From: Tommy Nefcy <Tommy@nefcy.org>
To: "p66-railspur-comments@co.slo.ca.us"
<p66-railspur-comments@co.slo.ca.us>
Date: 01/17/2014 05:47 PM
Subject: DEIR Comments.

Aesthetic and Visual Resources

"From Residential Areas East of State Route 1 Portions of the project would be seen from public roadways and paths within the Trilogy residential development east of State Route 1. Westbound Via Concha Road would provide limited views to the easternmost portion of the rail spur, similar to those from along State Route 1 in this area. Portions of Louise Lane would also allow for views of the rail spur to the southwest. From these residential streets the unloading facility would not be easily noticed due to topography and viewing distance."

This is factually misleading, from the balcony of my townhome at Monarch Ridge I have an unobstructed view of the ocean and the dunes. It was why I purchased at this location and this particular unit. How is Phillips going to mitigate destroying the Aesthetics of my beautiful view?

The proposed view is directly in my line of site, all lighting at night would be direct visible from my townhome.

NT-1

The DEIR describes the visual vistas from my townhome as "the visual identity of the project site and vicinity is mostly defined by working agriculture, rural lands, and natural open space." The refinery itself is not in my field of vision to the north. Unfortunately the above projected view will be. The DEIR erroneously describes the proposed rail area as being primarily obscured from the residents of Trilogy. This may be true for those living in the swale below the ridge but I live on Monarch Ridge and have a direct view of the Ocean, dunes and the agricultural fields. This is a view I love and it is why we purchased this unit.

The lighting described will be placed a string of bright lights glaring on this beautiful vista at all hours of the night, destroying the star lit nights I fled the bright lights of Southern California specifically for.

No plan has been developed to mitigate this unavoidable source of new nighttime light. The DEIR says to wait and see what they come up with. They propose they study the lighting effect after the fact and report on its affect. Please tell me someone will look at the view from my townhome!!!

NT-2

Lighting Impact Description: "As a result the project would create a new source of substantial light and glare which would adversely affect nighttime views in the area, resulting in a potentially significant visual impact."

The DEIR states "As a result, the project impacts would be considered to be less than significant with mitigation".

I ask significant to who? To Phillips, certainly, to me these are all very significant.

When someone comes to my door and ask to see the visual impacts I am concerned about, I will believe there is a real concern.

If this project proceeds without my concerns being addressed, expect legal action.

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NT-2

From: Tommy Nefcy <Tommy@nefcy.org>
To: "p66-railspur-comments@co.slo.ca.us"
<p66-railspur-comments@co.slo.ca.us>
Date: 01/22/2014 06:52 PM
Subject: Phillips 66 Rail Spur Extension EIR Comment.

Dear Mr. Wilson:

Based on the Impact Summary Table contained in the DEIR for this project, this project cannot proceed.

Going down the list:

AQ.2: Generation of ROG+NO emissions that will exceed SLOCAPCD thresholds.
Residual impact is listed as Significant and Unavoidable.
Mitigation:

AQ-2a: Investigate measures to limit onsite emissions and then seek OFF-SITE reductions, meaning they will trade our clean air for reductions elsewhere.
Residual impact is listed as Significant and Unavoidable.
We still get their pollution, this is unacceptable.

NT-3

AQ.3: Generation of diesel emissions.
Mitigation:

AQ-3: Again, secure (trade for) OFF-SITE reductions, trading our clean air for reductions elsewhere.
We still get their pollution, again this is not acceptable.

NT-4

BIO.7b: Oil Spill could (will) impact sensitive species habitats.
Residual impact is listed as Significant and Unavoidable.
Mitigation:
Develop a plan to clean up the area.
Do they also have a plan for resuscitating our property values, tourist trade and job market after such an event?

NT-5

WR.2b: Oil Spill could contaminate surface and ground water in the aquifer that supplies most of the South SLO County and North SB County.
Residual impact is listed as Significant and Unavoidable.
Mitigation:
WR-1A says to follow California Stormwater Quality Association best practices handbook, presumably this means don't have any spills.

NT-6

WR-1b says they will amend their Spill Prevention , Control and Countermeasure (SPCCP) to detail what steps they will take.
This is a lame attempt to blow smoke to get the permit then say oops, our bad, sorry we wrecked your neighborhood.
Again, their response is unacceptable.

