To: Murry Wilson, County Environmental Coordinator
San Luis Obispo County Department of Planning and Building

RE; Recirculated Draft Environmental Impact Report
Phillips 66 Company Rail Spur Extension Project (DRC-2012-00095)

The following constitute comments regarding the proposed rail spur recirculated DEIR. They primarily serve as a rebuttal to the many dismissive, subjective assumptions in the DEIR. The format is an introduction, followed by comments on individual EIR sections, followed by separate discussion of topics which span across sections.

Introduction

Phillips 66 is asking San Luis Obispo County to allow them to bring an entirely new use to the Santa Maria Refinery, that sat by itself in the middle of agricultural fields in 1955 when it was built, but is now surrounded on two sides by golf course residential developments and homes. In addition, Phillips 66 is asking millions of citizens of California to allow them to bring approximately 2,000,000 gallons per day (approximately 27,000 gallons per car [rounded] X 80 cars, rounded), or 500,000,000 gallons per year, rounded, past homes, businesses, and environmentally sensitive areas in outdated DOT-111 tank cars . The company is asking California citizens and Nipomo Mesa residents to put up with the increased air pollution, noise, odors and significantly increased possibility of fire and/or explosion so they can take advantage their new "Crude by Rail' strategy of seeking more profitable oil sources throughout the United States, rather than relying only on local sources.

After huge public outcry, Phillips 66 was required to rewrite the original DEIR and the public was required to rewrite their comments. Many parts have been added, subtracted or moved around in the rDEIR, but it stays at least 80% the same. DUP-01

It was extremely cumbersome and time-consuming to try to determine which sections were changed. It was impossible to tell which comments were applicable and how they impacted the recirculated DEIR. This was undoubtedly done on purpose but would keep many people from slogging through the document a second time. The forty-five day comment period was inadequate considering the difficulties noted above.

There will be no comment on the Vertical Coastal Access Project as that will require an entirely new EIR. Not all sections of the EIR have comments. Passages taken directly from the DEIR are noted in red.

Aesthetics and Visual Resources

The first statement in the Executive Summary (p. ES-8) states that t"here are no significant and unavoidable (Class I) impacts to aesthetics and visual resources associated with the Rail Spur Project." It goes on to state that all impacts could be mitigated to Class II. DUP-02

This is an example of a dismissive, subjective assumption. The residents of Trilogy who will have their views impacted and everyone around who will be impacted by the increased lighting are dismissed and the photos seem to be deliberately constructed so as to minimize these impacts.

People live on the Nipomo Mesa for various reasons. Among the most important is the rural nature of the area, which includes dark night sky and the ability to see many stars and constellations, unavailable to people who live in more urban areas. The area is characterized by lack of street lights, except for Blacklake and Trilogy developments where the street lights are orange; stars are still visible. We see the light halo from Santa Maria in the distance, with small impact; Guadalupe can be seen off in the distance at Hwy. 1 and Via Concha. The light levels in the area vary, but nothing has the impact that the SMR has on the northwest Mesa. Depending on the elevation of the residence and the tree canopy near the residence, the current light impact from the SMR, both north and east of the refinery, is significant.

The project description states (2.3.9):
The security fence lighting would be on standards that are 15-feet high and spaced 500 feet apart. The unloading facility lighting would be on standards that are 25-feet high and spaced 150-feet apart. Each light would have a rating of 13,138 lumens3.

Section 4.1 (and other areas of the document) of the individual EIR sections states: DUP-02 cont
(p. 4.1-24)The perimeter of the unloading area would have floodlights on 30-foot tall poles every 300 feet on-center.
Additional lighting is proposed along the perimeter fencing around the rail spur, which would extend approximately 0.9 mile east of the unloading area. This lighting would be placed on 15-foot tall poles, and no closer than 150 feet apart around the entire perimeter of the spur.

Which is it?

A search of the entire document reveals no additional information, except a chart in the appendix on A.1-24 which indicates a rough drawing of the perimeter lighting indicating that there would be 61 poles and 132 lights, each with a brightness of 13,138 lumens, or 1,734,216 lumens total(108,400 watts)on this section alone, referred to as “Fence Lighting” in the appendix. **There is no information on the amount of light which would emanate from the unloading area.**

It may very well be that, even with downward-facing lights, these lights will protrude above any structures to the east and expose Trilogy residents and others who are higher than Hwy. 1 to significant levels of nighttime light.

In addition, there is no mention of the light from locomotive headlights as they traverse the Rail Spur for 10-12 hours at night. DUP-03

The residential areas to the north are impacted currently by lighting from SMP. The preparers totally ignored the impact to this area. Keep in mind, this is a dark area and the increase in lighting proposed for this project will impact surrounding areas much more than if this were being added in an urban area.

The above section indicates that the county is going to allow Phillips 66 to wait until the project is done to determine the impact of the lighting on surrounding areas. It is certainly subjective to assume that impacts from lighting could be anything but Class I. DUP-03 cont

If the preparer's guess about the impact of increased nighttime light is not accurate, the residents are stuck with a **Class I impact that cannot be mitigated. (AV.3)** The public needs a lighting plan sooner rather than later.

The section dealing with visual impacts glances over the problems residents in some areas of Trilogy would experience. There are no photos of areas higher in elevation in Trilogy and many homes and walking areas at the western edge higher than State Route 1 would experience the Rail Spur and its associated activities as a blight on the beautiful scenic vista. Again, for these residents, this is a **Class 1 impact that cannot be mitigated** if the Rail Spur is built.**(AV.1)** DUP-04

Other comments:

- 4.1.3(p 4.1-4)

For the purpose of this study, short-term visual impacts were considered to be those changes that would be visible for duration of five years or less.

Five years is along time to put up with a "short-term" impact. This should be six months or less. DUP-05

- 4.1.3.1 (p 4.1-5) referring to CEQA Guidelines

Substantially degrade the existing visual character or quality of the site and its surroundings. . . . The degree to which that change reflects documented community values and meets viewers' aesthetic expectations is the basis for determining levels of significance.

The significance of a visual impact is determined by viewers, not the applicant's representative. DUP-06

- 4.1.3.2 (p. 4.1-6)

County of San Luis Obispo Initial Study Checklist

Will the project:

a. Create an aesthetically incompatible site open to public view?
b. Introduce a use within a scenic view open to public view?
c. Change the visual character of an area?
d. Create glare or night lighting which may affect surrounding areas?

Yes to all. DUP-07

-(p4.1-6-7)

San Luis Obispo County Coastal Plan Policies

Chapter 4: Energy and Industrial Development Policy
1: New Facilities and Expansion of Existing SitesChapter
10: Visual and Scenic Resources The Coastal Zone Land Use Element references the California Coastal Act as follows:
30253. ... new development shall:
Policy 1: Protection of Visual and Scenic Resources Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible.

DUP-08

An earthen berm 20 feet high will only mitigate the impact for those on sections of Hwy. 1. Those residents at higher elevations will continue to have a significant impact. If the light poles within the Rail Spur are 25' to 30' high, they will be higher than the earthen berm.

-(p.4.1-8)

23.04.320 - Outdoor Lights

b. Light directed onto lot: Light sources are to be designed and adjusted to direct light away from any road or street, and away from any dwelling outside the ownership of the applicant.

c. Minimization of light intensity: No light or glare shall be transmitted or reflected in such concentration or intensity as to be detrimental or harmful to persons, or to interfere with the use of surrounding properties or streets.

DUP-09

We don't know, since there is no lighting plan.

e. Height of light fixtures: Free-standing outdoor lighting fixtures are not to exceed the height of the tallest building on the site.

The tallest building on the site is the tower, so there are no limits.

-4.1.4 (p.4.1-11)

County planning documents and previous studies relevant to the project and surrounding area were referred to for gaining an understanding of community aesthetic values.

DUP-10

The 800+ comments from affected residents and others should have been the primary reference point as they give an outstanding understanding of community values.

The five KVAs listed in Table 4.1.1 were selected to represent the extent and quality of views to the project from the surrounding area.

DUP-11

Why wasn't there a key view inside Trilogy at a higher elevation? Every KVA was a ground level, thus skewing the results of this methodology.

-4.1.5.1(p.4.1-13)

Because of this viewing distance the proposed unloading area canopy and other structures would not be readily discernible among the other existing refinery and coke processing area development. The alignment of the proposed rail spur track extension would be oriented nearly perpendicular to State Route 1, and as a result views of the tracks and trains would generally be looking down the tracks rather than seeing them from the side. This viewing orientation would lessen the visible area of the project relative to the overall viewshed as seen from key viewpoints along State Route 1.

This is one of those comments that would be laughable under other circumstances. The entire refinery is a blight on the landscape in this beautiful scenic corridor and would not be permitted today, but residents put up with it because it was here first. Stating that this project is just adding another portion to the blight is a terrible excuse to add it. Also, the view looking perpendicular to the tracks from Highway 1 would include the canopy and the unloading area.

DUP-12

-4.1.6 9 (p.4.1-15)

Viewpoints from the East

From these viewpoints the existing refinery can also be seen, although intervening topography and distance limit views of much of the ground-level operations. Where visible, the existing refinery dominates views to the northwest and creates a strong industrial visual identity.

The eastern extension of the rail spur and its associated trains would however reduce views of the open space seen in the mid-ground, an important visual contributor to the overall scenic vista, which has the potential to be a significant impact.

If the Rail Spur is built, intervening topography and distance will not overcome the new strong industrial visual identity. The view will be compromised.

DUP-13

- Figure 4.1-7(p.4.1-17)

Let's see the photo with rail yards, rail cars and locomotives in it.

It is interesting that the majority of the efforts to determine the project visibility were in uninhabited areas. The views most severely impacted were given two paragraphs! For the people most impacted, this is not the view they bought and if the Rail Spur Project is built, property values could be negatively affected.

DUP-14

- AV.3 Impact

-(p.4.1-25) The lighting proposed at the unloading facility would appear to be part of the existing coke processing area and would likely go unnoticed to the casual observer.

Does the definition of "casual observer" mean those traveling along Highway 1 at 55 mph? It certainly does not mean those living around the refinery who would have nightly impacts.

DUP-15

Since lighting is one of the most significant impacts from this project, better public information is needed. Here is what is needed, at minimum:

- A non-professional discernible figure on the number of light poles around the perimeter fence and in the unloading facility.
- Some way to see what the addition of 3,000,000 lumens (over 200,000 watts) looks like, even with Dark Sky fixtures.

Otherwise, we have no idea of the impact of the lighting. This is not something that should be left until the Lighting Evaluation Report is issued after the project is built!! DUP-16

4.1.7 (p.4.1-27) Cumulative Analysis

Although the Rail Spur Project would have an adverse effect on the open space scenic vista and character of the site, it would be part of an existing industrial facility, and would not be out of context with the existing visual character of the area. As a result, the cumulative visual impacts would be considered less than significant. DUP-17

This is another of those statements that is dismissive of the significance of the impacts. This would be a **Class I impact that cannot be mitigated.**

Air Quality and Greenhouse Gasses

Impacts which may not be mitigated due to pre-emption by Federal Law are discussed in a different section.

San Luis Obispo County is in non-compliance for Federal and State air pollution standards for PM10.

p4.3-3 The federal PM10 were not exceeded in any of these years.(referring to 2010-2012)

Contrary to the above statement, the Federal PM10 standards have been exceeded 3 times in 2012 and 2013, and again in 2014 at the CDF site, which is closest to the SMR, thus making San Luis Obispo County in non-compliance for Federal standards. The area has been in noncompliance with State standards 95 times in 2013 and 91 times year-to-date in 2014. The primary source of PM10 pollution is from the State Vehicular Recreation Area to the west, not the refinery. DUP-18

The EIR recognizes these cumulative risks:

(p.4.3-75):These additional project related emissions would be considered cumulatively significant and unavoidable since the area is in non-attainment with some of the federal and state air quality standards. DUP-19

Therefore, it is of utmost importance to make sure these PM10 levels are not further exceeded by projects that cannot fully mitigate the effects onsite. For example:

AQ-1a.e (p4.3-38): If construction or trucking companies that are awarded the bid or are subcontractors for the project do not have equipment to meet the above two measures, the impacts from the dirtier equipment shall be addressed through SLOCAPCD approved off-site or other mitigation measures; DUP-20

Additional examples of allowing off-site mitigation include AQ-1e (p.4.3-39); AQ-2a (p. 4.3-47); AQ-4 (p.4.3-62) because it requires implementation of AQ-2a; and AQ-8 (p. 4.3-74.

It is noted that several of the off-site mitigations from the first DEIR have been eliminated but, because of the existing noncompliance, no off-site mitigations should be allowed. DUP-21

Other impacts can not be fully mitigated:
(p.4.3-76):However, with the OEHHA adjustments, as the trucking impacts to cancer risk are above the SBCAPCD thresholds associated with the current/baseline operations, the cumulative health risk impact would be significant and unavoidable. DUP-22

Table 4.3.26 indicates that the following cumulative criteria pollutant and GHG emissions would exceed SLOCAPCD thresholds at the SMR (from Throughput Project EIR):

ROG+NOx Peak Day
Diesel PM10 Peak Day
ROG+NOx Annual
MTCO2E Annual

DUP-23

Several proposed Air Quality mitigations (e.g.: AQ-2, AQ-3, AQ-5, and AQ-6) would most likely be preempted by Federal law and would remain **Class i impacts that cannot be mitigated.** These will be discussed in another section.

The wind rose from the SLOAPCD shown in Figure 4.3-1(p.4.3-8) indicates that, although wind speeds are lower, winds from the East-Southeast occur 12% of the time and impact residents to the northwest of SMP. Prior to being required to reduce coke piles, fine black deposits from the SMR would routinely be deposited on hard surfaces in neighborhoods in these areas. When winds are blowing from the SSE, residents can detect petroleum odors, which may be insignificant to the average resident but present significant effects to those with asthma. DUP-24

Other comments:

- AQ-1f.m: Regarding the monitor to oversee fugitive dust emissions:
  - How is the person chosen?
  - What skill sets are required?
  - How is the person trained?
  - What qualifies him/her for being responsible for monitoring fugitive dust?

DUP-25

-AQ-2b: regarding idling time at 15 consecutive minutes:

Comparing this mitigation and the information provided in 2.5.2(p.2-26) and Appendix B - Air Emissions (p. B-18) makes it hard to imagine that this mitigation can be effected. It appears from the Appendix that total idling time for all locomotives would be 6 to 7 hours. How is it possible that a locomotive can only idle for 15 minutes consecutively when it's idling 6 to 7 out of 10-12 hours? If this is a misinterpretation of the numbers, please advise. DUP-26

-AQ-4 (p.4.3-66): With implementation of all mitigation or just the limits on locomotive idling time, the highest cancer risk at a residential or sensitive receptor with the OEHHA adjustments would be *significant and unavoidable (Class I)*.
This speaks for itself.

