure

Party Responsible for the Preparation of This Document

Lafarge North America Inc.
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An electronic version of this SDS is available at: www.lafarge-na.com under the Sustainability and Products sections. Please direct any inquiries regarding the content of this SDS to SDSinfo@Lafarge.com.

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North America GHS US 2012 & WHMIS 2

Outdoor Lighting Regulations in California

Skykeepers

skykeepers.org founded September 1, 1999

This page is under construction!

This page contains a list of Cities and Counties with references to specific section of ordinances relating to outdoor lighting and in some case to lighting in general.

The Evaluation columns indicate the degree to which the following four topics addressed.

(1) light pollution (2) light trespass (3) glare (4) enforcement

Lower Case+No Bold = no or poor consideration

Caps+Lower Case+No Bold= some consideration

Caps+Bold = fully addressed

Outdoor Lighting Ordinances or Elements are usually rate **Caps+Bold**.

LP = Light Pollution is fully or well addressed Lp = Light Pollution is partly addressed or some consideration is given lp = not addressed

LT = Light Trespass is fully or well addressed Lt = Light Trespass is partly addressed or some consideration is given lt = not addressed

GL = Glare is fully or well addressed Gl = Glare is partly addressed or some consideration is given gl = not addressed

EN = Enforcement is fully or well addressed En = Enforcement is partly addressed or some consideration is given en = not addressed

This page is supplemented by the following new pages or links -

[Related Links](#), a section of this page with links to city, county, state and planning links

[General Plan Notes](#), a new page dedicated to General Plans containing references to Light Pollution and Outdoor Lighting.

[Environmental Impact Report Notes](#), a new page dedicated to Environmental Impact Reports (EIR) and their use by Dark Sky Advocates.

[U.S.A. State Laws Adopted and Proposed](#), a new page providing historic and new links that have been removed from the IDA page of the same name.

Alameda

Go to county

County Ordinances and City Links by County -

County	Outdoor Lighting References	Evaluation				Referenced Document
Alameda						County Code
Top	Alameda					
	Albany					
	Berkeley					
	Dublin					
	Emeryville					
	Fremont					
	Hayward					
	Livermore					
	Newark					
	Oakland Outdoor Lighting Standards adopted 02 NOV 2001, Street Lights					Municipal Code
	Piedmont					

25 JUL 2008

[Home](#)

Navigation Links

- [Announcements](#)
- [A Light Pollution](#)
- [V Light Pollution](#)
- [E Light Pollution](#)
- [Measurements](#)
- [Energy Waste](#)
- [Global Warming](#)
- [CA & NV at Night](#)
- [Dark Parks](#)
- [Media Coverage](#)

Section -

- [IDA Sections](#)
- [Section Activities](#)
- [Sac.Co.Sky...](#)
- [Mission & Vision](#)
- [N-N Activism](#)
- [Government](#)

Lighting -

- [Cal View](#)
- [Cal OL-Regs](#)
- [Good Lighting](#)
- [Good & Bad](#)
- [New Fixtures](#)

Links -

- [Announcements](#)
- [Lighting Links](#)
- [Astronomy](#)
- [Skykeepers](#)
- [IDA's Web Site](#)

Alpine						
Top	No Cities					
Amador						
Top	Amador					
	Ione					
	Jackson					
	Plymouth					
	Sutter Creek					
Butte	County Code (LexisNexis), Butte County Code Review Development Services (Planning) General Plan Page BUTTE COUNTY GENERAL PLAN 2030 May 17, 2007 Public Workshop Page 6 Question #5H, Solution, "Establish a lighting ordinance to address light pollution." Photo 10 displayed light pollution, which was identified as a problem in Butte County. (.pgd)					County Code
Top	Biggs					
	Chico Planning Department					
	Gridley General Plan Update Website					Gridley Chamber
	Oroville					Municipal Code
	Paradise, Community Development					Paradise Chamber
Calaveras	Review of county code sections relating to Outdoor Lighting General Plan Page General Plan Workshop Summary #2 (.pdf) (search for "Light Pollution") Planning Department Copperopolis Community Plan (.pdf) (search for "Lighting" & "light trespass") Sawmill Lake Draft Specific Plan (.pdf) (search for "Lighting" & "Exterior Lighting") <i>An exclent statement in the Sawmill Lake Draft Specific Plan -- Page 34</i> Design and placement of area lighting should minimize glare and spill on Open Space areas, adjacent properties, buildings and roadways. Copper Mill Development Staff Report (.pdf) (search for "Lighting" & "light trespass")	Lp	LT	gl	En	County Code, Code
Top	Angles Camp					
Colusa						
Top	Colusa					
	Williams					
Contra Costa						County Code
Top	Antioch					
	Brentwood					
	Clayton					
	Concord					
	Danville					Municipal

						Code
	El Cerrito					Municipal Code
	Hercules					
	Lafayette					Municipal Code
	Martinez					
	Moraga					
	Oakley					
	Orinda					
	Pinole					
	Pittsburg					
	Pleasant Hill					
	Richmond					
	San Pablo					
	San Ramon					
	Walnut Creek					Planning & Zoning Code
Del Norte						
Top	Crescent City					Municipal Code
El Dorado	County Code Section 17.14.170 Outdoor Lighting Std., 19 SEP 02 Section 17.14.170 Outdoor Lighting Standards (skykeepers copy .pdf)	Lp	LT	GL	en	County Code
Top	Placerville Adopted, first reading 08 Jan 2002 South Lake Tahoe	LP	LT	GL	en	
Fresno						County Code
Top	Clovis					
	Coalinga					
	Firebaugh					
	Fowler					
	Fresno					
	Huron					
	Kerman					
	Kingsburg					
	Mendota					
	Orange Cove					
	Parlier					
	Reedley					
	Sanger					
	San Joaquin					
	Selma					
Glenn						
Top	Orland					
	Willows					Chamber
Humboldt						
Top	Arcata					

	Blue Lake					
	Eureka					
	Ferndale					
	Fortuna					
	Rio Dell					
	Trinidad					
<u>Imperial</u>						Ordinances
<u>Top</u>	Brawley					
	Calexico					
	Calipatria					
	El Centro					
	Holtville					
	Imperial					
	Westmorland					
<u>Inyo</u>						
<u>Top</u>	Bishop					
<u>Kern</u>	General Plan, Land Use, Conservation, and Open Space Element Local Quick Notes - Kern River Valley Specific Plan , Kern Co. Quick Notes					County Code
<u>Top</u>	Arvin					
	Bakersfield					
	California City					
	Delano					
	Maricopa					
	Mcfarland					
	Ridgecrest					
	Shafter					
	Taft					Chanber
	Tehachapi					
	Wasco					
<u>Kings</u>						
<u>Top</u>	Avenal					
	Corcoran					
	Hanford					
	Lemoore (references in General Plan Notes)					
	Lemoore AFB					
<u>Lake</u>						Lake County Code
<u>Top</u>	Clearlake					
	Lakeport					
<u>Lassen</u>	Ordinance under consideration, General Plan & Ordinance References (.pdf 68k)					
<u>Top</u>	Susanville					
<u>Los Angeles</u>	Large number of section relating to lighting					LACounty Code
<u>Top</u>	Agoura Hills, Alhambra, Arcadia, Artesia, Avalon, Azusa, Baldwin Park, Bell, Bellflower, Bell Gardens					
	Beverly Hills Lighting References - Sec. 5-6.1101	lp	LT	gl	en	Municipal

					Code
	Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey				
	Duarte				Municipal Code
	El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Canada Flintridge, La Habra Heights, Lakewood, La Mirada, Lancaster, La Puente, La Verne, Lawndale, Lomita, Long Beach, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palmdale, Palos Verdes Estates, Paramount, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena Temple City, Torrance, Vernon, Walnut, West Covina,				
	West Hollywood , Recently improved ordinance Section 19.20.100 - Outdoor Lighting Notes (local)				
	Westlake Village,				
	Whittier				
Madera	Madera at on time was considering a OLO - status unknown				
Top	Chowchilla				Municipal Code
	Madera				
Marin	Should have Ordinance to protect National Monument , efforts underway to address Light Pollution in General Plan Lighting Design Technical Criteria & Marin County Civic Center (.pdf)				County Code
Top	Belvedere				
	Corte Madera				
	Fairfax				
	Larkspur				
	Mill Valley				
	Novato				
	Ross				
	San Anselmo				
	San Rafael				
	Sausalito				
	Tiburon				
Mariposa	Ordinance under Consideration				
	No Cities				
Mendocino					County Code
Top	Fort Bragg				

