From: k anderson <karenanderson33@hotmail.com>
To: "p66-railspur-comments@co.slo.ca.us"
<p66-railspur-comments@co.slo.ca.us>
Date: 11/18/2014 07:43 AM
Subject: Opposition to P66 Rail Terminal Project

Dear Mr. Wilson
Under Section 5.0, Alternatives, of the REIR, it discusses a No Project Alternative wherein:

> The Santa Maria Refinery would continue to receive crude oil from the existing pipeline network from the Santa Maria Pump Station located in Santa Maria, Santa Barbara County. This additional oil would most probably arrive from Bakersfield as is already occurring. Additional deliveries are already approved by Santa Barbara County.
> The REIR states that all potential impacts using this alternative would be lower due to less train traffic. There would be no additional impacts at the SMR.

ANK-01

> The R E I R states if the County is preempted from requiring mitigation of the impacts on the UPRR mainline track and locomotives (and safer rail cars) (a definite probability), then "the No Project Alternative would be environmentally superior since it would eliminate a Class I air impact… and reduce the severity of five other Class I impacts. (Page 5-49, paragraph 3 of the R E I R).
> It further states that The No Project Alternative would meet most of the basic objectives of the Rail Spur Project. (Page 5-49, paragraphs 3 and 6 of the R E I R).
> That's what the Environmental Impact Statement says!

"The No Project Alternative would meet most of the basic objectives of the Rail Spur Project."

Karen Anderson
Nipomo, CA

From: Karen Anderson <karenanderson33@me.com>
To: p66-railspur-comments@co.slo.ca.us
Date: 11/19/2014 07:34 AM
Subject: Opposition to the P66 Rail Terminal Project

Dear Mr. Wilson,

With respect to Section A-7a. HAZARDS AND HAZARDOUS MATERIALS, of the REIR, the following comments are provided:

The Historical Odds Of Rail Accidents Versus What's Actually Occurring

Railroads and oil companies are shipping ever-larger amounts of crude by rail. And they're attempting to calm citizens' fears about rail accidents by citing outdated, historical statistics. For example ...

- The Association of American Railroads proudly notes that in the past, 99.9% of rail shipments of hazardous materials, including oil, reached their destination without a spill.

Unfortunately, current data is far more sobering. Looking strictly at oil shipments, spills are spiking. According to the Associated Press -- in 2009, before the oil drilling boom, just one rail oil spill was reported.
But now, with the flood of new oil, the landscape is far different.
Through November 2013, crude oil releases were reported from 137 rail cars versus just one car.

ANK-02

Here's another more current statistic. In the last five years, the number of tankers of crude transported by train in the U.S. has grown from under 10,000 to about 400,000 -- that's a 40-fold increase.

And over the next decade, rail oil shipments are forecast to increase from 1 million barrels each day to more than 4.5 million barrels every single day.

Therefore, you can toss the industry's outdated "odds" out the window. All you need do is read the news to learn the real facts. Freight trains carrying crude oil, propane and other hazardous materials are going off their tracks at alarming rates. Why? Because more trains are carrying that material.

The reality of what's actually happening and will continue to happen, flies in the face of the outdated, 99% odds and statistics handed out by railroads and oil companies. Simply put -- regardless of improvements in tank cars, far more crude oil shipped by rail equals far more trains derailing and far more disasters. It's all in the new numbers.

Therefore, I am opposed to the P66 Rail Terminal Project as the risk of a detrimental impact to SLO County, and other counties along the rail, will be significantly increased.

Sincerely,
K. N. Anderson
Nipomo, CA

Subject: Opposition to the P 66 Rail Terminal Project
K. N. Anderson to: p66-railspur-comments 11/25/2014 11:06 AM

Dear Mr. Wilson, SLO County Planning Department,

In the new REIR, the following project impacts were classified as Class I:

1. (AQ.2): Operational activities associated with the Rail Spur Project at the Refinery would generate criteria pollutant emissions that exceed SLOCAPD thresholds.
2. (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.
3. (AQ.4): Operational activities at the Refinery associated with the Rail Spur Project would generate toxic emissions that exceed SLOCAPCD thresholds. ANK-03
4. (AQ.5): Operational activities of trains along the mainline rail route associated with the Rail Spur Project would generate toxic emissions that exceed thresholds.
5. (AQ.6): Operational activities associated with the Rail Spur Project would generate GHG (greenhouse gas) emissions that exceed SLOCAPCD thresholds.

