100% Post Consumer Recycled Paper

SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

County of San Luis Obispo
Department of Planning & Building
Environmental Division
976 Osos St., Rm 300
San Luis Obispo, CA 93408
11/26/14

November 24, 2014

Murry Wilson
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

SUBJECT: Recirculated Draft Environmental Impact Report (RDEIR) for the Phillips 66 Rail Spur Project

Dear Mr. Wilson:

Thank you for including the San Luis Obispo County Air Pollution Control District (SLOCAPCD) in the environmental review process. We have completed our review of the above referenced document and have the following comments. As a commenting agency under CEQA, the SLOCAPCD's review pertains to the identification of key aspects of the RDEIR that may have adverse impacts on local air quality and public health. Our assessment evaluates the air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. This proposed project is located in a region that is impacted by periods of high particulate matter concentration. Due to the ongoing exposure to PM on the Nipomo Mesa, the SLOCAPCD is very concerned about the potential increase of PM during construction activities. As such, the SLOCAPCD is recommending the inclusion of additional mitigation measures to ensure construction occurs during optimal air quality conditions, thus reducing the potential for further compounding the existing air quality conditions. SLOAPCD 01

Throughout the RDEIR there are multiple references to the potential preemption from imposing mitigation measures, conditions or regulation on UPRR train movements on the mainline. While regulating the tanker car locomotives may be federally preempted, mitigating the emissions they generate is not. While the SLOCAPCD's top priority is to secure on-site emission reductions to the maximum extent feasible, the use of off-site mitigation for CEQA purposes is common practice, and the County can require the project proponents to fund cost-effective mitigation to reduce the impact of the project to less than significant levels. The project proponent can also request the Air District to administer the mitigation fees to fund like-for-like mitigation projects throughout the impacted region. We see no reason to treat the emissions that result from the movement of crude as defined in this proposed project any differently than emissions from other proposed projects. SLOAPCD 02

Of the mitigation that is recommended in the RDEIR, the reliance on the use of Tier 4 locomotives engines is of concern to the District. While the report acknowledges the use of SLOAPCD 03

such technology may be preempted by federal law, it does not identify the fact that Tier 4 technology will not even be manufactured or rebuilt until 2015. Furthermore, as shown on page 4.3-50 of the RDEIR, EPA estimates the average nationwide emission factors for mainline locomotives may not meet the Tier 4 standard until 2041; thus, it seems inappropriate to base emission reductions on technology that may not be available for many years. Rather than including mitigation that currently cannot be realized, the SLOCAPCD recommends the use of real, quantifiable on and off-site mitigation measures to reduce project emissions. SLOAPCD 03

Attachment A of this letter provides a detailed discussion of the SLOCAPCD's analysis of the specific sections of the RDEIR. Please address the action items contained in this document, with special attention to the items that are highlighted in **bold and underlined text.**

The SLOCAPCD thanks the County for the opportunity to comment on this proposal. If you have any questions or comments, please contact me or Melissa Guise at 805-781-5912.

Sincerely,

Aeron Arlin Genet
Planning and Outreach Division Manager

Enclosure: Attachment A

Attachment A - Detailed comments on Specific Sections of the RDEIR

EXECUTIVE SUMMARY

ES-5

The RDEIR states:

> *"The refinery feedstock definition (meaning the materials that could be transported by train into the proposed facility) excludes gaseous feeds, natural gas liquids (NGL), liquefied petroleum gas (LPG), finished refined products, and Bakken crude oil. "*

SLOAPCD 04

What measures will be implemented to ensure that excluded feedstock will not be received and processed at the SMR facility**? SLOCAPCD recommends SLO County conditions the Land Use Permit to restrict the above referenced feedstock and including an enforcement mechanism.**

PROJECT DESCRIPTION

Page 2-15

The use of steam to heat the rail cars is discussed on page 2-14 and 2-15. The project proponent has indicated that steam would only be used **once** per year in cases when delays have occurred and the crude has cooled to a temperature below the required pour point. Assuming this steam heating system will only be used once per year seems like a very low estimate. If rail cars are coming from the northern part of the United States it seems likely low temperatures and delays from snow and/or storm damage or debris on the tracks could occur more frequently during the winter months. Since the emissions calculations for the RDEIR assume the use of steam only once per year, then **SLOCPACD recommends the Land Use Permit be conditioned to only allow the use of steam once per year. If the project proponent is unwilling to live with that restriction, then the emission calculations should be adjusted to reflect a more realistic occurrence rate agreeable to the applicant.** SLOAPCD 05

Page 2-17

Internal roadways servicing the new refinery pipeline addition are discussed in Section 2.3.6 and 2.3.7. Since the refinery is located in an area that is impacted by periods of high particulate matter **SLOCPACD recommends all internal refinery roads associated with the rail spur project that are routinely used for operational use should be paved to reduce particulate matter.** SLOAPCD 06

Page 4.3-2

Monitoring results for the criteria air pollutants are outlined in Table 4.3.2. Since particulate matter is an ongoing issue in this area **SLOCAPCD staff recommends the table be updated to include 2013 data.** SLOAPCD 07

Page 4.3-10

Under the discussion on Fugitive Dust it should be noted that, as an outcome of the study referenced in this section, SLOCAPCD adopted Rule 1001 *" Fugitive Dust Emissions Standards, Limitation and Prohibition"* to address fugitive dust from offroad vehicle riding on coastal dunes. SLOAPCD 08

Page 4.3-21

Under the discussion of SMR Toxic Emissions at the bottom of page 4.3-21, the RDEIR states:

> *"The Phillips 66 Throughput Project EIR assumed the health risk associated with truck traffic to and from the SMR. Heath risks were estimated at 3-5 cases per million along Highway 1 near Willow Road."*

SLOAPCD 09

This range is slightly lower than the data presented in the FEIR for the Throughput Increase (October 2012) page 4.1-48, which indicates *"The cancer risks associated with truck traffic would increase over the baseline to a level of 5.9 cancer cases per million immediately south of the Refinery along area roadways."*

Page 4.3-22

It should be noted, that while supporting documentation may have been released earlier, the Draft OEHHA HRA **guidance was not released for public comment until June 20, 2014.** SLOAPCD 10

CONSTRUCTION EMISSIONS

Page 4.3-41

Mitigation Measure AQ1f requires a Dust Control Plan for this project. Since this project is located in an area that is impacted by periods of high particulate matter concentration the **SLOCAPCD recommends the following measures be added to this condition:**

- In support of APCD standard fugitive dust mitigation measures, the applicant shall designate a Visible Emission Evaluation certified person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize nuisance violations from dust complaints (Rule 402) and to reduce visible emissions below the APCD's Rule 401 requirement that opacity not exceed 20% for greater than 3 minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such designated persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
- In addition, when drought conditions are present, fugitive dust control measures need to be modified by the applicant to conserve water resources while still providing the necessary emission reductions. Refer to Section 4.3 of the APCD CEQA Handbook for guidance on APCD-Approved Dust Suppressants SLOAPCD 11
- The APCD recommends planting native species to replace any plants or trees slated for removal. The APCD recommends planting native local species that have been shown to mitigate particulate emissions, such as some types of conifer trees. The APCD recommends removing the vegetation only after the new vegetation has reached maturity and has mass similar to the removed vegetation.
- The APCD recommends construction activities that will generate dust should be limited to periods when good air quality is forecasted. The 6 day forecast for the CDF forecast zone is available from the APCD website, slocleanair.org. This information should be used by all on-site workers to plan construction activities for days when the air quality is forecast to be good.

