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Date: 01/26/2014 02:36 PM  
Subject: Draft EIR Comments

January 26, 2014

Dear Mr. Wilson,

The following are my comments concerning the Draft EIR for the Phillips 66 Rail spur Project.

I live on Raptor St. Arroyo Grande, Ca. My house is within a mile of the refinery and about 1/4 mile from the train tracks at Highway 1 and Callender Road. I am very concerned about the Class 1 Impacts described in the Draft EIR.

Biological Resources - A rupture or leak from a tanker car could severely damage the dune vegetation and wildlife habitats in the surrounding area. Further, an explosion and fire could result in loss of life and property in addition to ecological damage. While Phillips 66 has had a good safety record, that was based on oil coming in via pipeline, not train. Their record with handling trainloads of 80 oil tankers at this facility is unknown. The push to obtain cheaper oil to refine at the expense of the community and environment does not seem to justify approval of this project. The impact and clean up needed after a spill or explosion has not been quantified or addressed. We now have at least four accidents in the United States to review. Besides planning how to dig up the dirt and replant native vegetation, I think the plan should contain an indemnity clause, wherein the refinery and/or Union Pacific provide the county with a bond of at least 500 million dollars, to cover any accidents, spills, collisions, etc. that may occur in the county. Hopefully, the money will never be needed, but if it is, it will be there. Further, management of Phillips 66 stated at the Dec. 12th meeting, that Bakken oil is not suitable for refining at this facility. If that is the case, the approval for this project, if given, should specify that no Bakken oil is to be brought in by train. This would decrease the possibility of an explosion enroute or at the refinery.

Recent investigations have shown that newer DOT approved tankers are safer and should be used to carry flammable liquids. Phillips should agree to use only these tankers at this facility.

Lastly, special training, equipment and personnel should be provided to all the Cal-Fire stations along the UPRR route through San Luis Obispo. As these stations are our first line of defense in the event of an accident, spill, explosion, etc. It is not sufficient to just have trained staff at the refinery, who might be able to respond in an hour or two. Responsible emergency planning needs to occur BEFORE the event. All costs should be borne by Phillips 66.

TOR-1

Air Quality - Operational activities associated with the Rail Spur Project would generate diesel particulate matter emissions within SLO County that exceed SLOCAPCD thresholds. Significant and Unavoidable residual impacts are noted in the draft EIR. Phillips 66 can prevent a substantial amount of the PM emissions, by using CSX Green Trains at their facility or A/C locomotives. The GenSet train reduces PM by 80% compared to regular diesel trains. The Final EIR should require that any train travelling through SLO County and used at the refinery, be the greenest, least polluting i.e. Ultra Low Emitting Locomotives.

TOR-2

Another way to reduce the diesel particulate matter while the train is idling is to use a diesel PM filter system on the train's exhaust system. Given that the South County is already in state and federal non-attainment for particulate matter, the timing of this project could not be worse. Unless steps can be taken to reduce the diesel PM to fully mitigate to less than significant levels, I do not think the project should proceed.

Water Resources - A rupture or leak from a rail car on the UPRR mainline track could substantially degrade surface water and groundwater quality. The refinery sits right in the middle between a string of small lakes on the north and Oso Flaco Lake on the south. A spill or accident in this area would definitely pollute these wildlife habitats and the surrounding groundwater. As has been seen in the past few accidents, one in Alabama which polluted a wetland, once the oil or chemical gets into the water, it is very hard to get it out.

In the unlikely event of an oil spill along the UPRR mainline tracks, there would likely be no oil spill containment or cleanup equipment available, and it would likely take some time for emergency response teams to mobilize adequate spill response equipment. Depending upon the location of the spill this could allow enough time for the spill to impact sensitive habitat.

TOR-3

The above paragraph from the Executive Summary does not inspire confidence in Phillips 66's or UPRR's ability to address an oil spill. The final EIR should include steps Phillips 66 will take to protect the wetlands surrounding its property. These steps might include, Obtaining and keeping equipment at the Nipomo Refinery that could quickly be dispatched in case of an accidental spill. Equipment such as skimmers, dispersants, build a berm kits, etc. Also a survey should be done of each body of water, to identify how close it is to the tracks and how vulnerable it would be in case of a spill. Preventative steps should be taken to protect the lakes, such as building berms between the lakes and the train tracks where a spill would run downhill, into the body of water. Also equipment to protect multiple lakes from a large spill should be on hand as well as trained personnel to respond within 30 minutes of a spill.

In conclusion, I feel there is much that could be done to mitigate the negative impacts this project would have, but it seems that the authors did not look very far in seeking solutions. This makes me believe that the company is most interested in maximizing profits not being proactive in facing the potential human and environmental disasters the oil brings. For this reason, I support the NO Project Alternative as the least environmentally damaging. In the second choice, I would support a drastically reduced delivery schedule, two trains per

TOR-4

week. The reduction of number of trains would reduce the impacts in all areas of Class I impacts.

TOR-4

Thank you for the opportunity to submit comments.

Sincerely,

Rachelle Toti