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November 24, 2014

Murry Wilson
SLO County Dept. of Planning and Building
976 Osos Street, Room 200
San Luis Obispo, 93408

Re: Comments on the Phillips 66 Rail Spur Extension Project

Dear Mr. Wilson,

Please add these comments on behalf of 350 Sacramento to the public legal record on the Phillips 66 Rail Spur Extension Project.

350 Sacramento is a local grassroots nonprofit organization working to address the threat of climate change. We are concerned about the Phillips 66 Rail Spur Project and the increasing numbers of crude oil trains coming through Sacramento for numerous reasons: in the short term these trains pose a great danger to the safety of thousands of people in our city and in the long term the oil they pose an even greater danger to the people of Sacramento and the world by exacerbating climate change.

We ask you to reject the Phillips 66 Rail Spur Project for numerous reasons, all related to the dangers posed to the people, wildlife, and the environment affected by this project. These oil trains are extremely dangerous, as evidenced by the many derailments, fires, and spills that have occurred in the last few years. Even without spills they generate toxic emissions and greenhouse gas emissions that are unacceptable.

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Tar sands are the dirtiest of crude oils. The danger of spills especially threatens our waterways as the bitumen sinks within hours to the bottom where it cannot be retrieved, while the added toxic diluents evaporate and cause toxic air pollution. Accidents can result in explosions depending on the particular diluents used to make the bitumen fluid enough to pour into tank cars. Tar sands are an intense carbon source, and gives off more greenhouse gas emissions than other oils. It also burns with high levels of sulfur dioxide. One byproduct is petroleum coke, which is left uncovered so particles can become airborne. Pet coke is too toxic to be allowed to burn in the U.S., but it is sold to China where it is burned in our shared atmosphere anyway.

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Oil trains create toxic air pollution every mile they travel in California. This is not just a problem for SLO, but for every community the trains pass through. The report admits that:

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- (AQ.3): Operational activities of trains along the mainline rail route outside of SLO County associated with the Rail Spur Project would generate criteria pollutant emissions that exceed thresholds.
- (AQ.5): Operational activities of trains along the mainline rail route associated with the Rail Spur Project would generate toxic emissions that exceed thresholds.
- (AQ.6): Operational activities associated with the Rail Spur Project would generate GHG (greenhouse gas) emissions that exceed SLOCAPCD thresholds.

It is unethical to approve something that worsens our health up and down the rail line.

For Sacramento, the SLO rail spur adds the impact of two trains moving through our community daily. Both the 100 cars to Benicia and the 80 cars to SLO will return each day, as well. This is the 5th train planned through our city. The cumulative impacts of the shift to crude-by-rail transport must be taken into account. The decision of one Board of Supervisors can negatively impact uprail communities all the way to the borders of California and to the source of the crude. We all live with the threat of more trains as California moves toward importing 25% of its crude by rail (CA Energy Commission projection). This critical decision reaches way beyond SLO County!

Our waterways are very vulnerable. Trains enter California by one of three routes, all of which include “high hazard” rail sections, according to Office of Spill Prevention and Response Map. These include a route south through Dunsmuir (the site of a terrible spill that killed life in the Sacramento River for 35 miles for many years), through the Feather River Canyon with long stretches of rail on high wooden trestles, and over the treacherous Donner Pass and down into Colfax. In addition, California has many untrustworthy old bridges not built to carry 100 heavy tank cars regularly, such as the Carquinez Bridge at Benicia. Add to this California’s seismic instability from earthquake faults along the routes—these are important reasons to avoid oil train deliveries in the region.

In Sacramento, the trains go by and over the American River. This water body is priceless; an oil spill would have devastating consequences. As mentioned earlier, a spill of toxic tar sands into the Kalamazoo River has still not been cleaned up after 3 years and over \$1 billion dollars spent. California is in a drought and cannot afford the risk of a spill from even one of these trains, which could destroy the water supply for millions of people. The effects of such a spill on wildlife would be equally disastrous.

Given the record of the past 18 months, there is no doubt that it's simply a matter of time before another oil spill and tragedy. The cumulative effects of the increase in oil trains through our community increases the all the threats exponentially through increased traffic on the rails, increased wear on the rails, increased chance of derailments, increased risk of collisions with people or vehicles, etc.