Page 4.3-42

In the November 2013 DIER, the mitigated quarterly construction emissions for DPM were 0.15 tons/quarter (page 4.3-40, Table 4.3.12), which exceeded the SLOCAPCD Tier 1 DPM threshold of SLOAPCD 12

0.13 tons/quarter. However, in the October 2014 RDEIR the mitigated DPM for construction is now 0.12 tons/quarter. None of the mitigation measures have changed. It is not obvious from the discussion in this section what assumptions or mitigation was changed to reduce the DPM level below the threshold. **Please explain**. SLOAPCD 12

Page 4.3-42

Also as shown in Table 4.3.12, and noted in the corresponding text, the construction emissions for ROG+ NOx after mitigation will still exceed the CEQA daily (137 lb/day) and Tier I threshold (2.5 tons/qtr). In our comment letter dated January 27, 2014 (for the October 2013 DEIR) SLOCAPCD staff recommended the following mitigations to further reduce construction emissions on-site:

- Include the use of Tier 4 off-road and 2010 on-road compliant engines;
- Repowering equipment with the cleanest engines available; and
- Install California Verified Diesel Emission Control Strategies. These strategies are listed at: http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm

Mitigation measure AQ-1a(c) still references Tier 3 engines and does not mention repowers. **SLOCAPCD staff recommends the above referenced addition be made to the Mitigation Measure AQ-1a.** SLOAPCD 13

OPERATIONAL EMISSIONS

Page 4.3-44

The ROG and NOx emissions from locomotives on site have decreased from the emissions shown in table 4.3-13 from the RDEIR dated November 2013. **Please explain what assumptions and or data changed and why.** SLOAPCD 14

Page 4.3-47

Mitigation measure AQ2-a, discusses mitigation of ROG+NOX and DPM. The RDEIR states:

> *"Prior to issuance of Notice to Proceed, the Applicant shall investigate methods for reducing the onsite and offsite emissions, both from fugitive components and from locomotives. In addition, locomotive emissions shall be mitigated to the extent feasible through contracting arrangements that require the use of Tier 4 locomotives or equivalent emission levels. If emissions of ROG+NOx and DPM with the above mitigations still exceed the thresholds, as measured and confirmed by the SLOCAPCD, the Applicant shall secure SLOCAPCD-approved onsite and/or offsite emission reductions in ROG + NOx and DPM emissions to ensure that project-related ROG + NOx and DPM emissions within SLO County do not exceed the SLOCAPCD thresholds for the life of the project. Coordination with the SLOCAPCD should begin at least six (6) months prior to issuance of the Notice to Proceed for the Project to allow time for refining calculations and for the SLOCAPCD to review and approve any required ROG+NOx and DPM emission reductions."*

Due to the toxic nature of DPM, **SLOCAPCD recommends DPM emissions be mitigated on-site; offsite mitigation should not be an option for DPM. SLOCAPCD staff recommends the** SLOAPCD 15

mitigation measure be updated to reflect this change. This comment was also made in the SLOCAPCD letter dated January 27, 2014. SLOAPCD 15

The emission reduction calculations in Table 4.3.16 and 4.3.17 are based on the assumptions that 1) Tier 4 locomotives will be used, and 2) idling will be restricted to 15 consecutive minutes.

Since, the Tier 4 locomotives will not be manufactured or rebuilt until 2015, it seems inappropriate to base emission reductions on a proposed mitigation strategy that will not be realized for many years. As indicated on page 4.3-50 of the RDEIR, EPA estimates the average nationwide emission factors for mainline locomotive will not meet the Tier 4 standard until 2041. SLOAPCD 16

On page 4.3-48, the RDEIR goes on to indicate the requirement to use only Tier 4 locomotive may be preempted by Federal law, and therefore may not be a feasible mitigation measure.

SLOCAPCD recommends real, quantifiable mitigations that are fully available today or when the project is begins be evaluated to mitigate the impacts from this project. SLOCAPCD recommends that separate onsite mitigation for DPM be included as a mitigation measure in this RDEIR. The locomotives are the major source of emissions both ozone precursors and DPM. Proposing real mitigation that can be implemented at the start of the project is critical to address the significant emissions associated with this project, especially the concerns and health implications from the DPM. As indicated previously, mitigation for DPM should be achieved on site. The following is a list of possible measure that could be used onsite to mitigate the DPM:

1. If the project proponent is unable to ensure the trains delivering crude oil will be Tier 4 locomotives, then the project proponent could purchase or contract a cleaner (Tier 4) locomotive to operate on site for the unloading operations. These are currently used in the South Coast area at the ports and in the rail yards. SLOAPCD 17
2. Diesel particulate filter could be installed on locomotives that are not Tier 4,
3. Other onsite mobile diesel equipment (i.e. equipment used for the coke operations) could be replaced with cleaner equipment.

In addition, it is not clear from the discussion on page 4.3-48 how the 15 minute consecutive idling limit was applied to the various train operations to come up with the emission reductions shown in Tables 4.3.16 and 4.3.17. In the project description on pages 2-28 and 2-29 the train unloading operations are described. Please explain how these times were modified to produce the emission reductions shown in Tables 4.3.16 and 4.3.17.

Some data on the idling is presented in Appendix B (Locomotive Timing Calculations spreadsheet), but it is difficult to reconcile these numbers with the data presented in Section 2. SLOAPCD 18

On page 4.3-48, the RDEIR states:

> *"With the implementation of the mitigation measures including the application of ROG + NOx and DPM emission reduction credits, impacts for criteria pollutants would be reduced to less than significant."*

SLOAPCD 19

District Rule 219 does not allow the use of emission reduction credits (ERCs) for DPM or any other toxic air contaminants. Thus, as indicated above, SLOCAPCD staff recommends that the DPM be mitigated onsite. Use of ERCs is only allowed for criteria air pollutants.

Page 4.3-50
On page 4.3-50 the RDEIR states:

> *"For the mainline rail emissions it is possible that contractually the Applicant could require the use of lower emission locomotives such as Tier 4 locomotives. However, since these are operated by UPRR on UPRR track a requirement that the Applicant enter into this type of contractual provision may be preempted by Federal law. The County may also be preempted by Federal law from requiring emission reduction credits for main line rail emissions. Due to the possible preemption by Federal law which could prevent the mitigation measures from being implemented (outside of the SMR facility boundary), emission reduction credits might not be achievable and impacts would remain significant and unavoidable (Class I)."*

SLOAPCD 20

It is the SLOCAPCD recommendation the emissions from the locomotives be mitigated regardless of whether generated inside or outside the county. If federal law preempts the county from requiring mitigation measures directly related to the locomotive then other measures, including off site mitigation, should be implemented to reduce the impacts from this project to below the threshold, for the life of the project.

