From: Charles Davis <charlesdavis@charter.net>
To: p66-railspur-comments@co.slo.ca.us
Cc: cray@co.slo.ca.us, bgibson@co.slo.ca.us, ahjill@co.slo.ca.us, darnold@co.slo.ca.us, fmecham@co.slo.ca.us
Date: 11/25/2014 11:06 AM
Subject: Detailed Concerns Regarding the Phillips 66 Rail Terminal Project and its REIR

Murry

I have carefully evaluated the Revised Environmental Impact Report issued two months ago and hoped that this document would address and resolve many of the issues raised over the previous DEIR. The purpose of this email is to advise you of my disappointment over the quality of this new document---and specifically its failure to address meaningful, realistic and actionable measures to mitigate the many negative consequences of this project to the residents of SLO County, and those, like me, who live on the Nipomo Mesa. The Phillips 66 Rail Terminal Project presents unacceptable dangers to my community in Nipomo's Trilogy development, located within a 1/2 mile of the proposed rail spur. All aspects of this project present unacceptable threats to the health, economy and environment of our area. Please do your job and protect the citizens of our County as opposed to the welfare of Phillips 66. By copy of this email, I'm requesting that all 5 SLO county supervisors, should this project reach them, cast a negative vote against this ill-conceived and dangerous project. DAVC-01

There are many aspects of this project that are inimical to our well-being, but I would like to concentrate in this email solely on those relating to our Air Quality and Greenhouse Gases.

The original EIR recognized only two air quality impacts as “Class I” (i.e., impacts that cannot be mitigated to less than significant levels). However, in the REIR, the number of Class I impacts has more than doubled to five which are “significant and unavoidable” ...
obviously proving that the original analysis either purposely minimized these issues or was woefully inadequate in its observations.

In the new REIR, the following project impacts were classified as Class I: DAVC-02

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.

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.

• 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.

• 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. DAVC-02

• 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.

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, I believe that any increase in the emissions of particulate matter at this project site violates additional CEQA significance criteria.

In addition to all the above concerns, I have further issue with the refining of tar sands, which can lead to a host of major health problems:

1. The Arrival Of "Tar Sands" In SLO County: The Nipomo refinery's superintendent has told us that with the Rail Terminal Project, there's a good possibility they will ship in "tar sands" crude oil from Alberta, Canada. Tar sands (a "heavy" crude) has substantially higher concentrations of sulfur, copper, nickel, nitrogen, lead and benzene than are found in conventional crude. DAVC-03

2. Health Issue #1 - Higher Levels Of Sulfur Dioxide: The main danger to communities is that facilities that refine tar sands could emit significantly higher amounts of sulfur dioxide. And that could lead to chest tightness, asthma, reduced lung function, respiratory weakness and cardiovascular issues, as

well as cancer. Sulfur dioxide is especially dangerous for people who have preexisting heart and lung conditions.

3. Health Issue #2 - Increased Quantities Of Petroleum Coke: But the refining of tar sands also yields a significantly higher amount of petroleum coke, known as “petcoke.” Phillips’ Nipomo refinery already produces petcoke. And it’s left onsite as widespread, open hills of black granules and dust. This waste product can easily be blown into residential areas by onshore winds and breathed in by residents. DAVC-03

Petcoke is linked to a potential increase in heart attacks and respiratory issues.

The REIR fails to adequately address these concerns, or presents "mitigation" measures that are problematic, at best, given the pre-emption status of interstate commerce and the railroads' historic (and current) hostility to any attempt to impose or enforce state or local community health standards. That leaves us with a host of unresolved health issues without any meaningful way to address or mitigate them, under current laws and regulations. In this environment, clearly the project should and must be rejected. DAVC-04

Thank you in advance for your attention to these issues.

