

From: John Anderson <johnanderson33@hotmail.com>
To: SMR REIR Comments <p66-railspur-comments@co.slo.ca.us>
Date: 11/15/2014 02:12 PM
Subject: Phillips 66 Rail Spur

The California Environmental Quality Act (CEQA) requires that the EIR discuss any inconsistencies between the proposed project and applicable County land use policies. Inconsistency with public plans creates significant impacts under CEQA.

Appendix G of the Revised Environmental Impact Report reveals the many inconsistencies the Rail Spur Project has with San Luis Obispo's land use policies.

Among the inconsistencies detailed in the report are:

- Strategic Growth Goal 1: Preserve, protect, AND IMPROVE the air quality of the County: The analysis in the Draft Environmental Impact Report states that The toxic air emissions would exceed the acceptable levels determined by the San Luis Obispo County Air Pollution Control District and would be inconsistent with the land use policy.
- Land Use Goal 4: Provide areas where agricultural, residential, commercial and industrial uses may be developed in harmony. The analysis states The project would modify an existing industrial use that would result in significant health risk impacts to the closest residences and would be inconsistent with the land use policy.
- Policy E 7.1: Energy, fossil fuel, and related facilities will be sited and operated in a manner to protect the public from hazards and significant environmental impacts. The analysis states that The project would modify and expand industrial uses and activities that could increase potential hazards and would be inconsistent with the land use policy.
- Policy E 7.1.1: Major additions to energy and fossil fuel facilities will provide a sufficient buffer zone from existing or proposed human populations. The analysis states The proposed rail spur proposes alterations to the existing refinery and coke processing facilities that would encroach into the existing buffer zone from human populations and would be inconsistent with the land use policy.
- SL 3.1.5: Establish mitigation strategies for loss of agricultural soils: The analysis states The conversion of soils would cause loss of future agricultural use and no mitigation is proposed. Therefore it is inconsistent with the land use policy.
- Goal S-4: Reduce the threat to life, structures and the environment caused by fire: The analysis states that The potential threat to life, structures and the environment due to a derailment along the mainline tracks would allegedly be mitigated by plans that the County would be preempted by Federal law from implementing and therefore would be inconsistent with the land use policy.
- Policy S-14: Ensure that adequate facilities, equipment and personnel are available to meet the demands of fire fighting. The analysis states The County lacks Hazmat teams with adequate personnel and training for responding to fire and explosions along the mainline track and would be preempted from implementing the mitigation measures suggested. The lack of personnel and training would be inconsistent with the land use policy.
- Policy S-26: Reduce the potential for exposure to humans and the environment by hazardous substances. The analysis states that Delivery of crude oil by rail was found to be a significant risk and Federal Law will preempt the county from enforcing the proposed mitigations. Therefore the increased risk from hazardous substances is inconsistent with the land use policy.

ANR-01

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Date: 11/23/2014 04:10 PM
Subject: Rail Spur Pros and Cons

I believe that when comparing any alleged benefits (Pros) to San Luis Obispo County to be gained by the construction of a rail terminal to the adverse affects to the County, the Cons win out by a substantial margin.

Rail Spur Pros and Cons

Pros

- 1) Increased profits for Phillips 66. Phillips 2013 annual report speaks of increase profits by using "advantaged oil" which means cheaper tar sands crude oil from Canada.
- 2) Alleged job savings at the refinery.
 - a. But the REIR in section 5.0 states, The No Project Alternative would
 - b. meet most of the basic objectives of the Rail Spur Project. (Page
 - c. 5-49, paragraphs 3 and 6 of the REIR).

Cons per the REIR

Incompatible with SLO County Land Use policies.

Building a rail terminal and unloading facility, plus the arrival and departure of 520 trains per year, each a 1.5 miles long, will be a sea change in the amount of activity residents will be exposed to.

ANR-02

Specific Threats To Citizens' Health:

- Fugitive and locomotive ROG and NOx emissions.
- Increase in particulate emissions in an area already violating APCD standards.

In the new REIR, the following project impacts were classified as Class I:

- 1) (AQ.2): Operational activities associated with the Rail Spur Project at the Refinery would generate criteria pollutant emissions that exceed SLOCAPD thresholds.
- 2) (AQ.3): Operational activities of trains along the mainline rail route outside of SLO County associated with the Rail Spur Project would generate criteria pollutant emissions that exceed thresholds.
- 3) (AQ.4): Operational activities at the Refinery associated with the Rail Spur Project would generate toxic emissions that exceed SLOCAPCD thresholds.
- 4) (AQ.5): Operational activities of trains along the mainline rail route associated with the Rail Spur Project would generate toxic emissions that exceed thresholds.
- 5) (AQ.6): Operational activities associated with the Rail Spur Project would generate GHG (greenhouse gas) emissions that exceed SLOCAPCD thresholds.

Refining "tar sands" crude oil from Alberta, Canada. Tar sands (a "heavy" crude) has substantially higher concentrations of sulfur, copper, nickel, nitrogen, lead and benzene than are found in conventional crude.

Health Issues associated with higher levels of sulfur dioxide and increased quantities of petroleum coke.