NT-7

Class II Impacts:

AV.1: The eastern extension of the rail spur would reduce quality views of open space.
Residual Impact: Less than Significant with Mitigation.
This is the most troubling impact, for me personally. I have a beautiful ocean view that they are proposing to put a rail yard into and their only concern is the view from the highway.
What about my view!!?? And my property value??!!

NT-8

AV.2: Expanded industrial use and visibility of the rail spur will have a significant impact.
Residual Impact: Less than Significant with Mitigation.
Mitigation:
None to speak of, basically it is trust us, well I don't.
Again, they did not survey my view and the impact this will have on me and the other residents of the Monarch Ridge Town Homes.
Residual Impact: Less than Significant with Mitigation.
Mitigation:
None of significance because they do not 'see' a problem.
This conclusion is disingenuous and with no basis in fact. Imaging purchasing a beautiful view and then being told there will be a rail yard built right in the middle of it.

NT-9

AV.3: Lighting impact could result in significant impact.
Residual Impact: Less than Significant with Mitigation.
Mitigation:
Their plan is to light it up and see if they can get away with it. Someone should come up on our ridge now, at night, see how beautiful the night sky is and then go to the lit up refinery and see the difference. Their lighting plan will ruin the evening view.
AV.4: vehicle operating lights.
Residual Impact: Less than Significant with Mitigation.
Mitigation:
Again, light it up and see what they can get away with.
Again, they don't live here and would not have their view compromised so they do not care.

NT-10

AR.3: Agricultural impacts.
Residual Impact: Less than Significant with Mitigation.
Mitigation:
Same as the water pollution plan, try to fix it if someone actually reports a problem.

NT-11

AQ.1: Particulate pollution from construction and operation of the rail spur.
Residual Impact: Less than Significant with Mitigation.
Mitigation:
Use clean(er) diesel fuel burning vehicles, duh.
SLOCAPCD Rule 1001 was designed to limit pollution coming off of the dunes to protect the health of Nipomo residents. This rule should be applied to the construction and operation of this rail spur, specifically the resulting

NT-12

pollution should be cumulative, meaning added on top of the dust particulates currently blowing off of the dunes, not counted separate.
Fines of $1000 per day of non-compliance must be assessed. NT-12

AQ.6: Odors.
Residual Impact: Less than Significant with Mitigation.
Mitigation:
Add any new odor sources to the existing plan which is to ignore them until nearby residents complain then continue to ignore them. Drive north on the PCH from Willow Road for 2 miles and smell the air. It consistently smells rancid from hydro carbon emission. The Nipomo Mesa, where I live suffers from similar rancid smells on a regular basis. The refinery does nothing to fix these problems so what would lead any of us to believe they will act otherwise in the future? NT-13

N.1: Noise during Construction.
Residual Impact: Less than Significant with Mitigation.
Mitigation:
Limit construction to between 7 AM and 7 PM Monday thru Friday, but all they will do if they have to work outside this schedule is monitor the time.
Great, some contractor gets behind and has to work round the clock and we will be told, yes it was loud.
This is not acceptable. NT-14

N.2: Noise during Operation.
Residual Impact: Less than Significant with Mitigation.
Mitigation:
When they run trains past 10 PM and before 7 AM they will be careful not to make too much noise. Why not no operation between 7 PM and 7 AM? This is NOT an industrial area, this is a residential area that happens to have a refinery in it that up until now has been a good neighbor.
This is not acceptable. NT-15

Overall, Mr. Wilson, this project moves the Phillips 66 Refinery from being a good neighbor to being an unwanted nuisance. When I purchased my home 2 years ago I was assured the refinery used only pipeline delivered raw material and shipped out only via pipeline. I was fine with that, but now that they want to change their operating characteristics, in my opinion, they have crossed the line to being a nuisance. NT-16

The worst part about all of this is there will be very little economic benefit locally. According to the Wall Street Journal and the Bloomberg Report, the dangerous practice of using trains to transport crude oil through populated area will only benefit refinery operators exporting product overseas. We, the people put at risk by the trains rolling through our neighborhoods, will see nothing but high gasoline prices. NT-17

Please don’t let this happen here.

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