DUP-27

This section makes it clear that there are serious health risks to residents surrounding the project that cannot be fully mitigated. Since CEQA guidelines require that all significant impacts be reduced to insignificant, this alone makes the Rail Spur project untenable.

Geological Resources

Only one comment: the description of historical earthquakes in the region (p.4.6-3) should include the 2003 San Simeon earthquake which was strongly felt in the area of the SMR.

DUP-28

Hazards and Hazardous Materials

The summary of crude rail accidents on pp. 4.7-20 and 21, are good examples of why the proposed DOT-111 tank cars that make up the newest additions to Phillips 66 fleet cannot be allowed at the SMR, let alone through the State of California.

The Department of Transportation agrees:

On July 23, 2014 the DOT issued a notice of proposed rulemaking covering enhanced tank car standards and operational controls for high-hazard flammable trains, which include crude oil trains. As part of the proposed DOT rulemaking, the PHMSA, in coordination with the Federal Railroad Administration (FRA), is proposing: (1) new operational requirements for certain trains transporting a large volume of Class 3 flammable liquids[3]; (2) improvements in tank car standards; and (3) revision of the general requirements for offerors to ensure proper classification and characterization of mined gases and liquids. These proposed requirements are designed to lessen the frequency and consequences of train accidents/incidents (train accidents) involving certain trains transporting a large volume of flammable liquids.

[3] A flammable liquid having a flash point of not more than 141$_{o}$F, or any material in a liquid phase with a flash point at or above 100$_{o}$F, and would include crude oil.

DUP-29

The actions and new requirements by the DOT underscore the importance of disallowing the DOT-111 rail cars for use in the SMR. The County may be precluded on the mainline track until the DOT effects the new rules, but it can certainly control what goes on at SMR.

p.4.7-25: If the crude oil to be transported into the SMR could be Packing Group I: if the DOT specifies that DOT-111 tank cars are not authorized after 10/1/2017 for High-Hazard Flammable Trains, then the hazards that will be disallowed in 2017 should not be allowed in 2015 on a new project.

DUP-30

On p.4.7-63, the Residual Impacts section states:

Implementation of HM-2a would reduce the probability of a release from a rail car by about 74 percent over the rail car design that is currently proposed by the Applicant.

DUP-31

H2-a requires the DOT-117 rail cars.

So the idea that the chance of an oil spill at the SMR being a Class III impact is ludicrous! This is a **Class I impact that cannot be mitigated,(HM.2)**, but with the DOT-117 cars, the hazard can at least be reduced. DUP-31 cont

(p.4.7-42): Discussing that the most likely spill related event at the SMR would be at the pipeline connecting the unloading facility to the storage tanks, how is the total amount of containment is 273,000 gallons when there are only three containment tanks with 60,000 gallons total capacity?. DUP-32

The estimate of a worst-case spill is 90,800 gallons of crude oil. Since the containment system is only built to handle 60,000 gallons, there would be 30,800 gallons of crude laying around waiting to be cleaned up; and could result in a pool fire, or worse. DUP-33

The next section on thermal radiation states that no sensitive receptors would be impacted. This does not take into account an explosion at the SMR, which would significantly impact many of the "sensitive receptors" near the facility. How can we accept that an explosion caused by 30,800 gallons of crude on the ground would have insignificant impact? DUP-34

It is convenient that this is considered a Class III impact with no mitigation required but the potential of an explosion makes this a **Class I impact that cannot be mitigated (HM.1).** DUP-35

Mitigation HM-2 will be preempted by Federal law so will be discussed in another section. It is interesting, however, to note that one of the mitigations discussed is to require DOT-117 rail cars for the mainline. Phillips 66 got out of that requirement above by considering the possibility of a spill/explosion to be a Class III impact. DUP-36

Other comments:
-4.7.1.2 (p.4.7-15): Why are we required to look up the 2012 Throughput Increase EIR when the information cited is pertinent to this project. The portion detailing existing refinery operation, existing hazards at the SMR should have been included in the body of the EIR. DUP-37

-2.6 (Project Description) (p.2-33):
In addition, the refinery often blends crudes from multiple sources prior to processing. As the data in Table 2.6 shows, the SMR historically has processed and currently processes primarily heavy, sour crudes, although these are sometimes **blended with other lighter, sweeter crudes in small amounts.** (emphasis added)
They hoped we wouldn't notice! Common sense dictates that different classes of crude oils are not mixed within a rail car. So within the train will be cars with light sweet crude oil. Bakken oil is a light sweet crude and is the source of most of the rail explosions the last year or so. Allowing **any** light sweet crude into the refinery increases the chances for a major explosion substantially, because the flash point is 73 degrees and the boiling DUP-38

point is near 99.6 degrees F. so it is very volatile. (northdakotaoilcan.com). None of this was taken into account in any of the EIR sections. DUP-38 cont

We cannot allow **any** light,sweet crude into the refinery, no matter how profitable. If it is allowed, this would become a **ClassI impact that cannot be mitigated. (HM.3).** DUP-39

In addition, in the Project Description (2.6, p.2-31), it states:
The SMR has been processing Canadian crude for about one year. The Canadian crude processed at the SMR has been Kearl Lake dilbit crude (i.e., diluted bitumen crude), which is a heavy, high sulfur crude mixed with a diluent, which is a less viscous hydrocarbon. Canadian crude has made up 2-7% of the crude processed at the SMR. DUP-40
Is this tar sands oil from Canada? This is the dirtiest oil on the planet. Why are we allowing **any** of this in our county?

Land Use and Recreation
For the last several years, San Luis Obispo County Planners have designated the areas surrounding the SMP as desirable residential land use. As a result several golf course developments and other above-average tax base developments have increased by double-digit percentages, allowing an additional 5000 people to live on the northwest Nipomo Mesa.

The SMR was already here, was disclosed in our closing documents, and we knew we needed to live with it. And we did.

But now we are told that it is within the Land Use designations to allow a wholly new land use which will have significant impacts to our way of life and property values. DUP-41

In the South County Coastal Area Plan - Chapter 6 (Rural Area Land Use - Industrial Buffer Area around the SMR): (pp.4.8-17and 18)
The policy recognizes the potential for additional oil and gas processing facilities at this location in the future and identifies this location as potentially appropriate for such uses.
But it never anticipated that this oil would come by rail or in such volumes.

The buffer area, which is currently used to mitigate noise and pollution impacts will be reduced on Route 1 and residential areas from 1.4 miles away to .6.

Locomotives would operate in the buffer area at the SMP, which was originally designated to keep pollutants and noise within the facility. However,
The diesel particulate matter would represent a potential health hazards to the surrounding residential areas. A health risk assessment conducted as part of the air quality analysis determined that the health risk associated with the existing SMR was above the thresholds established by the SLOAPCD based upon the adjusted California Office of Environmental Health Hazard Assessment (OEHHA) methodology. With the addition of the Rail Spur Project the health risk would be above the thresholds established by the SLOAPCD. DUP-42

Implementation of the identified mitigation measures would not reduce the health risk to below the thresholds established by the SLOAPCD based upon the adjusted California Office of Environmental Health Hazard Assessment (OEHHA) methodology. Therefore, this impact could potentially be inconsistent with this policy.
Any impacts would be enhanced by wind direction and velocity. DUP-43

Although "no known expansions to the existing operations were foreseen at the time the Plan (above) was adopted":
This proposed modification is within the reasonable range of potential modifications or expansions of the refinery referred to in the policy language. Therefore, the Rail Spur Project would likely be consistent with the intent of the policy, and any remaining inconsistencies would not result in adverse physical effects on the environment due to the compatibility of the proposed use with existing uses and surrounding areas and the limited nature of the changes proposed to existing operations. DUP-44
WOW! Another dismissive, subjective assumption. Especially in light of the sentence that follows:
Due to the significant and unavoidable health risk impact, the Rail Spur Project could be inconsistent with this policy. Therefore, from a land use perspective the impacts would be significant and unavoidable.
Therefore a **Class I impact that cannot be mitigated (AV.2).**

Another incredulous statement (p. 4.8-21):
Therefore, while not introducing a new use at this location, the proposed expansion would …
Most people would agree that this is a new use because it
- allows 400 rail cars of crude oil to be brought to the SMR where nothing was brought above ground before;
-allows unloading of rail cars for 40-50 hours per week, at night;
-allows associate unmitigated noise, pollution, light and significant hazards where none or few were before. DUP-45

Another WOW(p.4.8-23):
While visual impacts may be disliked by adjacent land uses, they pose no real risk of harm other than annoyance and disturbance caused by the perceived negative visual and aesthetic effect and any resulting economic effect. DUP-46

Noise
We live in a relatively quiet area. Noises include train horns (1/2 mile away) and the trains as they cross the trestle at Black Lake Canyon (several times a day); trucks and motorcycles on Hwy. 1 (occasionally); airplanes passing overhead (distant and occasional); fire engines (significant, occasional); trash trucks on Friday; neighbors' cars driving in and out; the horns from the SMR (significant, daily); and the off-highway vehicles from the Oceano Dunes 1 1/2 miles away- by far the loudest and most obtrusive, usually on weekends and holidays. DUP-47

We also hear birds, including hawks, coyotes, frogs, dogs barking and other nature sounds, all part of the rural lifestyle.

At night it is blissfully quiet. It is most amazing to walk outside at 2 AM to see the sky full of stars and maybe waves crashing on the surf 1 1/2 miles away. This is one of the main reason we decided to live here. DUP-47 cont

We live north of Monadella and were not included in this study, in spite of the fact that we are impacted by noise.

We live where there are trees and shrubs, but not dense nor several hundred feet deep (p.4.9-3). There are no fences or other large structures to attenuate the noise. DUP-48

It is fair to say that noise carries great distances here. When the atmospherics are right, we can hear the arrival of the 7:15AM Pacific Surfliner at the Grover Beach train station at Grand Avenue and Hwy. 1, several miles away. So Figure 4.9-3 is questionable since the noise impact would span a greater area than depicted. DUP-49

Noise level impacts depend on the receptor, as stated. But they also depend on the residence location. Residents in urban areas would accept higher levels of noise. Those in quiet rural areas would not. DUP-50

So the residents of Knollwood, right across the street from the refinery, would be significantly impacted by construction noise and the nighttime rail car unloading noise.

Table 4.9.9: This gives us operational source noise levels at fifty feet. It is unimaginable that we wouldn't be able to hear 20 pumps with a 50' dBA of 81. An idling locomotive at 75 dBA would surely be heard . . .all night, five nights a week. DUP-51

Based on living in this location for several years and the fact that not all significantly impacted receptor areas were tested, it's hard to assume these noise tests are accurate. Unfortunately, we would not know until after the completion of the Rail Spur Project and the resulting noise would probably be impossible to mitigate. DUP-52

It is helpful that construction operations have time limits, but regular operations do not. The assumption that these impacts are Class II is really subjective and should very easily be a **Class I impact that cannot be mitigated (N.2).** DUP-53

Other comments:
There are significant inconsistencies in how different mitigations regarding locomotives will work together:

- AQ-2b says that locomotives are not to idle for more than 15 consecutive minutes;
- N-2a says all locomotives operating to the east of the unloading rack area between the hours of 10PM and 7AM shall be limited to a total of 100 locomotive minutes;

DUP-54

2.5.2 The Train Unloading Sequence described makes it hard to determine if either of the two mitigations above could be followed;

Appendix B: Air Emissions Locomotive Timing Calculations shows that there is no way mitigations can be effected. Total idling time for *each* of two engines is 3.08 hours; total idling time for the third engine is 1.08 hours. Are the locomotives going to be shut down every fifteen minutes and then turned right back on again? Not feasible! Total switching time for *each* of two engines is 2.58; total switching time for the third engine is 1.08 hours. That's a total idling and switching time of 13.09. One hundred locomotive minutes means 50 minutes for each of two engines. The Appendix table shows a total of 785 total locomotive minutes for each train, not counting a second train that might arrive while the first is being unloaded.

This may very likely end up a **Class I impact that cannot be mitigated (N.2).** DUP-54 cont

N-2c (p.7-23): Monitoring should include the nearest noise-sensitive receptor outside the industrial area located northeast of the SMP. DUP-55

There is no mention of the noise generated by train repairs on Track 765 (2.3.1 p.2.10,11) DUP-56

Population

4.10: While this new use will not cause a need for new housing, it is disconcerting that the residential areas northwest of the SMR were not included in the population study. DUP-57

Public Services and Utilities

Nothing we can do as a county can avoid or minimize the impact of a fire or explosion at the SMR or on the mainline tracks in the county. If we allow any light sweet crude into the facility, the chances of a major mishap increase exponentially. None of the goals of the Safety Element of the General Plan mean anything if this project is approved because our resources will be overwhelmed by the magnitude of an explosive event.