Asbestos and hydrocarbon contamination

The Danger Of Transporting Crude Oil Down The Cuesta Grade

The Widespread Evacuation Required By A Major Rail Accident

Potential oil spills along the mainline track.

Potential oil spills at the refinery.

Potential fires and explosions along the mainline track.

Potential fires and explosions at the refinery.

Expense of increase in the number of hazmat and fire crew personnel.

Expense of training hazmat and fire crew personnel.

Expense to SLO County to enforce mitigations.

Storm Water Pollution.

Odor Pollution

Visual blight of 80 car unit trains passing through the county.

Visual blight of rail operations at the refinery occurring during the day and night.

Year-Long Pollution & Congestion Accompanying Construction.

Increased light pollution at the refinery. New lighting introduced For 50
- 60 hours per week.

Noise pollution along the mainline track.

Noise pollution at the refinery.

Destruction of 53 acres of dune habitat.

Loss of buffer zone between refinery operations and residential communities.

Nipomo Mesa Lupine habitat destruction

Destruction of habitat of Coast horned lizard, silvery legless lizard, badgers, and other sensitive wildlife species and plants.

Destruction of Archaeological and Paleontological artifacts.

Increased pressure on solid waste disposal sites.

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ANR-02
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Date: 11/23/2014 04:46 PM
Subject: SMR Rail Spur_Hazardous Materials

Mr. Wilson,

Hazards and Hazardous Materials

Recent events in the U.S. and Canada vividly evoke images of the dangers of transporting crude oil by rail. Fires, explosions, destroyed watersheds, agricultural land, and hydrocarbon contamination.

The Revised Environmental Impact Report, the railroads and the oil companies are attempting to calm citizens' fears about rail accidents by citing outdated, historical statistics.

Unfortunately, current data is far more sobering. Looking strictly at oil shipments, spills are spiking. According to the Associated Press -- in 2009, before the oil-drilling boom, just one rail oil spill was reported.

But now, with the flood of new oil, the landscape is far scarier. In 2013, crude oil releases were reported from 137 rail spills.

Therefore, you can toss the REIR's outdated "odds" out the window.

In the last five years, the number of crude oil tankers in the U.S. has grown from under 10,000 to about 400,000 -- that's a 40-fold increase. And a lot more are on the way. More trains = more risk!

Indeed, the Revised Environmental Impact Report states (4.11-25), "In San Luis Obispo County, the Cuesta Grade represents an area where a runaway train could occur. A runaway train coming down the Cuesta Grade could result in spills of crude oil and associated fires." The Union Pacific Rail Road lists the Cuesta Grade as one of the highest hazard rail passes in California.

Therefore, when an almost twelve thousand ton object carrying crude oil attempts to come down the Cuesta Grade, sometime in our future is a disaster.

The oil trains, if they safely navigate through Northern California, down the Cuesta Grade, would then cross the Stenner Creek Bridge, built in 1894, below which the water treatment site is located. The crude oil trains would then snake through the Cal Poly campus, continue through the city, past French Hospital, through Pismo Beach, Grover Beach, Oceano, Arroyo Grande and on to the refinery bring with them the hazards, pollution, noise and the other impacts defined in the REIR.

Communities in Canada, New York, Minnesota, Florida, Pennsylvania, and North Dakota have recently experienced the devastating consequences of crude oil explosions, fires and spills. Evacuation zones up to 5 miles from ground zero have been enforced.

If downtown SLO were ground zero, and we drew a 5-mile evacuation circle around downtown, how many men, women, children and students would be encircled?

So to calm our fears, early this year, in a flyer to residents, Phillips stated it is "committed to the safety of everyone in the communities where we operate. (Our) crude railcar fleet is one of the newest and are all DOT-111 cars". Phillips recently purchased thousands of the DOT 111 rail cars.

The Revised Environmental Impact Report fails to mention that it's the DOT-111 tank cars that have been involved in most of the previous derailments, explosions, fires and oil spills.

ANR-03

ANR-04

ANR-05

ANR-06

ANR-07

U.S. Senator Charles Schumer warned - "DOT-111 tank cars are tragically flawed, causing potential damage & catastrophic loss of hazardous materials during derailments."

The serious deficiencies of the DOT-111 rail cars are well known and are therefore taken into account in the REIR. It proposes a mitigation to the transportation of hazardous crude by rail. The REIR states that (4.7-69; page 489) --

HM – 2: Only Rail Cars designed to FRA, July 23, 2014 Proposed Rulemaking Option 1: PHMSA and FRA Designed Tank Car described in Table 4.7.6 shall be allowed to unload crude oil.

This mitigation refers to the proposed DOT 117 tank car that does not yet exist. So, according to the REIR, Phillips won't use any of its thousands of just purchased DOT 111 rail cars at the proposed rail terminal. Really?

But who is tasked with enforcing this mitigation? The County of San Luis Obispo. And, as the Environmental Impact Report admits, the County is preempted by Federal Law from enforcing this mitigation. So, the entity tasked with enforcing the type of rail car used has no authority to enforce the mitigation.

Brilliant!

The risks of this proposed rail spur project overwhelm any potential benefits Phillips claims will accrue.

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ANR-07
cont

ANR-08