The Key Issues ...

• Heightened Recognition Of Specific Threats To Citizens' Health: This REIR recognizes the serious nature of the health risks raised by this project. Increased risks in important health categories such as cancer, heart disease, respiratory disease (especially in the very young and very old) and premature death are recognized and in some cases the risks are quantified. ANK-04

• Heightened Recognition Of A Threat To Global Climate Change: 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 this REIR and the increase in greenhouse gas emissions of this project are found to exceed thresholds. ANK-05

• Impractical And Unenforceable Mitigation Measures Although there are mitigation measures discussed in this EIR for all five Class I impacts, the EIR's discussion of the measures, for the most part, makes it very clear they are not truly feasible or adequately enforceable. ANK-06

• Not Taking Into Account All The Criteria For Determining Compliance With Air Pollution Standards: An issue of great concern with the REIR is its singular reliance on emissions increase thresholds as the sole criteria for the determination of significance under CEQA. The County has identified a list of criteria that can be used as a basis for determining "significance" under CEQA. An emissions increase threshold is only one of them. ANK-07

Given that this project lies in the heart of a region where the state health standard for particulate matter is violated over 70 times per year and where the federal health standard has been violated in each of the last three years, we believe that any increase in the emissions of particulate matter at this project site violates additional ANK-08

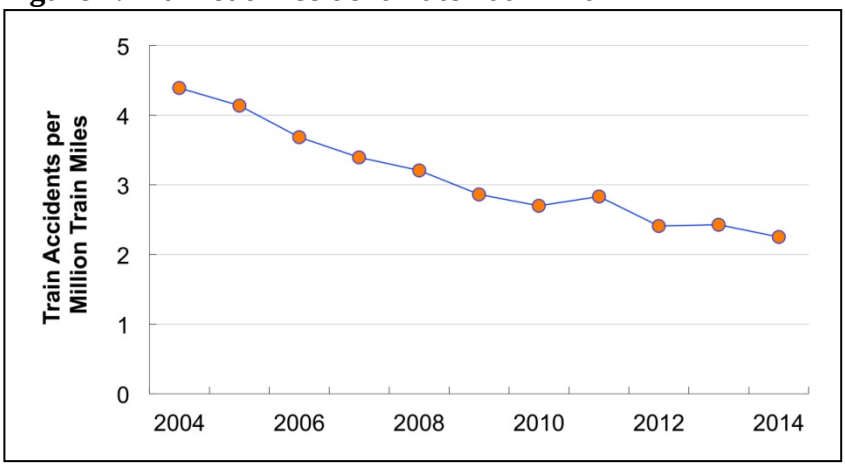
CEQA significance criteria.
Therefore, it would be unconscionable for the SLO County Planning Department to agree to the P66 Rail Terminal Project.
Sincerely,
K. Anderson
Nipomo, CA

ANK-08 cont

ANK-01	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comments just states facts about what the RDEIR says about the No Project Alternative. No further response is required.
ANK-02	The historical accidental data used in the RDEIR is not limited to trains shipping crude oil in recent years, but the long term historical train accident data for all freight. The use of data from all freight train movements nationwide provides a very robust database for estimating rail accidents and derailments. Average U.S. train derailment rates over the 5-year period 2005 – 2009 have previously been estimated using data from the U.S. Department of Transportation, Federal Railroad Administration (FRA) Rail Equipment Accident (REA) database combined with traffic data from the rail industry (Liu et al, 2014). This dataset was used to develop detailed derailment rates as a function of three factors: FRA Track Class, traffic volume (which appears to be correlated with additional maintenance above basic federal requirements) and Method of Operation (i.e., signaled or non-signaled trackage). All three of these factors have a significant effect on freight train derailment rate. These factors were used to calculate segment-specific derailment rates thereby enabling a fine grained calculation of derailment probability for any particular route. As discussed below, the overall accident rate has declined since this data was recorded and analyzed, thereby resulting in an overestimate of the present-day risk, and future risk. For example the average accident rate for the five-year period 2010-2014 was 27% lower than the average for the five-year period from 2005-2009, and the preliminary estimate of the accident rate for 2014 was 35% lower than the five-year period from 2010-2014. The reason data from 2005-2009 was used is because that dataset contained additional information that allowed for the estimated effect of FRA Track Class, Traffic Density and Method of Operation (Signaled or Unsignaled) on derailment rate. This additional granularity is needed for more precise segment-specific accident rate used in the analysis. The derailment rates calculated were based on 1,420 Class 1 railroad mainline derailments. Inclusion of a few more crude oil train derailments in recent years would have virtually no effect on the estimated rates. The suggestion that because these recent accidents were not included in our dataset somehow invalidates the results reflects a lack of understanding of the analytical technique and how it was used. The data needed for this analysis are less complete than for overall accident rate but all other things being equal, there is no reason to believe that crude oil trains derail at a rate different than other freight trains. Using what data are available and making certain assumptions, the EIR consultant conducted an analysis in 2014 and observed no significant difference in the derailment rate for crude oil trains then for other freight trains.