PS-3 (p.4.11-23): A single significant event at the rail unloading facility could overwhelm the first responder resources and additional emergency responders and equipment could be required. Without proper fire protection design, training, and resources the impacts of a release of crude oil or fire could have significant impacts on fire protection and emergency response services. DUP-58

4.11.1.3: Our county Hazmat team is not certified. The nearest emergency response firm resource is at least 45 minutes away in Santa Ynez and the next closest is Ventura, 1 1/2 hours away.(4.4-45) DUP-59

SB 861 brings significant improvement to the training of local first responders. But that does not change the fact that local first responders will unable to meet the challenge of an explosion/fire at the refinery or on the mainline. DUP-60

We are told that Cuesta Grade represents the county's local safety hazard site (LSHS) 4.11-24); and that for the last five years there have been no train derailments in SLO County. See the section on train derailments below. DUP-61

Any train coming from the north would have to execute the hazardous horseshoe curve which takes the tracks out to the California Men's Colony; then the Stenner Creek Tressle (built in 1894), through the middle of Cal Poly San Luis Obispo, then right into downtown San Luis Obispo. A fire or explosion anywhere along this portion of the track would affect the largest populations in the county. DUP-62

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.
Why was this mitigation **not** included in mitigation measures for PS-3? It makes less sense when applied to mainline activities and, if implemented as a mitigation for impact PS-3, would prohibit the use of the dangerous DOT-111 rail cars at the SMR. DUP-63

Phillips 66 has been purchasing a fleet of DOT-111 rail cars (advertised in its publications to residents), which do not comply with this mitigation. Since the DOT-117 complaint cars are not to start production until 2015, how is this significant mitigation to be fulfilled? Also, since this will probably be preempted, this impact becomes a **Class I mitigation which cannot be mitigated (PS.3,PS.4)**. DUP-64

p.4.11-31:Specialized, rapid and adequately staffed response is crucial to keep incidents small and minimize the impact on citizens and environmental health. Due to the unique hazards associated with the Rail Spur Project and the other oil and gas cumulative projects, and the response time for specialized teams to arrive at these facilities; it is necessary to provide additional prevention and operational staffing to aggressively plan and train for effective mitigation of incidents.
There is just no way to have localized, adequate staffing if a Casselton, ND type explosion occurred, causing 2.300 residents to be evacuated in a five-mile evacuation zone. DUP-65

Transportation and Circulation
TR.1 impact: For four months during construction, there would be 412 non-construction equipment trips per day and 1369 construction vehicle trips per day, at the peak.
p.4.12-24:The addition of peak hour construction trips would temporarily worsen traffic operations at the Willow Road/State Route 1 intersection. The westbound left turn movement (to southbound State Route 1) currently experiences high delay during the PM peak hour. . . . This is a potentially significant impact.
Class I. DUP-66

TR.3 impact(p.4.12-26): The DEIR notes that at-grade crossings (e.g. Grand Ave. and Hwy. 1 near the Grover Beach train station) would be less than significantly impacted during AM and PM peak hours, which include three hours in the morning and three at night, for six hours per day. Nowhere does it take into account the amount of traffic generated from the Oceano Dunes State Vehicular Recreation Area on this intersection on holidays, which usually include a weekday or two. Although it is only one train each peak time, the length of the train could cause major back-up issues. DUP-67

Additionally, in the Project Description (p.2-15) it is noted that there will be a steam heating system to allow SMP to heat rail cars where the oil has become too cold from delays en route (or from coming over the Sierra Nevada). This process takes 21 hours and would stop unloading while the heating occurs. Phillips 66 states that this process would be used once a year. This is an impossible prediction to make. If it occurs one time, it will back up the daily process for a day. If it occurs again the next day or day after that, then what? DUP-68

TR.4 impact: The major concern on the impact to mainlines is the impact on the Mesa outside the SMP, going north. It is stated that the unit train is 5,190 feet long (p.12-25). Yet in the Project Description, 2.5 (p.2-22) it states that each tank car would be about 90 feet long. Tank cars alone would be 7200 feet. Add three locomotives and two buffer cars would add 6X however long they are (say 6X 90); this adds an additional 450 feet for almost 7700 feet total for each unit train, not counting the space between each car. That is almost 1 1/2 miles long! Not the one mile they would like us to believe! Conclusions in the document relating to train length are all based on this erroneous information. Thus the concern about passing trains on the Mesa:

- Is the siding at the refinery long enough to handle a 1 1/2 mile (approximately 7700 foot) train?(2.3.2, p.2-11)
- Is the length of the new Rail Spur track (described on p.2-5 as 6,915 feet) adequate to handle one entire unit train of tank cars (7,200 feet), plus a potential second train of 80 tank cars at 7,200 feet? DUP-69
- Is there a siding outside the SMP to the north which can allow the unit train, once outside the SMP, to allow Amtrak trains to pass?
- In the event a second train arrives while the first train is still at the SMP, the unloaded unit train will leave the SMP shortly after the loaded train arrives. There are currently six Amtrak trains per day passing the refinery, starting at 7:15 AM and ending about 8PM, assuming they are on time. It is hard to believe the unit trains will not impact the Amtrak trains.
- On p.4.12-31 there is a description of the mainline sidings that would not be long enough for the unit train, currently stated as six out of eighteen from SMR to Moorpark. Considering the erroneous information noted above, what impact would a 7,700 foot train have on the on time performance of Amtrak trains between the SMP and Moorpark? The size of the train alone would have a significant impact.
- No mitigations were required since this impact would be deemed less than significant. With the corrected train length, could this make the impact significant?

p.4.12-35: If the 40-mph for all areas rule is implemented, it has the potential to impact OTP for the passenger trains that that travel through long stretches of urban areas, such as portions of the Coast Line in Santa Barbara, San Luis Obispo, etc. However, this speed restriction would only apply to crude oil trains with tank cars that would not meet the enhanced tank car specifications proposed by the rule. As such, the extent that this speed limit would apply is speculative, and the extent of the potential impact, if any, is unknown. DUP-70

The tank cars referenced are the ones Phillips 66 wants to use for the project, so the unit trains' speeds would be restricted to 40 mph with a significant impact on passenger trains.

If implemented and PS4.b is not, this would become a **Class I impact which cannot be mitigated(TR.4).** DUP-70 cont

And, p.4.12-41: The multiple siding extensions appear to be needed to accommodate the UPRR operating plan for longer future freight trains (9,000 feet)… DUP-71
As if we didn't have enough problems!

As noted above, any train coming from or going north from the SMR has to pass over the Stenner Creek Trestle and many other bridges. Contra Costa Times, 9/12/14 states:
'… neither the state nor federal government has a list of railroad bridges for California,,,The safety of California's thousands of railroad bridges --key conduits that carry people and hazardous materials over environmentally sensitive ecosystems and near urban areas -- is left up to rail-line owners and a single federal inspector who splits his time among 11 states." DUP-72

Water Resources
p. 4.13-23: ...large spills such as from unloading facility equipment, rail cars, or the oil pipeline, could potentially spread to local drainages and/or groundwater and could degrade water quality, with potential long-term impacts to beneficial uses and biological resources. Although the potential for oil spills currently exists at the SMR, the Rail Spur Project increases the potential for leaks or spills, and associated water quality impacts, due to operation of the unloading facility and associated pipeline.
The mitigation calls for SMR to upgrade its spill response plan. Since the most likely spill related event would be at the pipeline, as discussed before, 30,800 gallons of crude would not be contained by the system in a worst case scenario and would be available to contaminate groundwater. (See Hazardous Material above.) In addition, if sweet light crude is allowed on the property, it increases the possibility for a catastrophic explosion. This may become a **Class I impact that cannot be mitigated (WR.2)**. DUP-73

Alternatives Analysis
Not all alternatives are discussed. DUP-74

5.1.1 No Project Alternative
Under the No Project Alternative, it is possible that crude oil shipments via truck to the Santa Maria Pump Station (SMPS) could increase. Crude oil shipments via truck to the SMPS have averaged about 6,800 barrels per day. This could increase to 26,000 barrels per day, which is the current permitted Santa Barbara County APCD limit.
While this is not as much as the average 37,142 bbls/day that would be received at SMR, it would alleviate a whole host of environmental impacts to residential areas and continue to allow crude to be sent to the SMR via pipeline. DUP-75

5.1.2.1 Truck Transportation
There is no question that rail is more economical and efficient than truck as a means of delivering most anything, including oil. The idea of trucking crude via truck directly to the SMR is untenable, in part because Willow Road passes exclusively through agricultural and residential areas on its way to the SMP and the idea of 195 added trips per day in DUP-76

and 195 trips per day with the associated air pollution, noise, traffic congestion boggles the mind. (Also see 5.2.2) DUP-76 cont

Additionally, continuing the use of the Santa Maria Pump Station is the only one that makes sense. All others have significant reasons why they can not be expanded. DUP-77

5.2.3 Marine Transportation
The California Coastal Commission would never allow a crude oil unloading pier adjacent to the State Park. DUP-78

Since the Trucking to the SMPS Alternative seems to have the least net impact, the Alternative Screening Tables 5.1 and 5.2 need to be revisited as they don't compare the impacts of the alternatives for the area surrounding the SMP to the impacts at the offsite locations:

-Aesthetics and Visual: Since the SMPS is surrounded by agricultural operations and is not near any scenic roads., the impact to the area around the SMPS would be minimal and the impact around the SMP would be 0.

-Air Quality: While net air quality would be negatively impacted, this alternative would switch the impacts from an area that is already in noncompliance for State and Federal air quality standards to a sparsely populated area with no such noncompliance. The affected sensitive receptors would be significantly reduced.

-Biological Resources: While oil spills for truck accidents could potentially occur more frequently, there is no comparison to the damage that could be done by an 80 tank car unit train.

-Hazards and Hazardous Materials: If the impacts of a spill from a single truck, traveling through mostly sparsely populated areas (except, of course the last few miles on Hwy. 101 through Santa Maria if coming from Hwy. 166) are significant, they are infinitesimally smaller than the impact from trains traveling through major population centers and for almost the length of California. This is not meant to dismiss the discussion of cancer risks associated with truck on the freeway in Santa Maria (p.5.28). DUP-79

-Noise and Vibration: The SMPS is not near any major concentrations of sensitive receptors so there would be few noise impacts. The major impact would be an increase in freeway noise through Santa Maria. The impact to sensitive receptors around the SMP would be significantly less.

-Public Services and Utilities: The chances for a train derailment and/or major fire or explosion would be substantially reduced at the SMR and throughout California. While any resulting fire/explosion from a truck accident is not insignificant, the impact would not strain our police, fire and Hazmat resources nearly to the extent if the Rail Spur Project were approved.

-Transportation and Circulation: This alternative would add a 390 one-way truck trips per day (assuming seven days per week) to the local roads in the city of Santa Maria. This would likely have a significant impact to a number of intersections particularly during peak hours.
This description would have us believe that there would be major impacts to many local roads in the town. While it would certainly impact the freeway offramp intersections at

either Stowell Road or Betteravia, the rest of the town roads would not be impacted by the truck deliveries.

-Water Resources: Here again, the wording is misrepresenting the situation. There is an increased chance of trucks having accidents over trains derailing. But the impact one train derailment or spill is so much greater than any number of truck accidents. So the impact is significantly less with trucks. DUP-80

With this alternative, almost all impacts would be reduced to Class III.

5.3.3 Reduced Rail Deliveries

For all the charts and verbiage, the impact on most issue areas would be reduced by 40% if rail deliveries were confined to three days a week. For some, such as impacts on at-ground rail crossing, it would be reduced further. The chance of two trains being an site at once is almost 0. DUP-81

Table 5.2 regarding the impacts of reduced rail deliveries is disingenuous at best. Almost every column should read -, because if there are fewer trains there are fewer impacts. Even Aesthetics and Visual would be less because the number of times trains would be active and lights would be on is 40% less. The one exception would be the construction period, which would be the same whether trains came three days a week or five. DUP-82

Topics That Span Across issues

In the process of writing this rebuttal, it became apparent that there were several topics that would be better handled separately, since they apply to several different issues discussed in this DEIR.

Area Train Derailments

The number 1/126 was used frequently to determine the probability of a train accident occurring. A review of the internet and other noted publications tells us the following:

The first railroad was completed in 1876 when San Luis Obispo was joined to San Luis Obispo Bay. Although Southern Pacific Railroad came into San Luis Obispo in 1894, the line from the south which would join the southern part of California to the north was not completed until 1901. (Rice and Echeverria “Rails of California’s Central Coast”,2008, p. 69).

- There was a train derailment on the grade coming down from the Mesa to the Arroyo Grande Valley at the turn of the twentieth century. There is no citing on this. DUP-83

- October 2, 1915: The Lark passenger train derailed on the Cuesta Grade killing 1 and injuring 8. (The San Luis Obispo Daily Telegram, October 2. 2015)

- May 10-11, 1959: The northbound and southbound Lark passenger trains collided on the Cuesta Grade, derailing both trains, ripping out 700 feet of track. There were five injuries and no deaths. (Telegram-Tribune. May 11, 1959)

- September 25, 1969: A derailment in Tunnel 7 on the Cuesta Grade caused 5 deaths. (http://www.trainwacko.com)

- August 10, 1986: A train carrying isobutane derailed in Grover City (now Grover Beach). One-third of the residents of Grover City had to be evacuated to Arroyo Grande High School. A fireman at the scene told the reporter to stay away: 'If the flames did not kill you, the blast wave, radiant heat, and oxygen starvation would." (Telegram-Tribune, August 11, 1986)

DUP-83 cont

- 1996: A Southern Pacific train derailed on the Cuesta Grade. It was considered a "string line" derailment. (http://www.trainwacko.com)

- September 10, 2007: A train carrying auto parts and beer derailed in Guadalupe. Nearby residents were evacuated, train traffic was cancelled both directions, and the Highway 166 rail crossing in Guadalupe was blocked for a few hours. (Santa Maria Times, September 11, 2007)

Class i impacts That Cannot Be Mitigated

The recirculated DEIR lists 11 impacts that remain significant and unavoidable if the Rail Spur Project is built:

- Ⓟ AR.5 Agricultural impacts in case of derailment.
- AQ.2 Operations at the SMP generate pollutant emissions that exceed SLOCAPCD thresholds.
- Ⓟ AQ.3 Mainline operations generate pollutant emissions that exceed thresholds along the mainline.
- AQ.4 Operations at the SMP generate toxic emissions that exceed SLOCAPCD thresholds.
- Ⓟ AQ.5 Mainline operations generate toxic emissions that exceed thresholds.
- AQ.6 Operations at the SMP would generate greenhouse gas emissions.
- Ⓟ BIO.11 Mainline operations result in an oil spill that impacts sensitive plant and wildlife species and wetlands.
- ⓅR.6 Mainline operations result in derailment and/or spill which disturbs cultural resources.
- Ⓟ HM.2 Train derailment would result in oil spill that impacts public.
- Ⓟ PS.4 Mainline operations increase demand for fire protection and emergency response.
- Ⓟ WR.3 Rupture or leak from rail car on mainline degrades surface and groundwater quality.

DUP-84

In addition, this analysis shows many other Class I impacts would or could occur if other assumptions are made:

- AV.1 Rail Spur Project reduces scenic views from residences and public spaces.
- AV.2 Rail Spur Project is inconsistent with SLO Land Use visibility goals.
- AV.3 Substantial new source of light and glare.
- HM.1 Increased risk of fires/explosions at SMR
- HM.3 Changing types of crude oil processed would increase risk.*
- N.2 SMR operations increase in noise levels would impact nearby residents.

PS.3 Increased demand for fire protections and emergency service response at SMR.
Ⓟ TR.4 Unit trains could impact performance of Amtrak.**
WR.2 Rupture or leak from SMR operations degrades groundwater quality.

Ⓟ refers to the mitigation being preempted by Federal law.
* if Phillips 66 is allowed to bring sweet light crudes to SMP.
** Using the revised train length of 7700 feet.