Charles Davis
1874 Northwood Road
Nipomo, CA 93444
(805)343-0193

DAVC-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 hazards and mitigation measures are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
DAVC-02	The original EIR addressed only emissions within SLO County. The revised EIR broke this Class I impact into two parts, emissions within SLO County (both onsite and offsite) and emissions along the mainline outside of SLO County to Roseville or Colton. The criteria for impacts related to health risk were also revised based on the fact that the state agency, OEHHA, is revising their criteria for health risks and this impact was also divided into SMR site and mainline. The GHG scope was revised to address GHG emissions along the entire route as well (to Roseville or Colton), thereby increasing GHG emissions. In combination with the preemption issue, these changes produced additional Class I impacts. Note also that some revisions to rail car handling onsite also changed the onsite emissions levels somewhat. Note that the emissions and modeling related to health risks did not change for the revised EIR, only the criteria for determining cancer impacts were revised based on revisions that were being finalized by OEHHA (although the most recent OEHHA model was used for the Final EIR. The HARP2 model was released by OEHHA after the RDEIR was released.). Chronic and acute impacts did not change, but were updated in the FEIR based upon the new HARP2 model. See Appendix B.2. GHG emissions within SLO County are the same as the original draft, but GHG emissions along the mainline outside of SLOC have been included. Mitigation measures are, by definition, technically feasible, such as the use of Tier 4 locomotives, which are being made within the U.S. However, the ability to require these mitigation measures is uncertain due to the potential for preemption. The mitigation measure to limit idling is feasible, from both a technical and a monitoring basis. UPRR has voluntary agreements with CARB to limit diesel idling in rail yards. Locomotives are equipped with the ability to monitor idling. Inspections by County staff would ensure that idling limits are complied with. The use of SLOCAPCD thresholds is supported by the SLOCAPCD in their review of the EIRs for this project. As determined by APCD studies, violations of area PM levels are due to the sand particulates from the recreation area and not from SMR operations. Health effects of diesel exhaust are quantified in the EIR using the models and

	methods defined by CARB, OEHHA and the SLOCAPCD. See Appendix B.2.
DAVC-03	The refinery already treats a wide variety of crude oil from different sources, many of which are of similar quality to tar sands. The refinery is specifically designed to treat heavy, low quality crude oil. The RDEIR examined changes in emissions associated with a change of slate, as indicated in Section 4.3.4.2, Air Quality and Greenhouse Gases, which sates " For the SMR, key crude slate parameters that could impact air emissions include the percent of BTEX, vacuum resid, sulfur and metals in the crude oil. " The BTEX was analyzed in the health risk assessment to determine the increased health risk. Increased sulfur was assessed as to the increased sulfur truck trips that would be required. None of the other components would alter the emissions at the refinery as the heavy metals would not be emitted into the air from the SMR. Note that as the API gravity would be similar, the emissions of volatile components (ROG) from fugitive emissions would be similar with the change in crude slate. BTEX levels of Canadian tar sands crude oil are similar to other heavy crude oil processed by the SMR and the RDEIR demonstrates that any increases in BTEX would generate a nominal increase in health risk. See Response to CBE-21 and CBE-23. The metals in the tar sands oil would not be volatilized at the SMR or along transportation routes and would therefore not contribute to increases in air-based health risk. The Canadian tar sands are not as "explosive" as Bakken crude oil and present similar risks to the rail transportation of heavy crudes that currently occur within California and through SLOC. The use of higher sulfur crude oils would increase the amount of sulfur produced at the SMR. This increase in sulfur and the associated truck trips are addressed in the RDEIR in Section 4.3, Air Quality and Greenhouse Gases. Emissions of sulfur dioxide are not anticipated to increase as most of the sulfur in the crude is removed as elemental sulfur and trucked from the site and the SLOCAPCD has limits on the emissions of sulfur dioxide from the refinery processing equipment. As the SMR already processes heavy crude oils, and the tar sands crude oils would have a similar proportion of heavier materials, the production of coke is not expected to change with the project. Additional information on the make up the projected crudes compared with the current crude slate at the SMR is provided in Chapter 2.0, Project Description. The increased levels of nickel, vanadium, lead and copper do not affect air emissions as none of the crude oil is combusted and none of the metals are carried over in the fuel gas. The metals would remain in the coke. Sulfur production would increase producing potentially more sulfur trucks trips, as

	discussed in the RDEIR in Section 4.12, Transportation and Circulation. 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 (SVRA), 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 SVRA 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. Air quality violations on the mesa a primarily associated with natural crustal particulates.
DAVC-04	The beginning of this comment talks about the issues raised in the previous comments, which are addressed in the responses above. 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.