SOUTH COUNTY ADVISORY COUNCIL
PO Box 2355 Nipomo, CA 93444-2355

Supervisor Caren Ray, 4th District Supervisor

Murray Wilson, Senior Environmental Planner

County Government Center
San Luis Obispo, CA 93408

Dear Supervisor Ray and Mr. Wilson:

On October 27th, 2014, The SCAC directed me to share comments made by SCAC members, following presentations on the Phillips-66 Rail Spur REIR by the Mesa Refinery Watch Group, and by a representative of Santa Maria Refinery (SMR) (Jim Anderson):

Richard Wright – SCAC Public Safety Representative

- This project provides more disadvantages to the community in terms of adverse health issues than advantages to the county, such as added jobs (estimated at 17). SCAC-01
- Page ES-13 of the REIR states "*that the impact to fire protection and emergency services along the UPRR mainline was found to be significant (Class 1) in the event of a fire or explosion. Many local emergency responders lack adequate resources to respond to oil-by-rail accidents.*" This project should not be under-taken without appropriate public safety resources available for emergencies. SCAC-02
- It is doubtful that SLO County has adequate public safety personnel in the South County to provide for evacuation from impacted locations in the event of a major fire or explosion on the rail line. SCAC-03

Dan Woodson – SCAC Area 2 Representative

- Santa Maria Energy Company and others [purportedly] plan to add 7,700 oil wells between Orcutt and Casmalia. If SMR contracted to process that new product from its existing pipelines, the need for a rail spur would be completely eliminated. SCAC-04
- If SMR is allowed to process oil-by-rail, there is a potential for major railroad traffic impacts. SCAC-05
- The REIR lacks specifics on monitoring mitigation measures, and the county's monitoring capability will be dependent on budget constraints. Specific county departments should be listed as responsible for monitoring mitigations, and specific functionaries in departments should be assigned responsibility in job description. There should be a source of dedicated funding to provide those services. SCAC-06

- The REIR indicates that if any mitigation factors are not in compliance with Federal Regulations, then that mitigation factor can be ignored. I believe that past US Supreme Court decisions imply State (Local) regulations take precedent over Federal Regulations if they are more stringent than the Federal Regulations. SCAC-07

Art Herbon – SCAC Area 6 Representative

- The proposed rail spur ends ½ mile from the intersection of Via Concha and Hwy-1 (the closest residential area). The refinery is 1-1/2 miles from that point. Therefore, the rail spur brings an existing industrial activity 3X closer to residential and resort hotel zoning, along with increased noise, view deterioration, night-lights, smell, and air quality deterioration. This represents a vastly intensified land use, and is inconsistent with SLO's general plan. SCAC-08

- SMR proposes mitigating air quality deterioration with prior credits. However, the Mesa is in the midst of violating Federal and State air standards. New sources of air pollution will exacerbate unhealthy air on the Mesa, regardless of using credits. Can the County approve mitigation using prior credits, knowing that the decision will increase violations to Federal air standards? SCAC-09

- An application is in process for running a 10" oil pipeline from Price Canyon to SMR. In addition, according to media reports, Price Canyon has been pursuing a permit to increase crude production. These combined issues are not covered (and should be) in the "Alternatives" section of the Rail Spur REIR. SCAC-10

- The REIR Transportation section is based on an assumption of one peak round-trip SMR train per day. However, the REIR's Transportation section should address the impact of Union Pacific (UP) delivering three round-trip trains per day to SMR. For example, in one day, the following three peak round trips are allowable: SCAC-11

  1. 8AM – UP delivers Unit Train and hauls away empty tankers at SMR;
  2. 2PM – UP delivers second Unit Train for storage on 5th extra track at SMR;
  3. 8PM – UP delivers third Unit Train and hauls away empty tankers at SMR.

