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To: p66-railspur-comments@co.slo.ca.us
Date: 11/22/2014 07:13 AM
Subject: Comment letter from Eric Greening on Phillips 66 RDEIR

Dear Mr. Wilson et al,

Thank you for the opportunity to comment, and for recirculating this EIR.

In my comment letter on the original document, I raised two primary reasons why I thought recirculation was necessary: 1. Questions over our ability to mitigate hazards and impacts of rail transport because the railroads are not project applicants and because of federal pre-emption of many rail safety issues, and 2. Failure to consider hazards and other impacts outside our county for an accident-prone transport process in which the product would be coming thousands of miles from and through many other jurisdictions, in many of which there is no awareness that a decision to be made in our county could have such an effect on them.

Although the revised document is much more voluminous, and has all sorts of added information on such topics as passenger train delays, it does not satisfy either of these principal reasons for recirculation; I am sorry to say that, despite the effort and resources that went into the revised document, it fails to dispose of either issue.

It is perhaps inevitable that the first issue could not be disposed of in any case; it is simply a circumstance that ties the hands of the County.

However, federal regulation now raises further issues. Since the original draft has been written, there has been serious consideration on the federal level of imposing speed limits on oil trains, at least on those which include obsolete DOT-111 tanker cars. These speed limits could be effective everywhere, or in urban areas, or everywhere but even slower in urban areas (I have seen 40 miles per hour in the countryside, and 30 miles per hour in cities, as one proposal, for example). While such speed limits are being considered in the name of safety, they won't fully ameliorate safety concerns, since some accidents producing major spills or explosions have happened at slow speeds. What they WILL do, if implemented, is worsen the impacts on traffic congestion at rail crossings (including delays in the movement of emergency service vehicles on call), and the impacts of the oil trains on capacity of the rail lines themselves. What, in fact ARE the consequences of adding low speeds to traffic volumes along all potentially affected rail lines in the US that could be conveying oil to the Phillips

66 refinery? What are the cumulative impacts with other oil traffic headed to such places as the Valero Refinery in Benicia? On single-track lines, the waits at sidings for trains going the other way are considerably lengthened if the train they are awaiting is moving slowly.

I would also point out that, since the first draft was released, there have been increasing nationwide congestion problems on rail lines carrying oil trains. While I realize that the Bakken field would not be a source for the Phillips 66 Refinery, the issues along the "Empire Builder" route are illustrative of this growing problem. Passenger trains are routinely delayed and sometimes cancelled, while non-oil freight shipments are so constrained that grain is rotting in silos awaiting opportunities to be shipped out.

The second issue I raised as a case for recirculation has been handled in a way incomprehensible to me. While indeed attention is now given to issues of hazardous materials, emergency response, risk of spills, etc. outside our county, there has been an arbitrary limit on the zone within which such scrutiny has any detail or precision. A decision was made (which I questioned even when it was included in the contract with the County for this document) to focus only on track north of Colton, California and south of Roseville, California, with the excuse that the routes of oil trains coming from beyond those points was "speculative." Since there are no oil fields in either Colton or Roseville, and since the likeliest sources of oil for this project are in Texas, Utah, and Alberta, I fail to see how the routes leading from those places are speculative. The oil will not arrive at the Colton and Roseville rail yards via magic carpet and be poured into tank cars there. We may not know the exact proportions of oil coming from the various sources, or the exact percentage of trips that would come over the many routes available, but we know that oil trains would be rolling over thousands of miles of tracks throughout California and other states and provinces. In California alone, many of these tracks are on the PUC's list of hazardous stretches; in fact, on the listing given in the DEIR, the MAJORITY of those stretches

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GRE-02

could be used by incoming oil trains. I express particular concern about the Yuma section, where, for reasons unknown to me, a very significant number of derailments have occurred, about Cajon Pass, where a derailment once led to a fireball 700 feet in diameter, and about the Cantara Loop over the Sacramento River north of Dunsmuir, where a serious toxic release accident occurred a couple of decades ago and seriously impaired a water source from which millions are downstream.

Outside our state, there is no analysis. No comparable lists of hazardous stretches of track are given for other states or provinces. There is no evidence that other jurisdictions, state or local governments, have been informed about this project or invited to comment. They have been given no opportunity to assess the ability of their own emergency services providers to respond to accidents from the Phillips 66 shipments, nor have they been offered any resources to help them do so. There is nothing comparable to the population density maps covering the areas between Colton and Roseville, despite the extreme proximity to dense number of people to tracks in such places as downtown Reno, Eugene, Portland, El Paso, etc.

GRE-02
cont

Even within the corridor attended to, there is no assessment of particularly sensitive environmental resources, not even in the California Coastal Zone, where I doubt this project could withstand the scrutiny of the Coastal Commission. Coming from the south, oil trains would pass over the mouth of the Ventura River in a State Park, cross through other state parks at El Capitan, Goleta and Jalama, and pass such culturally and biologically sensitive sites as the Cojo Lagoon and Point Conception. From the north, there are the waters and wetlands of the Oso Flaco region to traverse, and the tracks almost bisect the Elkhorn Slough.

Beyond the corridor attended to, there are very sensitive environmental resources in such places as the Columbia River Gorge, Jasper National Park, the shorelines of Puget Sound, and I could go on and on.

Given that there is no specific warning being given to these other jurisdictions, and no resources offered to them for emergency response, despite the Class I impacts based on the inherent risks of oil transport, what is the exposure to liability, not only of Phillips 66 (or any corporate successors) but of a county that might approve this project?

GRE-03

What would be the impact on the services provided by San Luis Obispo County of a successful suit to recover sizable damages from a serious accident elsewhere?

It would constitute the height of narcissism for decision-makers in this county to approve this project, with all its admitted Class I impacts, as if it could meaningfully balance the very limited local alleged benefits of this project against the impacts and risks being imposed far beyond our borders. Yet even these local alleged benefits could be undermined by designation of the South County, with Phillips 66 adding to pre-existing air pollution, as being in federal non-attainment. The resultant financial impact of the regulatory regime that would ensue on local business and agriculture could outweigh any economic activity created by the project.

GRE-04

But again I would remind the authors of this document, and the decision-makers on the project, that the impacts of this project go far beyond the local. I see no significant effort here to solicit input by governments and the public in the distant places that would be affected, and no mitigations being offered to them. I see no reason not to be very concerned about the moral and financial responsibility that would accrue to the citizens of San Luis Obispo County if a project approved here caused significant damage in other jurisdictions. I see here no assessment of the ENVIRONMENTAL consequences on our County's ability to provide public services and care for our lands and waters in the event of successful recovery of significant damages from our county. I see, fundamentally, no real sense of responsibility being taken. And, as stated earlier, I see no evidence that the issues that led to this recirculation have been truly addressed. While it may be unprecedented for an EIR to be re-recirculated, I see it as the only meaningful remedy here; this document is not a foundation to proceed to the final stage because no many of the analyses and impacts in need of review would then reach the readers for the first time, without the opportunity for comment and response. Thus I have to ask that we go back to the drawing board and return to the public with something COMPLETE, and then notify ALL affected jurisdictions of the opportunity to comment on a project that could very significantly affect them, both in routine operations, and in the event, heaven forbid, of a serious accident for which they may not be prepared.

GRE-05

Thank you,
Eric Greening