November 24, 2014

Chris Brown
3135 43rd St
Sacramento, CA 95817

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 incorporate these comments in the public legal record on the Phillips 66 Rail Spur Extension Project and address them as part of the public record.

As a resident of Sacramento and the State of California, I am 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.

I ask you to reject the Phillips 66 Rail Spur Project for the reasons articulated below, all related to the dangers posed to the people and environment affected by this project. The proposed increase in oil trains will generate toxic emissions and greenhouse gas emissions that are unacceptable. In addition, they are extremely dangerous, as evidenced by the many derailments, fires, and spills that have occurred in the last few years. BRC-01

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. BRC-02

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:

- (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. BRC-03

- (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.

BRC-03 cont

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. 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 Sacramento, the trains go by and over the American River. This water body is priceless; an oil spill would have devastating consequences. Each gallon of spilled crude oil could contaminate as much as 1 million gallons of water; each DOT 111 rail car can carry up to 34,500 gallons of crude. To be adequate, the analysis of the impacts of the Phillips 66 Rail spur proposal must address all the costs and length of time to cleanup a potential spill from a train going into a river or watershed supplying water to California. The costs must include the costs to replace the water lost to such a spill over the time needed to cleanup such a spill, if cleanup is even possible. An environmental analysis which does not look at <u>all</u> these costs is insufficient.

BRC-04

California has many untrustworthy old bridges not built to carry 100 heavy tank cars regularly, such as the Carquinas 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.

BRC-05

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 occurs. The cumulative effects of the increase in oil trains through our community increases the all the threats through increased traffic on the rails, increased wear on the rails, increased chance of derailments, increased risk of collisions with people or vehicles, etc.

BRC-06

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.

BRC-07

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.

BRC-08

Even if there are no derailments or spills, the effects of the oil being transported through our communities will still cause environmental degradation. 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. 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 headed in the opposite 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. BRC-09

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! Please reject the Phillips 66 Railspur Proposal. BRC-10

Sincerely,

Chris Brown

BRC-01	The increase and potential risk from air emissions from the proposed Project is analyzed in Section 4.3 (Air Quality and Greenhouse Gases) of the RDEIR. Risks are addressed in Section 4.7 (Hazards and Hazardous Materials) of the RDEIR.
BRC-02	The increase and potential risk from air emissions from the proposed Project is analyzed in Section 4.3 (Air Quality and Greenhouse Gases) of the RDEIR. The refining of the different crude slate associated with this project would not produce different GHG emissions at the SMR than the normal range of crude oils refined at the SMR. Note that some Canadian crude oils are currently being processed at the SMR, transported by rail to Bakersfield, then by truck to the SMPS. GHG emissions are attributable to removal of the heavier ends, such as at the SMR, and associated with the cracking and formulation of lighter ends, such as gasoline, at the Rodeo Refinery. This latter activity would be within the range of normal activities at each refinery. The additional GHG emissions associated with mining the tar sands, such as steaming or excavations, would occur no matter the destination of the crude oil, whether the crude oil is destined for the SMR, or other locations within the U.S.
BRC-02	With respect to tar sands, it was acknowledged in Impact WR.3 (Section 4.13) that dilbit crudes will typically submerge in the water column and can be challenging to remediate. Water quality impacts related to a mainline railroad spill were concluded to be significant and unavoidable (Class I). The potential for explosions of dilbit crudes are discussed in Section 4.7 of the RDEIR. The RDEIR conducted consequence modeling for dilbit crudes taking into account the light ends that would be present in the crude diluent mix. The results of this modeling are provided in Table 4.7.12. The RDEIR evaluated the impacts of processing tar sands oil and the SMR. The impacts to GHG emissions from processing tar sand oil is discussing in impact AQ.6 (see Section 4.3, Air Quality and Greenhouse Gas Emissions). The SMR is somewhat unique for a refinery in California since it does not produced any finished motor grade fuels. The refinery was designed to process the heavy sour crude from the Santa Maria Basin and the Santa Barbara OCS into intermediate products (naphtha and gas oils). As such the refinery does not have any processing equipment that adds hydrogen to the heavier oil components. Many of the heavy crudes currently processed by the SMR are similar to dilbit crudes. This can be seen by reviewing the crude data provided in the Table 4.3.13 of the RDEIR. The SMR does not have processes that combust the crude so emissions of sulfur dioxide from burning of the tar sands would not be an issue. The SMR does produce petroleum coke as a byproduct of the refining process, and the air emissions associated with the storage of this coke is discussed in Section 4.3. The percentage of vacuum resid is a measure of the amount of coke that could be produced at the refinery. Coke generated at the refinery is transported from

	the refinery via truck and rail. Increasing levels of vacuum resid would result in increased trucking and rail transport from the refinery. As shown in Table 4.3.13 the expected percentage of vacuum resid would remain about the same as the current operations. Therefore, coke production would not be expected to increase over current operations with the implementation of the Rail Spur Project changes in crude. The coke produced at the SMR is stored in piles prior to being loading on to trucks or rail cars. As specified in the Memorandum of Agreement for Coke and Sulfur Storage and Handling Plan, dated May 11, 2011, the coke piles must be kept moist to prevent any dust.
BRC-03	The increase and potential risk from air emissions from the proposed Project is analyzed in Section 4.3 (Air Quality and Greenhouse Gases) of the RDEIR. Impacts are determined to be potentially significant and unavoidable both within SLOC and along the mainline.
BRC-04	The RDEIR contained an analysis of cumulative rail impacts in Section 4.7.5, Hazards and Hazardous Materials, of the RDEIR and found cumulative impacts to be Significant and Unavoidable (Class I). The RDEIR evaluated potential impacts to water resources (see RDEIR Section 4.13, Water Resources) and found potential impacts to be Significant and Unavoidable (Class I). CEQA does not require estimates of economic losses beyond determining whether or not potential impacts are significant. Given the wide variability of potential spill sizes and locations, as well as varying water costs, any estimate of potential costs would be speculative.
BRC-05	Potential worst-case water quality impacts related to a rail accident have been addressed in Impact WR.3 in Section 4.13 of the RDEIR. Individual waterways that could be affected are shown on Figures 4.13-4 through 4.13-9 and in Tables 4.13-1 and 4.13-2. Water quality impacts were concluded to be significant and unavoidable (Class I). For the route from Roseville to the SMR via Oakland 94.9% of the tack is Class 4 and 5. For the route from Roseville to the SMR via Altamont Pass 95.2% of the track is Class 4 and 5. For the route from Colton to the SMR 96.7% of the track is Class 4 and 5. Appendix H.1 provides more information on the track class for each of the possible mainline rail routes to the SMR. This is all considered high grade track. 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 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. 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).
BRC-06	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. The RDEIR contained an analysis of cumulative rail impacts in Section 4.7.5, Hazards and Hazardous Materials, of the RDEIR and found cumulative impacts to be Significant and Unavoidable (Class I).
BRC-07	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: **Class I Impact HM.2** *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.*
BRC-08	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 potential hazards and 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.
BRC-09	The increase and potential risk from GHG emissions from the proposed Project is analyzed in Section 4.3 (Air Quality and Greenhouse Gases) of the RDEIR. GHG emissions are found to be potentially significant and unavoidable.
BRC-10	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 are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.