	Point Arena					
	Ukiah					
	Willits					
<u>Merced</u>						
<u>Top</u>	Atwater					
	Dos Palos					
	Gustine					
	Livingston					
	Los Banos					
	Merced					
<u>Modoc</u>	Modoc County Planning Department					
<u>Top</u>	Alturas					
<u>Mono</u>						County Code
<u>Top</u>	<u>Mammoth Lakes</u> <u>Outdoor Lighting Ordinance (Draft as of March 2003) (bad link)</u> <u>Chapter 17.34 OUTDOOR LIGHTING , adopted 07 May 2003</u> <u>Local Skykeepers copy - Chapter 17.34 OUTDOOR LIGHTING</u> See also General Plan Notes page for General Plan Update February 2007	LP	LT	GL	EN	Review Municipal Code
<u>Monterey</u>						County Code
<u>Top</u>	Carmel-By-The-Sea					
	Del Rey Oaks					
	Gonzales					
	Greenfield					
	King City					
	Marina					
	Monterey					
	Pacific Grove					
	Salinas					
	Sand City					
	<u>Seaside, General Plan August 2004 Conservation/Open Space Element Page COS-21 and COS-35 (.pdf)</u>	LP	LT	GL		
	Soledad					
<u>Napa</u>						
<u>Top</u>	American Canyon					
	Calistoga					
	Napa					
	Saint Helena					
	Yountville					
<u>Nevada</u>	<u>Nevada County General Plan and Zoning Ordinance (skykeeper copy)</u> General Plan adopted 1996 Zoning Ordinance Chapter 2 of the Land Use and Development Code. (.pdf 2MB) Page 166 Sec. L-II 4.2.8 Lighting	LP	LP	G L	en	Zoning Regulations

	Additional Lighting References in Zoning Regulations notes (skykeeper copy)					
Top	Grass Valley					
	Nevada City					Chanber
	Truckee Title 18 - Development Code (notes) Review of Truckee Codes in Work 2025 General Plan Update (notes) Ch11 Signs (pdf) Truckee, Chapter18 - Section 18.30.060 - Exterior Lighting, Historic Design Guidelines					Truckee General Plan Update Town of Truckee
Orange	Zoning Ord. Co. & Cities Presently Under Review 8 FEB 02					Zoning Ordinance
Top	Aliso Viejo					
	Anaheim					
	Brea					
	Buena Park					
	Costa Mesa					
	Cypress					
	Dana Point					Municipal Code
	Fountain Valley					Municipal Code
	Fullerton					
	Garden Grove					
	Huntington Beach					
	Irvine					
	Laguna Beach (PLANNING COMMISSION STAFF REPORT 4/20/05, General Plan Actions "Form of a City-Appointed Environment Committee to advise the city on general environmental Concerns, such as water, air, noise and light pollution, view protection and open space. Zoning Code 25.28.030 Property development standards. (J) Exterior <i>Lighting</i> (public utility <i>lighting</i> is exempt from these standards). (1) <i>Lighting</i> fixtures shall be limited to a maximum height of twelve feet. All exterior <i>lighting</i> (except for security <i>lighting</i>) shall not be illuminated when facilities are closed. (2) All <i>lighting</i> shall be designed and located so as to confine direct rays to premises. 21.16.400 Ornamental street <i>lighting</i> system. There shall be an ornamental street <i>lighting</i> system, including standards and fixtures, in accordance with the quality and degree of illumination acceptable to the city. ... 25.35.080 Design review development standards. 10) All exterior <i>lighting</i> should relate to the design of the structure, and the light emitted shall not adversely affect neighboring properties, exceed that reasonably necessary for security purposes, nor detract from the aesthetics of the property. 25.19.010 and 25.21.008 and 25.25.010 - Performance standards. (others) (E)(G) Commercial signage shall be designed so as not to interfere with residential areas. This shall					Municipal Code

	involve the <i>lighting</i> , location, orientation and size of signs. (Ord. 1150 § 1 (part), 1988).					
	Laguna Hills					Municipal Code
	Laguna Niguel					
	Laguna Woods					
	La Habra					Municipal Code
	Lake Forest					Municipal Code
	La Palma					Municipal Code
	Los Alamitos Lighting References in Municipal Code	lp	lt	gl	en	Review Municipal Code
	Mission Viejo					
	Newport Beach					Municipal Code
	Orange					Municipal Code
	Placentia					Municipal Code
	Rancho Santa Margarita					
	San Clemente					Municipal Code
	San Juan Capistrano Sec. 9-3.614. Exterior lighting standards Municipal Code	LP	LT	GL	en	
	Santa Ana					
	Seal Beach					
	Stanton					
	Tustin					
	Villa Park					
	Westminster					
	Yorba Linda					
Placer	Placer County and Rural , Design Guides (2 docs) 14 JAN 02 Placer County Code	Lp	Lt	gl	en	Zoning Ordinance
Top	Auburn					
	Colfax					
	Lincoln					
	Loomis					Municipal Code
	Rocklin					Municipal Code
	Roseville					
Plumas						
Top	Portola					Municipal Code
Riverside	Ordinance No. 655, Regulating Light Pollution (Adopted: 6-7-88) (Ref.) County Code	LP	LT	GL	en	County Ordinance
Top	Banning					Municipal Code
	Beaumont					

Blythe					Municipal Code
Calimesa					
Canyon Lake					
Cathedral City					
Coachella					Municipal Code
Corona					
Desert Hot Springs					
Hemet					
Indian Wells Lighting Standards Title 22 Resources Management, 1996	LP	LT	GL	en	Code of Ordinances
Indio					Chanber
Lake Elsinore					
La Quinta Chapter 9.100.150 Outdoor lighting	LP	LT	GL	EN	Municipal Code
Moreno Valley					
Murrieta					
Norco					Municipal Code
Palm Desert Chapter 24.16 OUTDOOR LIGHTING REQUIREMENTS & Lighting References	LP	LT	GL	en	Review Municipal Code
Palm Springs 93.21.00 Outdoor lighting standards 93.01.01 Tennis courts					Municipal Code
Perris					Municipal Code
Rancho Mirage					Municipal Code
Riverside					
San Jacinto					
Temecula					Municipal Code
Sacramento	Sacramento Co. General Plan 2007 Update to include outdoor lighting Cities in the County General Plan Update Web Site , see Land Use Element, Page 54 (.pdf 4.1MB) , proposed wording				County Code
Top	Citrus Heights , Community Development Dept. Zoning Code Chapter 106.35 - Outdoor Lighting (.pdf) , Effective Nov 5, 2006	LP	Lt	GL	en
	Elk Grove Planning Dept. Zoning Code Chapter 23.56 Lighting Review of ZC23.56 Elk Grove Design Guidelines , Review of EGDGs Lighting Comments: Elk Grove is doing a good job but could do more. Deserves a Well done!	LP Lp	LT Lt	GL Gl	En en
	Folsom Lighting References in Municipal Code	lp	Lt	gl	en
	Galt Planning Department, General Plan Update, Workshop Schedules (.pdf)				
	Isleton				
	Rancho Cordova Review of Rancho Cordova Design Guides (Lighting) Comments: Rancho Cordova is doing a good	Lp	Lt	Gl	en

	job but could do more. Deserves a Well done!					
	Sacramento, Quick-Review - City of Sacramento Municipal Code	Lp	Lt	Gl	en	
San Benito	Outdoor Lighting Ordinance Chapter 32 Adopted 06 Nov. 2001 Planning Commmission action March 15, 2006 page 4	LP	LT	GL	EN	Allows Mercury Vapor, not good.
Top	Hollister General Plan see POLICIES 64, 66, 67 page 97					
	San Juan Bautista					
San Bernardino	Ordinance No. 3900 , adopted 23 SEP 2003, as Proposed.pdf	LP	LT	GL	en	County Codes
Top	Apple Valley (Has ordinance)					Chanber
	Yucca Valley Ordinance No. 90 (Mar.1998)	LP	LT	GL	EN	
	Adelanto					
	Barstow					Municipal Code
	Big Bear Lake Big Bear Lake Municipal Code - Lighting References					Municipal Code
	Chino					Municipal Code
	Chino Hills					Municipal Code
	Colton					Municipal Code
	Fontana					
	Grand Terrace					
	Hesperia 16.16.480 Specific land use standards (Outdoor Lighting).					Hesperia Municipal Code
	Highland					
	Loma Linda					Municipal Code
	Montclair					
	Needles					Chamber
	Ontario					
	Rancho Cucamonga					
	Redlands					
	Rialto					Municipal Code
	San Bernardino					
	Twentynine Palms					
	Upland					
	Victorville " 8) Lighting. All lighting is to be shielded and confined within the property line."					Municipal Code
	Yucaipa					
San Diego	IDA Information Sheet 57. May 92	LP	LT	GL	en	Zoning Ordinance
Top	Carlsbad					Municipal Code
	Chula Vista Chapter 17.28 UNNECESSARY LIGHTS					

