From: Stanley Fisher <fisherstanley@gmail.com>
To: p66-railspur-comments@co.slo.ca.us
Cc: info@tribunenews.com
Date: 10/31/2014 10:37 PM
Subject: Phillips 66 stop the Nipomo Mesa Rail Spur & Terminal

To the members of the County Board of Supervisor, please note and remember it's the people in South County and their health and well being that should motivate your vote against the Phillips 66 rail spur project and not the Phillips 66 profit projections and a very few new jobs which is the claim of Phillips 66 Management.

The Facts are; Operational activities associated with the Rail Spur Project at the Refinery would generate criteria pollutant emissions that exceed SLOCAPD thresholds. Operational activities of trains along the mainline rail route outside of SLO County associated with the Rail Spur Project would generate criteria pollutant emissions that exceed thresholds. Operational activities at the Refinery associated with the Rail Spur Project would generate toxic emissions that exceed SLOCAPCD thresholds. Operational activities of trains along the mainline rail route associated with the Rail Spur Project would generate toxic emissions that exceed thresholds. Operational activities associated with the Rail Spur Project would generate GHG (greenhouse gas) emissions that exceed SLOCAPCD thresholds. FIS-01

This Proposed new Phillips 66 Rail Spur is Incompatible With Residential Zoning: All of this is highly incompatible with SLO County's having created and zoned the area next to the refinery as a residential community. To date, the community and refinery have lived harmoniously, with respect for the well-being of one another. The residents invested in their homes on the Mesa facing agricultural fields, dunes, the Pacific Ocean, and a relatively serene refinery, whose raw material was delivered by pipeline. But if the rail terminal is approved, the entire environment would change both day and night.

No matter which direction Phillips 66 promises to point their new lights, the Rail Project should not see the light of day.

As a homeowner living in the Woodlands/Trilogy Development I thank you for reviewing these facts before you vote. This project cannot be allowed to be implemented.

Stanley Fisher
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Phillips 66 stop the Nipomo Mesa Rail Terminal

Stanley Fisher to: p66-railspur-comments 11/25/2014 11:06 AM

Cc: newsroom

I hope you will take the time to read the points below and those who we elect stand up for the people in South SLO County who's health and welfare is on the firing line as we speak. Please don't leave it to the State or Federal Government as a cop-out for not voting NOW to reject any expansion at the Phillips 66 refinery in Nipomo CA. We need your support and votes to reject the Phillips 66 rail spur project and any production expansion at this plant. The plant is old, the underground pipe to Rodeo Phillips 66 plant is old and no approval permits to expand production in Rodeo have surfaced in an EIR. FIS-02

Thank you

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1) An immediate ban on the transport of crude oil in dangerous DOT-111 rail cars. The proposal gives the oil and rail industry as long as seven years to take volatile tanker cars off the tracks. In 1991 federal rail safety officials first declared these tanker cars unsafe to carry crude oil because they too easily derail, spill, and catch fire. Seven years is far too long to wait to remove rail cars that have been called the Ford Pinto of the rails. That's why we're suing the Obama administration to take those cars of the rails right now. FIS-03

2) Provide an accurate assessment of the risks and consequences of crude oil accidents in highly populated areas and to critical drinking water supplies. The administration used accounting tricks to reduce their estimate of the likelihood and severity of "high consequence accidents" and the potential costs, in lives and dollars, of an oil train derailment, spill, or fire. The oil and rail industries need to treat oil trains as the dangerous threat to public safety, drinking water, and wildlife that they are. FIS-04

3) Eliminate exemptions so that all volatile crude oil moving on trains is subject to safety rules. The administration ignores safety completely when it comes to shorter trains and some train operators. A single tanker car carries 30,000 gallons of explosive crude oil. That's way more than most US fire departments can fight, and it's far more than enough toxic crude oil to permanently damage rivers, wild areas, and drinking water supplies. There's no reason why every train carrying crude oil shouldn't be held to the highest safety standards. FIS-05

4) New 30 mile per hour speed limits for all hazardous crude oil transport through populous areas. Turns out the slower you go, the fewer accidents you have. Nearly every city and town in America has an oil train route right through the heart of it. Same goes for our most important rivers and national parks. The US rail system was built to carry people and products between population centers, not to transport hazardous crude oil. Yet the oil and rail industry believe that the same speed limits for passengers and grain should apply to the heaviest, most dangerous trains on the rails. They are wrong. FIS-06