There are ways to make oil trains less dangerous—more frequent inspection of rail tracks and bridges, slower speeds, higher standard tank cars, removal of the more volatile chemicals before transport, safer routes that avoid waterways and populated areas, Positive Train Control, etc.—but none of these safeguards have been implemented or guaranteed. We assert that all safety measures and guarantees must in place *before* this or any new project is allowed to go forward.

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But safety measures are not enough to protect people and the environment. Each oil train travels by and through countless communities, waterways, and other precious and sensitive habitat. Each oil train endangers millions of people and thousands of miles as it travels from point of extraction to the refineries in the Bay Area. In Sacramento alone, a quarter of a million people live within a mile of the train tracks. Each train is playing Russian roulette with all the communities and the environment from the extraction site to the refinery.

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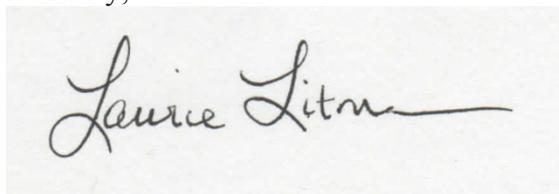
Even if there are no derailments or spills, the effects of the oil being transported through our communities will still cause immense suffering. The cumulative effects of the oil trains from the Phillips 66 Rail Spur Extension and the other projects in the planning stages for Bay Area refineries and other locations in California will exacerbate climate change to the point of no return. According to the latest IPCC report, we are already experiencing the effects of climate change; extreme weather, sea level rise, droughts, floods, extinctions, etc. will continue to increase and worsen. The tar sands and other oils being transported in these trains do our communities no good and much harm.

The impact of this project on California's and SLO County's programs to reduce the threat of global climate change is also quantified in the REIR and the increase in greenhouse gas emissions of this project are found to exceed acceptable thresholds. California has set commendable goals for greenhouse gas reduction through AB32, the California Global Warming Solutions Act. As a State, we have lowered our carbon emissions significantly. These oil trains are going in the wrong direction. They will increase our carbon emissions and slow efforts to convert to renewable energy and address climate change; this is the direction we must go if we are to have a livable planet.

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The IPCC has stated we have to stay within 2°C of temperature increase to avoid the worst of climate change. To do this we need to keep approximately 80% of known fossil fuel reserves in the ground. We need courageous elected officials who are willing to step up and make a difference. Please reject the Phillips 66 Railspur Proposal because of its extreme threat to the planet, future generations, and all we hold dear.

Sincerely,

A handwritten signature in black ink that reads "Laurie Litman". The signature is written in a cursive style with a long horizontal flourish at the end.

Laurie Litman
President, 350 Sacramento

Responses to 350 Sacramento Comments

350SAC-01	<p>This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's concerns about hazards, toxic emissions, and greenhouse gas emissions are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.</p>
350SAC-02	<p>The refinery already treats a wide variety of crude oil from different sources, many of which are of similar quality to tar sands. The refinery is specifically designed to treat heavy, low quality crude oil.</p> <p>The RDEIR examined changes in emissions associated with a change of slate, as indicated in Section 4.3.4.2, Air Quality and Greenhouse Gases, which states "For the SMR, key crude slate parameters that could impact air emissions include the percent of BTEX, vacuum resid, sulfur and metals in the crude oil." The BTEX was analyzed in the health risk assessment to determine the increased health risk. Increased sulfur was assessed as to the increased sulfur truck trips that would be required. None of the other components would alter the emissions at the refinery as the heavy metals would not be emitted into the air from the SMR. Note that as the API gravity would be similar, the emissions of volatile components (ROG) from fugitive emissions would be similar with the change in crude slate.</p> <p>BTEX levels of Canadian tar sands crude oil are similar to other heavy crude oil processed by the SMR and the RDEIR demonstrates that any increases in BTEX would generate a nominal increase in health risk. See Response to CBE-21 and CBE-23. The metals in the tar sands oil would not be volatilized at the SMR or along transportation routes and would therefore not contribute to increases in air-based health risk.</p> <p>The Canadian tar sands are not as "explosive" as Bakken crude oil and present similar risks to the rail transportation of heavy crudes that currently occur within California and through SLOC.</p> <p>The use of higher sulfur crude oils would increase the amount of sulfur produced at the SMR. This increase in sulfur and the associated truck trips are addressed in the RDEIR in Section 4.3, Air Quality and Greenhouse Gases. Emissions of sulfur dioxide are not anticipated to increase as most of the sulfur in the crude is removed as elemental sulfur and trucked from the site and the SLOCAPCD has limits on the emissions of sulfur dioxide from the refinery processing equipment.</p> <p>As the SMR already processes heavy crude oils, and the tar sands crude oils would have a similar proportion of heavier materials, the production of coke is not expected to change with the project. Additional information on the make up the projected crudes compared with the current crude slate at the SMR is provided in Chapter 2.0, Project Description.</p>