Coronado						
Del Mar						
El Cajon						
Encinitas						
Escondido	ARTICLE 35. OUTDOOR LIGHTING					
Imperial Beach	Chapter 19.56 LIGHTING REGULATIONS					
La Mesa						Municipal Code
Lemon Grove						
National City						Municipal Code
Oceanside	Chapter 39 LIGHT POLLUTION REGULATIONS					
Poway						
San Diego	(IDA Information Sheet 37, Jan.91) Municipal Code Chapter 14 (pdf)	LP	LT	GL	en	Municipal Code
San Marcos						
Santee						Municipal Code
Solana Beach						
Vista						
San Francisco						
Top	City and County of San Francisco Planning Code, Volume I Planning Code, Volume II Mayor's Office of Neighborhood Services Access the San Francisco Municipal Codes Index Other notes: Lights Out San Francisco					
San Joaquin						
Top	Escalon					
	Lathrop					Municipal Code
	Lodi Lighting References in Municipal Code Lodi Municipal Code(lexisnexis)	lp	Lt	Gl	en	Review Municipal Code
	Manteca					Municipal Code
	Ripon					
	Stockton					
	Tracy					Municipal Code
San Luis Obispo						
Top	Arroyo Grande					
	Atascadero					
	El Paso De Robles					
	Grover Beach					
	Morro Bay					
	Pismo Beach					
	San Luis Obispo					Zoning Regulations
San Mateo						County Code

Top	Atherton Belmont Brisbane Burlingame Colma Daly City East Palo Alto Foster City Half Moon Bay Hillsborough Menlo Park Millbrae Pacifica Portola Valley Redwood City San Bruno San Carlos San Mateo South San Francisco Woodside					
Santa Barbara					County Code	
Top	Buellton (Has ordinance)					
	Carpinteria (Has ordinance)					
	Goleta General Plan Visual and Historic Resources Element (Ref. Light Pollution) Page 6.16					
	Goleta Valley					
	Guadalupe					
	Lompoc					
	Santa Barbara (Dec 97) (Cal-IDA scan) Ordinance No. 5035 & Resolution No. 97-149	LP	LT	GL	en	
	Santa Maria					
	Solvang (May have ordinance)					
Santa Clara						
Top	Campbell Cupertino Gilroy Los Altos Los Altos Hills Los Gatos Milpitas Monte Sereno Morgan Hill					
	Mountain View Lighting References in City Code (Bad Link - checking)	lp	Lt	gl	en	City Code
	Palo Alto					
	San Jose					Zoning Code
	Santa Clara Saratoga Sunnyvale					
Santa Cruz					County Code	
Top	Capitola					

	Santa Cruz					
	Scotts Valley					
	Watsonville					
Shasta	Planning Division, Title 17 Zoning Shasta Co Dev Stds (local copy)	Lp	Lt	Gl	en	Review of Zoning
Top	Anderson					
	Redding Planning Department, Municipal Code & Zoning Review	LP	LT	GL	en	Municipal Code
	Shasta Lake					Municipal Code
Sierra						
Top	Loyalton					
Siskiyou						County Code
Top	Dorris					
	Dunsmuir					
	Etna					
	Fort Jones					
	Montague					
	Mount Shasta					
	Tulelake					
	Weed					
	Yreka					Municipal Code
Solano						
Top	Benicia					
	Dixon					
	Fairfield					
	Rio Vista					
	Suisun City					
	Vacaville					
	Vallejo					
Sonoma	General Plan Update Notes, Comments relating to Light and Glare 17 Oct 02 (.pdf) General Plan Update Notes, Comments relating to Light and Glare 15 Aug 02 (.pdf) Sonoma County Code					PRMD Homepage General Plan Update Zoning Regulations Coastal Zoning
Top	Cloverdale Cotati Healdsburg Petaluma Rohnert Park Santa Rosa Sebastopol Sonoma Windsor					
Stanislaus						
Top	Ceres Hughson Modesto Newman					

	Oakdale Patterson Riverbank Turlock Waterford					
Sutter						
Top	Live Oak Yuba City					
Tehama						
Top	Corning					
	Red Bluff					
	Tehama					
Trinity						
	No Cities					
Tulare						
Top	Dinuba Exeter Farmersville Lindsay Porterville Tulare					
	Visalia					City Ordinance
	Woodlake					
Tuolumne						
	Sonora					
Ventura Top	Cities in Ventura County					Codified Ordinances
	Camarillo					
	Fillmore					
	Moorpark					
	Ojai					
	Oxnard - General Plan Update starting May 1, 2007 search GP has "more lighting", "more lighting", "more lighting" "lighting" filetype:pdf site:www.westplanning.com/docs/oxnard					
	Port Hueneme					
	San Buenaventura					
	Santa Paula					
	Simi Valley					
	Thousand Oaks					Municipal Code
	Ventura					
Yolo						
Top	Davis ORDINANCE 1966, SERIES 1998 (Nov. 98) Dec. 9, 1998	LP	LT	GL	En	Municipal Code
	West Sacramento					Municipal Code
	Winters					Municipal Code
	Woodland					City Code

Yuba						
Top	Marysville					
	Wheatland					

[Top](#)

General Plans Notes

DRAFT Model Light Pollution and Radiation Safety Element for a General Plan, By David J. Dilworth [HOPE Web Site](#).

[List of General Plan & Environmental Impact Reports referencing lighting](#), is in addition to this page and contains Cities and Counties.

Counties With Reference to Outdoor Lighting or Light Pollution in the General Plan or GP review comments.

[El Dorado Co.](#) -- See [List of General Plan & Environmental Impact Reports referencing lighting](#).

[Kern Co.](#) -- [General Plan, Land Use, Conservation, and Open Space Element \(.pdf link\)](#) -- (see 1.10.7 Light and Glare)

[Kern River Valley Specific Plan](#) -- Very Good, Also see -- [Kern Co. Quick Notes](#)

[Lassen Co.](#) -- [General Plan & Ordinance References \(.pdf 68k\)](#) -- Very Good

[Nevada Co.](#) -- [General Plan \(.pdf\)](#) adopted 1996

Chapter 18: Aesthetics Volume I - Page 193

Habitats throughout the county have been modified by human activity. The ... noise and night lighting have served to reduce the habitat values throughout the area. ...

[Chapter 18: Aesthetics Volume I - Page 193 \(.pdf\)](#)

Policy 18.10 New and replacement road system lighting shall utilize fixtures and light sources that minimize night-time light pollution, without compromising traffic safety.

Policy 18.11 New Commercial, Industrial and Multiple Family development shall utilize fixtures and light sources that minimize night time light pollution.

[Sacramento Co.](#) - Proposed [Land Use Element, Page 54 \(.pdf 4.1MB\)](#)

LIGHT POLLUTION

Objective: Reduced levels of light pollution in both new and existing communities.

