

From: Jack Moyer <jack@jmoyer.net>
Sent: Monday, June 06, 2016 11:04 AM
To: jack@jmoyer.net
Subject: Phillips 66 Proposal

County Supervisors and Members of the Planning Commission;

I have attended multiple hearings of the Planning Commission regarding Phillips 66 proposal to expand their Nipomo refinery operations and convert to an oil by rail distribution model. After listening to hours of testimony from local citizens, regional and state governmental officials and proponents of Phillips' proposal, I was disappointed with the Commission's inexplicable failure to protect the public trust; a trust that is inherent in the duties and responsibilities vested in them by the citizens of the community they represent. The 3 to 2 "straw vote" of the commissioners is further exacerbated by the recent oil train derailment in Oregon of 11 cars in a 96 car train moving slowly through a community and causing a fire that lasted some 14 hours and essentially had to burn itself out as neither foam nor water was effective in the effort to quell the fire. The likely cause of the derailment was track failure of a fastener between the tie and the line; a section of track that was inspected on a bi-weekly basis with the most recent inspection on May 31. This belies any confidence in the railroad to adequately maintain the rails at a standard to ensure the sanctity of our community. Past practice is not indicative of future performance; this is concrete evidence that the systems in place to guard against such a calamity are and will remain inadequate.

The Oregon derailment was 200 yards from a grammar school; imagine the impact this fire would have in San Luis Obispo or the numerous communities the train travels throughout the State and County. In San Luis alone trains travel through the Cal Poly campus, traverse near Sierra Vista and French Hospitals and near multiple schools in San Luis, Pismo Beach, Grover Beach and Arroyo Grande. All this risk for 12 non-construction regular jobs and product that does not directly benefit the Central Coast.

As I review notes from the May 16 meeting, I am further distressed by the comments from Don Campbell, Jim Harrison and, to a lesser extent, Jim Irving;

- Don Campbell
 - "we're only talking about a small spur. We don't need to be concerned with other districts". This argument completely ignores the Class I impacts of the project in South SLO County as well as the remainder of SLO County and multiple other towns in California where the trains pass. Mr. Campbell ignores legal advice that it is the **Commissioners' Duty** to take into account impact on areas outside the refinery.
 - "bringing trains is just commerce. Bringing in other topics doesn't count". Mr. Campbell ignores the impact on the health and safety of the citizens he is sworn to protect; apparently the additional tax revenue the County will receive is well worth the negative impact to the community as a whole.
- Jim Harrison
 - "From 2001 to 2015 there were 22 train derailments in which people were killed. We must assume those risks". Perhaps Mr. Harrison would better put his influence to use by insisting Phillips and its transportation partners work to repair the pipelines now in existence as well as the new pipeline coming on stream from the Price Canyon fields. He might also interview the resident of Mosier, Oregon; having a train explode in

your town tends to be a life changing event. Even Mr. Harrison might be able to extrapolate how that would impact SLO County.

- “Are you using things that use fossil fuels?” Opponents to the Phillips proposal are not asking that the refinery be closed. We only ask that the refinery be operated in its current state with incoming crude provided by pipeline. There is no formal advocate for closing the refinery.
- “People who move next to the refinery should know the refinery is there. The project was there before the people were there”. This statement is inaccurate at best. Residents knew a passive refinery was there but the active refinery proposed by Phillips was neither in existence or proposed by Phillips. This is an entirely new and vastly different use of the facility that creates significant environmental and health hazards to the community that cannot be mitigated. Mr. Harrison’s daughter and grandchildren live within the blast zone of the refinery; I’m personally surprised that their health and livelihood are secondary in his mind to the refinery project.
- “The risk of hauling by truck or pipeline is greater than hauling by train”. Research shows that pipelines are 4.5 times safer than transport by rail (<http://goo.gl/BA6Aqn>).
- Jim Irving
 - “The final EIR makes it clear that this project can’t be approved”. Very true, there are almost a dozen Class I impacts in both the 5 and 3 train/week alternatives. The County staff did an excellent job; their report contains well-reasoned rationales for denying the project.
 - “The larger picture throughout the state remains the issue. But it is unclear what could do or not. I have to put aside impacts on the mainline. If I could establish impacts on the mainline, that would change the way I felt. Court cases are unclear. I have to look at the land issues”. California’s Attorney General has given officials a foundation for including mainline impacts in their decisions. They have the ***duty, and authority***, to weigh those consequences. As I listen to Mr. Irving, I hear that he’s already accepted preemption even though he’s unclear about it. I ask that Mr. Irving’s primary objective should be to protect the citizens of the community he serves and then worry about preemption.
 - “I agree this is not about saving jobs, it’s about profits. But gee, what’s wrong with profits?” I have no quarrel about making money; it’s what made this country the economic power it is today. However, when the desire for profit overwhelms the needs of its’ citizens for a safe and healthy community and the proposal at question contains unmitigatable dangers that are ***guaranteed*** to arrive, the duty becomes an obligation to protect the citizenry and not be an outspoken advocate for profit at all costs.
 - “I don’t want Phillips to use Canadian tar sands”. The destruction, pollution and greenhouse gasses caused by tar sands are well recognized. I ask Mr. Irving to stand up and make a difference to his community.

In addition to the Commissioners’ comments during the meeting, Air Quality on the Nipomo Mesa was raised;

- Greg Chittick, Air Quality Specialist
 - “The blowing sand from the Dunes contains silica dust. Silica dust exposure (leads to) acute silicosis, chronic bronchitis and emphysema. Long term exposure is carcinogenic.
- Dr. Penny Borenstein, SLO County Health Officer
 - “It is well known that Phillips 66 trains will emit additional particulate matter” – DPM.

- “There is a whole host of (health issues) affected by exceedance of PM. It’s indisputable that PM has health effects – (including) development of asthma in children. You want to lessen the opportunities (for) “hits” (that cause cancer).

Air quality on the Mesa already is affected by issues not controlled by this project. What can be controlled is not introducing another significant pollution element by approval of this project that would further exacerbate an already problematic situation.

I respectfully ask that the Commission consider these and other constructive viewpoints that have been raised subsequent to the May 16 meeting. It is important that you consider the impact that a derailment similar to the Mosier, Oregon spill would have in our communities.

Regards,

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