MAINLINE RAIL ROUTE

For the mainline rail route it is not clear from the data presented if fugitive emissions from the rail cars were included in the data presented in Table 4.3.19 and 4.3.20. **SLOCAPD recommend this data be included in the analysis.**

SLOAPCD 21

Page 4.3-53

> *AQ-3 Prior to issuance of the Notice to Proceed, the Applicant shall investigate methods for reducing the locomotive emissions through contracting arrangements that require the use of Tier 4 locomotives or equivalent emission levels. If the mainline rail emissions of ROG+NOx and DPM with the above mitigations still exceed the applicable Air District thresholds, the Applicant shall secure emission reductions in ROG + NOx and DPM emissions within each applicable Air District, similar to the emission reduction program utilized by the SLOCAPCD, to ensure that the main line rail ROG + NOx and DPM emissions do not exceed the Air District thresholds for the life of the project. The Applicant shall provide documentation from each Air District to the San Luis Obispo*

SLOAPCD 22

County Planning and Building Department that emissions reductions have been secured for the life of the project prior to issuance of the Notice to Proceed.

SLOAPCD 22

For reasons stated above, reduction from use of Tier 4 locomotives will not be realized for many years. It is the **SLOCAPCD's recommendation that real, quantifiable mitigations that are available today be proposed to mitigate the impacts from this project**.

SLOCPACD recommends an Annual Mitigation and Monitoring Plan be developed by the Applicant in coordination with impacted Air Districts to report annual emissions and quantify emission reductions for each District.

SLOAPCD 23

Page 4.3-56

On page 4.3-56 the following statement is made:

"EPA standards also apply for existing locomotives when they are remanufactured. Requirements are also in place to reduce idling for new and remanufactured locomotives. EPA has estimated that by 2048 the average nationwide emission factors for mainline locomotives would meet the Tier 4 standards (EPA 2009). "

SLOAPCD 24

This same statement was also made on Page 4.3-50, however 2041 was the year that was referenced in that section. **Please explain the discrepancy**.

Page 4.3-57

On page 4.3-57, the text at the top of the page states the basin-wide emissions for NOx and VOC are shown in Table 4.3.21. It should be noted that it appears the threshold data presented in Table 4.3.21 is grouped by air district, not by air basin.

SLOAPCD 25

How was the incremental increase in ozone calculated in Table 4.3.21?

HEALTH RISK AT SANTA MARIA REFINERY

Page 4.3-61, Table 4.3-22

Table 4.3-22 does not specifically state the units for the data presented. It is discussed in the text below. For ease of review, adding the units of measure to the table would be helpful.

SLOAPCD 26

In Table 4.3.22, the point of maximum impact (PMI) (the highest value along the fence line) is 12 cases in a million for Scenario 2. In the DEIR (November 2013), page 4.3-48 the cancer risk at the PMI (parcel boundary immediately south of the rail spur location) ranged as high as 78.1, and the highest cancer risk at a residential or sensitive receptor was 9.7 cancer cases in a million. **Please explain why the cancer risk is so much lower this time at the PMI**.

SLOAPCD 27

Once again, while it is true that locomotives and trucks will get cleaner over time, this does not reduce the immediate health risk associated with the project. As indicated in the RDEIR it will be years (2041 or 2048?) before the locomotives will meet the Tier 4 standard. Relying on reductions that will not occur for years does nothing to reduce the immediate health risk. **As indicated above,**

SLOAPCD 28

SLOCAPCD staff recommend onsite mitigation measures be implemented to reduce risk from DPM. SLOAPCD 28

Page 4.3-61
On page 4.6-61, below Table 4.3.22 the cancer risk is discussed for the HRA using the 70 year exposure duration (without OHEHHA adjustment factors). The text reference in Figure 4.3-6, however, appears to show the HRA with the OEHHA adjustment. **Maps should be included showing both the HRA (70 year exposure) and the OEHHA adjustment (30 year exposure).** SLOAPCD 29

Page 4.3-62
It should be noted, while supporting documentation may have been released earlier, the Draft OEHHA HRA guidance were not released for public comment until June 20, 2014. SLOAPCD 30

Page 4.3-63, Table 4.3.24
The data presented in Table 4.3.24 does not appear to be correct. The Point of Maximum Impact (PMI) should **not** be lower than the Maximally Exposed Individual at a Residence (MEIR). **Please explain.** SLOAPCD 31

SLOCAPCD staffs were unable to conduct a complete evaluation of the HRA results since the modeling runs, input assumptions and supporting documentation were not provided in the Technical Appendices. The only information included in Appendix B was the OEHHA adjustment factors. **In order to complete a full evaluation of the HRA, SLOCAPCD staff requests this data be provided.** SLOAPCD 32

HEALTH RISK ALONG MAINLINE RAIL

Page 4.3-68
As with the health risk associated with the locomotive operations at the Santa Maria Refinery, the RDEIR proposes mitigating the health risk along the mainline rail with Tier 4 locomotives. As previously stated, relying on reductions that will not occur for years does nothing to reduce the immediate health risk. The RDEIR goes on to point out that the County may be preempted by Federal law from requiring the use of Tier 4 locomotives**. SLOCAPCD staff recommends the RDEIR specifically identify the locations along the mainline rail where the HRA cancer risk threshold of 10 in a million will be exceeded and, for these locations, mitigation measures should be implemented to reduce risks below the tresholds.** SLOAPCD 33

GREENHOUSE GASES

Page 4.3-71
Mitigation Measure AQ-6 recommends the GHG emissions for the entire project be offset for the life of the project. SLOCAPCD agrees with this requirement. SLOAPCD 34

> *AQ-6 Prior to issuance of the Notice to Proceed, the Applicant shall provide GHG emission reduction credits for all of the project GHG emissions for the life of the project. Coordination with the San Luis Obispo Planning and Building Department should begin at least six (6) months prior*

to issuance of operational permits for the Project to allow time for refining calculations and for the San Luis Obispo Planning and Building to review and approve the emission reduction credits.

However, on page 4.3-71 the RDEIR then goes on to state:

For the mainline rail GHG emissions it is possible that contractually the Applicant could require GHG emission reduction credits. However, the County may also be preempted by Federal law from requiring emission credits for main line rail GHG emissions. Due to the possible preemption by Federal law which could prevent the mitigation measure from being implemented (outside of the SMR facility boundary), emission reduction credits might not be achievable and impacts would remain significant and unavoidable (Class I). SLOAPCD 34

It is the SLOCAPCD recommendation that GHG emissions from the locomotives be offset regardless of whether the County is preempted from requiring specific mitigation directly from the locomotives.