Intent: Nighttime lighting provides safety and comfort to communities and their residents, but excess and misdirected light creates the phenomenon known as light pollution. An increasing problem for metropolitan areas, light pollution is light not targeted for a specific task, creating an unhealthy and unsightly environment. This light originates from a number of sources including interior and exterior lighting on buildings, lights associated with advertising, streetlights, sporting venues and shopping centers. There are number of environmental, ecological, quality of life, and human health implications associated with light pollution. Excess nighttime light wastes energy and harms the integrity of ecosystems. Artificial light interrupts the biological clock of organisms that depend on light (or lack thereof) to trigger behavioral activities. Upward-directed light creates skyglow above cities, impairing the view of the night sky, stars and planets. As Sacramento County continues to grow, efforts can be taken to reduce excess and inappropriate light on the surrounding social and biological environment by ensuring lighting structures are designed to limit the distribution of forward light, backlight and uplight.

Policy:

LU-33. Strive to achieve a natural nighttime environment and an uncompromised public view of the night sky by reducing light pollution.

Implementation Measure:

A. Address and incorporate outdoor lighting measures in any Zoning Code update, community and specific plans, corridor plans, district plans, transit station plans or any other planning programs.

[San Diego Co.](#) -- [General Plan Conservation Element CHAPTER 7 ASTRONOMICAL DARK SKY Page X-85](#)

"FINDING 6 Light pollution is cumulative in that the sky brightness that already exists is increased by each new source. It is incorrect to say that a little additional light will be lost in the glow that presently exists -- it will simply add to it."

[Sonoma Co.](#) -- See [List of General Plan & Environmental Impact Reports referencing lighting](#).

Various Cities With Reference to Outdoor Lighting or Light Pollution in the General Plan or GP review comments.-- See [List of General Plan & Environmental Impact Reports referencing lighting](#).

Crescent City - General Plan Final EIR see page 6-32

Goleta - General Plan [Visual and Historic Resources Element \(Ref. Light Pollution\) Page 6.16 \(.pdf\)](#)

VH 4.12 Lighting. [GP] Outdoor lighting fixtures shall be designed, located, aimed downward or toward structures (if properly shielded), retrofitted if feasible, and maintained in order to prevent over-lighting, energy waste, glare, light trespass, and sky glow. The following standards shall apply:

- a. Outdoor lighting shall be the minimum number of fixtures and intensity needed for the intended purpose. Fixtures shall be fully shielded and have full cut off lights to minimize visibility from public viewing areas and prevent light pollution into residential areas or other sensitive uses such as wildlife habitats or migration routes.
- b. Direct upward light emission shall be avoided to protect views of the night sky.
- c. Light fixtures used in new development shall be appropriate to the architectural style and scale and compatible with the surrounding area.

VH-IA-2 ... The Design Guidelines should also address outdoor lighting, including quality and quantity of illumination levels, glare, light pollution, energy efficiency, safety, and security.

City of Hollister , San Benito Co

Hollister [General Plan see POLICIES 64, 66, 67 page 97](#)

[General Plan](#), POLICIES 64, 66, 67 page 97

Visual Qualities

64. Hollister shall review all development applications to determine the visual impacts associated with the proposed development, and shall ensure that all adverse visual impacts are mitigated to the maximum extent feasible prior to granting development approval. (III.M)

65. Hollister shall require that new utility and distribution lines into individual development projects be placed underground. (SAP)

66. Hollister shall require those proposing new development to use high-pressure sodium (HPS) lighting for all street, pathway and parking lighting. (SAP)

67. Hollister shall require those proposing new development to fully shield and install all outdoor lighting fixtures so that no light is emitted above the horizontal plane running through the top of the source of illumination. (SAP)

Oxnard - [General Plan Update starting May 1, 2007](#)

The GP has "more lighting", "more lighting", and nothing about night time habitat or preserving the night sky.

Search using - "lighting" filetype:pdf site:www.westplanning.com/docs/oxnard

Seaside General Plan August 2004 Page COS-21 and COS-35

Page COS-21

PRESERVATION OF NIGHT SKIES

Viewing the wonders of the night sky is a rapidly disappearing natural heritage. It is becoming increasingly difficult to see the planets, stars, and Milky Way without traveling to locations far from home. Even truly remote dark locations are becoming scarce. ...

Page COS-35

PRESERVATION OF NIGHT SKIES

The protection of night skies in Monterey County is important to astrological research and to general viewing of the galaxy. Measures to reduce light pollution will also reduce energy consumption. The City can participate in preserving night skies.

Goal COS-8: Encourage exterior lighting that preserves night skies.

Policy COS 8.1: Participate in local and regional efforts to reduce light pollution of night skies.

IMPLEMENTATION PLANS

Implementation Plan COS-8.1.1 Shielded Street Lights. The City Shall continue to implement its policy to require that all new street lights placed in the public right-of-way be fully shielded.

Responsible Agency/Department: Public Works, Community Development

Funding Source: General Fund, development fees Time Frame: Ongoing

[Top](#)

State of California Regulations

[California Department of Transportation Lighting Manual](#)
[1999 California Motor Vehicle Code \(see 21466 and 21466.5\)](#)

California Energy Commission Regulations and Notes -


[California Energy Commission \(CEC\) Web Site](#)
[SB 5X Outdoor Lighting Standards Development and Background](#)

[Outdoor Lighting Zones 2005 Building Energy Efficiency Standards](#)
[SB 5X Outdoor Lighting Standards NOTICES & ANNOUNCEMENTS PAGE](#) Energy
Commission Docket Number: (02-OLS-1)

[2008 Update to the Building Energy Efficiency Standards](#)

Lighting Ordinances of special significances in other States

New York State has many good ordinances please visit SELENE's [Lighting Ordinances Page](#)

 [Town of East Hampton § 255-1-81 through 255-1-84, SELENE local copy](#) (PDF)

[City of Ketchum, Idaho - Dark Sky Ordinance](#), Passed 21 June 99

[City of Hailey, Idaho - Dark Sky Ordinance \(.pdf\)](#) [\(skykeepers copy\)](#)

[Homer Glen, Illinois - December 07 \(.pdf\)](#)

[Missoula, MT Outdoor Lighting Ordinance - links](#) , [Ordinance 3341 Adopted 04/16/07](#)
effective January 1, 2008 (.pdf)

[Branford, Connecticut \(.pdf\)](#) - (courtesy Bob Crelin)

[Village of East Hampton](#) Passed March 16, 2006,

This is one of the best Ordinances

in the US (local copy)

[Warren County, Virginia Outdoor Lighting Ordinance \(.pdf\)](#) [Warren Co. VA ODLO](#)

US State Laws

[U.S.A. State Laws Adopted and Proposed - skykeepers](#)

[IDA's Lighting Ordinances](#)

References -

Planning - LUPIN - [California Land Use Planning Information Network](#)

Planning - [Directory of California Local Planning Agencies 1999](#)

[County Government](#) - California State Association of Counties

[California Counties' Websites](#) - California State Association of Counties

[County Maps](#) - - California State Association of Counties

[County Maps and links to County Administration Web Sites](#), by California Land Surveyors
Association

[City Government](#) - League of California Cities

[City Website Links](#) - California Cities with websites

Noise Ordinance - [GUIDELINES FOR AN URBAN NOISE ORDINANCE](#)

[LexisNexis - City/County Codes California](#)

See Also: [Zoning Ordinances by County](#)

[Municipal Code Corporation](#)

[Municipal Research & Services Center of Washington](#)

[Web Start California Home Page](#) a tool for finding cities.

See also

[IDA's Lighting Ordinances](#)

Beginner's Guide to Lighting Regulation
SERC - Innovative State Legislation - ISSUE: DARK SKIES

[Top of page](#)

skykeepers.org/ordaregs/califord.html

From: Shari Gardner [<mailto:gardner.shari@gmail.com>]

Sent: Wednesday, November 04, 2015 4:28 PM

To: Andrea Ouse <Andrea.Ouse@cityofvallejo.net>

Cc: bk@fonr.org; 'Tony Norris' <autochthon51@comcast.net>; 'David Graves' <wavey@saintsbury.com>

Subject: VMT/Orcem Project Draft EIR

Hi Andrea,

Attached are the comments from Friends of the Napa River regarding the VMT/Orcem Project, along with the 'Living River Objectives' used to guide development along the river in Napa.