- The impact of adding three daily round-trip trains is significant for at-grade vehicle crossing delays (especially emergency vehicles), and for passenger train impacts. SCAC-12

- The county's loss of property taxes from diminished property values in neighboring residences will far exceed Phillips-66's contribution to county taxes. SCAC-13

- I recommend "no-project" as the current REIR stands. SCAC-14

Sandra Caughell – SCAC Area 3 Representative and Chair

- I have many questions about mitigation plans. The REIR responses are vague. SCAC-15

El-Jay Hansson – SCAC Area 6 Representative

- The health of people near the site is most important. SCAC-16

Gary Spelbring – SCAC Area 5 Representative

- I agree with concerns that residents near Phillips have expressed, that additional pollutants from the project present health hazards that cannot be mitigated. SCAC-17

Vince McCarthy – SCAC Area 1 Representative

- I question the Land Use issues [intensified land use] from an industrial site three-times closer to residences than before, and encroaching the buffer zone that the county originally required. SCAC-18

Bill Dorland – SCAC Area 5 Representative

- The project encroaches the buffer zone that was originally required to shield humans from the refinery. SCAC-19
- The SMR was originally located here to serve local crude production. SMR becomes irrelevant when local crude production drops off. SCAC-20
- Oil-by-rail is not a "best use" for the the single rail line that runs along the coast. SCAC-21

Harry Walls – SCAC Area 2 Representative

- I would like to approve, but I'm concerned about the impacts on neighbors. SCAC-22
- The REIR does not consider the visual impacts that homes on the Mesa will suffer. The REIR only mitigates views from Highway-1. The REIR should consider view impacts that nearby homes will experience. SCAC-23

By Direction of the South County Advisory Council,

Art Herbon, Corresponding Secretary

cc: Members of SCAC by email

SCAC-01	These comments do not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comment about the project having more disadvantages than advantages is included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
SCAC-02	Phillips 66 has proposed a state-of-the-art fire protection system for the rail spur unloading rack. This fire protection system would be reviewed and approved by Cal Fire prior to commencing operations at the new unloading facility. The RDEIR contains numerous mitigation measures in Section 4.11, Public Services and Utilities, to ensure that the SMR Fire Brigade and the Cal Fire resources are sufficient before the project proceeds. These mitigation measures would be funded by Phillips 66 for the SMR requirements, and Phillips 66 and others for improvements along the mainline track, most likely as part of a "fair share" type arrangement. The mitigation measures at the SMR 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/County 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 29CFR 1910.120 compliance. The RDEIR contains a considerable amount of mitigation that may be within the jurisdiction of San Luis Obispo to require prior to project operations that address the potential for accidents, oil spills and emergency response. These include: **<u>Class I Impact HM.2</u>** *The potential for a crude oil unit train derailment would increase the risk to the public in the vicinity of the UPRR right-of-way.* 1. *HM-2a Only rail cars designed to FRA, July 23, 2014 Proposed Rulemaking Option 1: PHMSA and FRA Designed Tank Car as listed in Table 4.7.8, shall be allowed to unload crude oil at the Santa Maria Refinery.* 2. *HM-2b For crude oil shipments via rail to the SMR a rail transportation route analysis shall be conducted annually. The rail transportation*

	route analysis shall be prepared following the requirements in 49 CFR 172.820. The route with the lowest level of safety and security risk shall be used to transport the crude oil to the Santa Maria Refinery. 3. *HM-2c The Applicant's contract with UPRR, shall include a provision to require that Positive Train Control (PTC) be in place for all mainline rail routes in California that could be used for transporting crude oil to the SMR.* 4. *HM-2d The refinery shall not accept or unload at the rail unloading facility any crude oil or petroleum product with an API Gravity of 30° or greater.* **Class I Impact PS.4** *Operations of the crude oil train on the mainline UPRR tracks would increase demand for fire protection and emergency response services along the rail routes.* 1. *PS-4a As part of the Applicant's contract with UPRR, it shall require that quarterly hazardous commodity flow information documents are provided to all first response agencies along the mainline rail routes within California that could be used by trains carrying crude oil to the Santa Maria Refinery for the life of the project. Only first response agencies that are able to receive security sensitive information as identified pursuant to Section 15.5 of Part 15 of Title 49 of the Code of Federal Regulations, shall be provided this information. This contract provision shall be in place and verified by the County Department of Planning and Building prior to delivery of crude by rail to the Santa Maria Refinery.* 2. *PS-4b Only rail cars designed to FRA, July 23, 2014 Proposed Rulemaking Option 1: PHMSA and FRA Designed Tank Car shall be allowed to unload crude oil at the Santa Maria Refinery. PS-4c As part of the Applicant's contract with UPRR, it shall require annual funding for first response agencies along the mainline rail routes within California that could be used by the trains carrying crude oil to the Santa Maria Refinery to attend certified offsite training for emergency responders to railcar emergencies, such as the 40 hour course offered by Security and Emergency Response Training Center Railroad Incident Coordination and Safety (RICS) meeting Department of Homeland security, NIIMS, OSHA 29CFR 1910.120 compliance. The contract shall require funding of a minimum of 20 annual slots per year for the life of the project. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery.* 3. *PS-4d As part of the Applicant's contract with UPRR, it shall require annual emergency responses scenario/field based training including Emergency Operations Center Training activations with local*

