

From: Tommy Nefcy <tommy@nefcy.org>
To: "P66-railspur-comments@co.slo.ca.us"
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Cc: "afherbon@gmail.com" <afherbon@gmail.com>
Date: 10/25/2014 02:59 PM
Subject: My Comments on the October 2014 version of the Draft EIR for the SMR Rail Spur Project.

Mr. Wilson:

I am a resident of the Nipomo Mesa at Monarch Dunes. I live in the Townhomes on Monarch Ridge and will be severely impacted by the proposed Rail Spur Project at the Phillips Santa Maria Refinery.

I emailed you several times asking that you require those preparing the Draft EIR at a minimum perform a site survey that includes onsite visits to the Townhomes where I live to assess the impacts on those of us who live within the site line and the sound perimeter of the project. I was never contacted and no site visit was ever performed to my knowledge. I can only conclude that the assessments and conclusions derived from those assessments are all fictional and have no basis the reality.

I oppose the granting of a permit for construction of this project. SMR, Phillips and UPRR will ultimately hide behind Federal ICC rules to avoid any compliance with local regulations, regardless of any assertions they may state to gain our trust and County permission to proceed.

My comments are below.

Tommy Nefcy, Nipomo Mesa Resident
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Comments to the October, 2014, Draft EIR for the Phillips SMR Rail Spur Project:

Executive Summary

Page 24, Paragraph 1:

"The SMR property is located in the southwestern corner of San Luis Obispo County, approximately 1 mile southwest of State Route 1, and approximately 3.5 miles west of the community of Nipomo, in the South County Coastal and South County Inland planning areas."

This description is patently inaccurate and self serving. It implies that residential areas in the community of Nipomo are several miles away from the proposed project site when in fact there are hundreds of

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homes located within a mile of the proposed project site. The residents of the community of Monarch Dunes were assured less than 2 years ago, by Phillips that all product coming into the SMR facility arrived by pipeline and no changes to that method of delivery was anticipated. I submit we were lied to.

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Page 29, Paragraph 1-2:

These two paragraphs state in no uncertain terms that SLO County may not have the authority to regulate these rail shipments, in the opinion of the authors of the EIR. If UPRR plans to benefit financially by acting as the common carrier for these shipments I submit they must forego their rights under the ISCC-TA and submit to local regulation of these materials. If they will not submit to local requirements then their partner, the SMR and Phillips, should not be allowed to build a facility which will benefit UPRR.

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Page 29, Paragraph 3-5:

There is only a north-to-south and a south-to-north routes which can be used to traverse SLO County. Extending the scope of the EIR to rail outside SLO County is a red herring designed to enhance potential disaster statistics and for that reason these paragraphs and the graphic following must be deleted and references to miles of track outside SLO County including failure and accident rates calculated based on length of track assumptions should also be removed or recalculated.

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Page 31, Paragraph 3-5, "Aesthetic and Visual Resources":

"There are no significant and unavoidable (Class I) impacts to aesthetics and visual resources associated with the Rail Spur Project." This is blatantly false. I live in the Townhomes on Monarch Ridge directly east of the proposed project site and this project will be built almost entirely in my line of site to the Ocean. This will ruin my ocean view and negatively impact my property value. On several occasions I invited Planning Department personnel to my home so they might accurately assess these impacts. The lack of response spoke volumes. As to the lighting up of the night sky being reduced to less than significant levels? Has anyone seen the SMR at night, it is an eyesore that is, at this time, out of my line of site at night. The proposed rail project however would destroy the night environment in the area and ruin my evening views. It will be impossible to mitigate the impact of any lighting of this size area.