Thank you,

Shari Gardner, Executive Director

Friends of the Napa River

Gardner.shari@gmail.com

707-799-5241

www.fonr.org



P.O. Box 537, Napa, CA 94559 phone: 707-254-8520 email: info@fonr.org www.fonr.org

November 4, 2015

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Director Andrea Ouse
Vallejo Community & Economic Development Department
Vallejo City Hall
555 Santa Clara Street
Vallejo, CA 94590

Submitted via email

SUBJECT: Comments on the Draft EIR for the Vallejo Marine Terminal/Orcem Project

While the whole of the proposed VMT/Orcem Project (VMT/ORCEM) may be addressed by numerous agencies, organizations and local individuals with cogent attention, the Friends of the Napa River (FONR) choose to provide these brief comments pertaining to the waterfront related portions of the Project. This focus is consistent with FONR's regard for the Napa River generally, and the project site is located along the mouth of the Napa River at an environmentally important confluence. To this end, in order to aid the EIR for VMT/ORCEM process, please reference the attached "*Napa River – Living River Objectives*" with an introductory message on a "*Living Napa River*" by Karen Rippey (past President of FONR and now retired from US Army Corps of Engineers). These Objectives are offered by FONR here to augment checklists for CEQA in the EIR review for VMT/ORCEM. The applicant, consultant, County of Solano and City of Vallejo are encouraged to continue to reference the attached Objectives and are welcome to consult any of our knowledgeable FONR Board members for fuller explanation supporting a living river.

Friends of the Napa River are confident that appropriate regulatory agencies will enforce oversight of vessels come to the VMT/ORCEM docks without berthing (utility hook-ups) or any discharge of ballast water. Likewise, any discharge of off-shore surface or waste water into the waterfront will, and ought to be vigorously restricted. Attention identified in the August 2014 Benthic Survey for metals or toxicants (such as pesticides) is appropriate, but more may want to be identified on the adverse effects of some heavy minerals also (such as Boron, and how it can compromise replanting); while choice of replanting specimens would take into account salt tolerance.

Off- site mitigations to ensure public access to the shoreline at the Municipal Marina (or elsewhere) is commendable. Every effort for connecting the Bay Trail and the Vine Trail into the Vallejo waterfront is encouraged. FONR supports the kayak launch site proposed and mapped in Appendix E-7. This will be a most agreeable location in the Municipal Marina with close by public restroom, broad concrete set-up platform and adjacent parking (a combination of close by amenities which have, so far eluded most kayak launch sites installed up river in Napa County).

Most importantly, please refer to the attached "*Napa River – Living River Objectives*".

Respectfully submitted on behalf of the Friends of the Napa River,



Bernhard Krevet, President



Shari Gardner, Executive Director

Napa River - Living River Objectives

A Living Napa River

by Karen Rippey

The Goals and Objectives for a “Living” Napa River System, based on geomorphic, water quality and habitat considerations was completed for the Community Coalition for a Napa River Flood Management Plan on July 2, 1996. The document was developed by the “Water Quality/Fish Habitat” design review workgroup, co-chaired by Leslie Ferguson, San Francisco Bay Regional Water Quality Control Board and Jim Swanson, California Department of Fish and Game.

The document played a critical role in the final design of the Napa River Flood Management Plan because it provided the local community with a scientifically based reference document that could be used to guide project design.

A “living” Napa River system functions properly when it conveys variable flows and stores water in the floodplain, balances sediment input with sediment transport, provides good quality fish and wildlife habitat, maintains good water quality and quantity and provides recreation and aesthetic values. A “living” Napa River conveys equilibrium and harmony with all that it touches and resonates this through the human and natural environment.

One of the goals is for activities along the Napa River to use geomorphic principles involving river channel geometry and sediment transport dynamics, taking into account the differences between estuarine and riverine reaches. The overall objective is to maintain a long-term, sustaining river ecosystem that is a “living” Napa River system.

The following pages list the objectives for achieving a “living” Napa River system as defined in the Goals and Objectives for a “Living Napa River System” in the Napa River Flood Management Plan of July 2, 1996. If you would like to see the full document visit the Friends of the Napa River office or the Napa County Flood Control District office at 1001 Second Street, Napa.

From the June, 2000, River Focus, the Friends of the Napa River Newsletter.
Reformatted as a separate document in November 2002 (BK).

Napa River - Living River Objectives

NO.	OBJECTIVES	APPLICABLE
1.	Maintain or restore the river to a state of geomorphic equilibrium.	Geomorphic stability
2.	Maintain the natural slope of the River. The slope of the River should not be altered significantly by dredging or straightening.	Geomorphic stability
3.	Maintain the natural width of the River.	Geomorphic stability
4.	Maintain the natural width/depth ratio of the River.	Geomorphic stability
5.	To the maximum degree possible, maintain or restore the connection of the River to its floodplain. This should be of sufficient width to accommodate river meandering caused by naturally occurring flows	Geomorphic stability
6.	Provide sufficient setbacks to allow natural meandering processes.	Geomorphic stability
7.	Maintain channel features such as mudflats, shallows, a naturally uneven bottom configuration, and sandbars.	Geomorphic stability
8.	<p>Restore the river to a state of sediment transport equilibrium as follows:</p> <p>a. Upstream of Trancas (riverine):</p> <ul style="list-style-type: none"> • The amount of sediment entering and leaving the system should be equal. • Restore the natural relationship between the floodplain, riparian edge and River. <p>b. Downstream of Trancas (estuarine)</p> <ul style="list-style-type: none"> • Re-establish natural deposition rates. <p>This will require adequate flow and channel geometry, providing appropriate velocity, slope, width, and depth to transport the sediment load. The project should not increase the sediment load or alter the settling capacities of the sediment such that there is an increase sediment deposition South of Third Street.</p>	Sediment transport
9.	Quantify the overall sediment load to the system. Long-term watershed management measures should be determined to reduce the sediment load to the system to re-establish equilibrium.	Sediment transport
10.	Design a project that re-establishes a system in equilibrium and decreases upstream erosion rates, rather than relying on maintenance dredging to maintain the channel capacity.	Sediment transport
11.	Design a project that minimizes the need for erosion control measures such as rock rip-rap or other hard structure/materials.	Sediment transport
12.	Maintain seasonal flows of sufficient magnitude and duration to sustain channel morphology within a floodplain and sustain estuarine system components.	Flow and velocity
13.	Maintain adequate flows and velocities for sediment transport.	Flow and velocity
14.	Maintain velocities in the ranges that might be expected in a natural system.	Flow and velocity
15.	Identify measures throughout the watershed to increase infiltration and decrease stormwater runoff.	Flow and velocity
16.	Preserve the size and seasonally varying location of the null/entrapment zone and its ecological characteristics.	Dynamics of the null/entrapment zone

Napa River - Living River Objectives

NO.	OBJECTIVES	APPLICABLE
17.	Tidally influenced waters (South of Trancas) Minimum, at all times: 5.0 mg/L	Dissolved oxygen
18.	Cold water Fishery (North of Trancas) Minimum, at all times: 7.0mg/L	Dissolved oxygen
19.	All waters Minimum (three month median): 6.8-7.2 mg/l ⁵ (summer, 80% of saturation)	Dissolved oxygen
20.	Maintain or restore the river to a state of geomorphic equilibrium. This should eliminate the need for extensive ongoing maintenance dredging.	Dissolved oxygen
21.	Maintain or restore a riparian zone to provide shade for the River in order to reduce temperatures.	Dissolved oxygen
22.	Maintain or restore adequate low flows.	Dissolved oxygen
23.	Maintain adequate water velocity during low flow months.	Dissolved oxygen
24.	Maintain adequate circulation patterns.	Dissolved oxygen
25.	Maintain and decrease nutrient loading. Nutrients should not increase through discharge of dredge material or sediment resuspension; such that increased primary production occurs.	Dissolved oxygen
26.	Maintain water temperatures appropriate to the needs of the local biota.	Dissolved oxygen
27.	Water quality factors should not increase the total dissolve solids or salinity so as to adversely affect the location the entrapment zone, or beneficial uses of the River, particularly fish migration and estuarine habitat.	Salinity
28.	The project should not have any the following effects on salinity (seasonally or in worst case conditions such as summer low-flow or droughts): <ol style="list-style-type: none"> 1. Compress or alter the location of the null/entrapment zone; 2. Steepen the salinity gradient; 3. Alter the average salinity concentrations (seasonal); or 3. Alter the location of the seasonally varying upstream extent of salinity. 4. 	Salinity
29.	The natural river/creek water temperature should be maintained.	Temperature
30.	Velocity, circulation patterns, and mass flow should not be altered in a manner that causes an increase in temperature.	Temperature
31.	Avoid increases in turbidity from dredging or other project activities that can cause an increase in water temperature.	Temperature
32.	Avoid creating thermal barriers to migration or movement by project activities (e.g., dredging).	Temperature
33.	Increases from normal background light penetration or turbidity should not be greater than 10% in areas where normal turbidity is greater than 50 NTU.	Turbidity