ODORS

Page 4.3-71
The RDEIR states:

The Applicant indicates the expected H2S content of the crude oil vapor could be about one percent by weight (refer to Table 4.3.13). SLOAPCD 35

However, Table 4.3.13 list sulfur concentration between 4-5 % by weight and does not give details on the specific sulfur compounds (H2S, mercaptans, and other sulfur compounds etc.); therefore it is not clear where the 1% H2S referenced in the REDEIR comes from. **Please explain**.

Mitigation Measure AQ-7 addresses odor impacts. The measure states:

"Prior to issuance of Notice to Proceed, the Applicant shall ensure that any new odor sources be added to the existing Refinery Odor Control Plan and submitted to the SLOCAPCD for review and comment before the start of construction. Mitigation shall include carbon canisters on all vacuum trucks and monitoring of rail car top vents during unloading, and methods to reduce and eliminate odors associated with maintenance activities. Monitoring of odors from the rail facility shall be included in the Plan and shall be conducted by an independent third party monitor, retained by the County of San Luis Obispo Department of Planning, for the first three months of operation during each unit train visit. The APCD shall be notified of monitoring and unit train activity. Monitoring activities can be reduced, in coordination and agreement with the APCD, after the facility startup if odors are not determined to affect areas offsite. In addition to monitoring, the amended Odor Control Plan shall also detail control measures and/or operating procedures that will be implemented to reduce odor impacts if odors are a concern. The Plan shall also include an implementation schedule for incorporating additional measures if needed. The Plan measures shall include leak detection (if not already implemented), lower leak detection and SLOAPCD 36

repair threshold limits (to 100 ppm), increased component monitoring frequency (monthly), component replacement with lower leak levels and improved vapor control systems and these measures shall be discussed in the Odor Control Plan."

Page 4.3-72, AQ 7 addresses mitigation for odors from the project. SLOCAPCD has the following comments on Mitigation AQ -7 SLOAPCD 36

- **SLOCAPCD recommends that AQ 7 be modified to require the SLOCAPCD review and approval for the Odor Control Plan – not just review of the plan.**
- **Odor monitoring and control should not be limited to activities in and around the loading operation. The change in crude slate could also affect odors from other portions of the refinery (ie. storage tanks, and other fugitive sources).**

CUMULATIVE CRITERIA POLLUTANTS & GHG EMISSIONS AT THE SMR

Page 4.3-73
On Page 4.3-73 the following statement is made:

"Mitigation measures AQ-2a through AQ-2c require the Applicant to reduce ROG+NOx and DPM emissions through the use of Tier 4 engines and reduced idling. Any remaining ROG+NOx and particulate matter emission would be mitigated by either onsite or offsite emissions credits. Therefore, with the mitigation required by the Throughput Increase permit and the mitigation required for the Rail Spur Project, cumulative criteria pollutant emissions would be less than significant." SLOAPCD 37

As indicated above while the ozone precursor (ROG+NOx) can be mitigated with offsitemeasures, **the DPM emissions should be mitigated onsite due to the health risk associated with these emissions.**

CUMULATIVE ANALYSIS

Page 4.3-75
On page 4.3-75 the following statement is made

"HARP modeling was conducted as part of this EIR with the SMR operating at the Throughput Increase Project permit level along with the rail spur project, including the increased trucking levels. Most of the SMR health risk levels for the current operations are from the diesel engines (fire water pumps, backup generators). Operation of the fire water pump and backup generators would not change with the Throughput Increase Project and therefore risk levels associated with the Throughput Increase Project would be identical to the Proposed Project risk levels. The Throughput Increase Project included a nominal increase in trucking, which had a minor impact on the overall refinery health risk. With the mitigation required as part of the Throughput Increase Project to use newer model year trucks, there was a net decrease in DPM emissions, and a net decrease in the overall health risk at the SMR. With the addition of the Rail Spur Project the overall SLOAPCD 38

health risk of the refinery would remain less than the SLOAPCD health risk threshold even with the Throughput Increase Project (without the OEHHA adjustments). However, with the OEHHA adjustments, as the trucking impacts to cancer risk are above the SBCAPCD thresholds associated with the current/baseline operations, the cumulative health risk impact would be significant and unavoidable."

It is not clear if the HRA evaluation discussed in this section also included the change in BTEX levels from the different crude slates and the mainline locomotive. **SLOCAPCD recommends that the worst case scenario be modeled to determine the overall health risk from the refinery operations.**

SLOCAPCD staffs were unable to conduct a complete evaluation of the HRA results since modeling runs, input assumptions and supporting documentation was not provided in the Technical Appendices. The only information included in Appendix B was the OEHHA adjustment factors. **In order to complete a full evaluation of the HRA SLOCAPCD staff recommends this data must be provided.** SLOAPCD 38

While this section discussed health risk the actual risk numbers were not provided. **SLOCAPCD recommends this cumulative HRA data be presented with the same level of detail that was used in the health risk assessment portion of the RDEIR (including tables summarizing the risks, maps that show the PMI, MEIR etc at different locations).**

Page 4.3-76

On page 4.3-76 the following statement is made

"For the Rail Spur Project mitigation measure has been provided that would require the Applicant to obtain emission credits for all main line rail NOx emissions. If these emission credits were obtained then the Rail Spur Project's contribution to the cumulative NOx and ROG/VOC emission impacts would be less than significant.

However, the County may be preempted by Federal law from mitigating rail emissions outside of the SMR, and therefore may not have the authority to require offsite emission credits for the UPRR mainline emissions. In this case the Rail Spur Project's contribution to cumulative NOx emissions associated with the URPP mainline emissions would also be significant and unavoidable in all of the air basins that the train would cross. The Rail Spur Project's ROG/VOC emissions would be cumulatively significant in the Bay Area and San Luis Obispo County air basins." SLOAPCD 39

As indicated previously SLOCAPCD acknowledges that federal law may preempt the County from requiring Tier 4 locomotives, but recommends that other offsite mitigation measures be implemented to mitigate impacts from this project throughout California.