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	<p>The increased levels of nickel, vanadium, lead and copper do not affect air emissions as none of the crude oil is combusted and none of the metals are carried over in the fuel gas. The metals would remain in the coke. Sulfur production would increase producing potentially more sulfur trucks trips, as discussed in the RDEIR Section 4.12, Transportation and Circulation.</p> <p>A study performed by the SLOCAPCD, the South County Phase 2 Particulate Study, evaluated whether impacts from off-road vehicle activities at the Oceano Dunes State Vehicle Recreational Area (SVRA), 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 SVRA 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. The SLOCAPCD has determined that the dune complex along the coast of the Five Cities area is the source of the high particulate matter levels measured at the South Coast stations (SLOCAPCD Annual Emissions Report, 2013). The SMR has a coke dust plan to reduce coke dust and it does involve watering. However, the proposed Project is not anticipated to increase coke handling or contribute to dust particulate levels in the area. Air quality violations on the mesa a primarily associated with natural crustal particulates.</p> <p>Impact WR.3 (Section 4.13 Water Resources) discusses the issue of diluted bitumen crude oils sinking if spilled into waterways. This impact discussion talks about the spill into the Kalamazoo River, which involved a diluted bitumen crude oil. Mitigation measure BIO-11 specifies detailed performance standards for an Oil Spill Contingency Plan, which would address responding to diluted bitumen crude oils.</p>
350SAC-03	<p>The RDEIR states that air emissions associated with crude oil transportation by rail would produce significant and unavoidable impacts, both within SLOC and in communities within California through which the trains would travel. Emissions can be offset through the use of emissions offsets, as are available within SLOC and other Counties. However, as indicated in Section 4.3 (Air Quality and Greenhouse Gases) of the RDEIR, it is uncertain if the other Air Districts could require emission reduction credits due to Federal preemption and the impacts associated with the mainline rail operation would remain significant and unavoidable.</p>
350SAC-04	<p>The location of the high hazard areas along the various rail routes are listed in Table 4.7.3 and discussed in Section 4.7. The mainline track along the three routes (including all of the bridges) has an allowable gross weight rating of 315,000 lbs per car, with the exception of the track from Niles Junction to near Stockton (Altamont Pass), which has an allowable gross weight rating of</p>

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	<p>286,000 lbs per car (UPRR 2013). The weight of the Rail Spur Project cars would be limited to a maximum of 286,000 lbs, which is at or below the allowable weight limit.</p> <p>In estimating the probability of a train accident, items such as roadbed failure (mainline and on bridges) and earthquake were taken into account. Table 4.7.1 list the various initiating and contributing causes of rail accidents. As discuss in Impact HM.2 (see Section 4.7, Hazards and Hazardous Materials), regular inspection and testing of mainline track and bridges is conducted. As discussed in Impact HM.2, the risk associated with a rail accident was found to be significant and unavoidable (Class I).</p> <p>Section 4.13 discusses the potential for spill impacts into water ways, including the American River. In addition, the tar sand spill into the Kalamazoo River was discussed in Impact WR.3 (see Section 4.13). Water quality impacts related to a mainline railroad spill were concluded to be significant and unavoidable (Class I).</p>
350SAC-05	<p>This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's concerns about the safety and environmental impacts of the project are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.</p>
350SAC-06	<p>The RDEIR states that GHG emissions associated with crude oil transportation by rail would produce significant and unavoidable impacts. Emissions can be offset through the use of emissions offsets, as are available from a number of different sources for GHG. However, as indicated in Section 4.3 (Air Quality and Greenhouse Gases) of the RDEIR, it is uncertain if Air Districts could require GHG offsets due to Federal preemption and the impacts associated with the GHG emissions would remain significant and unavoidable.</p>