Napa River - Living River Objectives

NO.	OBJECTIVES	APPLICABLE
34.	The flood control project should not: <ul style="list-style-type: none"> • Increases sedimentation rates in the lower River (below Trancas), • Increase bank and bed erosion upstream or in the tributaries, • Cause resuspension of sediments from dredging, • Increase algae growth. 	Turbidity
35.	All waters should be maintained free of toxic substances in concentrations that are lethal to or produce other detrimental responses in aquatic organisms. Detrimental responses include decreased growth rate and decreased reproductive success of resident or indicator species (See San Francisco Bay Regional Water Quality Control Board, Basin Plan for specific numeric limits).	Toxicity
36.	The project should not result in the release or discharge nitrates and phosphates in concentrations that promote aquatic growths to the extent that such growths cause a nuisance or adversely affect beneficial uses.	Nutrients/Algae Blooms
37.	A recommended maximum level for nitrate is 0.3 mg/l.	Nutrients/Algae Blooms
38.	The project should not result in a wide, shallow low-flow channel (this would result in increased water temperatures, causing increased plant growth).	Nutrients/Algae Blooms
39.	The vegetable transition zones should exist from the low water level to the upper floodplain. Each zone should be of sufficient width to sustain habitat complexity and ecosystem function. There are no set widths. Specific widths will vary with topography and bank slope. To create a self-sustaining river system, widths should be set by studying and mimicking natural conditions to the greatest extent feasible.	Vegetation
40.	Design a project that minimizes the need for erosion control measures such as rock rip-rap or other hard structures/materials.	Vegetation
41.	From saltwater to freshwater, the vegetation should exist in a linear uninterrupted continuum. This continuum should have the successional variation, diversity and structure to provide cover and habitat for a natural variety of aquatic and terrestrial life.	Vegetation
42.	No physical or water quality barriers to migration.	Vegetation
43.	Post-project conditions should include: <ul style="list-style-type: none"> • geomorphic features (e.g., meanders) that will foster development of varying water depths over mudflats, sand bars, pools; • graduation of depth from bank to bank; • presence of pools, low flow channels, mudflats, and sand bars, • banks at a slope and with appropriate substrate to support vegetation; • minimal maintenance dredging or other disturbances that eliminate structural complexity. • 	Vegetation
44.	Maintain seasonal flows in the Napa River and its tributaries that permit upstream migration, summer residence, and out migration of steelhead.	Vegetation
45.	Restore or maintain riparian and wetland habitat. Re-establish a linear continuum of vegetation and a buffer of sufficient width to protect plants and animals from human disturbance.	Wildlife
46.	Maintain mudflats and shallow areas.	Wildlife

Napa River - Living River Objectives

NO.	OBJECTIVES	APPLICABLE
47.	Restore or maintain a riparian corridor that is predominantly undisturbed by human activity. Minimal disturbance can be achieved by creating a trail system that is not located directly along the River banks in most places. Rather, the trail should be located a distance away from the River, with discrete access points viewing, fishing, etc. (Exceptions to this would be within the City Downtown area where parks, trails could be located as enhancements to that area).	Wildlife
48.	No physical or water quality barriers to migration	Aquatic species habitat
49.	The project should provide for a graduation of depth from the bank to bank.	Aquatic species habitat
50.	Maintain existing riffle:run:pool ratios in the upstream areas, and try to replicate this in the downstream areas. Maintain a low flow channel and gravel bars.	Aquatic species habitat
51.	Maintain geomorphic features (e.g., meanders) that foster continued development of varying water depths, pools, etc.	Aquatic species habitat
52.	Provide for sufficient cover for various fish life stages, particularly nursery habitat for steelhead and contiguous bank escape cover for out migrating steelhead smolts (wooden snags, rootwads, large rocks and submerged vegetation).	Aquatic species habitat
53.	Ensure conditions that create clean, well rounded gravel for spawning.	Aquatic species habitat
54.	Embeddedness less than 25%.	Aquatic species habitat

From: Julianne Maurseth [mailto:julianne_maurseth@awakeatwork.com]

Sent: Monday, November 02, 2015 1:56 PM

To: Andrea Ouse <Andrea.Ouse@cityofvallejo.net>

Cc: Sarah Nichols <speony@att.net>; doug <ddf4life@sbcglobal.net>; Nathan Stout <nathanstout@sonic.net>; BJ Conrad <vallejo_art_district@comcast.net>

Subject: Response to DEIR from SAGE

Dear Andrea,

Please see the attached .pdf document - "SAGE response to DEIR" - which addresses our concerns and questions regarding the VMT/Orcem proposed Project.

We look forward to receiving answers to our many questions about the proposed Project.

Please reply to the email addresses listed in the attached letter.

Thank you,

Julianne Maurseth
Secretary, SAGE
(Solano Advocates Green Environments)

Date: October 1, 2015

To: Andrea Ouse
Community & Economic Development Director, City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590
Andrea.Ouse@cityofvallejo.net

From: SAGE – Solano Advocates Green Environments
Board Members:
Sarah Nichols, Executive Director (sarah@att.net)
BJ Conrad, President
Doug Darling, Vice President
Nathan Stout, Treasurer
Julianne Maurseth, Secretary (jem@awakeatwork.com)

Re: Response to DEIR for Vallejo Marine Terminal/Orcem Project

INTRODUCTION:

We, the Board Members of SAGE (Solano Advocates Green Environments), are gravely concerned that the Vallejo Marine Terminal/Orcem Project will in fact generate significantly greater harm and long term costs to the City and citizens of Vallejo than it will provide any value or short term benefit. Our written response to the Project's DEIR includes only some of our concerns.

SAGE is a 501(c)(3) organization that provides community education and other services to promote Vallejo's beautification, environmental restoration, and improved quality of life for Vallejo's citizens. The proposed Project with its associated harm to the environment and Vallejo's citizens is in direct contradiction to SAGE's mission and to the decades of volunteer service by SAGE Board members to improve the City of Vallejo.

Numerous impacts of the proposed Project are not adequately addressed in the EIR document nor in the Fiscal and Economic Impact Study for the VMT & Orcem Project. We have critiqued three major areas in the proposed project:

- I. The inadequate reconciliation of the proposed Project with Vallejo's General Plan, and with the guiding principles of the General Plan, in particular.
- II. The cumulative, long term costs and burdens on the City of Vallejo and its citizens could far outweigh the purported "benefits" of the proposed project.
- III. The inadequate and dated analysis of environmental impacts from the proposed project.

OUR SPECIFIC CONCERNS AND QUESTIONS ABOUT THE DEIR:

- I. The inadequate reconciliation of the proposed Project with Vallejo's General Plan, and with the Guiding Principles of the new General Plan, in particular.