MITIGATION MONITORING PLAN

Page 4.3-77

The modifications to the mitigation measures recommended above should also be incorporated into this section. SLOAPCD 40

VERTICAL COASTAL ACCESS

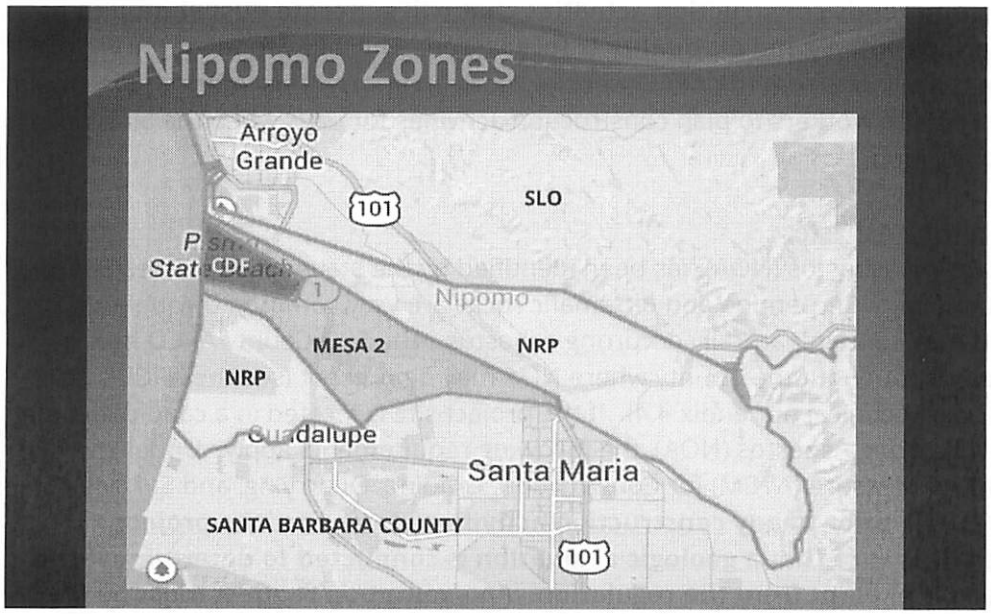
Section 9.0

The following Environmental Setting should be should be noted that the vertical coastal access section of the RDEIR.

Environmental Setting

The project is located in an area that is impacted by periods of high particulate matter concentrations. The APCD has been investigating the source of the high particulate matter concentrations on the Nipomo Mesa for the past decade. Several studies performed by the APCD in the Nipomo Mesa area have shown the source of the elevated particulate matter (PM) pollution to be windblown dust from the open sand areas of the Oceano Dunes State Vehicular Recreation Area (SVRA), and that emissions are increased by off road vehicle activity. The studies provided a comprehensive picture of the characteristics of a typical dust event.

To keep the public informed of periods of deteriorating air quality, the APCD provides a daily air quality forecast for SLO County. SLO County is partitioned into nine air quality forecast zones, and an air quality forecast for a six-day period is provided for each zone. In the Nipomo Mesa area, there are four forecast zones as shown in the map below, and are named CDF, MESA2, NRP and SLO: SLOAPCD 41



The darker colors in the map signify the location of the greatest dust impacts during a typical blowing dust event. The public can experience adverse health impacts in areas with blowing dust.

Children and individuals with compromised cardiac and respiratory systems or related health problems are called sensitive receptors. Sensitive receptors can experience greater health impacts than the general population during blowing dust events. Sensitive receptor locations include schools, residential dwellings, parks, day care centers, nursing homes, and hospitals.

Blowing dust is generated at the SVRA during periods of strong winds. The blowing dust events are typically most frequent in the spring; however, dust events can occur at any time of the year. The greatest impacts occur when the strong winds blow from the northwest which directs the dust plume inland over the Nipomo Mesa (as shown in the map above) where it can impact residents. A typical event tends to start around noon and end by the early evening, with peak impacts between 1 pm to 5 pm. The strongest events can result in blowing dust from 9 am to 7 pm, with peak impacts between noon and 6 pm. Being aware of typical dust plume characteristics, residents can plan to avoid peak dust impacts. Particulate concentrations typically return to background levels from the late evening to the morning, so these times are best (health wise) for outdoor activities and exercise. SLOAPCD 41

On November 16, 2011, the APCD Board approved the Coastal Dunes Dust Control Rule 1001 to require implementation of dust control measures on coastal dunes where vehicle activity occurs, to mitigate the impacts of the blowing dust. Mitigation efforts are currently underway.

Coastal Access, Bike and Pedestrian Option Construction Emissions
Page 9-26 and 9-27
In addition to Mitigation Measure AQ-1 proposed for the Bike and Pedestrian option, SLOCAPCD recommends including the following measures:

Timing of construction activities in relation to forecasted air quality
The APCD recommends construction activities that will generate dust should to be limited to periods when good air quality is forecasted. The 6 day forecast for the CDF forecast zone is available from the APCD website, slocleanair.org. This information should be used by all on-site workers to plan construction activities for days when the air quality is forecasted to be good.

SLOAPCD 42

Naturally Occurring Asbestos
Naturally occurring asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. The SLO County APCD has identified areas throughout the County where NOA may be present (see the APCD's 2012 CEQA Handbook, Technical Appendix 4.4). If the project site is located in a candidate area for Naturally Occurring Asbestos (NOA), the following requirements apply. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (93105), **prior to any construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if the area disturbed is exempt from the regulation. An exemption request must be filed with the APCD.** If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety

Program for approval by the APCD. More information on NOA can be found at http://www.slocleanair.org/business/asbestos.php.

Developmental Burning
Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County**. If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

Demolition of Asbestos Containing Materials
Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 for further information.

SLOAPCD 42

Dust Control Measures
Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the APCD's 402 "Nuisance" Rule. Based on information provided by the project proponent, dust generation by this project is expected to be minimal.

Projects with grading areas that are greater than 4-acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402):

a. Reduce the amount of the disturbed area where possible;
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
c. All dirt stock pile areas should be sprayed daily as needed;
d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
f. All disturbed soil areas not subject to revegetation should be stabilized using

approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;

g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; SLOAPCD 42
k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
l. All PM_{10} mitigation measures required should be shown on grading and building plans; and,

The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

Coastal Access, Bike and Pedestrian Option Operational Emissions
Page 9-26 and 9-27
SLOCAPCD staff does not agree with the conclusion there would be no new operational air emissions from development of this project. While a certain percent of the visitors to this location may be a result of visitor shifting from another ODSVRA entrance, there most likely will be some new vehicle trips to this location. **SLOCAPCD staff recommend, as a worst case scenario, that all the vehicle related emissions be modeled.**

In addition, since the project is located in an area that is impacted by periods of high particulate matter concentrations **SLOCAPCD recommends the following mitigation measure be included in the RDEIR.** SLOAPCD 43

1. To minimize public health impacts to visitors to this area during blowing dust events, the APCD recommends the following public educational components be included as part of the project:

1a. On-site informational kiosk that could be placed in the park that discusses air quality issues in the area and how to obtain daily air quality conditions and forecasts;

1b. Informational component on the Coastal Access Trail website that informs park patrons of the Nipomo area air quality forecast and information about how to protect your health during periods of deteriorating air quality.

