To: Murray Wilson

Comments of the DEIR for the Phillips 66 Rail Spur Extension Project

Thank you for the opportunity to comment on the DEIR. As background I should say that I am commenting as a resident of the Woodlands (the housing development that lies immediately across Highway 1 from the eastern end of the proposed rail spur), as the resident representative of the Woodland's HOA and as a retired manager of EPA's Air Pollution control office. In all of these capacities I have an interest in the environmental effects of the proposed project which will put a large, five track rail spur within a few hundred yards of the western boundary of our development and which I believe will:

1. Cause significant and unavoidable visual degradation to the view of the coastal plain from specific parts of our community (I am providing digital photographic evidence that demonstrates that because our community is at a higher elevation than Highway 1, the views from Highway 1 used in the DEIR to evaluate the visual effect of the project underestimate its visual impact). STP-1
2. Cause significant and unavoidable exacerbation of the already high levels of particulate matter (PM) pollution the residents of the Woodlands, as well as most residents of the Nipomo Mesa, currently experience. The proposed rail project will bring with it significant increases from a new source of PM, that being the diesel exhaust from the diesel locomotives that will operate on the rail spur. This diesel exhaust, a notorious source of dangerous fine particulates, will be introduced into an area that is just upwind of the Woodlands, and as such will undoubtedly increase the levels of PM concentrations in the Woodlands and other areas downwind. During the construction of the rail spur there will also be unavoidable increases in fugitive dust concentrations in the Woodlands and other areas downwind of the proposed project. I am submitting photographic evidence of the type of fugitive dust that can occur in this area because of our unique meteorology (photos of fugitive dust crossing Highway 1 at the Via Concha entrance to the Woodlands from the agricultural fields just adjacent to the proposed rail spur site). STP-2
3. Present a significant threat from possible catastrophic explosions both at the rail spur, and therefore to the Woodlands which is immediately downwind, and in all the cities and towns (both inside and outside California) along the route of the unit trains that this rail spur will attract. STP-3
4. Cause significant and perhaps unavoidable noise impacts, particularly to receptors that lie downwind (like the Woodlands) and at an elevated position relative to the noise source (again, like the Woodlands). Here again, particular areas of the Woodlands lie downwind and at elevation relative to the rail spur. These facts, particularly the elevated position of the receptors, will negate the effectiveness of any noise abatement from earth berming, as proposed in the DEIR to mitigate surrounding noise increases. STP-4

I have provided general comments above. I will now provide more specific comments addressing the specific findings of the DEIR as laid out in the Executive Summary.

Visual Resources – The Executive Summary states that "the impacts on aesthetics and visual resources would be less than significant with mitigation (Class II). The eastern end of the proposed rail spur and the associated trains operating in the area would reduce STP-5

the quality of the views of the open space as seen from portions of State Route 1, the California Coastal Trail, the De Anza Trail, and other public areas east of State Route 1. Landscaping and the installation of a berm at the east end of the tracks would reduce these impacts to less than significant." I believe that the conclusion that the use of a berm at the eastern end of the project would reduce impacts to less than significant is not correct. The land just to the east of the rail spur and across Highway 1 is significantly elevated and offers a clear view of much of the open area that is planned to be used for the rail spur. The photographs used in the DEIR were taken from Highway 1 and do not offer an accurate picture of the views from property just to the east of Highway 1(in the Woodlands development and from the Monarch Dunes Golf Course). I am submitting two digital photographs taken from the back of residences on Louise Lane (bordering the golf course property). These photographs (both wide angle and telephoto) offer a much more realistic image of the views that will be degraded by the rail spur project. [The photos are titled **Louise 1 and Louise 2**.] I believe that these photos demonstrate that because of the elevation of property in the Woodlands, a 10 to 20 foot berm at the east end of the rail spur will do little, or nothing, to mitigate the visual impact of the rail spur. I would suggest that this photographic evidence be included in the final EIR (as well as those taken from Highway 1 at a lower elevation) and that the final EIR clearly state that these views cannot be mitigated to less than significant with on-site landscaping and the installation of a berm at the east end of the tracks. STP-5

Air Quality – The DEIR correctly looks at all of the air pollutants that will result from the proposed rail spur. However, because it is the Particulate Matter (PM) health standard that is violated repeatedly at the Woodlands I will focus my comments on PM.

Areas of the Nipomo Mesa, including the Woodlands, are repeatedly exposed to very high levels of PM. The two monitoring stations on Highway 1 (one of which is only a few hundred yards from the eastern end of the rail spur across from the Via Entrada entrance to the Woodlands) on the Mesa annually record 40 to over 90 violations of California's air quality standards for PM. These air quality standards have been put in place to protect public health. The California Air Resources Board has said that very fine particle pollution, like that emitted from diesel engines, is responsible for 9000 premature deaths in California each year "since it burrows deep into the lungs where it can enter the bloodstream and harm the heart and other organs." The county air pollution control district (APCD) has performed considerable research on the extent of the Mesa's air quality problem and its source and it has concluded that the primary source of the PM causing air quality violations in our community is the off-road vehicle riding area of the Oceano Dunes. To address this issue the Board of the APCD has passed Rule 1001 which lays out a time-line for reductions in emissions intended to be adequate to reduce PM concentrations to the level of the State's air quality standards. As part of its research the APCD did a considerable amount of monitoring of such things as wind speed and wind direction in its effort to determine the source of the PM blowing over the Mesa's air quality monitors. In short, this work demonstrated that concentrations of PM on the Mesa are highest, violating the health standards, when the winds came out of the northwest. Unfortunately, the Santa Maria Refinery and the proposed rail spur lie directly to the northwest of the Woodlands. (See the wind-rose graph at 4.3-8 of the STP-6

DEIR) Consequently, emissions of PM from the diesel locomotives that will be used as part of this project will be blown in the direction of the Woodlands on the very days when the other major source of PM, the off-road riding area, is also sending its PM in our direction.