	emergency response agencies along the mainline rail routes within California that could be used by the crude oil trains traveling to the Santa Maria Refinery for the life of the project. A total of four training sessions shall be conducted per year at various locations along the rail routes. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery. 4. *PS-4e As part of the Applicant's contract with UPRR, it shall require that all first response agencies along the mainline rail routes within California that could be used by trains carrying crude oil traveling to the Santa Maria Refinery be provided with a contact number that can provide realtime information in the event of an oil train derailment or accident. The information that would need to be provided would include, but not be limited to crude oil shipping papers that detail the type of crude oil, and information that can assist in the safe containment and removal of any crude oil spill. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery.* **Class II Impact PS.3** *The Rail Spur Project would increase demand for fire protection and emergency response services at the SMR.* 1. *PS-3A Prior to issuance of construction permits, the Applicant shall submit to Cal Fire/County Fire for review and approval a final Fire Protection Plan for the Rail Spur Project that meets all the applicable requirements of API, NFPA, UFC, and Cal Fire/County Fire.* 2. *PS-3b Prior to notice to proceed for the rail unloading facility, the Applicant shall update the SMR Emergency Response Plan to include the rail unloading facilities and operations.* 3. *PS-3c Prior to notice to proceed for the rail unloading facility, the Applicant shall update the existing SMR Spill Prevention Control and countermeasure Plan to include the rail unloading facilities and operations.* 4. *PS-3d Prior to notice to proceed for the rail unloading facilities, the Applicant shall assure that the existing SMR fire brigade meets all the requirements outlined in Occupational Safety and Health Administration 29 CFR 1910.156, and NFPA 600 & 1081.* 5. *PS-3e Prior to issuance of grading permits, the Applicant shall have an executed operational Memorandum of Understanding (MOU) with Cal Fire/County Fire that includes fire brigade staffing/training requirements and Cal Fire/County Fire funding requirements. This MOU shall be reviewed and updated annually by Cal Fire and the Applicant.*

	6. *PS-3f Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for time spent by a qualified fire inspector to conduct the annual fire inspections at the SMR including all structures, and support facilities consistent with Cal Fire/County Fire's authority and jurisdiction. The Applicant shall reimburse all costs associated with travel time, inspections, inspection training, and documentation completion. The reimbursement rate shall be according to the most recent fee schedule adopted by the San Luis County Board of Supervisors.* 7. *PS-3g Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for offsite training for emergency responders to railcar emergencies, such as the 40 hour course offered by Security and Emergency Response Training Center Railroad Incident Coordination and Safety (RICS) meeting Department of Homeland security, NIIMS, OSHA 29CFR 1910.120 compliance. Initial training shall be two members of the Interagency Hazardous materials Response Team, two members of the interagency Urban Search and Rescue Team, and two members annually from Cal Fire/County Fire or fire districts in San Luis Obispo that have automatic aid agreements with Cal Fire/County Fire for a total of six slots per year for the life of the project.* 8. *PS-3h Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for Fire Chief Officer attendance such as the 40 hour course offered by Security and Emergency Response Training Center; Leadership & Management of Surface Transportation Incidents. Funding shall be for two Fire Chief Officers annually for the life of the project.* 9. *PS-3i Prior to issuance of grading permits, the Applicant shall have an agreement with Cal Fire/County Fire to conduct annual emergency response scenario/field based training including Emergency Operations Center Training activations with the Applicant, Cal Fire/County Fire, UPRR, and other San Luis Obispo County First response agencies that have mutual aid agreements with Cal Fire/County Fire. These annual emergency response drills shall occur for the life of the project.* Even with the implementation of the above mitigation to reduce the potential for a rail accident and increase local emergency response capabilities, the potential risk associated with the proposed project is considered Significant and Unavoidable (Class I).
SCAC-03	Please see Response to SCAC-02.
SCAC-04	While the estimated future oil production from local sources is not relevant to the assessment of impact of the Rail Spur Project, the Arroyo Grande Oil Field (AGOF) in San Luis Obispo has applied to the County to increase production to