1c. On-site real-time air quality display – for example, a solar powered sign - that displays the current air quality data and air quality forecast

SLOAPCD 43

2. Vegetation on the property can serve to mitigate dust impacts downwind. **The APCD recommends planting native species to replace any plants or trees slated for removal. The APCD recommends planting native local species that have been shown to mitigate particulate emissions, such as some types of conifer trees. The APCD recommends removing the vegetation only after the new vegetation has reached maturity and has mass similar to the removed vegetation.**

Motor Vehicle, Bicycle and Pedestrian Access Option

Page 9-27

For reason cited above **SLOCAPCD recommends motor vehicle access be prohibited on the proposed coastal access**. If this option does move forward against **SLOCAPCD recommendations then the construction and operation emissions for this option should be quantified. The dust related mitigation outlined above for both construction and operational activities would also apply.**

SLOAPCD 44

Docent-Led Access Option

Page 9-28

While the impact from this option will less the **the dust related mitigation outlined above for both construction and operational activities would also apply and should be included in the RDEIR and the operational emission from vehicles should be quantified.**

SLOAPCD 45

SLOAPCD-01	Additional mitigation measures have been added to the EIR as per the SLOCAPCD request to address potential PM dust issues during construction. Note that, the South County Phase 2 Particulate Study, evaluated whether impacts from off-road vehicle activities at the Oceano Dunes State Vehicle Recreational Area (ODSVRA), the Phillips Refinery coke piles, and adjacent agricultural fields were contributing to the particulate problems on the Nipomo Mesa (SLOC APCD 2010). The Phase 2 portion of the study concluded that off-road vehicle activity in the ODSVRA is a major contributing factor to the PM concentrations observed on the Nipomo Mesa and that neither the petroleum coke piles at the Phillips facility nor agricultural fields or activities in and around the area are a significant source of ambient PM on the Nipomo Mesa. The composition of the particulates is predominately natural crustal particles.
SLOAPCD-02	See Response to SLOAPCD-20
SLOAPCD-03	All new locomotives or remanufactured/rebuilt locomotives after the year 2015 are required by EPA to be Tier 4. The year 2041 is presented in the EIR in order to show the timeframe that the Tier 4 requirement would take until most of the locomotive population in the US would be either new or remanufactured, as locomotives are replaced/rebuilt slowly. The 2041 data is not intended to represent the date at which Tier 4 locomotive would be available. According to an article in Bloomberg in 9/2014, GE has taken orders for over 1,000 new Tier 4 locomotives that it will be producing in 2015. So the Tier 4 locomotives are feasible mitigation, are available and starting to enter the market this year (http://www.bloomberg.com/news/2014-09-29/well-timed-bet-has-ge-ahead-of-caterpillar-in-locomotives.html)
SLOAPCD-04	The scope of the project described in the EIR, section 2, Project Description, are generally adopted as conditions of approval as part of the County permit. This would include section 2.5, which provides the definition of the refinery feedstock.
SLOAPCD-05	The scope of the project described in the EIR, section 2, Project Description, are generally adopted as conditions of approval as part of the County permit. This would include the limits on steaming. The crude oil brought to the SMR by rail would most likely be a dilbit, which would be 30% diluent, thereby reducing the need for heating due to the mixing of the crude oil with a lighter oil.
SLOAPCD-06	Operational use of the unpaved spur roadway would be 5 times per week, producing about 1 lb of PM dust per day. This level is substantially below the 25 lbs/day threshold for particulate matter. Other roadways associated with the rail spur and unloading areas would be paved.
SLOAPCD-07	Information on the monitoring values for the year 2013 have been added to

	Table 4.3.2 in the FEIR.
SLOAPCD-08	Reference to Rule 1001 has been added to the FEIR in regards to control of dust emissions from Dunes traffic.
SLOAPCD-09	The text has been corrected to state that the cancer risk from offsite vehicle traffic was estimated in the Throughput EIR to be 5-6 cases per million.
SLOAPCD-10	Text has been added to the EIR to indicate that the OEHHA HRA guidance document was released for public comment in June, 2014.
SLOAPCD-11	Text has been added to the EIR mitigation measures to include a certified visible emissions evaluator, to utilize non-water based dust control methods during drought periods, to utilize natural vegetation and to limit construction activities that generate dust to periods when dust is not an issue.
SLOAPCD-12	In the original EIR, the CalEEMod flag for the inclusion of the DPF for construction equipment was not activated, thereby not applying DPF to any of the construction onsite equipment. This error was corrected in the revised EIR CalEEMod runs. This can be seen by looking at section 3.1 in the CalEEMod output in the air appendix. This correction reduced the quarterly DPM emissions to 0.12 tons.
SLOAPCD-13	Mitigation measure AQ-1a has been modified to require the use of Tier 4 construction equipment and/or to allow for staggering of the construction schedule to prevent exceedance of the peak day threshold. CalEEMod indicates that the use of Tier 4-final mitigation would reduce emissions by an additional 24 pounds per day, which would not be sufficient to be below the daily thresholds. Therefore, staggering of the construction schedule was also included as it would be feasible to delay rail construction until after grading and soil movement. The use of only 2010 compliant on-road engines would be feasible only to a certain extent, as some deliveries and activities may not have the level of control (such as trash pick-up, etc) to ensure 2010 model year trucks. However, this requirement has been included to the extent feasible. As the mitigation already requires the use of Tier 3 and DPF level 3, the emission reductions with a Tier 4 would only gain reductions in NO_x, not DPM. As the Tier 4 - final requirements are phased in through Jan 2015, this would require the construction contractor to essentially use only newly purchased equipment for the construction project.
SLOAPCD-14	Locomotive emissions onsite changed from the original RDEIR due to a revision and refinement in the timing of locomotive activity on the site during the switching and unloading operations. This refinement caused the amount of time spent actually switching to decrease, thereby reducing emissions.
SLOAPCD-15	The use of DPM offsets has been removed from the mitigation measure. The use of higher Tier locomotives is technically feasible and is included as a

	mitigation measure. See SLOCAPCD-16.
SLOAPCD-16	All new locomotives or remanufactured/rebuilt locomotives after the year 2015 are required to be Tier 4. According to an article in Bloomberg in 9/2014, GE has taken orders for over 1,000 new Tier 4 locomotives that it will be producing in 2015. So the Tier 4 locomotives are feasible mitigation, are available and starting to enter the market this year. Restriction on idling while on the SMR site are feasible and have been included as mitigation and, as the locomotive while onsite would be operated by SMR employees, is assumed to not be preempted. See Response to SLOAPCD-03 and SLOAPCD-17.
SLOAPCD-17	The SMR currently emits minimal DPM from diesel engines. DPM emissions currently total about 0.5 lbs/day (see Table 4.3.6 in the RDEIR). However, any contribution is worthwhile, so this has been added/retained as a reduction source at the SMR for DPM in the mitigation measures. The use of temporary, strap-on diesel particulate filters on locomotives is speculative at this time. New emissions standards for locomotives (Tier 3 and 4) essentially require the use of DPF as part of new locomotives, but locomotive engines are very larger and the ability to install a DPF on a locomotive that was not designed for the system is uncertain. Mitigation measures need to be feasible and to have demonstrated a degree of certainty that they can achieve the desired reductions. Some retrofit systems appear to be available for some diesel engines, but the system needed for this project would entail installing the system on an arriving locomotive, using the system while onsite, then removing the system when the locomotive leaves. As numerous, possibly 100s of different locomotives would visit the site over time, the system would have to be capable of installing on all locomotives. The EIR consultants are not aware of any systems that could achieve this type of control. Mitigation already requires that the Applicant "investigate methods for reducing the onsite and offsite emissions...". These would include reductions from other onsite sources as well as the use of cleaner locomotives. For the idling mitigation, the Propose Project assumes that the locomotive moves a set of tank cars after they have unloaded and are empty, and then waits until the next set of 10 tanks cars has unloaded. During this waiting period, it is assumed that the locomotive sits and idles. For the mitigated case, the maximum idle time between tank car movements is assumed to be 15 minutes. Note that the total idle time onsite is longer than 15 minutes, but that the 15 minute idle restriction is for the allowed idle time between locomotive activities. This reduces the total onsite idling time (for all three locomotives) to 7.2 locomotive-hours from 18.9 locomotive-hours, a substantial reduction. See the air appendix for a listing of the locomotive timing.
SLOAPCD-18	For the idling mitigation, the Propose Project assumes that the locomotive moves a set of tank cars after they have unloaded and are empty, and then waits