The health effects of PM pollution are of particular concern to senior citizens and the very young. Many senior citizens have compromised lung function and cardiovascular conditions that can be exacerbated by PM and particularly by the very fine PM emissions of diesel engines. Although the Woodlands is not designated as a retirement community, the vast majority of its residents are over 55 and therefore higher levels of PM would present a particular threat to this community.

The DEIR correctly states that the project "would generate diesel particulate matter (DPM) emissions within SLO County that exceed the SLOCAPCD thresholds." However, the DEIR incorrectly implies that "off-site emissions reductions" could help reduce the significance of the project. This conclusion is incorrect. The fact is that this project will introduce a new source of PM emissions, diesel locomotive exhaust, into the exact geographic region that is the source of the PM health standard violations on the Nipomo Mesa in general and the Woodlands in particular. Emission reductions that are "off-site", i.e. in another location, will in no way reduce the significance of the effect that the locomotive emissions will have on the Mesa, a region that is already in violation of the State's health standards. Only actual emissions reductions in the area just upwind of the Mesa, such as at the refinery or the off-road vehicle riding area, will accomplish that. This same conclusion is equally true for claims the previously banked emissions reductions credits can be used to reduce the significance of the effect of the newly introduced diesel exhaust. We have to keep foremost in mind that residents of the Woodlands and the Mesa are being repeatedly exposed to PM concentrations well above the State's health standard. If a project brings a new emissions source, like diesel locomotives, into the exact geographic region causing those health standards to be violated, logic demands that we conclude that the project will cause a significant impact and that only "real" emissions reductions in that geographic region can possibly mitigate that impact. **So, for this project on-site, actual emission reductions would be the only action that would reduce the significance of the emissions of the diesel locomotives operating at the rail spur.** STP-6

With regard to the fugitive dust emissions that will result from the construction of the rail spur, I believe that the conclusions of the DEIR are wrong. I think that this is the result of two things:

1. The analysis of the fugitive dust from the site used SLO County defaults for its Wind Speed and Precipitation data
2. An over-estimate of the effectiveness of dust control from watering the construction site 3 times daily

STP-7

The use of SLO County defaults for Wind Speed is simply inappropriate. Wind data for this area of the Mesa have to be plentiful given the extensive analysis the APCD has done here. The DEIR and final EIR should rely on the most accurate meteorological data

available. The use of SLO County defaults will not reflect the actual wind speeds at this site.

I believe that with the correct wind speed data, the models used will show higher fugitive dust emissions especially since this site will experience high daytime winds that will coincide with the time of day that the earth moving equipment will be disturbing and moving the soil on the construction site. I am attaching two photos [**fugitive dust 1 and 2**] of fugitive dust emissions blowing across Highway 1 from the agricultural land just adjacent to the rail spur construction site. These photographs were taken looking north up Highway 1 from the Via Concha entrance to the Woodlands. I believe that this type of event could be common during the construction phase of the rail spur and would represent a very significant impact.

STP-7

Given the very large size of the construction zone and the higher wind speeds that this site is exposed to, I also believe that it not appropriate to use an estimate of 61% dust control from watering. The watering would have to be done by truck and I can think of no way that water trucks could continuously dampen the quantity of sand and soil that will be moved at this site while it is being contoured. The slope of this site is significant, requiring very large amounts of cut and fill to meet the specs for the site. Remember also that the DEIR foresees the construction of a 10 to 20 foot berm at the eastern end of the spur. In short I believe that the fugitive dust PM from this site will exceed the SLOCAPCD thresholds and that mitigation will not be adequate to sufficiently reduce its significance.

Hazards – I think that the probability analysis in this section does not really address the worst case scenario of concern to most people. What people are concerned about is a catastrophic explosion and fire, either at the rail spur or near to houses or businesses in towns along the train's route, of a magnitude similar to the recent explosions and fires from accidents in North Dakota and Quebec. I recognize that the probability of such an event is small but if such an event happened the damage could be devastating and I believe that decision-makers need to see the consequences of such a worst-case scenario. Any analysis of such a worst-case event should of course consider in detail the impacts on health and the environment, but for this type of catastrophe it should be expanded to include the economic consequences of such an event, including indirect economic factors such as property values and tourism.

STP-8

Noise – It is very difficult to analyze the accuracy of the noise modeling used to study the impacts of the rail spur. However, I believe that the modeling does not adequately address the fact that the Woodlands is both downwind and elevated relative to the rail spur site. These factors, particularly the elevation, are very likely to increase the level of our noise exposure from sources on the rail spur site and I believe that this could raise the impacts to significant. I am particularly concerned about residents who live along Louise Lane and Eucalyptus Road, and in the Monarch Ridge Town Homes. All of these sites are in the western portion of the development with unobstructed, elevated views of the rail spur site. If the project were to be approved, it would be appropriate at a minimum to put noise monitors in these parts of the Woodlands to ensure that actual noise levels, particularly at night, meet appropriate standards.

STP-9

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