DUP-84 cont

Off-site Mitigations

While off-site mitigations are a useful tool for some impacts, the impacts from the Rail Spur Project mostly affect localized populations, whether it is the residents around the SMP, or denser areas adjacent to the mainlines. Thus, off-site impacts should not be allowed for the Rail Spur Project because to do so would put these populations at greater risk. That is not the goal of most planners in most jurisdictions.

DUP-85

Following is a partial list of impacts that list off-site mitigations as a way or the only way to mitigate the impact; or the mitigations is not clear:

AQ-1a.e
AQ-1d (if "other measures" includes off-site mitigations [osm])
AQ-1f.c (If SLOCAPCD-approved alternative method includes osm)
AQ-2a, AQ-4
AQ-3, AQ-5 (if emission reductions include osm)
AQ-8

It is interesting to note that the off-site mitigations above all deal with Air Quality. In an area that is already in non-compliance with Federal and State air quality standards, using the off-site mitigation process to allow full mitigation is unconscionable. If the Rail Spur Project cannot mitigate all the air quality impacts on-site, it cannot be built!

DUP-86

Preemption

While the subject of Federal law preemption was discussed in the previous DEIR, there are many more references to it in the recirculated DEIR. It becomes obvious that any mitigation which would lessen an impact on the mainline tracks or on trains on the mainline tracks would be preempted by Federal law. This means the County and State can do nothing to lessen the impact, except to prepare for it. This increases the significant impacts considerably.

DUP-87

Policy Consistency Analysis

This is a section that can be skipped if the reader is not interested in general plans/land use issues. But the analysis is so flawed that this section had to be added. The SMR would not be an allowed land use if it were proposed today, not just because of County policies, but because the California Coastal Commission would never approve it. Many of the comments that say something like "since industrial development is allowed here, we can add to it" have to be ignored.

DUP-88

4.8.1.2 The Project Site is within a Coastal Appealable Zone, which means the project can be appealed to the California Coastal Commission. DUP-89

4.8.2.2(p.4.8-11) **Coastal Zone Land Use Ordinance**

The CZLUO, Title 23 of the County Code, regulates land use in a manner that seeks to encourage and support the orderly development and beneficial use of lands within the county, minimize the effects on the public from such development, and protect and enhance the significant natural, historic, archaeological and scenic resources within the county. DUP-90

This project does none of these things.

(p.4.8-13)**Land Use Ordinance**

The County LUO, Title 22 of the County Code, ...ordinance regulations are in place to minimize adverse effects on the public resulting from land use and development, as well as to protect and enhance the significant natural, historic, archeological, and scenic resources within the county as identified by the County General Plan. DUP-91

Same as above.

Appendix G

The following attempts to analyze whether the Rail Spur Project is consistent with San Luis Obispo County General Plan policies from residents' perspective. This follows Table G-1 starting on p.G-2. Abbreviations are used: PC for Potentially Consistent; PI for Potentially Inconsistent. Not all Goals are noted and only differences in analysis are noted for the most part.

San Luis Obispo General Plan

Strategic Growth Goal 1:

Preserve open space, scenic natural beauty and natural resources. Conserve energy resources. Protect agricultural land and resources.

DEIR - PC. The Rail Spur Project presents a new use for an area that to now has received crude oil only by pipeline. It is also an incompatible use for an area that has become primarily upscale residential. This is not a modification of an existing industrial use, but a new use that would cause air pollution, noise, odors, obstruct scenic vistas and substantially increase the potential for oil spills, fire/explosion. In addition, the project endangers agricultural lands and resources adjacent to the mainline. The probability of rail accidents in SLO County is listed as 1/126. See section on Train Derailments to see the actual rail derailments in the county since 1901. This project is inconsistent with this Goal. PI DUP-92

Strategic Growth Goal 2:

Strengthen and direct development toward existing and strategically planned communities.

DEIR - PC. Over the years the county planners have encouraged upscale residential development near the SMP, which are considered existing planned communities. PI DUP-93

Chapter 8: Public Works Policy 1: Availability of Service Capacity b.The proposed development reflects that it is an environmentally preferable alternative.
DEIR- PC. There are other more environmentally preferable alternatives, such as the No Project Alternative or the Trucking to SMPC. PI

DUP-94

Chapter 10: Visual and Scenic Resources Policy 1: Protection of Visual and Scenic Resources Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible.
DEIR-PC. A 200 foot berm as mitigation will not help those who are at higher elevations than Hwy. 1. PI

DUP-95

Conservation and Open Space Element Chapter 5: Energy Implementation Strategy E 7.1.1 Non-Renewable Energy facility design, siting, and operation standards.23) Encourage existing and proposed energy facilities to prevent oil, gas, and other toxic releases into the environment by: (1) taking measures to prevent releases and spills, (2) preparing for responding to a spill or release, and (3) providing for the protection of sensitive resources. A review of facilities spill response plans or reports from other agencies should be completed to monitor compliance.
DEIR-PC. The entire DEIR significantly underestimates the potential for spill/fire/ explosion. If sweet light crudes in any amount are allowed, the potential for disaster is magnified exponentially. PI

DUP-96

Chapter 9: Visual Resources ***Goal VR 1: The natural and agricultural landscape will continue to be the dominant view in rural parts of the county.Goal VR 2: The natural and historical character and identity of rural areas will be protected.***
DEIR-PC. A 200 foot berm used as a mitigation measure will not mitigate the view for those living at higher elevations than Hwy. 1. In addition, tank cars and locomotives will significantly impact the character and identity of the area. PI.

DUP-97

(***Goal VR 4: Protect visual resources within visual sensitive resource areas (SRAs) for scenic corridors.***
Could the county work to make this area and Hwy. 1 through this area a Sensitive Resource Area?)

DUP-98

Goal VR 7: Views of the night sky and its constellations of stars with be maintained.
DEIR-PC. The additional lighting we know little about would significantly increase nighttime light pollution. PI!

DUP-99

Noise Element Goal 1. To protect the residents of San Luis Obispo County from the harmful and annoying effects of exposure to excessive noise. **Goal 3.**To preserve the tranquility of residential areas by preventing the encroachment of noise-producing uses.
DEIR-PC. The noise analysis failed to take into account various areas north of the SMP, as well as the distance noise travels, especially at night, in this rural area. Sound carries

DUP-100

long distances on the Nipomo Mesa because there are few structures or plants to attenuate it. PI. DUP-100 cont

Goal 5.
To avoid or reduce noise impacts through site planning and project design, giving second preference to the use of noise barriers and/or structural modifications to buildings containing noise-sensitive land uses. **Policy 3.3.1**
The noise standards in this chapter represent maximum acceptable noise levels. New development should minimize noise exposure and noise generation.
DEIR-PC. These analyses use the same flawed methods as above. PI DUP-101

23.04.210 - Visual Resources
e. **General Visual Standards for Coastal Development.** Notwithstanding subsections (a)-(d) above, all development requiring a coastal development permit must be consistent with the requirements of Coastal Plan Visual and Scenic Resource Policies 1-11 as applicable.
DEIR-PC. As stated before in the Aesthetics and Visual Section, this project would interfere with views from Hwy. 1 and residences at higher elevation than Hwy. PI DUP-102

23.04.320 - Outdoor Lights:b **Light directed onto lot:** Light sources are to be designed and adjusted to direct light away from any road or street, and away from any dwelling outside the ownership of the applicant. c. **Minimization of light intensity:** No light or glare shall be transmitted or reflected in such concentration or intensity as to be detrimental or harmful to persons, or to interfere with the use of surrounding properties or streets.
DEIR-PC. There is no lighting plan but from the little that is known from the DEIR, the lighting will glare off trains and hard surfaces and be inconsistent with the dark sky nature of the area. PI DUP-103

23.05.086 - Fire Safety Standards.
In areas where fire protection is provided by the San Luis Obispo County Fire Department/ California Department of Forestry and Fire Protection, new uses shall comply with applicable provisions of the Uniform Fire Code, 1988 Edition, or such later edition as adopted by an ordinance of San Luis Obispo County. In areas where fire protection is provided by another official agency (e.g., a community services district, etc.), new uses shall comply with such fire safety standards as required by the fire protection agency.
DEIR-PC. While the project may meet standards, there is no way these standards are set for a major fire/explosion/oil spill. PI DUP-104

23.06.044 - Exterior Noise Level Standards:a. No person shall create any noise or allow the creation of any noise at any location within the unincorporated areas of the county on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level when measured at any of the preceding noise- sensitive land uses situated in either the incorporated or unincorporated areas to exceed the noise level standards in the following table. DUP-105

DEIR: PC. The noise testing did not include several areas where sensitive receptors dwell, nor did it adequately make allowances for the way noise carries in the area due to lack of attenuating elements. PI

DUP-105 cont

23.06.084 - Odors:
Any non-agricultural land use conducted in, or within one-half mile of an urban or village reserve line is to be so operated as not to emit matter causing noxious odors which are perceptible at the points of determination…
DEIR-PC. We already smell petroleum odors depending on wind direction. It is not going to get better with this project. PI

DUP-106

Chapter 6: Land Use *A. Rural Area Land Use* Industrial The large industrial area west and south of Highway 1 is currently occupied by the Santa Maria Oil Refinery (operated by Union Oil Company of California) and the Santa Maria Chemical Plant operated by the Union Chemical Division, Carbon Group. These uses occupy only a portion of the total area, and the large vacant areas provide a desirable buffer from adjacent uses and an area where wind-carried pollutants can be deposited on-site, thereby not affecting neighboring properties. This is particularly important to the agricultural uses in the Santa Maria Valley. Any proposed modification or expansion of the refinery and coke ovens should be subject to Development Plan approval covering the entire property to designate buildable and open space areas. **No major expansion or alterations to these operations are envisioned at this time.** (Emphasis added)
DEIR-PI

DUP-107

Chapter 8: Planning Area Standards *A. South County Rural Area Standards* INDUSTRIAL: Union Oil
The following standards apply to the large industrial area west and south of Highway 1 currently occupied by the Santa Maria Oil Refinery and the Santa Maria chemical plant. (LCP) **2. Limiitation on Use.** All uses are prohibited except petroleum refining and related industries (including partial oil and gas processing and related industries); coastal accessways; water wells and impoundments; and pipelines and power transmissions.
DEIR-PC. Nowhere does it say that a rail yard use is included. PI
and
5.**Air Pollutions Standards.** Any expansion or modification of existing petroleum processing or transportation facilities or the construction of new facilities shall meet San Luis Obispo County Air Pollution District (APCD) standards. (LCP)
DEIR.PC. It doesn't. PI

DUP-108

Jobs
I have met some of the people who work at Phillips 66 SMP. They are dedicated neighbors who work hard at what they do. They take pride in their community and do extensive volunteer work. But the employees are not the corporation. Phillips 66 has a right to run their business the way they see fit, until it starts causing major impacts to the surrounding community. There are other ways to increase production at the SMP and take advantage of more-profitable crude than to build a railroad station in our back yard!

DUP-109

While the creation of jobs is very important in any area, it has in some cases become a catchword for justification of the item being proposed. We cannot allow the need for jobs at SMR to override the needs of the surrounding community. DUP-109 cont

Refinery Throughput

In 2013, then Conoco Phillips requested and received a 10% increase in throughput. The total throughput was 13,724,829 in 2012; in 2013 it was 15,196,669, an 11% increase over the prior year. The Project Description notes (p.2-31) that 2-7% of the increase is Canadian crude oil (tar sands oil?).

The Rail Spur Project proposes that 49,670-53,532 barrels per day (bpd)of crude oil be delivered, 5 days per week. Averaging out over 7 days per week brings the average bpd down to 35,478-38,237 bbl, which they note is less than permitted capacity. But what about all that oil that is currently being processed? Is it more expensive, so will be sent somewhere else? It seems that from environmental and safety standpoints, the tradeoff is not justifiable. DUP-110

Summary

In this recirculated DEIR, Phillips 66 is trying to fit a square peg into a round hole.They have tried to smooth out the sharp edges, tried to make it seem like it fits when it does not. It is not good for the environment or the communities surrounding it. It is not good for the communities alongside the mainline track. It just will not work!

They are trying to put a rail yard smack in the middle of an area that is primarily residential, agricultural and recreational. The industrial portions of the area are there by virtue of the fact that they preceded the planning process. It is an egregious violation of the planning process to attempt to place a new industrial use there now.

There are 11 Class I impacts that cannot be mitigated, according to the DEIR. There are 9 additional impacts that should or could be Class I which cannot be mitigated, depending on which analysis and assumptions are used. Nine of the 20 impacts are preempted by Federal law. DUP-111

Whether a project is potentially consistent or inconsistent with County Ordinances, goals, policies, implementation strategies or standards seems to be subject to interpretation (and maybe who is paying the bill). The DEIR finds that this project is inconsistent with 3 goals, 5 policies, and 4 implementation strategies. This interpretation has the project inconsistent with 2 ordinances, 7 goals, 4 policies, 1 implementation strategy, and 7 standards, in addition to what was disclosed in the DEIR.

The entire EIR process is mandated by the California Environmental Quality Act. CEQA guidelines require that all significant environmental impacts (Class I) be reduced to an acceptable level. The Rail Spur Project fails this criteria.