	10,000 barrels per day. If this project is approved it would increase the production from the AGOF by about 8,000 barrels, which would all go to the SMR. There are a number of other oil development projects currently proposed in northern Santa Barbara County that could add an additional 23,000 barrels per day of oil production that could be transported to the SMR. These include projects such as Santa Maria Energy, which would move 3,000 barrels per day via pipeline to the SMR, Pacific Coast Energy, which would move 3,600 barrels per day to the SMR via pipeline, and ERG Cat Canyon, which would move 5,000 barrels per day via pipeline to the SMR. A listing from Santa Barbra County shows a total of 943 oil production wells in various phases of development, all of which could provide oil to the SMR.
SCAC-05	Section 5.12, Transportation and Circulation, discusses the impacts of the addition of the Rail Spur Project unit Train on passenger train service. The analysis showed that the impact of the propose project on passenger train service would be less than significant based upon the Federal Railroad Administrations' on-time performance metric.
SCAC-06	A detailed mitigation monitoring plan is provided in Chapter 8.0 of the RDEIR. Mitigation measure EM-1 (see Section 4.0, Environmental Analysis) requires that Phillips 66 fund all the County monitoring activities associated with the Rail Spur Project. The County would likely hire additional staff or consultants to handle the work load that would be associated with permit compliance monitoring and enforcement for the Rail Spur Project.
SCAC-07	The movements of those trains within San Luis Obispo County to and from the Project Site, while described in this section of the EIR, may be preempted from local and state environmental regulations by federal law under the Interstate Commerce Commission Termination Act of 1995. 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.
SCAC-08	Potential impacts associated with land use incompatibilities are discussed in Section 4.8 of the RDEIR. As explained in that section, an incompatibility would not necessarily result in a significant land use impact, particularly if the impact is based on the same environmental effects identified in other sections of the RDEIR (i.e., Aesthetics and Visual Resources, Hazards and Hazardous Substances, Noise). To result in a significant effect on land use, the incompatibility would need to result in some additional adverse effect, such as

	health risks, public safety issues, or the inability to sleep, relax, or enjoy the full use of one's property. Using this approach, a significant and unavoidable land use impact was identified based on the increased health risk that would result from increased diesel particulate matter emissions from the Project. Other potential incompatibilities, such as increased air emissions, noise, odor, and hazards, were also considered. The proposed expansion into the buffer area separating the SMR and adjacent residential areas is specifically discussed in Section 4.8 (Land Use and Recreation). Applicable zoning and land use standards associated with the Project Site and surrounding area, and the Rail Spur Project's potential consistency with applicable standards and policies are addressed in Appendix G of the RDEIR. While the RDEIR discusses potential inconsistencies with applicable planning documents, the decision of whether a proposed project is consistent with a particular plan or policy must ultimately be made by the local decision-making body. The comment has been included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
SCAC-09	Air quality violations on the mesa are primarily associated with particulates. 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 (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. 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.
SCAC-10	The proposed expansion of the Price Canyon Oil Field might be able to deliver a maximum of 10,000 barrels per day to the SMR via pipeline. This would represent a 8,000 barrel increase over the historical deliveries from the Price Canyon Oil Field to the SMR. Delivery of an additional 8,000 barrels per day of oil to the SMR would not meet the basic objectives of the project. Therefore, it is not a viable alternative. The Price Canyon Oil Field Project is considered as part of the cumulative analysis (see Chapter 3.0). The issue of long-term crude supply to the SMR from local sources is very speculative. It is unknown what local crude oil development projects could

