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November 24, 2014

Murry Wilson
San Luis Obispo County Department of Planning and Building
976 Osos St., Room 200
San Luis Obispo, 93408

Via email: **p66-railspur-comments@co.slo.ca.us**

Re: Comments on Rail Spur Revised EIR

Dear Mr. Wilson:

Santa Barbara County Action Network (SB *CAN*) works to promote social and economic justice, to preserve our environmental and agricultural resources, and to create sustainable communities. SB *CAN* advocates a holistic approach to community planning that integrates housing, open space, and transportation to meet the needs of all members of our community and future generations. SBCAN-01

Given that our main focus is on Santa Barbara County, we leave it to others to comment on the myriad of issues related to the Santa Maria Refinery and immediate environs. The project obviously has major impacts on nearby housing, open space, and local roads.

The Revised EIR says there is risk from potential accidents on the main rail line that result in oil spills, fires and explosions near populated areas. There are maps at http://explosive-crude-by-rail.org/ showing the US DOT Evacuation Zone for Oil Train Derailments and US DOT Potential Impact Zone in Case of Oil Train Fire. Within Santa Barbara County the latter zone includes virtually all of Carpinteria, Goleta, and Guadalupe, and most of Santa Barbara. The Final EIR should quantify the numbers of people that could be subject to evacuation in case of oil train derailment and the values of property that could be impacted in case of oil train fire. SBCAN-02

In order to make reasonable estimates of these numbers of people and property values, educated guesses as to where the crude oil would likely come from need to be made. Texas and Alberta might be good guesses. It is not sufficient for the EIR to only consider possible impacts between the refinery and rail yards in Northern and Southern California. Millions of people and billions of dollars in property values are put at risk of oil spills or explosions by approval and construction of this project.

The REIR identifies other risks along the mainline: In the event of an oil spill, there could be significant and unavoidable impacts to agricultural crops and biological resources "due to direct oiling, fire, or surface and groundwater impacts." Cleanup activities could impact cultural resources. SBCAN-03

Impacts on fire protection and emergency services along the mainline were found to be significant in the event of a fire or explosion. Remote volunteer fire departments are not equipped to deal with major oil spills. There could be SBCAN-04

significant and unavoidable toxic air emissions for areas along the mainline that are close to populated areas. Greenhouse gas emissions in California could be significant and unavoidable, because they would exceed the air district's threshold. SBCAN-04 cont

In all of these cases of potential mainline spills and emissions, the REIR states that, "the County may be preempted by Federal law from requiring mitigation for operations on the UPRR mainline tracks."

Yet, the Planning Commission and Board of Supervisors have the authority to deny the project on the basis of significant impacts that they cannot mitigate. For those bodies to be able to fairly consider whether to approve or deny the project it is imperative that the potential mainline impacts be quantified. Best attempts at quantification need to be made. A means of estimating potential population and property value impacts is given above. Potential cultural and biological impacts may be harder to quantify, but the REIR made no attempt at quantification. SBCAN-05

As stated above, the REIR discusses greenhouse gas emissions in California. Maybe GHG emissions in California are all that need to be addressed in a California Environmental Quality Act document, but GHG emissions are a global issue and, therefore, regardless of CEQA requirements, the Final EIR, or the final staff reports to the Planning Commission and Board of Supervisors should address the GHG emissions that could be generated globally. Building this crude oil terminal will make it more profitable to extract high-carbon tar sands oil and other high-carbon oil that might otherwise stay in the ground. Refining of these high-carbon crude oils yields a by-product known as petroleum coke, or pet coke. Pet coke is more than 50% as carbon intensive as coal and is exported to other countries including China and Japan. The GHG emissions from the burning of pet coke in other regions and countries should be considered in the Final EIR, because GHG is a global issue. If CEQA does not require this, common sense should. SBCAN-06

The REIR says that toxic air emissions at the refinery itself would be significant and unavoidable, because the cancer risk over a 30-year exposure period would be greater than the threshold established by the local air district. Even using the cleanest locomotives, which federal law may keep the County from requiring, the cancer risk would remain significant and unavoidable. The Final EIR should include information about toxic air emission thresholds established by the Santa Barbara Air Pollution Control District and impacts on residents in northern Santa Barbara County. SBCAN-07

Thank you for your consideration of our comments.