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Page 32, "Air Quality":

"The operational pollutant emissions associated with operation of the Rail Spur Project within the County would exceed the SLOCAPCD thresholds." "However, the County may be preempted by Federal law from mitigating..." If UPRR and the SMR do not want to submit to local regulation and compliance rules and insist that Federal law preempts local ordinance, they should not be allowed to proceed with this project. "Air toxic emissions at the SMR would be significant and unavoidable (Class I) since the cancer risk over a 30-year exposure period would be greater than the 10 in a million threshold established by the SLOCAPCD. This cancer risk is driven mainly by diesel particulate emissions." "regardless of the preemption issue, the air emissions within the SMR can be mitigated through the use of emission reduction credits." That Phillips would give us cancer but "mitigate" through the use of "reduction credits" applied at other locations is cruel and callous and must not be allowed.

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“Greenhouse gas (GHG) emissions within the State of California could be significant and unavoidable (Class I) since they would exceed the SLOCAPCD threshold for GHG emissions. This impact can be reduced to less than significant with the use of emission reduction credits...” Again, “reduction credits” would give someone else clean air while have out quality of life ruined.

NET-06

Page 34, “Hazards and Hazardous Materials”:

The assumptions based on miles of track used are flawed. They assume the only populated areas the oil trains will traverse and therefore the only ones at risk are in the LA, Bay Area and Sacramento, and completely disregard the fact that SLO County is heavily populated especially along the ONLY rail line that UPRR trains operate on in the County. The map on Page 30 depicts this only too well: there is only one line that runs through SLO and trains can only come from the North or from the South. It is misleading in the context of this EIR to assume the rail lines include track mileage in Nevada and Oregon in calculations then apply the results to the actual track mileage only in SLO County.

NET-07

Page 35, “Noise and Vibration”:

“There are no significant and unavoidable (Class I) impacts to noise and vibration associated with the Rail Spur Project.” The EIR then goes on to explain how the train noise of 10 to 12 hours per day or per train unload cycle is what is called a Class II or less than significant impact that would exceed the County nighttime noise standards on the tracks closest to residential area. That particular “residential area” is my townhouse. The plan appears to be “let’s see how it goes” as follows in Paragraph 3: “The requirement for a Rail Unloading and Management Plan, and limits on the amount of time locomotives can operate at night east of the unloading racks should reduce the noise impacts to less than significant. There is some level of uncertainty associated with the unloading timeline and the noise modeling. Therefore, a mitigation measure has been added that would require noise monitoring to assure that the rail unloading operations due not exceed the County noise standards.” Apparently their “plan” is to disrupt the lives of the people living within a half mile of the SMR until they complain loud enough to drown out the train noise.

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Page 37-38, “Description of Project Alternatives”:

The “No Project Alternative”, this works for me; The “Loop Rail Unloading Configuration” the ‘No Project Alternative’ is better; The “Reduce Train Deliveries” again, the ‘No Project Alternative’ is better.

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Page 38-40, “Environmentally Superior Alternative”:

It is no stretch to say the authors of the EIR warped reality to conclude the proposed rail project is superior to the Project Alternatives including the “No Project Alternative” which is less than optimal when compared to the proposed project if SMR, Phillips and UPRR are allowed to trade our health and well being with purchased “reduction credits”. They get clean air and water and we get cancer.

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Page 40-45, “Vertical Coastal Access”:

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It has been repeatedly stated by public officials and SMR representatives that VCA and the Rail Project were not linked. Statements contained in the Draft EIR reveal that these assertions are another falsehood presented to us by Phillips, SMR and even our own County officials. VCA must NOT be linked to the approval of the proposed Rail project! VCA will severely impact the residents of the Nipomo Mesa and provide no socio-economic benefit to our area. Our roads will be become more crowded and less safe. Our air will become more polluted but the added dust and we will see zero benefit. A look at the numbers involved show the issue: If vehicle access to the Dunes is permitted, the potential for 3,500 plus daily volume is estimated. These are not just entrance but exits as well. That is an additional 7,000 plus transits of Willow Road daily. That is an additional 7,000 plus uses of the 101-Willow Road freeway ramps, all of these uses occurring during morning and evening rushes. Daily traffic jams will be the norm. Parking along Route 1 will be a nightmare under any scenario used for VCA. VCA must be taken out of this mix and if it is to be considered it must be a separate issue from the proposed rail project.