	occur in the future. Data provided in Comment CBE-78 estimates that in 2050 the upper end of locally produced crude that could be shipped to the SMR would be about 30,000 barrels per day. With the addition of 26,000 barrels per day that can be delivered by truck to the Santa Maria Refinery the upper end of the available crude supply would be 56,000 barrels per day, which is greater than the currently permitted capacity of the SMR, and the capacity under the Increased Throughput Project. While the estimated future oil production from local sources is not relevant to the assessment of impact of the Rail Spur Project, the forecast range presented in Comment CBE-78 does not take into account proposed new oil development project. For example, the Arroyo Grande Oil Field (AGOF) in San Luis Obispo has applied to the County to increase production to 10,000 barrels per day. If this project is approved it would increase the production from the AGOF by about 8,000 barrels, which would all go to the SMR. There are a number of other oil development projects currently proposed in northern Santa Barbara County that could add an additional 23,000 barrels per day of oil production that could be transported to the SMR. These include projects such as Santa Maria Energy, which would move 3,000 barrels per day via pipeline to the SMR, Pacific Coast Energy, which would move 3,600 barrels per day to the SMR via pipeline, and ERG Cat Canyon, which would move 5,000 barrels per day via pipeline to the SMR. A listing from Santa Barbara County shows a total of 943 oil production wells in various phases of development, all of which could provide oil to the SMR. A May 2014 report by the United States Energy Information Administration (EIA) estimated that as much as 13.7 billion barrels of oil may be recoverable from the Monterey Shale, of which some of this shale formation is in northern Santa Barbara County and Southern San Luis Obispo County. While it is unknown, when and if any of these reserves would be developed (and in what quantity), they could, in the future, provide local crude supply to the SMR. It is also possible in the future that the portions of the All American Pipeline between the Sisquoc Pump Station and Kern County could be reversed to allow crude oil to move to the Sisquoc pipeline. This portion of the All American Pipeline that connects to the Sisquoc Pipeline is currently used to move only OCS crude from Southern Santa Barbara County to Kern County and then on to refinery destination in the Bay Area and Los Angeles. When OCS production reaches a level where it does not make economic sense to operate this portion of the All American Pipeline, it could be reversed to move crude oil from the Kern County to the SMR. This would provide the SMR with access to other sources of crude. If and when this would happen is unknown and speculative, but it is a potential future option for obtaining crude for the SMR. The point of this discussion is to show that there are potential options in the future for the SMR to obtain crude oil without the rail project, however, they are unknown, and as with all crude supply issues, would be determined based

	upon market forces, including the future price of crude oil. This point can be illustrated by the past history of the crude supply at the SMR. In the 1970's the SMR did not receive any crude from offshore Santa Barbara County since none of this crude had been developed. With the development of the offshore crude, pipelines were built that allowed the SMR to receive this crude source. Now offshore crude from Santa Barbara is the major source of crude for the SMR. As this source of crude declines, it is likely that other sources of crude will become available to the SMR as discussed above. This would occur with or without the Rail Spur Project. What future crude is processed at the SMR will depend upon economic and market factors. Therefore, it would be speculative at best to estimate when the local crude supply would not be sufficient to support further operation of the SMR without the proposed Rail Spur Project.
SCAC-10	The Arroyo Grande Oil Field Phase V Project would not represent an alternative on its own to the Rail Spur Project since it would not allow for the delivery of volumes of crude oil that would be close to the objectives of the Proposed Project, and would not allow for access to a wide range of North American crudes. This project is included in the cumulative analysis since it is a reasonably foreseeable project.
SCAC-11 and SCAC-12	The time for a unit train to make a full round trip between Canada and the SMR including loading and unloading time is estimated to be about four days. This means that three unit trains would need to be dedicated to the SMR rail service in order to allow for five train deliveries per week. In discussions with Phillips 66 and UPRR the delivery of unit trains would be spaced out over the week, and under normal operations two trains would not be expected to be at the SMR at one time. It is possible that due to bad weather or other mainline rail issues, that a train could be delayed, which could result in a second train arriving at the SMR while another one is at the site unloading. However, this would not occur on a regular basis, and would be an infrequent event. The example in the comment would have four trains, which is more than is needed for the project. Given that three trains would need to be dedicated to the project, it is highly unlikely that all three trains would arrive at the SMR on the same day. The analysis in Section 4.12, Traffic and Transportation, was based upon two at grade crossings per peak hour (one in the AM and one in the PM), which is a reasonable worst case assuming 250 trains per year under normal operations. The intersection discussion focuses on the long-term impacts to at grade intersections and therefore, was based upon the normal operations of the unit trains. For these reasons, no change has been made to the at grade crossing intersection impact classification.
SCAC-13	The issue of loss of property values is speculative, and CEQA does not require the evolution of economic impacts. 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). The commenter's concerns about property taxes and values are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
SCAC-14	These comments do not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comment about the No Project Alternative is included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
SCAC-15	The comment only talks about questions on mitigation plans but provides no specific comments. Therefore, no further response can be provided.
SCAC-16	These comments do not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comment about the health of the people near the SMR is included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
SCAC-17	Preemption by the Federal Government possibly will prevent the application of some mitigation measures, such as the use of Tier 4 locomotives. However, some mitigation measures, such as limits on idling while at the SMR, will reduce emissions and would not be preempted.
SCAC-18	Potential impacts associated with land use incompatibilities are discussed in Section 4.8 of the RDEIR. As explained in that section, an incompatibility would not necessarily result in a significant land use impact, particularly if the impact is based on the same environmental effects identified in other sections of the RDEIR (i.e., Aesthetics and Visual Resources, Hazards and Hazardous Substances, Noise). To result in a significant effect on land use, the incompatibility would need to result in some additional adverse effect, such as health risks, public safety issues, or the inability to sleep, relax, or enjoy the full use of one's property. Using this approach, a significant and unavoidable land use impact was identified based on the increased health risk that would result from increased diesel particulate matter emissions from the Project. Other potential incompatibilities, such as increased air emissions, noise, odor, and hazards, were also considered. The proposed expansion into the buffer area separating the SMR and adjacent residential areas is specifically discussed Section 4.8 (Land Use and Recreation). Applicable zoning and land use standards associated with the Project Site and surrounding area, and the Rail Spur Project's potential consistency with applicable standards and policies are addressed in Appendix G of the RDEIR. While the RDEIR discusses potential inconsistencies with applicable planning