Sincerely,

Ken Hough
Executive Director

SBCAN-01	This comment introduces the signatory to the comment letter and therefore does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. No further response it required.
SBCAN-02	A Quantitative Risk Analysis (QRA) was conducted as part of the RDEIR and is documented in the Hazards and Hazardous Materials Section (see Section 4.7 and Appendix H). The rail routes were divided up into distinct segments to account for differing population levels along the rail routes. Each segment was assigned a population density reflecting the unique populations along the rail route. Segments where facilities and/or events might attract temporary high population levels were assigned a population that reflected the larger temporary population, and did not correct for seasonal or diurnal variation, thus slightly overestimating the risk for the segment. The fact that every possible landmark along the proposed rail routes is not explicitly mentioned does not mean that it was omitted. The population assigned for each segment characterizes the potential residential, commercial, industrial, and venue population that is, or could be temporarily, present along the segment.
SBCAN-03	The comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comment just states what the RDEIR found with regard to potential risks along the mainline including impacts to agricultural crops, biological resources, and cultural resources. The comment does not question the analysis of these issues in the RDEIR or request changes to the discussion of these impacts. Therefore, no further response is necessary.
SBCAN-04	As noted in the comment, several significant impacts were identified associated with safety, emergency response and environmental issues such as GHG emissions. The RDEIR contains mitigation measures PS-3a through PS-3i (see Section 4.11, Public Services and Utilities) to ensure that the SMR Fire Brigade and the Cal Fire resource are sufficient before the project proceeds. These include; 1) an updated Fire Protection Plan for the Rail Spur Project that meets all the applicable requirements of API, NFPA, UFC, and Cal Fire/County Fire; 2) an updated Emergency Response Plan to include the rail unloading facilities and operations; 3) an updated Spill Prevention Control and Countermeasure Plan to include the rail unloading facilities and operations; 4) requirements that the SMR fire brigade meets all the requirements outlined in Occupational Safety and Health Administration 29 CFR 1910.156, and NFPA 600 & 1081; 5) updated fire brigade staffing/training requirements and Cal Fire funding requirements; 6) funding of a qualified Cal Fire inspector to conduct the annual fire inspections at the SMR; 7) funding of training for Cal Fire personnel, including field training, as per the Security and Emergency Response Training Center Railroad Incident Coordination and Safety (RICS) meeting Department of Homeland security, NIIMS, OSHA 29 CFR 1910.120 compliance. These extensive requirements would reduce the impacts of the rail spur project on fire

	resources at the SMR to less than significant with mitigation (Class II). In addition, for transportation of crude oil along the mainline tracks, mitigation measures PS-4a though PS-4c) (see Section 4.11, Public Service and Utilities) include 1) Only rail cars designed to Option 1: PHMSA and FRA Designed Tank Car shall be allowed; 2) requires annual funding for first response agencies along the mainline rail routes; 3) require annual emergency responses scenario/field based training; and 4) notification requirements. Impacts to fire protection and emergency response would remain significant and unavoidable (Class I) along the mainline routes.
SBCAN-05	It is unclear whether the County is preempted from imposing mitigation measures to reduce the potential for significant impacts along UPRR's mainline. The RDEIR takes a conservative approach to the evaluation of impacts by recognizing that Federal law may preempt the County from imposing conditions of approval that would mitigate these impacts, potentially resulting in unmitigated significant impacts. This satisfies the information disclosure requirements of CEQA and will allow the County decision makers to evaluate the full spectrum of potential environmental impacts as well as potential mitigation measures. With regard to the economic impact of changes in property values in the event of an accident, CEQA does not require an evaluation of economic or social impacts, and states that "economic or social effects of a project shall not be treated as significant effects on the environment" unless those effects result in physical changes to the environment (CEQA Guidelines Section 15131). Although a spill or fire-related incident could temporarily affect property values, these effects would not constitute or cause a physical change in the environment above those already described and discussed in the RDEIR. Quantification of spill impacts to biological and cultural resources in the event of an oil spill is difficult since the impact is dependent upon the location and extent of the spill. The RDEIR provides a discussion of the sensitive biological species along the mainline routes and identifies the types of impacts that could occur in the event of a spill. This provide sufficient information to determine that the impacts from a spill would be significant and unavoidable (Class I). See Response to SBCAN-02.
SBCAN-06	Table 4.3.26, in the RDEIR, lists the GHG emissions associated with the train movements within SLOC, within California and within the U.S. GHG emissions associated with extraction of the crude oil or combustion of the end-products of refining would occur regardless of the status of this project.
SBCAN-07	Risks from the onsite activities, including SMR activities, as well as the additional rail spur activities, would have nominal affect on areas within Santa Barbara County and Santa Barbara County is located more than 4 miles to the

	south of the SMR, well beyond the 1.0 in a million cancer isopleths. Impacts related to train travel through Santa Barbara County are addressed under impact AQ.5, which addresses impacts along the mainline.