From: Jay Bennett <jarvislbennett@gmail.com>
To: p66-railspur-comments@co.slo.ca.us
Date: 11/22/2014 02:47 PM
Subject: Fwd: Phillips 66 Proposed rail spur REIR comments

Dear Mr. Murry Wilson,

Upon reviewing the October 2014 revised EIR ("REIR") for the proposed Phillips 66 rail spur project, my conclusion is that the numerous negative effects of the project far outweigh any limited potential benefits that might accrue to the residents and economy of San Luis Obispo County. The REIR describes numerous Class 1 impacts of the proposed project, which by definition cannot be mitigated to less than significance levels (see pages IST 1-6). The Class 1 impacts of the proposed project would include toxic emissions that exceed threshold levels and the potential for degradation of surface and groundwater quality in the event of a leak or rupture from a railcar. These are in addition to the numerous Class II and III impacts, including substantial and undesirable increases in noise and light pollution (see pages IST pages 7-40, especially IST pages 8 and 31). BEJ-01

If for no other reason than the possibility of Federal pre-emption preventing the County from imposing or enforcing mitigation requirements, the County should adopt the "No Project Alternative" as described at page 5-49:

> "If the County is preempted from requiring mitigation of the impacts on the UPRR mainline track and locomotives, then the No Project Alternative would be environmentally superior since it would eliminate a Class I air impact AQ.4-Toxic Air Emissions at the SMR) and reduce the severity of five other Class I impacts as discussed above." REIR @ page 5-49 BEJ-02

None of the above is to suggest that the Phillips 66 refinery should not be allowed to continue to operate. Rather the refinery should continue to operate without the substantial change that the rail spur represents. I personally attended the Phillips 66 Open House on September 30, 2014 and was told by Phillips 66 representatives that the refinery would continue to operate in the event the rail spur was not approved and Phillips 66 continue to secure oil on the open market to be transported to the refinery as it is today (i.e. not by rail). Table 2.7 (@ page 2-35) undercuts assertions of a diminishing supply of local crude oil for refining as the basis for construction of the proposed rail spur. The table shows 11 years of crude oil production at the facility, from 2003 through 2013. The year 2013 had the fourth largest average of barrels per year throughput during the period, was over 96% of the highest reported year (2007) and exceeded the average for the period by more than five percent. BEJ-03

Increasing the profit margins of Phillips 66 at the expense of the residents of San Luis Obispo County (e.g. increased health risks and diminished quality of life) is not in the public interest. Nor does the possibility of creating 30 - 50 short-term jobs (i.e. nine months) during construction and "several possible permanent jobs" outweigh the negative aspects of the proposal. (source - http://www.phillips66.com/EN/about/our-businesses/refining-marketing/refining/santamaria/Pages/rail-project-information.aspx
).

Rather than approve a project that would bring over a half-billion gallons of oil by rail annually through the population centers of San Luis Obispo County, the County should adopt the "No Project Alternative" with regard to this proposal.

Thank you for your consideration.

Jay Bennett

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| BEJ-01 | 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 significant environmental impacts are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project. |
| BEJ-02 | 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.<br><br>The comment about adoption of 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. |
| BEJ-03 | 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 need for the project and potential adverse 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. |