The only people who can avert this disaster are our County Planning Commissioners and our elected County Supervisors. The best interest of county residents would be served by recognizing that there are better alternatives to accomplish what the DEIR requests. Please put county residents first! DUP-111 cont

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DUP-01	Based upon the number of comments received on the original DEIR and the fact that the County decided to expand the mainline rail analysis beyond San Luis Obispo County a decision was made to reissue an entire new RDEIR. The County determined that a 45-day comment period was adequate for the RDEIR. The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse (CEQA Guidelines Section 15105(a)). The remainder of the comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. No further response is required.
DUP-02	The Project Description, Visual Section, and Preliminary Lighting Plans (Appendix A) of the RDEIR have been revised so the descriptions of the proposed lights are consistent. The Visual Section has been changed to read: ”New outdoor lighting is proposed throughout the project. The unloading area would have 70 floodlights placed or mounted under the canopy. Forty of these lights would be directed toward the railcars and placed 60 feet apart, with 8,238 Lumens each. Thirty of these canopy lights would be directed to the walkway area and would be placed 20 feet apart, with 5,856 Lumens each. Two additional lights on 20-foot poles would be focused on the Meter area and Drain Tanks. The lights associated with the unloading area would be used on an as-needed basis, when trains are being unloaded. This could occur at night between dusk and dawn, since trains could arrive at any hour. Trains would be on site approximately 10 to 12 hours, and unloading would last approximately 8 hours per train. Additional lighting is proposed along the perimeter fencing around the rail spur, which would extend approximately 0.9 mile east of the unloading area. This lighting would be placed on 15-foot tall poles, at 500 feet apart around the entire perimeter of the spur. Two floodlights would be placed on each pole, at 18,955 Lumens each. These security lights are proposed to remain on only when a train is at the refinery.”
DUP-03 through DUP-17	Impact A.4 states: “Visibility of headlights and other operational and safety lights from trains on the rail spur would create a new source of light and glare which would adversely affect nighttime views in the area.”, and further says “Due to safety requirements, train engines and other equipment operating at nighttime on the rail spur would have headlights and other lights turned on for an undetermined length of time. Because of the generally east-west orientation of the rail spur tracks, lights from train engines moving the tanker cars around would potentially be a highly visible new source of light and glare as seen from public viewpoints to the east.”. The RDEIR also finds that the required

	mitigation measures would reduce this potential impact to a less then significant level. Section 4.1.5.3 specifically mentions views from the north as follows: "The project would not be visible from public roadways north of refinery. Although Sheridan Road, Gasoline Alley Way and other roadways in this area are relatively close to the existing refinery, the adjacent landform blocks views to the south. The upper portions of the refinery can be seen from much of this area, but the Rail Spur Project would not be visible". The project proposes to the construct the unloading facility and rail spur tracks adjacent to the southern slopes of a natural landform ridge. This adjacent landform rises to elevations ranging from approximately 120 to 145 feet above sea level. The proposed rail spur tracks are proposed at an elevation of approximately 94 feet above sea level, which would be as much as 55 feet lower than the landform to the north. As a result, views of the unloading facility and railroad spur from the north and the northeast would be substantially blocked. The RDEIR acknowledges visibility of new night lights from the surrounding areas and identifies substantial mitigation measures to minimize any potentially adverse effects. At the unloading facility all lights would be mounted under the proposed canopy. Forty of these canopy lights would be placed 60-feet apart, and 30 of them would be 20-feet apart. Lighting for the rail spur would only be for perimeter fencing security purposes and would be placed on 15-foot tall poles, 500 feet apart. The project proposes to the construct the unloading facility and rail spur tracks adjacent to the southern slopes of a natural landform ridge. This adjacent landform rises to elevations ranging from approximately 120 to 145 feet above sea level. The proposed rail spur tracks are proposed at an elevation of approximately 94 feet above sea level, which would be as much as 55 feet lower than the landform to the north. As a result, views of the unloading facility and railroad spur from the north and the northeast would be substantially blocked. In addition, the eastern segment of the rail spur tracks, closest to Highway 1, are proposed to be constructed in an excavated area maintaining the approximately 94-foot elevation while the adjacent ground rises up eastward, resulting in the easternmost end of the tracks being approximately 20 feet below the surrounding natural terrain. This elevation difference, along with the required 10 to 20-foot tall mitigation berm, would combine for an approximately 30 to 40-foot tall earthen visual screen around the eastern end of the railroad spur. This berm height in combination with the natural ridge to the north will help reduce visibility of the project and associated night lighting for viewpoints from the east. The lighting associated with the unloading facility would be viewed at a distance of approximately 1.5 miles or more from viewpoints east of Highway 1, and would be seen in the context of the Santa Maria Refinery immediately to the north. In addition the unloading facility proposes a covered canopy over the

	majority of the area, which would decrease light-trespass. Similar to the lack of visibility of the existing Santa Maria Refinery's illuminated ground-plane, intervening topography would block views of the illuminated ground-plane of the unloading facility as seen from Highway 1 and the residential areas to the east. Although the unloading facility lights would introduce light into a new area, with applied mitigation measures they would not appear out of place given the relatively close proximity to the existing refinery and coke processing facility, which emits high levels of industrial lighting throughout the night, every night of the year. In addition to the applicant-proposed lighting features such as downward-directed lights with fully shielded lenses, the RDEIR requires substantial mitigation measures that will minimize lighting impacts. Mitigation measures include that the lighting plan be based on a photometric study prepared by a qualified engineer who is an active member of the Illuminating Engineering Society of North America (IESNA), using guidance and best practices endorsed by the International Dark Sky Association. Mitigation measures preclude illumination of adjacent slopes, prohibit placement of perimeter lights (which as previously described would be 15-feet tall) east of the screening berm (which as previously described would be 10 to 20- feet tall), and require the use of motion detectors rather than being continuously on. Importantly, following project completion the RDEIR requires the preparation of a Lighting Evaluation Report for review and approval by the County Department of Planning and Building prepared by a qualified lighting engineer not involved in the design of the original lighting plan. The Lighting Evaluation Report will conduct a comprehensive evaluation of in-place lighting, under all expected circumstances, and will require correction of any unexpected or residual lighting impacts based on direct observation of the completed project. The air quality mitigation that would limit rail car unloading from between 7 A.M. and 7 P.M. would also serve to reduce the nighttime lighting impacts to less than significant. 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 views 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 definition of short-term impacts as being five years or less is commonly used in EIRs throughout the state, and is a duration used in recently approved oil-related project EIRs in San Luis Obispo County. Significance of visual resources is based on an analysis of the proposed physical change combined with expected viewer response to those changes. Expected viewer response is based on a variety of consideration including applicable visual policy, numbers of viewers, viewing distance and angle, duration of views, viewer activity, and context and other factors. "Casual observer" as used in the RDEIR is defined as members of the general public who would have potential views of the project. The RDEIR Aesthetics section considers all public viewpoints surrounding the project. The project location was directly viewed and analyzed from all representative public viewing areas. The analysis, potential impacts and mitigation measures identified in the RDEIR Aesthetic section consider all potential viewpoints.
DUP-18	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.
DUP-19	The EIR determines that cumulative air quality impacts are potentially significant. See Section 4.3 (Air Quality and Greenhouse Gases).
DUP-20	Particulate emissions in the area and exceedances of the PM standards are not a result of diesel combustion or construction activities. See Response to DUP-18.
DUP-21	Particulate emissions in the area and exceedances of the PM standards are not a result of diesel combustion or construction activities. See Response to DUP-18. Offsite reductions would be for NO_x and ROC, not for particulates.
DUP-22	The EIR provides full disclosure under CEQA that emissions of toxic materials would present significant and unavoidable impacts.
DUP-23	The EIR provides full disclosure under CEQA that cumulative emissions would present significant and unavoidable impacts.
DUP-24	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. Odors were determined to be a significant issue in the Throughput EIR and mitigation was proposed to reduce the odor incidence. The Rail Spur Project is not anticipated to exacerbate odor issues.
DUP-25	As noted in Section 4.3 (Air Quality and Greenhouse Gases), Mitigation Measure AQ-1f would be overseen by SLO County Planning and Building, County Health, and SLOCAPCD. These agencies would ensure that the fugitive dust monitor has the appropriate qualifications to meet the requirements of the mitigation monitor.
DUP-26	For the idling mitigation, the Propose Project assumes that the locomotive moves a set of tank cars after they have unloaded and are empty, and then waits until the next set of 10 tanks cars has unloaded. During this waiting period, it is assumed that the locomotive sits and idles. For the mitigated case, the maximum idle time between tank car movements is assumed to be 15 minutes. Note that the total idle time onsite is longer than 15 minutes, but that the 15 minute idle restriction is for the allowed idle time between locomotive activities. This reduces the total onsite idling time (for all three locomotives) to 7.2 locomotive-hours from 18.9 locomotive-hours, a substantial reduction. See

	the air appendix for a listing of the locomotive timing.
DUP-27	Even with mitigation, impacts from toxic pollutants would be above the thresholds and would be significant. See Appendix B.2.
DUP-28	Text regarding the San Simeon earthquake has been added to Section 4.6 of the EIR.
DUP-29 and DUP-30	As noted in the RDEIR, the current DOT-111 tank cars have serious safety deficiencies that can lead to an unacceptable spill rate in the event of a train derailment. As a result, the RDEIR specifically included mitigation measure HM-2a, which requires only rail cars designed to Option 1: PHMSA and FRA Designed Tank Car as listed in Table 4.7.6, shall be allowed to unload crude oil at the Santa Maria Refinery. Even with the improved rail cars, the RDEIR found that the risk of a crude oil train accident and spill was considered a Significant and Unavoidable (Class I) impact.
DUP-31	The RDEIR specifically included mitigation measure HM-2a, which requires only rail cars designed to Option 1: PHMSA and FRA Designed Tank Car as listed in Table 4.7.6, shall be allowed to unload crude oil at the Santa Maria Refinery. Option 1 is the most stringent tank car design identified in the DOT proposed rule making. Even with the improved rail cars, the RDEIR found that the risk of a crude oil train accident and spill was considered a Significant and Unavoidable (Class I).
DUP-32	The total capacity of the oil spill containment system would be about 273,000 gallons (<u>this includes the drain boxes, curbed area, pipelines and storage tanks</u>). The containment system has been designed to move any spilled oil away from the rail cars and into the 60,000 gallon storage tanks. The loss of a loading hose could result in a maximum spill of about 27,300 gallons of crude oil (the capacity of one rail car). Therefore, this system would effectively control spills that would from the loading operations.
DUP-33	As noted in the previous response, the total capacity of the oil spill containment system would be about 273,000 gallons. The maximum spill volume from a catastrophic rupture of the pipeline between the unloading facility and refinery crude oil storage tanks would be approximately 90,800 gallons. This spill would be contained within the containment systems drain boxes, curbed area, pipelines and storage tanks that have a total capacity of approximately 273,000.
DUP-34	The largest hazard zones from an oil spill at the refinery from a spill at the rail unloading facility would be the thermal hazards associated with a pool fire of burning crude. Heavy crude oil does not emit sufficient flammable vapors to cause a large explosion with hazards greater than the hazards associated with a large spill and pool fire. Since spilled crude oil is diverted away from the rail unloading facility, there would not be sufficient heat to cause an explosion of

	an adjacent full tank car.
DUP-35	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. With the new fire protection system in place and additional firefighting capabilities that have been proposed by Phillips 66 and those required in the RDEIR, the probability of an explosion related to the rail unloading facility is highly unlikely and of a very small magnitude if one were to occur at all.
DUP-36	The Class III designation for potential rail unloading accidents within the refinery has nothing to do with the type of rail cars being recommended as mitigation in the RDEIR. Mainline rail accidents (Impact HM.2 in Section 4.7, Hazards and Hazardous Materials) are considered Significant and Unavoidable (Class I). As a result, the RDEIR specifically included mitigation measure HM-2a, which requires only rail cars designed to Option 1: PHMSA and FRA Designed Tank Car as listed in Table 4.7.6, shall be allowed to unload crude oil at the Santa Maria Refinery. Even with the improved rail cars, the RDEIR found that the risk of a crude oil train accident and spill was considered a Significant and Unavoidable (Class I). Therefore, the RDEIR, by requiring Option 1 of the PHMSA and FRA Designed Tank Car, is proposing that Phillips 66 use the safest tank car design that is currently available.
DUP-37	CEQA allows for the incorporation by reference of pertinent information from

	other documents. If all information from other documents, such as the 2012, Phillips 66 Santa Maria Refinery Throughput Increase Project, the size of the RDEIR would be prohibitive.
DUP-38	The EIR did not address light sweet crudes since the crudes that Phillips 66 provided as typical for the rail project only included heavy sour crudes as shown in Table 2.6 (Chapter 2.0, Project Description). As discussed in the Project Description, the SMR is designed to handle heavy sour crudes. While the SMR can handle small quantities of light crude, via blending with heaver crudes, the SMR is not designed to process large quantities of light sweet crude such that would be delivered to the refinery via a unit train. A new mitigation measure (HM-2d) in the Hazards and Hazardous Materials (Section 4.7) has been added that would ban the rail unloading of crudes with an API Gravity of 30° or greater, which would cover light crudes.
DUP-39	A new mitigation measure (HM-2d) in the Hazards and Hazardous Materials (Section 4.7) has been added that would ban the rail unloading of crudes with an API Gravity of 30° or greater, which would cover light crudes.
DUP-40	Yes the Kearl Like dilbit crude is from Canada and is considered tar sand oil. The County does not have any conditions in the existing permits for the SMR that limit what crude oils can be delivered to the refinery via pipeline. The Kearl Lake dilbit crude is delivered to the Santa Maria Pump Station in Santa Barbra County by truck and then is moved by pipeline to the SMR.
DUP-41	The Project's potential incompatibility with adjacent land uses is discussed in Section 4.8, Land Use and Recreation, of the RDEIR. Whether the South County Coastal Area Plan anticipated future transport of crude by rail to the SMR does not relate to any specific effects on the environment, and the Project's consistency with the policies contained in the South County Coastal Area Plan is analyzed in Appendix G of the RDEIR. No changes or additions to the analysis in the RDEIR are necessary. The comment has been included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
DUP-42	The RDEIR identified a significant and unavoidable land use impact associated with the increased health risk that would result from increased diesel particulate matter emissions associated with the Project. The comment does not object to or recommend changes in the evaluation of this impact in the RDEIR; therefore, no revisions or additional analysis is necessary. The comment has been included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
DUP-43	The RDEIR identified a significant and unavoidable land use impact associated with the increased health risk that would result from increased diesel particulate matter emissions associated with the Project. Wind direction and velocity affect

	distribution and migration of airborne emissions, as discussed in Section 4.3, Air Quality and Greenhouse Gases, of the RDEIR.
DUP-44	Whether the proposed Rail Spur Project was envisioned in the South County Coastal Area Plan as a potential future expansion at the SMR does not relate to a specific environmental effect of the Project. The Project's consistency with the South County Coastal Area Plan is discussed in Appendix G and Section 4.8, Land Use and Recreation, of the RDEIR. The comment does not identify potential environmental effects not already discussed and analyzed in the RDEIR; therefore, no revisions or additional analysis is necessary.
DUP-45	Because the loading and transport of processed coke product and crude oil currently occurs on-site and along the UPRR mainline through the Project Site, the Rail Spur Project would not constitute a new or substantially different use of the site. Although it would represent new industrial operations not currently taking place at the site, the Project proposes heavy industrial refining uses and transport of product in an industrial area that has historically supported heavy industrial operations and transport of product. Although the Rail Spur Project would result in potential adverse effects above those that currently exist at the site as identified in the RDEIR (i.e., increased noise, air emissions, lighting, hazards), these effects do not mean the project would constitute a new or substantially different land use.
DUP-46	Section 4.8 of the RDEIR discusses potential land use incompatibilities (i.e., visual) that would result from the Project, but also clarifies that 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. Visual effects of the Rail Spur Project are addressed in Section 4.1 of the RDEIR. To also constitute a significant effect based on land use incompatibility, Section 4.8 clarified that the visual effect would need to result in some additional adverse effect above those discussed in Section 4.1, such as health risks, public safety issues, or the inability to sleep, relax, or enjoy the full use of one's property. Views of the proposed Project, although potentially considered adverse and incompatible with surrounding uses, would not result in any significant health risk, public safety issue, or inability to enjoy the full use of one's property. Therefore, no additional significant land use impact would occur.
DUP-47	Baseline noise measurements were taken at different locations, including the area around Montadella (associated with the Throughput EIR noise baseline monitoring). See Table 4.9.5. Baseline noise measurements include existing noise sources, such as passing trains, vehicles, traffic, etc.
DUP-48	The description on page 4.9-3 is addressing the impact that trees and shrubs would have on noise attenuation, not specifically describing the existence of trees of shrubs for receptors around the SMR. Actual attenuation was taken