The railroad accident rate has been steadily trending downward for over a decade. The accident rates in the past few years were the lowest since the FRA started recording the data in the mid-1970s. In the period from 2004 to 2014 the rate declined by 49% (almost half) (see Figure 1 below). Most derailments receive little or no attention from the public or media. Railroads are required by regulation to report all accidents that exceed a certain monetary threshold in damage to track, signals and rolling stock (currently $9,600). Proper estimation of train accident rates involves analysis of all accidents, divided by the total amount of traffic. The reason that some perceive an increase in the railroad petroleum crude oil accident rate is because of the more than 50-fold increase in this traffic since 2009. Estimates are that 233,698 tank cars of crude oil were moved by rail in 2012. This increased to over 435,000 tank cars moved by rail in 2013 (the full year of data is not yet available for 2014). With this increase in crude by rail traffic, the derailment and spill probability data would suggest that multiple crude by rail accidents would happen each year.

Figure 1. Railroad Accident Rate 2004 – 2014



Data Source: US DOT Federal Railroad Administration
http://safetydata.fra.dot.gov/officeofsafety/publicsite/summary.aspx
(Data for 2014 include January through November)

Using the accident and spill probability data from the RDEIR the DEIR would have estimated that between 2012 and 2013 there would have been two to five derailments that had spills of 100 gallons or more in the U.S. Based upon the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) incident data base, there were three crude oil train derailments with spills of 100 gallons or more.

This does not contain the accident and spills that have occurred in Canada over this period since the accident and spill probability data is for mainline rails within the United States only.

The methodology for estimating crude oil unit train accidents and spill probabilities is also consistent with the methodology outlined by the American Institute of Chemical Engineers, Center for Chemical Process Safety (AIChE

	CCPS) document *Guidelines for Chemical Transportation Risk Analysis* (CCPS, 1995), which is the definitive reference on the methodology for estimating hazardous materials transportation risk. The RDEIR analysis is also in full agreement with this comment regarding the probability of future oil spills that would be associated with increased crude oil rail shipments. The RDEIR found that the risk of a crude oil train accident and spill was a significant and unavoidable (Class I) impact.
ANK-03	This comment lists the Class I impacts from the RDEIR. No further comments in required.
ANK-04	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comments just states facts about what the RDEIR says about the health risk impacts. No further response is required.
ANK-05	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comments just states facts about what the RDEIR says about the GHG and climate change. No further response is required.
ANK-06	With regard to the enforceability of the mitigation measures, the RDEIR acknowledges the possibility of Federal preemption for mitigation along the mainline rail. 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.
ANK-07	The EIR uses the air threshold that have been adopted by the SLOCAPCD and San Luis Obispo County for determining the significance of criteria and GHG pollutants. These thresholds are discussed in Section 4.3, Air Quality and Greenhouse Gases.
ANK-08	Table 4.3.2 in the RDEIR lists 60 days the State PM_{10} >50 μg/m3/24-hour standard was exceeded in 2013 at the Nipomo Monitoring Stations. The exceedance for particulate matter listed in the table are from all area sources, including the dunes, and are not from any single source such as the Phillips 66 refinery. 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.