	until the next set of 10 tanks cars has unloaded. During this waiting period, it is assumed that the locomotive sits and idles. For the mitigated case, the maximum idle time between tank car movements is assumed to be 15 minutes. The detailed movement timing spreadsheets have been added to Appendix A of the FEIR.
SLOAPCD-19	The use of DPM offsets has been removed from the mitigation measure.
SLOAPCD-20	As discussed in Response to AB-01 and AB-03, it is unclear whether the County is preempted from imposing mitigation measures to reduce the potential for significant impacts along UPRR's mainline. While requiring certain tiered locomotive engines would reduce potential ROG+NO_x and DPM emissions, it is possible that the County may not be able to require Phillips to contract with UPRR to use only these types of engines for its Project-related shipments. For this reason, the RDEIR concludes that air quality impacts relating to criteria pollutant emissions are potentially significant and unavoidable. This meets the lead agency's information disclosure requirements under CEQA and will allow County decision makers to evaluate the full spectrum of potential environmental impacts as well as potential mitigation measures. The Revised Draft EIR identifies mitigation measures that would allow the Applicant to mitigate its Project-related air quality impacts through means the Applicant can control. For instance, mitigation measures AQ-3 through AQ-6 discuss the use of off-site emission reduction credits. As these measures do not require the action or involvement of UPRR, it is questionable that federal law would preempt the County from imposing such measures on the Applicant. Therefore, the Revised Draft EIR identifies a range of mitigation measures that may lessen the Project's overall impacts, as required by CEQA.
SLOAPCD-21	The EIR addressed fugitive emissions from tank cars while at the site, as discussed under impact AQ.2 (see Section 4.3, Air Quality and Greenhouse Gases). Air emissions from tank car fugitive emissions during travel based on the EPA fugitive emissions from components calculations would be nominal, totaling only about 0.02 lbs/round trip within SLO County. Rails cars would not be opened during transit nor would they be steamed during transit. Emissions associated with unloading of the tank cars at the SMR, including pumps, pressure relief valves, manifolds, connections, etc, were all included in the EIR and listed in detail in the Air Quality Appendix. Emissions associated with unloading would not occur during transit. Some comments (see CBE-122) indicate that large losses occur during transit. Shrinkage estimates associated with cost projections appear to be very conservative. Loss of 3% of crude volume to evaporation over the course of the transit would produce emissions that far exceed the estimates based on EPA fugitive emissions methodologies and therefore appear to be inaccurate, at least for the heavier crude oils. Not all crude oil is removed from a rail car during unloading, as some remains on the insides of the car and within piping and connections, thereby accounting for some "shrinkage" value. The estimates of

	on-site rail car fugitive emissions have been included in the EIR and are considered to be accurate. However, inclusion of rail car inspections to ensure non-leaking components is good practice and has been added to the mitigation measures for operations.
SLOAPCD-22	All new locomotives or remanufactured/rebuilt locomotives after the year 2015 are required to be Tier 4. According to an article in Bloomberg in 9/2014, GE has taken orders for over 1,000 new Tier 4 locomotives that it will be producing in 2015. So the Tier 4 locomotives are feasible mitigation, are available and starting to enter the market this year. See Response to SLOAPCD-03 and SLOAPCD-17.
SLOAPCD-23	Mitigation measure AQ-2a requires the development of a mitigation and monitoring plan, updated annually, to quantify emissions and to designate applicable mitigations.
SLOAPCD-24	The year is correctly stated as 2041, as per projected future composite emissions published by the EPA in 2009. The 2048 estimate is an error and has been corrected.
SLOAPCD-25	The text has been revised to state air district instead of air basin. The calculations associated with the level of ozone generation are simplified as detailed, ozone modeling is complicated and outside the scope of the EIR. The project emissions are compared to the district-wide emissions and are assumed to generate an equivalent amount of ozone on a tons/year basis (a linear relationship in ozone generation to emissions). For example, SBC emits about 70 tons per day, generating about 102 ppb of ozone. The project would generate about 56 pounds/day of NO_x in SBC, and would therefore produce an estimated 0.04 ppb ozone increase. While this is certainly a rough approximation and, as the EIR states, "Ozone formation is a complex and complicated phenomena.", it allows for a rough approximation of the level of significant and unavoidable impacts.
SLOAPCD-26	The units of risk per million has been added to Table 4.3.23.
SLOAPCD-27	There are multiple factors that have affected the risk estimates between the original EIR and the revised EIR. The meteorological files have changed, based on input from the SLOCAPCD. This created greater impacts to the west and fewer impacts to the south. The use of the long term average for locomotive emissions in the revised EIR as opposed to the 2015 locomotive emission factor as in the original EIR also contributed. There was also a reduction in on-site emissions due to a reevaluation of the onsite activities. As per EMFAC2011 and other emissions models that are used for on-road vehicles as well as off-road equipment, the emissions of vehicles changes over time due to already adopted and currently being implemented regulations. Depending on the year of operation, these emissions estimates see a substantial reduction.