	into account through the baseline noise measurements.
DUP-49	Figure 4.9-3 does not depict the areas where sound can be heard, only the areas where noise levels from the activities are produced at given levels. Noise can be heard a great distance, but this does not mean that the noise levels would exceed any given threshold, or would produce a disturbance that would wake someone up or be considered an annoyance.
DUP-50	The difference in receptor locations is the reason that the EIR utilized two thresholds: one based on the existing code and one based on an allowable noise increase. Many locations that are rural would comply with the first criteria, yet because the baseline noise levels are low the increase in noise over the baseline would be substantial and would exceed the second criteria. In general, the second criteria is harder to achieve in rural areas, as was seen in the EIR.
DUP-51	As indicated in response to comment DUP-49, the EIR does not indicate that these noises would not be heard, only that they would be below the thresholds of either the code requirements or an increase. Noise attenuates over distances and with the inclusion of mitigation measures to reduce noise levels through the use of quieter pumps or barriers, noise levels would be reduced substantially.
DUP-52	Noise impacts rely on the use of in-field testing and the use of computer models. Mitigation measures are included to require the monitoring of noise levels if the project is implemented. Additional mitigation measures could be implemented if needed; including limitations on operating hours (see mitigation measure N-2c).
DUP-53	The conclusion that noise levels during operational activities, particularly rail movements at night, was based on a comprehensive noise assessment, including in-field monitoring of actual rail activities, and a detailed assessment of rail activities as proposed by the Applicant is not subjective. Mitigation measure N-2c requires monitoring with the option for additional time limits on activities if noise levels exceed the County Thresholds.
DUP-54	The locomotives would be turned off and on to limit idling to 15 minutes at any one period. This is a feasible activity as it is currently done in rail yards across California as part of the voluntary agreement between CARB and the rail companies. Note that the 100 minute limit is for activities east of the loading area only, which is the area that is closest to receptors.
DUP-55	Mitigation measure N-2c requires " a monitoring location located at the property line of the nearest noise-sensitive receptor".
DUP-56	The main purpose of the “bad order track” is to hold tank cars that have crude oil that does not meet the require specifications. With regard to rail car and locomotive repairs, the SMR facilities do not have the equipment or operations to conduct major repairs to rail cars and locomotives. If a rail care or

	locomotive broke down and needed repair UPRR would have to move them to one of its rail yard facilities. Mitigation has been added to the FEIR to ensure that any minor car or locomotive repairs occur only during daylight hours (refer to mitigation measure N-2a), when background noise levels are higher and noise from rail spur activities has less of an impact. Note also that UPRR may do minor car and locomotive repairs along the existing siding near the SMR for any trains currently being transported by UPRR, so a degree of repairs are already a part of the baseline noise environment.
DUP-57	The Population and Housing section considered the conditions and potential for impacts to population and housing within the entire unincorporated County. Where more specific data was available (i.e., for the Nipomo Mesa area, or official Census-designated places [Callender-Garrett, Woodlands, Palo Mesa, and Black Lake]), that information was also set out in the section. As discussed under Section 4.10.3 of the Population and Housing section, the Rail Spur Project would not induce substantial population growth in the area, displace any housing or people requiring the need for replacement housing elsewhere, or create the need for substantial new housing in the area. Therefore, the Project would not result in significant impacts on population and housing in the project vicinity, including residential areas northwest of the SMR. Because no direct impacts on residences, and no significant indirect impacts on any residential uses were identified, no further analysis of any specific residences or residential areas was necessary
DUP-58	Most crude oils contain some level of flammable natural gas liquids (NGLs). NGLs are typically composed of hydrocarbons from ethane (C2) to pentane (C5) The issue of unstabilized crude has been an issue for light crude such as Bakken. A new mitigation measure (HM-2d) in the Hazards and Hazardous Materials (Section 4.7) has been added that would ban the rail unloading of crudes with an API Gravity of 30° or greater, which would cover light crudes. Bakken crude can contain about 23% pentane and lighter natural gas liquids, were as the crudes evaluated in the RDEIR for use at the SMR would contain about eight to nine percent pentane and lighter natural gas liquids. The mitigation measure that eliminates the delivery of light crude to the SMR would serve to limit the amount of light hydrocarbon in the crude. As indicated in the RDEIR Section 4.11 (Public Services and Utilities), given the complexity of the SMR and the unique hazards, the refinery maintains a fire brigade and a designated Fire Department Liaison. The fire brigade is staffed 24-hours per day, 365-days per year with a minimum of eight people. All members of the fire brigade undergo yearly training and conduct regular response drills. Some of these response drills are conducted with Cal Fire staff.

	The RDEIR contains mitigation measures PS-3a through PS-3i (see Section 4.11, Public Services and Utilities) to ensure that the SMR Fire Brigade and the Cal Fire resource are sufficient before the project proceeds. These 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 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. These extensive requirements would reduce the impacts of the rail spur project on fire resources at the SMR to less than significant with mitigation (Class II).
DUP-59	As indicated in the RDEIR Section 4.11, given the complexity of the SMR and the unique hazards, the refinery maintains a fire brigade and a designated Fire Department Liaison. The fire brigade is staffed 24-hours per day, 365-days per year with a minimum of eight people. The SLO County Hazmat team is a multi-agency team including San Luis Obispo City, Arroyo Grande Fire, Paso Robles City, Atascadero Fire, San Luis Obispo County Environmental Health, and the California Men's Colony. The County Hazmat teams responsibilities include responding to chemical, biological, and radiological accidents in addition to special training on equipment and procedures for use in responding to hazardous situations and would be available to respond to an emergency at the SMR. Mitigation measures PS-3g though PS-3i (see Section 4.11, Public Services and Utilities) include training requirements that would enhance the response capabilities of both the SMR fire brigade Cal Fire, and other local fire department personnel.
DUP-60	The EIR indicates, in impact PS.4 (see Section 4.11, Public Service and Utilities), that it is not certain that implementation of the various regulations would address all of the mitigation measures identified in the RDEIR. In addition, the County may be preempted by Federal law from implementing mitigation measures PS-4a through PS-4e, and oil spills impacts to fire protection and emergency response services along the UPRR mainline tracks would be significant and unavoidable (Class I).
DUP-61	As indicated in Section 4.11 (Public Service and Utilities) for the three rail routes between Roseville/Colton and the SMR, only one LSHS would be used, which is Cuesta Grade in San Luis Obispo County. Over the past five years (2009-2013), California experienced a total of 58 derailments at or near Local Safety Hazard Sites (LSHS). None of these derailments have occurred on or

	near the Cuesta Grade (CPUC 2014). In San Luis Obispo County, the Cuesta Grade represents an area where a runaway train could occur. A runaway train coming down the Cuesta Grade could result in spills of crude oil and associated fires. The Rail Spur Project would use two additional locomotives (for a total of five locomotives) on the crude oil unit train for crossing the Cuesta Grade. These two additional locomotives would be added to the train at Santa Margarita and removed from the train in the City of San Luis Obispo once the train had crossed the Cuesta Grade. These additional locomotives would help to assure that the train can safely traverse the Cuesta Grade. The probability of a crude oil train release incident is discussed in the Section 4.7, Hazardous and Hazardous Materials, the impacts of a potential crude oil accident as found to be significant and unavoidable (Class I).
DUP-62	The probability of a crude oil train release incident is discussed in the Hazardous and Hazardous Materials Section (Section 4.7). Section 4.7 addresses the populations along the mainline routes for each segment, including Cal Poly SLO. Impacts associated a potential crude oil accident as found to be significant and unavoidable (Class I).
DUP-63	Mitigation measures related to impact PS.3 (see Section 4.11, Public Services and Utilities) are related to emergencies that occur at the SMR facility. New rail car design features, such as those included in the Option 1: PHMSA and FRA Designed Tank Car design (PS.4b) are principally designed to reduce the probability of a spill given a derailment along the mainline tracks. The use of the Option 1 design would have minimal risk reductions when the cars are parked within the SMR facility and this mitigation measure was therefore not included in PS.3. As discussed in Impact PS.4 (see Section 4.7 Hazards and Hazardous Materials) the low speed the trains would be moving at the SMR (3 mph) it is unlikely that a tank car could be impacted enough to result in a spill. The estimated shell and head puncture velocity of the tank car design proposed for use by the Applicant are 8.3 and 10.3 miles per hour respectively. Impact PS.4 addresses impacts related to travel of trains along the mainline, where derailments would occur, and the requirement to utilize Option 1 rail cars was therefore included in impact PS.4.
DUP-64	The EIR indicates, in impact PS.4 (see Section 4.11, Public Services and Utilities), that it is not certain that implementation of the various regulations would address all of the mitigation measures. In addition, the County may be preempted by Federal law from implementing mitigation measures PS-4a through PS-4e, and oil spills impacts to fire protection and emergency response services along the UPRR mainline tracks would be significant and unavoidable (Class I). The use of Option 1 rail cars would have minimal effect on the risks associated with impact at the SMR (see Response DUP-63).

DUP-65	As per Section 4.11, Public Service and Utilities, for cumulative impacts, the County may be preempted by Federal law from implementing the mitigation measures as they require particular contractual provisions that might be determined to improperly impact interstate commerce or conflict with the Interstate Commerce Commission Termination Act (ICCTA), which preempts state laws with respect to rail transportation. Therefore, the cumulative impacts to fire protection and emergency services along these three stretches of mainline track would be considered significant and unavoidable (Class I). Note that the Casselton, ND, rail accident was related to the transportation of Bakken-type crude oil. A new mitigation measure (HM-2d) in the Hazards and Hazardous Materials (Section 4.7) has been added that would ban the rail unloading of crudes with an API Gravity of 30° or greater, which would cover all light crudes including Bakken.
DUP-66	This comment just states what is in the text of the RDEIR regarding construction traffic impacts to the Willow Road/ Highway 1 intersection. Mitigation measure TR-1 (see Section 4.12, Transportation and Circulation) would require a traffic management plan that would among other things limit project traffic to and from the SMR during the peak AM and PM hours. Implementation of this mitigation measure would reduce traffic impacts along Willow Road and Highway 1 to less than significant levels with mitigation (Class II) impact.
DUP-67	The analysis for at-grade crossings in Section 4.12, Transportation and Circulation, would apply to the crossing in Grover Beach that services the Oceano Dunes State Vehicular Recreation Area. Under normal operations, only one train would cross this at-grade crossing during the AM and PM hours The delay would be between 2.2 and 3.2 minutes. While traffic would back up, during this time, the duration of the delay would be limited. In addition, this at-grade crossing experiences similar delays associated with the existing one to two freight trains per day that are moving on the Coast Line. For the proposed project trains there is a 4.9% probability that a train would cross this intersection during the peak weekend hours (Saturday and Sunday 10 AM till 4 PM). (This is based upon 250 trains per year and the time a crude oil train could cross an intersection is the same over a 24-hour period.) Given the limited number of trains and the low probability of a train crossing during the peak hours the impact would be less than significant.
DUP-68	Phillips 66 has stated that heating of a rail car would only occur one per year. If the proposed project is approved, then this limit on heating would be a condition of approval since it is part of the project description.
DUP-69	As shown in Appendix A of the RDEIR each of the 80 tank cars and two buffer cars would be 60 feet long, and the three locomotives would be 90 feet long. This would make the total train length 5,190 feet (82*60+90*3=5,190), not 1.5 miles as stated in the comment. The text in the Project Description (Chapter 2.0) has been corrected. The information on sidings presented in Section 4.12,

	Transportation and Circulation, is correct and was based on a train length of 5,190 feet. As shown in Figure 2-4 (Chapter 2.0, Project Description) the track lengths at the SMR are long enough to handle a unit train with a length of 5,190 feet. The metrics used for the on-time performance of passenger trains is directly from the Federal Railroad Administration. The actual departure time is only for the origin station, which is the station where the rail route begins. This data was used to be consistent with the requirement of the Federal Railroad Administration for determining on-time performance of passenger trains. The Federal Railroad Administration's 80% goal for on-time arrival is calculated based upon the actual departure time from the originating station. This approach was used to allow for comparison to the Federal Railroad Administration's on-time goal. As shown in Table 4.12.5 (see Section 4.12, Transportation and Circulation) the baseline on-time performance of the Coast Starlight and Pacific Surfliner at the end point has been 80 percent or greater between April 2011 and March 2014. For the Pacific Surfliner the on-time performance at all stations has been greater than 85 percent over the same period. The all station on-time performance of the Coast Starlight has been only 61.2 percent over the same period. The significance criteria used in the analysis was "decrease the performance of public rail transit facilities to less than an 80% on-time performance at the end station, which is the acceptable level of service established by the Federal Railroad Administration for Amtrak trains." (see Section 4.12.3). As discuss in the RDEIR, the FRA quarterly reports show that for the period between April 2011 and March 2014 that about 20% of the delay minutes for the Pacific Surliner were on UPRR track. The remaining 80% occurred on BNSF, SCRRA, and SDNRR track (21% was on SCRRA track in Los Angeles, 29% was on BNSF track in Los Angeles/Orange Counties, and 30% was on SDNRR track in San Diego). As can be seen in Figure 4.12-4 50% of the track miles for the Pacific Surfliner are on UPRR track, 27% are on SCRRA track, 6% is on BNSF track, and 17% is on SDNRR track. This data would tend to indicate that travel on the UPRR mainline track is not the major cause of delay for the Pacific Surfliner, which is the track that would be used to deliver crude to the SMR. A conservative assumption would be to assume that the addition of the crude oil unit train to this portion of the Coast Line would double the delay times associated with FTI, RTE, and DSR for the Coast Starlight on this section of the route. Based upon this assumption, the delay minutes would increase from about 0.5% to 1% for the entire Coast Starlight route between San Diego and San Luis Obispo based upon the delay minutes provided by the FRA in the quarterly Amtrak performance reports. An analysis of the FRA quarterly Amtrak performance reports from April 2011