Inadequate attention was given to Vallejo's General Plan in the DEIR, including the fact that a new General Plan is under development. The following excerpt from the DEIR illustrates this inadequacy:

Chapter 4 – Cumulative Impacts

4.3.9 Land Use and Planning

*A cumulative impact to land use and planning could occur if the proposed and cumulative projects contributed incrementally to a land use impact that is inconsistent with local plans and policies, including those set by the Bay Conservation and Development Commission, the City of Vallejo General Plan, and the Solano County General Plan. As described in Section 3.9, Land Use and Planning, the proposed project does not result in any significant impacts. However, the proposed project would involve the annexation and re-designation of 5.25 acres of land currently designated as "Park and Recreation" use in the Solano County General Plan, into "Employment" use by the City of Vallejo. This impact is considered to be less than significant as described in Section 3.9. Similarly, the other cumulative projects do not involve any changes in land use designation under the Solano County General Plan **and are not anticipated to result in any significant impacts since the City would ensure consistency with applicable plans and policies.** Therefore, cumulative impacts to land use and planning would be less than significant.*

Question: If the above statement is true "and are not anticipated to result in any significant impacts since the City would ensure consistency with applicable plans and policies" - - then how does the City of Vallejo explicitly reconcile this contradiction in its commitment to the new General Plan? On July 1, 2014, the City Council of Vallejo voted to approve the Guiding Principles of the new General Plan, and these Guiding Principles are in stark contradiction to the proposed project.

Under the old General Plan from 1985, "intensive use" or industry is allowed and the proposed project would be permitted in stark contrast to the new General Plan which allows light industry", residential or mixed use. The proposed project would also permit blocking of public access in ways that are in stark contrast to the Guiding Principles of the new General Plan.

One of the central themes for the new General Plan is the concept that "Healthy Communities Promote Prosperity".

The city of Vallejo's new General Plan working group's consultants over a year ago chose to study South Vallejo as an economically depressed and poorly served

community that would benefit from the creation of a “Healthy Community Element” and is to be included in Vallejo’s new General Plan. The results of this project will speak to South Vallejo’s future as a safe, healthy neighborhood that will contribute to the greater Vallejo community’s prosperity.

In contrast, VMT/Orcem’s concrete recycling plant would have devastating impacts on the South Vallejo Neighborhood community’s environment and future development.

Questions:

- Why is an older General Plan from 1985, with outdated and retrograde guidelines, being allowed to dominate and overrule the current process Vallejo’s citizens and our intent to implement a new General Plan to make a healthy and prosperous community where everyone is able to raise healthy children and live a good life in Vallejo?
- Why is South Vallejo being topped with projects by the proposed project toward implementing a better vision at every moment in time when the new General Plan could help make South Vallejo’s vision a future reality?

We recommend that this project and any other projects under consideration are put on hold until the new General Plan is finished and EIRs be required to assess project impacts in alignment with the new General Plan.

II. The cumulative, long term costs and burdens on the City of Vallejo and its citizens would far outweigh the purported benefits” of the proposed Project.

The purported “benefits” of the proposed Project on the City of Vallejo have not been weighed against an accurate accounting of the myriad long term costs on the City of Vallejo and its citizens if this Project were to be approved.

The estimated total financial benefits to Vallejo are pathetic when weighed against the potential harm to Vallejo citizens in health impacts and quality of life, and potential harm to the environment.

There would be disproportionate negative cumulative impacts on the Vallejo citizens who live in the project site and in any future streets that would be proposed Project, yet the estimated financial benefits would be disproportionately distributed outside Vallejo throughout Solano County.

Excerpt from the Fiscal and Economic Impact Study of the proposed Project, prepared by Field Guide Consulting

The City of Vallejo is expected to receive approximately 29% of the taxes and fees paid in the 2015-2021 period. These funds are expected to cumulatively total \$2.64 million between 2015 and 2021.

This amount stated above would not even pay for repairs needed on allejo streets and other damage caused by the truck traffic in the proposed Project.

Excerpt #2 from the Fiscal and Economic Impact Study of the proposed Project, prepared by Field Guide Consulting

Property tax collected by Solano County is expected to total \$3.26 million over the 2015-2021 period. Thereafter, property tax receipts by the County as a result of the two projects are expected to exceed \$599,000 per year. These taxes will also benefit all taxing entities in Solano County including cities, schools, libraries, etc. Under current tax regulation, the City of Vallejo will receive 5.3% of these funds with the remainder being allocated to other agencies in Solano County, including the County itself.

The fact that *the City of Vallejo will **receive 5.3% of these funds** with the remainder being allocated to other agencies in Solano County, including the County itself* is grossly inadequate “benefit” to Vallejo when Vallejo and its citizens are the ones who will bear the burden of negative impacts and pay for the long term costs of these impacts for decades to come.

Questions:

- When will the EIR be required to propose adequate estimates of the long term costs of Vallejo and much higher value benefits with greater distribution of such benefits to Vallejo and its citizens?
- When will the City of Vallejo require or provide a complete and accurate accounting of the actual projected long term Project costs to the City and to its citizens?
- What additional mitigations does VMT plan to offer Vallejo to materially balance these costs?
- How does the City of Vallejo reconcile and justify this gross imbalance between the long term costs from harm and the supposed “benefits”?

Another purported “benefit” of the proposed Project is its supposed potential to provide economic “growth” directly through increased commerce and job creation, and indirectly provide stimulus to future economic growth.

The EIR Project Objectives repeatedly state that the Project will increase Vallejo’s role in the “international trade economy” and attract more manufacturing.

Specifically:

ES.5 PROJECT OBJECTIVES

Bullet point #1 states:

- *Establishment of the VMT Terminal as a key site of multi-modal and intermodal transportation and logistics, thereby enhancing Vallejo’s role in the regional and*

international trade economy and providing a means for locally manufactured products to be transported and distributed, increasing the viability of and the potential for attracting further manufacturing operations to Vallejo

Bullet point #8 states:

- *To establish the VMT Terminal as a key site of multi-modal and intermodal transportation and logistics, thereby enhancing Vallejo's role in the regional and **international trade economy**.*

Bullet point #9 states:

- *To provide a means for locally manufactured products to be transported and distributed, increasing the viability of and the potential **for attracting further manufacturing operations to Vallejo** (in addition to Orcem).*

The Fiscal and Economic Impact Study for the VMT & Orcem Project states on pages 6 7

*"The two projects **can also spur additional redevelopment and economic opportunities for Vallejo**. They are expected to reactivate the industrial use of this waterfront site that has gone unutilized for nearly 10 years, while aligning with the goals of the Vallejo Economic Development Plan (2012) which identifies the manufacturing industry as a industry cluster **targeted for growth** in Vallejo. The projects strengthen Vallejo's strategic advantage for **attracting manufacturers to Vallejo** by augmenting the city's transportation assets, which currently include rail and highway infrastructure and a heavy 3 capacity bridge. The VMT project will add to this infrastructure by creating a Vallejo Marine Terminal that will allow manufacturers in Vallejo and on Mare Island to gain access to an additional mode of transportation to ship products via barge or other sea vessel.*

*The presence of the Vallejo Marine Terminal **can bring about other benefits for redevelopment** in areas like North Mare Island's industrial zone. As remediation is completed on North Mare Island and land in the industrial 3 zoned segments of the island becomes available for redevelopment, **the Vallejo Marine Terminal can play a critical role in attracting reinvestment** in that property due to the proximity of the marine terminal."*

In contrast to the above sections, the following section minimizes the potential for "growth"

Chapter 5 – Other CEQA Considerations

5.4 GROWTH INDUCEMENT

CEQA requires a discussion of ways in which the proposed project could induce growth. The CEQA Guidelines identify a project as growth inducing if it fosters economic or population growth, or the construction of additional housing, either directly or indirectly in the surrounding environment (CEQA Guidelines, Section 15126.2[d]). New employees from commercial or industrial development and new population from residential development represent direct forms of growth.

These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area. A project could indirectly induce growth by reducing or removing barriers to growth or by creating a condition that attracts additional population or new economic activity. However, a project's potential to induce growth does not automatically result in growth. Growth can only happen through capital investment in new economic opportunities by the private or public sectors. Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment.

*The proposed project does not include any residential development nor would it expand infrastructure in a way that facilitates future growth. The project would utilize an existing but currently non-operational site, already zoned and developed for industrial use, using the existing public utilities and infrastructure. **The project is therefore not expected to directly induce growth by creating new housing, commercial, or industrial developments.***

Questions:

- How does the DEIR reconcile the contradiction between the statement under section 5.4 *GROWTH INDUCEMENT* – which aims “*The project is therefore **not expected to directly induce growth** by creating new housing, commercial, or industrial developments*” – along with the repeated emphasis under Project Objectives and the Economic Report that the Project **will induce growth** in other commercial and industrial developments, including “*the international trade economy*”?
- How does the City of Vallejo intend **plan for** the long term impacts and costs of the proposed Project resulting from its stated Objectives to stimulate the “international trade economy” in Vallejo especially when such Objectives are not in alignment with the Guiding Principles, approved by Vallejo’s City Council on July 8, 2014, of Vallejo’s new General Plan?
- Who or what body within the City of Vallejo will be responsible for ensuring that the induced commercial “growth” and supposed economic benefits – whether direct or indirect – from the proposed Project will in fact exceed and far outweigh the potential costs and damages?