	documents, the decision of whether a proposed project is consistent with a particular plan or policy must ultimately be made by the local decision-making body. The comment has been included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
SCAC-19	The rail unloading facility would not result in hazards that exceed the current refinery hazard distances, and would not impact the buffer zone in the area surrounding the refinery. However, the risk associated with mainline rail transportation would increase public risk along the entire rail routes.
SCAC-20	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comment about the life of the SMR refinery is included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
SCAC-21	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comment about best use of the single rail line in SLO County is included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
SCAC-22	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's concern about impacts to neighbors is included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
SCAC-23	The RDEIR Aesthetics section considers all public viewpoints surrounding the project, and specifically addresses viewpoints associated with the developments and recreation east of Highway 1. The project location was directly viewed and analyzed from each of these potential viewpoints. The analysis, potential impacts and mitigation measures identified in the RDEIR Aesthetic section include and specifically address views from the residential and recreational developments east of Highway 1. Key Viewing Areas (KVAs) along Highway 1 provide a fair representation of how the majority of the public will experience the project. Highway 1 has the greatest traffic volume, is the closest public roadway and is a primary regional and local transportation route. KVAs along Highway 1 were positioned at major entrances to the Trilogy and other east side development to further increase their representative value. KVA-2, at the intersection of Highway 1 and Via Concha is at an elevation of approximately 200 feet above sea level. The closest residential street (and golf course) east of the project is at an elevation of approximately 235 feet above sea level. Potential viewpoints along Louise Lane and Eucalyptus Road rise to approximately 250 feet above sea level.

	Although the 35 to 50-foot viewpoint elevation difference between Highway 1 and the viewpoints to the east is not substantial when applied to the 0.5 to 1.5 mile viewing distance, field analysis showed that some public viewpoints would have slightly increased visual exposure to the project compared to views from Highway 1. This increased visual exposure would mostly occur through the 600-foot gap in the existing approximately one-mile long windrow of mature eucalyptus trees paralleling the east side of Highway 1. The RDEIR analyzed views from these elevated viewpoints, and includes mitigation measures which would minimize visual impacts from these areas. In addition, field review showed that this somewhat increased exposure also includes greater visibility of the existing Santa Maria Refinery, coke processing facility, railroad tracks and other development. As seen from these elevated locations the project would not block views of the Pacific Ocean, coastline, dunes, riparian corridors, or agricultural field patterns. Direct observation showed that from the vast majority of potential public viewpoints within the developed and recreation areas east of Highway 1, views of the project would be substantially or completely blocked by some combination of intervening vegetation, landform, distance or existing residential and recreational development. The RDEIR identifies and acknowledges potential impacts to the scenic vista and requires mitigation measures such as the screening berm which would reduce those impacts to a less than significant level. The RDEIR also notes that the project would not block views of the Pacific Ocean, sweeping coastline, dunes, riparian corridors, or agricultural field patterns.