	through March 2014 for the Pacific Surfliner shows that increasing delay minutes typically results in a decrease in the OTP at the train endpoint. While the data is not linear, in the vicinity of the average for the period stated above, an increase of 102 delay minutes per 10,000 train miles would decrease the OTP at the end station by about 1%. A 0.5% increase in delay minutes due to the crude oil trains would increase the average delay minutes per 10,000 train miles by about 26 minutes, which is small enough that it would not be expected to affect the end point OTP of the Pacific Surfliner.
DUP-70	The final DOT rule was issued in May 2015. The provisions of the final rule are discussed in Section 4.7.5, Hazards and Hazardous Materials. The final rule restricts all High Hazardous Flammable Trains to a speed of 50-mph, and 40-mph in high-threat urban areas if the tank cars do not meet the tank car standards. The high-treat urban areas are Sacramento, the Bay Area, and the Los Angeles Basin. As discussed in Section 4.12, Transportation and Circulation, In the urban areas, freight trains typically do not exceed 40-mph, but speed can be higher in rural areas. The LOSSAN 2010 Strategic Plan used a freight train speed of 30-mph for determining practical daily track capacity of rail lines within the Los Angeles Basin. For the Pacific Surfliner the average speed is 40-mph in the northbound direction and 36-mph in the southbound direction between Los Angeles and Santa Barbara. Between Santa Barbara and San Luis Obispo the average speed is 44 mph in the northbound direction and 51 mph in the southbound direction. For the Capital Corridor the speed between Oakland and San Jose averages 40 mph in the eastbound direction and 34 mph in the westbound direction. The speed between Auburn and Sacramento averages 33 mph in both directions. (Caltrans 2013). The final rule would not limit speeds outside high-urban threat areas to 40 mph. Therefore, the cited text would not apply. The text in Section 4.12, Transportation and Circulation has been modified based upon the requirements in the final DOT rule.
DUP-71	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comment just talks about future UPRR siding needs. No further response is required.
DUP-72	The FRA is also responsible for conducting inspections of rail lines and bridges throughout the United States. However, they have a limited number of inspectors. In July 2010, new federal rules on railroad bridge safety standards were issued (49 CFR Parts 213 and 237). The bridge safety standards final rule requires the railroad companies that own the bridges to: • Implement bridge management programs that include at minimum annual inspections of railroad bridges, • Conduct special inspections if the weather or other conditions warrant such inspections,

	• Maintain an inventory of all railroad bridges and know their safe load capacities, • Maintain design documents and to document all repairs, modifications, and inspections of each bridge, • Ensure bridge engineers, inspectors and supervisors must meet minimum qualifications, • Make sure bridge inspections are conducted under the direct supervision of a designated railroad bridge inspector, and • Conduct internal audits of bridge management programs and inspections. To maximize safety and security when moving crude oil, UPRR has implemented additional measures that include: • Using the Rail Corridor Risk Management System (RCRMS) routing protocol for trains carrying 20 or more crude oil cars to determine the safest and most secure routes. The RCRMS is an analytical tool developed in conjunction with the Department of Homeland Security (DHS) and the FRA. This tool takes into account 27 risk factors to assess rail route safety and security. • Requiring trains carrying 20 or more crude oil cars that include at least one older DOT-111 tank car not to exceed 40 miles per hour in the 46 designated high-threat-urban areas (HTUA) established by Federal regulations. This reduces by 10 miles per hour Union Pacific's current self-imposed speed limit. This reduced train speed reduces the kinetic energy that contributes to tank car breeches in accident. • Evaluating where the railroad may need to install additional advanced track-side detectors. • Increased emergency response training and tuition assistance to include a specialized crude by rail curriculum at the industry's Transportation Technology Center, Inc. (TTCI) facility in Pueblo, Colorado. • Creating a comprehensive emergency response resources inventory. • Use of distributed power or two-way telemetry end-of-train devices for enhanced braking on trains that carry 20 or more carloads of crude oil (UPRR 2014a). In addition, UPRR has a track inspection program for their rail lines in California that exceeds the current Federal requirements. The UPRR inspection program includes the following: • Tracks in California are visually inspected twice a week with "hi-rail pickup trucks to identify any broken rails or issues with track surface condition. • Special inspections are performed during and after storm events and

	earthquakes. • UPRR conducted track geometry tests of their mainline tracks at least twice per year. These tests provide information on the condition of the track, track alignment, curve wear, clearance in tunnels and bridges, track profile, etc. These inspections also include collecting video of the track, which can be used to further assess track conditions. • UPRR also tests their mainline rails in California every three to six months using a rail detector system, which uses ultrasonic sound waves to search the tracks for any internal issues. This is a key technology that helps to prevent broken rail derailments. UPRR also has a capital track maintenance project in California that covers the replacement and upgrading of track. In the last five years UPRR has replaced over two million railroad ties and 452 miles of rail line in California (UPRR, 2014b). UPRR also has a bridge inspection program that complies with 49 CFR Part 237-Bridge Safety Standards. This program is used to ensure the structural integrity of bridges, culverts, and tunnels. All bridges are inspected between one and three times per year. In the last five years, UPRR has upgraded 70 bridges in California (UPRR, 2014b).
DUP-73	As indicated in Impact WR.2, In the unlikely event that a spill got outside the perimeter of the unloading facility it would be generally be confined to the Project Site, as there are limited hydrologic connections between the Project Site and Little Oso Flaco Creek, located south of the Rail Spur Project Site (see discussion in WR.1). As indicated in Impact WR.2, the most likely spill related event would be a release during the unloading process due to a loading line failure. The unloading racks are equipped with oil spill drain boxes which would feed below-grade 16-inch-diameter drain lines routed to three parallel 20,000 gallon rectangular storage tanks located in a vault for containment. The total capacity of the containment system would be about 273,000 gallons (this includes the drain boxes, curbed area, pipelines and storage tanks). The containment system has been designed to move any spilled oil away from the rail cars and into the 60,000 gallon storage tanks. The loss of a loading hose could result in a maximum spill of about 27,300 gallons of crude oil (the capacity of one rail car). This system would effectively control spills from the loading operations. Downstream of the two unloading facility meter assemblies, a new 24-inch above ground pipeline would be routed along an existing internal dirt road on the Phillips 66 property between the unloading facility and the refinery. This pipeline would connect with the existing refinery crude oil storage tanks. The route for this pipeline is shown in Project Description Figure 2-3, and is approximately 3,525 feet in length. This dirt road accommodates periodic on-

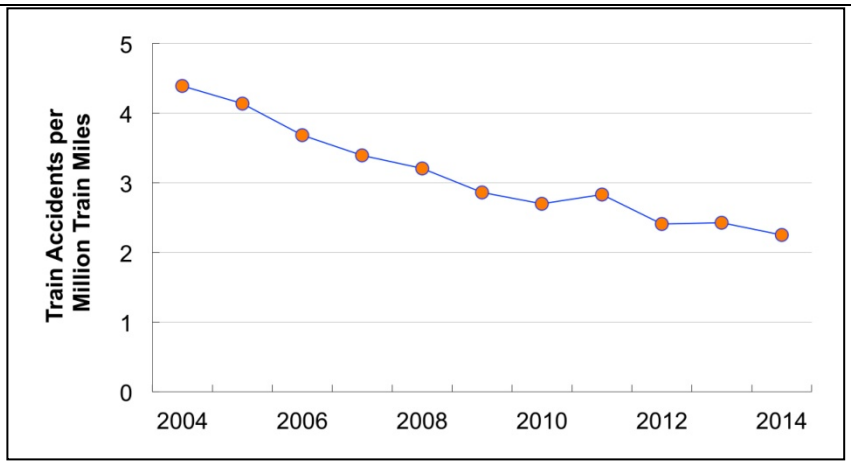
	site traffic only associated with refinery personnel traveling at low-speeds. Although some of the more toxic components of oil, e.g., volatile organic compounds would be lost rapidly due to aeration (i.e., volatilization) oil spills could have significant, long-term impacts to onsite surface waters and shallow groundwater quality if they were not cleaned up quickly as onsite soils are generally unconsolidated and permeable and groundwater locally occurs at relatively shallow depths. Impacts are not considered Class II because of the limited hydrologic connection to the creek and the onsite location of the pipeline, the design of the oil containment system, and layout of the rail facility, which would all serve to limit oil spills from traveling outside of the project area. Also, given that the pipeline is onsite, is in close proximity to the unloading facilities, and would only be in operation when the unloading area is manned, the time required to respond to a spill would be decrease, which would increase the ability to quickly contain and remediate any spill.
DUP-74	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comment just states not all alternatives are discussed, but provides no further details. No further response is required.
DUP-75	As discussed in Section 5.4.1 (Chapter 5.0, Alternatives) the No Project Alternative would eliminate one of the Class I Impacts associated with the proposed Rail Spur Project and reduce the severity of three other Class I impacts. The No Project Alternative would eliminate the environmental impacts of the Rail Spur Project in the vicinity of the residential areas around the SMR, it would increase the environmental impacts to other residential areas in the San Joaquin Valley and along Highway 166 and the City of Santa Maria.
DUP-76	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comment just states that trucking oil to the SMR would not be expectable. This is the same conclusion reached in the RDEIR. No further response is required.
DUP-77	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comment just states that trucking oil to the Santa Maria Pump Station is the only one that makes sense. No further response is required.
DUP-78	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comment just states that marine transportation of crude oil the SMR refinery would never be allowed adjacent to the State Park. This is the same conclusion reached in the RDEIR. No further response is required.

DUP-79 and DUP-80	Table 5.1 (Chapter 5.0-Alternatives) indicates that the trucking alternative to the Santa Maria Pump Station (SMPS) would have less aesthetic and visual impacts then the proposed project. Therefore the table is marked with a "-", which as discussed in the Table, would indicate the alternative would lessen or avoid impacts compared to the Proposed Project. A "0" would indicate that the impact of the alternative would remain the same as Proposed Project. As shown in Table 4.3.2 (Section 4.3, Air Quality) SLO County is in attainment with all of the Federal air quality standards in the area of the Rail Spur Project. SLO County is not in attainment with State ozone and PM_{10} standards. Santa Barbara County is also not in attainment with the State ozone and PM_{10} standards. In 2012 the State PM_{10} standard was exceeded over ten times at the Santa Maria monitoring site. There are a large number of sensitive receptors along the truck routes that would likely be used for transporting crude via truck through the City of Santa Maria. In addition, the PM_{10} emissions from trucking would be greater than for rail due to the large number of trucks needed to transport the crude to the Santa Maria Pump Station. Within the City of Santa Maria limits the annual PM_{10} emissions from trucks would be about 0.80 tons per year, which would be greater than the 0.63 tons per year that would occur at the SMR. Annual PM_{10} emissions along the portion of Highway 101 in SLO County (69 miles) from trucks would be 4.24 tons per year compared with 1.14 tons per year for trains along the mainline within SLO County. Table 5.1 shows that the trucking impacts to biological resources would be less than the impacts for the proposed Rail Spur Project for construction. As stated in Table 5.1, Oil spill impacts from truck accidents would still be potentially significant depending upon the location of the spill. The spill volume would be less since a truck holds less oil than a rail tanker car. However, the probability of a spill would increase since trucks have a higher accident rate then trains. The net effect would be a much higher risk of a spill from trucks, but in the event of a spill area impacted would likely be smaller than for a rail spill. Given that the probability of an oil spill from truck would increase by at least 300 percent, but the spill impact areas would likely be less, the overall spill risk from trucks would remain the about the same as rail. The trucking to the SMPS alternative would involve trucking the oil from the source of the crude oil to the SMPS. The crude oil is expected to be delivered from various North American sources and would place 2,730 trucks on the road per week (390 one-way truck trips per day assuming seven days per week) between the unloading station and the crude source since each truck will need to return to the oilfield for filling up. These trucks would pass through populated areas within California including possibly the Bay Area, Los Angeles Basin, and Sacramento. The exact populated areas that could be impacted by the trucking operations would depend upon the route taken to get to the SMPS. However, trucks would likely use Highway 101 from both the north and the south to get to the SMPS. Highway 166 would likely not be used for the SMPS trucking alternative, but would be used for the No Project Alternative, as

	discussed in Section 5. 1.1 (See Chapter 5.0, Alternatives Analysis). Class 3 hazardous material trucks have an estimated accident rate of 0.71 accidents per million miles (Battelle 2001). This is greater than the 0.51 to 0.39 derailment per million miles for the crude oil trains. Also, the probability of a Class 3 truck having a spill given an accident is about 35% (Battelle 2001). Delivery of crude to the SMPS via truck would require about 273 times more miles than delivery by unit train. The net result would be a substantial increase in the overall risk of an accident for truck then compared to rail. However, as stated in Table 5.1 (see Chapter 5.0, Alternatives Analysis) the volume of oil spilled from a truck accident would be smaller, which could reduce the consequence of a spill. While this would serve to reduce the overall consequences of a spill, the impact from a truck spill would likely be significant, and there would likely be more spills due to the higher accident rate and the substantial increase in overall miles traveled to transport the oil to the SMPS. The combination of increase frequency of accident but a lower level of consequence would likely result in a similar level of risk between truck and rail. As discussed in Table 5.1, the increase truck traffic on the local road in the City of Santa Maria would generate increase noise. This would be particularly true if trucks were traveling to the SMPS at night. The truck route through the City of Santa Maria would be mainly through agricultural land, but there are a few residences in close proximity to the roads. The noise impacts at the SMPS would be less than the noise impacts at the SMR from the Rail Spur Project since the site in not located near any sensitive receptors. This alternative would eliminate any noise impact in the vicinity of the SMR. However, the noise impact at the SMR from trains was found to be less than significant with mitigation. As discussed above, the likelihood of a truck accident would be substantially greater than an accident via transport by rail due to the higher accident rate for trucks and the substantial increase in miles traveled for the trucking alternatives. Also, the probability of a Class 3 truck having a spill given an accident is about 35%, and about 15 percent of the spills led to fires and explosions (Battelle 2001). All of these truck accident events would require similar emergency response capabilities as for rail, but the extent of the response would likely be smaller due to the reduced spill size. However, with trucking there would likely be more responses to accidents due to the higher probability of an accident for trucks. Therefore, the impact to emergency responses resources would be similar between truck and rail. As noted in the comment, there are a number of intersections that could be impacted in the City of Santa Maria from trucking crude oil to the SMPS. These would include Highway 101 and Betteravia Road, Highway 101 and Stowell Road, and Stowell Road and Nicholson Ave. The text in the RDEIR never stated that all of the intersections in the City of Santa Maria would be impacted. Additional clarifying text has been added to the Alternatives Analysis

	Chapter. Oil spill impacts from truck accidents would still be potentially significant depending upon the location of the spill. The spill volume would be less since a truck holds less oil than a rail tanker car. However, the probability of a spill would increase since trucks have a higher accident rate then trains. The net effect would be a much higher risk of a spill from trucks, but in the event of a spill the area impacted would likely be smaller than for a rail spill. Given that the probability of an oil spill from truck would increase by at least 300 percent, but the spill impact areas would likely be less, the overall spill risk from trucks would remain the about the same as rail. The statement that most of the impact for trucking to the SMPS would be reduced to Class III is not an accurate statement based upon the evidence. Air emissions would increase for the trucking operations and therefore would be a significant and unavoidable (Class I) impact. Spills from trucks could still impact sensitive biological resources and water resources, so the impact would remain significant and unavoidable (Class I). Impact to traffic at a few intersections within the City of Santa Maria would likely result in significant and unavoidable traffic impact (Class I).
DUP-81 and DUP-82	Section 5.3.3 and Table 5.1 have been updated to address this comment. While some of the issue area impacts would be reduced by 40%, not all issue areas would see this level of reduction. This would be particularly true for the construction related impacts.
DUP-83	The RDEIR only cited specific train incidents that involved crude oil tank cars. 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.
DUP-84	This comment simply lists the Class I impact identified in the RDEIR and lists other impacts that the commenter alleges could be Class I with other assumptions, but does not provide any supporting evidence for the allegations. Therefore, no further response can be provided. With regard to mitigation measures AQ-1d and AQ-1f.d, the other measures listed in the text do not, and would not, include the use of offsite reductions.
DUP-85 and DUP-86	The mitigations listed in the RDEIR are focused on mitigating the impacts in the location where it would occur. While some of the air emission mitigation would allow the use of offsite emission reductions, but these are limited to NOx and ROC emissions, which are precursors to ozone, which is an air basin wide impact, and not limited to the area in close proximity to the project site.