	CalEEMod, a widely accepted emissions model used by numerous districts throughout California, uses this method for estimating vehicle emissions. This same method was used to estimate locomotive emission over the next 30-70 years. EPA projects that PM emissions from the nationwide locomotive fleet will decrease by over 90% in the next 30 years. As cancer risks are calculated over a 30-70 year period, this has a strong impact on the estimates of cancer. Note that the OEHHA 2015 Guidelines increase this impact as the early years have a greater influence on risk under the OEHHA 2015 Guidelines. .
SLOAPCD-28	The acute health risks are calculated based on current emission factors. Both chronic and acute impacts are done using a different HARP2 runs and use the current locomotive emission factors, not the long-term time weighted factors (see Response to SLOCAPCD-27). This is stated in the EIR under impacts AQ.4 "For acute and chronic risks, the current emission factors were used instead of the long-term average." This is also true of criteria pollutants, whose estimate do not use the long-term average, but uses an average based on UPRR reports to CARB for their fleet mix in year 2009, even though the fleet average emissions of NO_x are expected to decrease by 85% over the next 30 years. Trucks also use the current emission factors for all estimates (criteria, cancer, chronic and acute), as trucks are not associated with the proposed project and therefore have been emitting historically and into the future.
SLOAPCD-29	As the determination of significance is based on the OEHHA 2015 Guidance values, only the OEHHA 2015 Guidance contours are shown.
SLOAPCD-30	Text stating that the OEHHA Guidance was released in June 2014 has been added to the FEIR.
SLOAPCD-31	The PMI is listed as the point along the property boundary. As some of the emissions occur outside of the SMR, related to trucks primarily, the maximally exposed individual could be higher than a point along the SMR boundary.
SLOAPCD-32	An expanded Appendix B including HRA modeling output and input, has been included as part of the FEIR. This appendix, along with electronic HARP files and emissions spreadsheets, was provided to the SLOCAPCD on 12/15/2014.
SLOAPCD-33	All new locomotives or remanufactured/rebuilt locomotives after the year 2015 are required to be Tier 4. According to an article in Bloomberg in 9/2014, GE has taken orders for over 1,000 new Tier 4 locomotives that it will be producing in 2015. So the Tier 4 locomotives are feasible mitigation, are available and starting to enter the market this year. Contractually, the SMR could obtain only these locomotives and begin the project in 2016, say, with all Tier 4 locomotives. Whether this is legally feasible is unknown at this time. See Responses to SLOAPCD-03 and SLOAPCD-17.
SLOAPCD-34	AQ-8 would operate to ensure that the Project would not result in increased GHG emissions at the refinery. The measure provides flexibility to the

	Applicant in choosing the means by which it will meet this requirement, whether through more efficient locomotive engines or any other method the SLOAPCD approves so long as the result is no net increase in GHG emissions. In light of this flexibility, it does not appear that such a measure would be preempted by federal law
SLOAPCD-35	The sulfur content of the crude oil does not correlate to the H2S content of the crude oil. The 1% H2S content is based on information provided by the Applicant and calculations generated by SPEC Services and Canister Manufactures Information, as provided by the Applicant.
SLOAPCD-36	Modifications to AQ-7 have been incorporated into the EIR to include approval by the APCD as well as monitoring of other areas of the SMR that could be impacted by a change in crude oil slate.
SLOAPCD-37	Text has been modified in the EIR to include other SMR reductions as well as eliminating the DPM offset discussion. SBCAPCD thresholds indicated have also been corrected to SLOAPCD thresholds.
SLOAPCD-38	The change in BTEX levels has been included throughout the analysis, including the cumulative analysis. Text to this extent has been added to the EIR. An expanded Appendix B including HRA modeling output and input, has been included in the EIR. This appendix, along with electronic HARP files and emissions spreadsheets, was provided to the SLOCAPCD on 12/15/2014.
SLOAPCD-39	See Response to SLOAPCD-20.
SLOAPCD-40	The mitigation monitoring plan incorporates all of the changes developed in the mitigation measures throughout the text of Section 4.3 (Air Quality and Greenhouse Gases) in the EIR.
SLOAPCD-41	The requested text and figure have been added to the air quality environmental setting section in Chapter 9.0, Vertical Coastal Access Assessment.
SLOAPCD-42	The mitigation measures for timing of construction, naturally occurring asbestos have been added to the air quality section of Chapter 9.0, Vertical Coastal Access Assessment. The air quality section already had the requirement for dust control during construction consistent with the SLOCAPCD dust control measures. Construction of the coastal access would not involve the removal of any buildings or the burning of material so these measures were not included.
SLOAPCD-43	As discussed during the Planning Commission Hearing on December 13, 2012, the steps for implementing the coastal access conditions (Condition 17) would involve Phillips 66 submitting an offer to dedicate prior to notice to proceed for

	the Throughput Increase Project (Phillips 66 did submit a offer to dedicate prior to receiving their notice to proceed for the Throughput Increase Project on March 27, 2015). In addition, Phillips 66 could submit documentation demonstrating that coastal access at the SMR was inconsistent with the requirements of Section 23.04.420 of the Coastal Zone Land Use Ordinance. Phillips 66 submitted to the County a report that claimed coastal access at the SMR site was inconsistent with the requirements of Section 23.04.420 of the Coastal Zone Land Use Ordinance as part of their application for the Rail Spur Project. The County is in the process of determining if access at this site would comply with the requirements of Section 23.04.420 of the Coastal Zone Land Use Ordinance. The Vertical Coastal Access Assessment in Chapter 9.0 was prepared to assist the County in making this determination. If the County finds that coastal access for this location is consistent with the requirements of Section 23.04.420 of the Coastal Zone Land Use Ordinance, then a formal application would need to be submitted that details the type and design of the proposed access. This application would be subject to additional environmental review and an appropriate environmental determination would be required prior to final approval. An additional Coastal Development Permit would also be required based on the location of coastal access and resources found in the vicinity of the final proposed alignment. It is at this stage of the process that air emissions from the coastal access would need to be estimated and modeling would need to be conducted. This level of analysis was not required for determining if coastal access at the SMR site would be consistent with the requirements of Section 23.04.420 of the Coastal Zone Land Use Ordinance. The peak number of vehicles associated with this option has been estimated to be 100 to 300 vehicles per day. It is not expected that these would be new trips to the ODSVRA, but rather a shift in the existing trips to the ODSVRA from other entrance locations. This represents a reasonable assumption for the purpose of the assessment. The suggested mitigation measures regarding posting of information on air quality has been added to the air quality section of Chapter 9.0, Vertical Coastal Access. Vegetation replanting is addressed in the biology section of Chapter 9.0, Vertical Coastal Access Assessment, and includes a requirement to develop and implement a Dune Habitat Restoration Plan, which would require the planting of native species.
SLOAPCD-44	See Response to SLOAPCD-43. If the County finds that coastal access for this location is consistent with the requirements of Section 23.04.420 of the Coastal

	Zone Land Use Ordinance, then a formal application would need to be submitted that details the type and design of the proposed access. This application would be subject to additional environmental review and an appropriate environmental determination would be required prior to final approval. An additional Coastal Development Permit would also be required based on the location of coastal access and resources found in the vicinity of the final proposed alignment. It is at this stage of the process that air emissions from coastal access would need to be estimated and modeling would need to be conducted. This level of analysis was not required for determining if coastal access at the SMR site would be consistent with the requirements of Section 23.04.420 of the Coastal Zone Land Use Ordinance.
SLOAPCD-45	The dust control and other construction mitigation measures have been added to the docent-led access option. See Response to SLOAPCD-43 for the reason why the vehicles traffic emissions were not qualified.