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Page 45-48, "Known Areas of Controversy and Uncertainty":

The continued assertion that UPRR will not be subject to local regulation due to ICC preemption is troubling in the extreme. If UPRR does not subject the oil shipments on the mainline to local regulation this project must not proceed. ICC regulations have not prevented any catastrophic incidents and have made several much worse by not requiring improvements to tanker car safety.

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Page 45, "Train Unloading Sequence and Time":

According to the timing and sequence of events for unloading and specific 80 tank car train, any given train would be at the SMR facility for 12 hours. During that time period 2 of the 3 locomotives would be operating constantly, moving and repositioning the tank cars for unloading and departure preparation. All time frames given for unloading a set of 20 cars on 2 sets of tracks include moving, switching and decoupling times during which a locomotive is attached and running. According to the time table presented on Page 133, 2 of 3 locomotives would be operational 100% of the time they are present at the SMR. Switching or Idling the noise level would be unacceptably high on the Mesa to residents living within less than 400 yard of this operation. The noise level of this type of operation cannot be mitigated regardless of what the EIR says. Life on the Nipomo Mesa for those of us who purchased before this project was revealed to the public will change dramatically. I contact the SLO Planning department (Mr. Wilson?) several times and asked that those writing the EIR be required to come to the Mesa to hear for themselves the sounds of trains traversing the SMR. The lack of response speaks volumes for their concern.

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Page 46, "Fugitive Dust Emissions":

The South County Phase 2 Particulate Study established a threshold of 25 pounds of particulates per day coming from all sources. The addition of the 1.32 lbs per day must not be considered over and above this level, it must be considered as included in that limit. The residents of the Nipomo Mesa are suffering from the impact of this dust and compliance by all parties must be imposed.

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Page 46, "Relationship between the Recently Approved SMR Throughput Project and the Rail Spur Project":

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The authors of the Draft EIR, Phillips and the SMR claim no linkage between the two projects. I submit this is not true in the way the Throughput Project was presented when Phillips and SMR representatives solicited Mesa residents acceptance of the Throughput Project at the Monarch Club presentation approximately 20 months ago. During that presentation and the following Q&A session Phillips and SMR officials were repeatedly ask about how materials were delivered to and from the facility. The Rail Spur Project was, in my opinion, deliberately hidden from the residents even though it was obviously a work in progress at that time. This kind of deception must not be rewarded. Had we known at that time of the possible use of trains to bring crude into the facility if expansion was approved we would most certainly mounted opposition to the Throughput Increase Project as well as the Rail Spur Project.

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Note: the October 2014 Draft EIR for the proposed SMR Rail Spur Project is 889 pages long, I have reviewed only the Executive Summary and two sections of Section 2 pertaining to Train Unloading. As I review more of the document I will have more comment...

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From: Tommy Nefcy <tommy@nefcy.org>
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Date: 11/24/2014 11:29 PM
Subject: Phillips 66 Rail Spur Draft EIR Comment.

Mr. Wilson,

The attached night time photos were taken from public areas. Please note it is very dark and only the lights from the refinery marking the night.

The daylight photos were all take from pubic areas on Via Concha and Euclid Street at Monarch Dunes. Please note the views are where the proposed rail yard will be built and where the views will be, of course, destroyed.

Please, these photos are a compelling argument against this rail project. The night sky will be, and even the draft EIR states this, destroyed without any mitigation available as will the day time views.

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805-315-1115(See attached file: WP_20141105_20_21_29_Pro.jpg)(See attached file: WP_20141105_20_25_23_Pro.jpg)(See attached file: WP_20141105_20_27_16_Pro.jpg)(See attached file: WP_20141106_12_01_46_Pro.jpg)(See attached file: WP_20141106_12_03_35_Pro.jpg)(See attached file: WP_20141106_12_06_15_Pro.jpg)(See attached file: WP_20141106_12_04_59_Pro.jpg)

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