DUP-87	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. The RDEIR identities the impacts of the project with and without mitigation, so if some of the mitigations cannot be implemented due to Federal preemption, then the impact would be what is identified in the RDEIR prior to mitigation.
DUP-88	Most of the Project Site is located within the Coastal Zone and subject to the requirements of the California Coastal Act and San Luis Obispo County Coastal Zone Framework for Planning and Coastal Plan Policies (refer to Section 4.8). Industrial activities are not prohibited in the Coastal Zone. CEQA requires an analysis of a proposed project's adverse effects on the existing (baseline) environment. Any existing incompatibilities of the SMR with surrounding areas or coastal plans and policies would not be a result of the proposed Rail Spur Project, and therefore, are not analyzed in the RDEIR. The Project's consistency with applicable plans and policies is discussed 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.
DUP-89	The comment restates information provided in Section 4.8.2.1 (i.e., that the Project Site is within a Coastal Appealable Zone); therefore, no revisions or additional information is required.
DUP-90	The Project's consistency with policies and regulations of the Coastal Zone Land Use Ordinance (CZLUO) are discussed in Appendix G of the RDEIR. The Rail Spur Project was found to be potentially consistent with applicable policies. 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.
DUP-91	The Project's consistency with policies and regulations of the Land Use Ordinance (LUO) are discussed in Appendix G of the RDEIR. The Rail Spur

	Project was found to be potentially consistent with applicable policies. 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.
DUP-92	The Project's consistency with this goal is analyzed in Appendix G of the RDEIR. Because the loading and transport of processed coke product and crude oil currently occurs on-site and along the UPRR mainline through the Project Site, the Rail Spur Project would not constitute a new or substantially different land use at the site. Although it would represent new industrial operations not currently taking place at the site, the Project proposes continued heavy industrial refining uses and transport of product in an industrial area that has historically supported heavy industrial operations and transport of product. Although the Rail Spur Project would result in potential adverse effects above those that currently exist at the site as identified in the RDEIR (i.e., increased noise, air emissions, lighting, hazards), these effects do not mean the project would constitute a new or substantially different land use. 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.
DUP-93	The intent of the goal is to prevent urban sprawl and to situate development in areas that are adequately supported by existing infrastructure and resources. The Project was identified as Potentially Consistent with this policy because it proposes expanded industrial uses within an existing heavy industrial site. 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.
DUP-94	The Project would be located outside of any Urban Services Line (USL), which in coastal areas of the County is defined to be coterminous with defined urban-rural boundaries. Coastal Plan Policies, Chapter 8: Public Works Policy 1, states that "Permitted development outside of the USL shall be allowed only if: (a) it can be serviced by adequate private on-site water and waste disposal systems; and (b) the proposed development reflects that it is an environmentally preferable alternative." Per Appendix G and Section 4.13 (Water Resources) of the RDEIR, the SMR has adequate water and waste disposal systems to serve the Project. It is unclear what would qualify as an environmentally preferable alternative

	under this policy. The siting of expanded industrial activities within an existing refinery may meet this standard, as it would prevent the spread of heavy industrial activity in other areas not currently supporting that use. Generally, it is preferable to locate heavy industrial uses such as those proposed here in less urbanized areas that provide a sufficient buffer from existing or proposed populations. The RDEIR analyzes the environmental advantages and disadvantages of the Rail Spur Project and three alternative projects to identify the environmentally superior alternative (refer to Section 5.4). The determination of the environmentally superior alternative is somewhat complicated by the preemption issue. If the County is preempted from implementing identified mitigation measures, then the No Project Alternative and the Reduced Rail Delivery Alternative would be environmentally preferred. However, if the County is not preempted, the alternatives analyzed, including the No Project Alternative, would generally not offer an environmental advantage over the Rail Spur Project. However, "an environmentally preferable alternative" as stated in this policy may not be synonymous with "the environmentally superior alternative" as defined by CEQA. 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. To reflect the potential for a finding that the Rail Spur Project is not "an environmentally preferable alternative" as required by this policy, the preliminary determination in Appendix G of the RDEIR has been revised to reflect a Potential Inconsistency. This potential inconsistency would not in itself result in any physical effects on the environment or potential significant impacts above those discussed in the RDEIR. The comment has been included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
DUP-95	Potential visual impacts were analyzed in Section 4.1 of the RDEIR. CEQA only requires an analysis of a project's potential effects on public views. The analysis concluded that, with implementation of identified mitigation measures such as development of an earthen berm at the eastern perimeter of the proposed rail spur, potential visual impacts from State Route 1, the California Coastal Trail, the De Anza Trail, and other public areas east of State Route 1 would be less than significant. The Project Site is heavily disturbed and supports extensive industrial uses within the SMR. There are no unique or unusual landforms on the site, and visual resources are predominantly limited to the disturbed (grazed) undulating dune habitat on the eastern portion of the site. Views of this area would be protected through implementation of the identified mitigation measures, potentially consistent with this policy. 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.
DUP-96	The RDEIR includes extensive analysis of the risk of releases, spills, and other hazards associated with the Project. Potential impacts associated with a change in crude slate from rail deliveries is discussed in Impact HM. 3 (Section 4.7, Hazards and Hazardous Materials), and were found to be less than significant because new feedstock coming into the refinery would be within the range of the crudes currently being processed at the SMR and existing process safety policies and procedures that would apply to the SMR rail project. Impacts of spills and fires from the rail unloading operations are discussed in Impact HM.1 (Section 4.7, Hazards and Hazardous Materials) and were found to be less than significant since the fire hazard zones would not extend beyond the SMR property. The analysis of hazards was based upon the delivery of heavy sour crude (Canadian dilbit crude). A new mitigation measure (HM-2d) in the Hazards and Hazardous Materials (Section 4.7) has been added that would ban the rail unloading of crudes with an API Gravity of 30° or greater, which would cover all of the light crudes listed in the comment. The Project was also found to be potentially consistent with this policy because the RDEIR conducted a review of the projects oil spill containment and fire suppression system and found that these would serve to limit the impacts of a spill from the unloading operations to the project site. In addition, the RDEIR required that the SMR spill response and emergency response plans be updated to include the Rail Spur Project, and has identified additional measures, where necessary, to further reduce the risk of and prepare for adequate response to any releases or spills (refer to measures PS-3a through PS-3i). 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.
DUP-97	Potential visual impacts were analyzed in Section 4.1 of the RDEIR. CEQA only requires an analysis of a project's potential effects on public views. The analysis concluded that, with implementation of identified mitigation measures such as development of an earthen berm at the eastern perimeter of the proposed rail spur, potential visual impacts from State Route 1, the California Coastal Trail, the De Anza Trail, and other public areas east of State Route 1 would be less than significant. Therefore, the rural character of the area (along with existing heavy industrial uses) would be protected, consistent with this policy. 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.
DUP-98	The request for the County to designate this area a Sensitive Resource Area is outside of the scope of the RDEIR for this Project. The comment has been included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
DUP-99	Potential impacts associated with increased nighttime lighting are discussed in Section 4.1, Aesthetic and Visual Resources, of the RDEIR. That section includes a discussion of the outdoor lighting proposed as part of the Project and the preliminary lighting plan is included in Appendix A. The section analyzes existing sources of light in the area and the effects of additional lighting from the Project on surrounding areas. Mitigation is identified to reduce potential impacts to less than significant, including preparation of a comprehensive lighting plan, measures to reduce light trespass, limits on illumination levels, shielding, and future evaluation of the lighting resulting from the project from surrounding areas to assess and correct any unexpected or residual lighting impacts following project completion. Implementation of these measures would protect nighttime views consistent with this policy. 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.
DUP-100	Potential noise impacts associated with the Project were analyzed in Section 4.9 (Noise and Vibration), of the RDEIR. Various geometric effects, atmospheric effects, and ground and barrier effects on how noise spreads across a site from the source were considered in noise modeling used for the analysis (See Section 4.9, Noise and Vibration). Sensitive receptors are identified in Table 4.9.10, and include residential areas along State Route 1 and Willow Road, including those nearest the SMR (approximately 0.5 mile north) along Monadella Street. Potential impacts were determined to be less than significant with mitigation, and would therefore be potentially consistent with this policy. 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.
DUP-101	Refer to the Response DUP-100, above.
DUP-102	Refer to the Responses DUP-95 and DUP-97, above.
DUP-103	Potential impacts associated with increased nighttime lighting are discussed in

	Section 4.1, Aesthetic and Visual Resources, of the RDEIR. That section includes a discussion of the outdoor lighting proposed as part of the Project and the preliminary lighting plan is included in Appendix A. The section analyzes existing sources of light in the area and the effects of additional lighting from the Project on surrounding areas. Mitigation is identified to reduce potential impacts to less than significant, including preparation of a comprehensive lighting plan, measures to reduce light trespass, limits on illumination levels, shielding, and future evaluation of the lighting resulting from the project from surrounding areas to assess and correct any unexpected or residual lighting impacts following project completion. Implementation of these measures would direct lights away from outside areas and minimize light intensity, consistent with this policy. 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.
DUP-104	As explained in the RDEIR, the SMR and Project would meet applicable standards of the California Department of Forestry and Fire Protection / San Luis Obispo County Fire Department. Mitigation is identified requiring further extensive coordination with Cal Fire/County Fire to further reduce the effects of an accident, upset, or spill at the SMR, potentially consistent with this policy. The question of whether these standards are adequate is outside of the scope of the RDEIR for this Project. 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.
DUP-105	Refer to the Response DUP-100, above.
DUP-106	The potential for the proposed Project to result in increased odors at the SMR is discussed in Section 4.3, Air Quality and Greenhouse Gases. Existing odors from the SMR are a part of the existing (baseline) setting and not an environmental effect of the Project; therefore, per CEQA, they are not considered in the assessment of impacts that would occur from Project implementation. The RDEIR concluded that increased odors could be generated through Project operation and identified mitigation measures to reduce potential effects, including coordination with SLOCAPCD, monitoring of odors, and control measures and operating procedures to be implemented to reduce odor impacts. Impacts were found to be less than significant with mitigation, potentially consistent with this policy. 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.
DUP-107	Although this policy states that no major expansion or alteration of activities at the SMR were envisioned at the time the South County Coastal Area Plan was adopted (1988, amended 1989), the policy identifies that any future expansion should be subject to Development Plan approval covering the entire property. Therefore, the potential for future expansions was identified in the policy language. Appendix G of the RDEIR identified the Rail Spur Project as potentially inconsistent with this policy, as it would expand industrial activities within the existing buffer area. 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.
DUP-108	The transport of crude on- and off-site, whether by pipeline or truck or rail or other means, would constitute a "related industry" (and, in fact, a necessary industry) within the limits identified in this policy. The SMR currently uses the existing rail spur at the SMR and trains along the UPRR mainline to transport refined product (coke) off-site, consistent with this policy. The RDEIR identified air quality emissions and associated health risks that exceed SLOCAPCD standards. Therefore, as discussed in Section 4.3, Air Quality and Greenhouse Gases, requirements for on- and off-site mitigation were identified, consistent with SLOCAPCD standards. Because off-site mitigation was necessary, the RDEIR determined that on-site impacts may not be reduced below acceptable thresholds; therefore, significant unavoidable impacts were identified for air quality. However, the need for off-site mitigation and identification of residual significant and unavoidable impacts does not violate SLOCAPCD standards. As further described in Appendix G of the RDEIR, the Applicant would have to obtain Authority to Construct (ATC) and Permit to Operate (PTO) from the SLOCAPCD for the Rail Spur Project. This would assure that the project complies with all SLOCAPCD air quality standards, potentially consistent with this policy. 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.
DUP-109	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 jobs are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
DUP-110	As discussed in the Project Description (Chapter 2.0), in the short-term, depending upon the volume of crude oil received by rail, some of the oil delivered via pipeline or via truck to the Santa Maria Pump Station could be displaced. Any displaced crude oil would likely be sold to other refineries in the Los Angeles or Bay areas. The amount, location, and destination of any displaced oil would be driven by market forces. Given the dynamics of the crude oil market, it is speculative as to what if any local crude oil would be displaced, and what would happen to any oil if it were displaced. The majority of the crude oil currently being processed at the SMR comes from local sources and is shipped to the refinery by pipeline. Given the shorter distance the current crude must travel to get to the refinery, the Rail Spur Project would be a less energy efficient mode of transportation. The EIR has identified a wide range of safety and environmental impacts that would not occur if the Rail Spur Project was not approved and oil continued to be delivered to the refinery by pipeline.
DUP-111	CEQA requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. The commenter's concerns about land use and significant environmental impacts are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.