III. The inadequate and outdated analysis of environmental impacts from the proposed project.

There could be extensive, negative environmental impacts from the proposed Project. Many of these impacts have been inadequately analyzed in the DEIR and/or the analysis offered is 8 years old. In particular, the analysis of marine impacts is significantly inadequate.

The dated analysis is inadequate to assess current marine conditions, and therefore not CEQA compliant as it fails to contribute any defensible data towards an environmental baseline from which comparative analyses can be performed.

Furthermore, the DEIR does not analyze the threat of invasive species transported locally through air and/or sea cargo. The most significant source of invasive species is the ballast water of container and bulk cargo ships. Ballast water is taken on board an empty ship at port in order to provide vessel stability for an ocean voyage. When the ship reaches its destination, it discharges ballast water containing many organisms – the larvae of exotic marine organisms – in and around the local ports.

When these exotic plants and animals enter Bay waters, they are able to thrive, often outcompeting native species and dominating the ecological community. Scientists estimate that approximately one new exotic species comes to the San Francisco Bay every 14 weeks, so it is no surprise that the Bay is home to 240 invasive species comprising 97% of the total number of Bay organisms.

Invasive species are successful because they can tolerate a range of environmental conditions and eat many different types of food. When they reach their new environment, individuals can grow and reproduce quickly in the absence of their natural predators, eventually establishing themselves as a large and virulent population. Invasive species wreak havoc on the Bay's ecosystem.

The proposed Project is **no reference at all** to complying with these laws and so must be considered an omission of the DEIR preparation.

Questions:

- When will there be a current study and analysis of the environmental impacts from this Project, and not a reliance on environmental data that is 7-8 years old?
- When will a specific study and analysis be made of the potential environmental impacts of invasive species within ballast water from cargo ships entering Vallejo's harbors?
- What is VMT/Orcem's plan for inspecting and monitoring the cargo ships on a regular basis for invasive species, to prevent environmental harm?
- What will VMT/Orcem do to use environmentally sustainable resources and energy for its operations – such as solar power, recycled energy, use of hybrid vehicles, and requirements that their vendors use sustainable practices and hybrid vehicles, etc?

We expect to receive thorough answers to each of our questions.

In conclusion, the City of Vallejo needs to raise the bar for development in Vallejo and adhere to the guiding principles of the new General Plan which the City Council already approved in July, 2014.

From: Maureen Gaffney [<mailto:MaureenG@abag.ca.gov>]

Sent: Tuesday, October 27, 2015 12:04 PM

To: Andrea Ouse

Cc: Bob Batha ; Erik Buehmann ; Michelle Hightower ; psales@vinetrail.org

Subject: Vallejo Marine Terminals DEIR Comment Letter

Greetings Andrea,

I hope you are doing well. Attached please find the Bay Trail Project's comments on the VMT/Orcem Project.

Best,

Maureen Gaffney

SF Bay Trail

ABAG

P.O. Box 2050

Oakland, CA 94604-2050

Phone: (510) 464-7909

Fax: (510) 433-5509



October 30, 2015

Ms. Andrea Ouse
Community and Economic Development Director
City of Vallejo
555 Santa Clara Street
Vallejo, California 94590

Subject: Vallejo Marine Terminal and Orcem Project Draft EIR

Dear Ms. Ouse:

On behalf of the San Francisco Bay Trail Project, I am submitting comments on the Vallejo Marine Terminal and Orcem Project Draft Environmental Impact Report. The San Francisco Bay Trail is a visionary plan for a shared-use bicycle and pedestrian path that will one day allow continuous travel around San Francisco Bay. Currently, 341 miles of trail have been completed. Eventually, the Bay Trail will extend over 500 miles to link the shoreline of nine counties, passing through 47 cities and crossing seven toll bridges.

The Bay Trail in Vallejo

The Bay Trail alignment in Vallejo, from north to south, is currently located on Highway 29, Broadway, Lewis Brown Drive, White Slough Path, Wilson Avenue, River Park, Sonoma Boulevard, and onto existing pathway on the Carquinez Bridge. The Bay Trail Steering Committee will be considering a realignment of the Bay Trail from Highway 29 to Meadows Drive and through the Meadows Plaza parking lot at their November meeting. As the goal of the Bay Trail is a multi-use (bicycle and pedestrian) path as close to the shoreline as possible, staff and the Steering Committee are always looking to move inland alignments bayward as opportunities arise.

Offsite/In-lieu Public Access

The Bay Trail Project fully understands and appreciates that public access to the shoreline at the proposed project site is not feasible for safety and operational reasons. However the in-lieu public access proposed for this massive marine industrial project—a new concrete ramp for launching small boats—is severely deficient. The project proposes to not only continue to block public access to the public shoreline, but to begin industrial operations that will preclude the public from these 4,000 feet of shoreline for many decades to come.

The following projects would more appropriately provide mitigation for the long-term loss of this public benefit:

1. Close the “Wilson Avenue Gap” in the Bay Trail, a 4,500 foot segment of incomplete Bay Trail on Wilson Avenue between Sacramento Street and Lighthouse Drive. A high level of planning and design for this gap closure project has recently been completed and the project is close to “shovel-ready,” and the linear footage is commensurate with the impact.
2. Fund a feasibility study evaluating a new Bay Trail alignment from Lemon Street to existing Bay Trail at the California Maritime Academy on the hillside behind the project site.

As mitigation for impacts to cyclists and pedestrians on the existing Bay Trail alignment on Sonoma Boulevard that will be created by increased project related traffic, the proponent should be required to implement Class II bicycle lanes between Curtola Parkway and Maritime Academy Drive. While the Bay Trail seeks an alternate, bayward alignment in this area, it is understood that such a change will take many years to implement. In the meantime, bicycle lanes along this stretch of Sonoma Boulevard are sorely needed and would be a direct mitigation for a direct impact. I have attached a map of the Bay Trail in Vallejo, with the above-referenced improvements highlighted.

It is imperative that a project of this scale provide real and significant off-site public access. Allowing a concrete mat and the removal of 80 piles to constitute mitigation for 18,000 cubic yards of fill and the continued prohibition of public access to nearly a mile of shoreline would be extremely ill-advised and potentially precedent-setting. Please require the proponent to complete the Wilson Avenue gap and fund a feasibility study as requirements for in-lieu public access, and construct bicycle lanes on Sonoma Boulevard as mitigation for impacts to cyclists from increased truck traffic to and from the site.

Please contact me at 510-464-7909 or maureeng@abag.ca.gov if you have questions about this letter or the Bay Trail in general.

Sincerely,



Maureen Gaffney
Senior Bay Trail Planner

Cc: Eric Beaman, SFBCDC
Bob Batha, SFBCDC
Michelle Hightower, City of Vallejo
Phillip Sales, Napa Valley Vine Trail



Bay Trail

- Existing
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New Alignment

Wilson Ave Gap

Class II bike lanes needed

Feasibility Study

From: Austin Perez

Sent: Friday, October 2, 2015 1:35 PM

To: Andrea Ouse

Cc: John Coleman

Subject: Comment Letter on the Draft EIR for the Vallejo Marine Terminal/Orcem Project

Dear Ms. Ouse,

On behalf of Mr. John Coleman, Chief Executive Officer of the Bay Planning Coalition (BPC), attached please find a Comment Letter from BPC on the Draft EIR for the Vallejo Marine Terminal/Orcem Project in support of the project.

Thank you very much.

Best Regards,

Austin Perez

Austin Perez

Manager of Policy & Operations

Bay Planning Coalition

1970 Broadway, Suite 940

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October 2, 2015

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Planning Division
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