5) Protect Americans who already face the biggest threats from industrial accidents and pollution. The administration's proposed rules ignore environmental justice. Executive Order 12898 requires the federal government to write safety standards that protect communities of color who already face a larger threat from industrial pollution and accidents. ForestEthics evaluated our Blast Zone data and found that more than 16 million—or 60 percent of the 25 million Americans in the evacuation zone—are communities of color. The threat here isn't just catastrophic fires. Our partners at the National Resources Defense Council estimate that as much as three percent of crude oil in a tank car leaks out into the air as these trains roll down FIS-07

the track. That's as much as 900 gallons of toxic air pollution per car. Now multiply that by a single unit train 100 cars long and we're talking about people breathing a massive amount of cancer-causing, asthma-inducing and carbon-polluting poisons along oil train routes.
The elected Federal establishment, State of CA legislators and the SLO Board of Supervisors are asleep at the switch. The oil industry has turned to America's railroads to move explosive, toxic North Dakota Bakken and Alberta tar sands crude oil. We're talking about millions and millions of barrels moving each day on US tracks, through our cities and by our homes and schools, on a rail system that was designed in the 19th century to move people and freight across America. The oil industry is turning US rail lines into hazardous crude oil corridors and the Obama administration's anemic response, and weak regulations leave far too many Americans in peril.
The good news is that communities across the US are speaking up for stronger controls and better safety. There's a growing network of community groups rising up to oppose these dangerous oil trains. They are demanding answers from their public officials, holding decision-makers accountable, and refusing to back down. ForestEthics and partners helped more than 150,000 Americans submit comments criticizing the government's proposed new standards. We are working with communities across the country and demanding that the oil and rail industries, and the federal government, put public safety first. Every level of government administration needs to get serious about protecting 25 million Americans, and there's no doubt that many of those Americans and the millions more who live downwind and downstream of an oil train route, are watching closely.

FIS-07 cont

Two comments on a blog that have merit and should be discussed by the SLO BOS.

A resident of Crockett, CA, a town next to the Rodeo Phillips 66 Refinery. The Rodeo refinery is the recipient of the semi-processed crude piped from the Mesa refinery. They have a proposed "Propane Recovery Project" and EIR here that doesn't mention your project, as your's doesn't mention ours. They are, however, inexorably linked. By not disclosing the impacts your project has on us (with it's higher quantity of dirty crude), Phillips 66 is violating the intent of the EIR process in both instances, and breaking the law. It is called "piece-mealing" in the trade. The true nature of these projects needs to be revealed and either fully mitigated or stopped. Please see http://www.crgna.or

FIS-08

> Let's stop this project before another disaster... San Luis Obispo County has a history of limited oil production and severe oil-related disasters: the Tank Farm fire and the Guadalupe Dunes and Avila Beach spills represent, "three of the largest on-shore spills in North America." Furthermore, according to the 1998 report by the US Department of the Interior analyzing the economic impact of oil industry activity in SLO County, "the region would have been equally as well off economically had there been no such activity.".
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From: Stanley Fisher <silverfish13@sbcglobal.net>
To: P66-railspur-comments@co.slo.ca.us
Date: 11/24/2014 07:52 AM
Subject: Reject The Phillips 66 Rail Spur project

Please support the residents of the Mesa and reject the Phillips 66 Rail-by-Oil Spur Project.

Here's what I think is the rationale for Phillips 66. Advantaged crude. The supervisors have to show over riding considerations for approval. There are none. Of course Phillips will yap about jobs.

This was from the committee for a better environment...

There is no basis for a finding that the benefits of the Project wouldoutweigh its significant costs to the environment and to the health and safety of the thousands of people living in San Luis Obispo County and along the UPR main line.

The project objectives that the RDEIR offers in order to help the County develop a statement of overriding considerations include allowing the refinery to obtain a range ofcompetitively priced crude oils, and maximize the use of existing infrastructure and resources to support the economic vitality of the County and State." (simply a self serving consideration) However, the RDEIR later notes that given the limited increase in local expenditures associated with the Rail Spur Project, the economic growth associated with future development at the proposed project site would not be significant," and "minimal new operational employment would be associated with the Rail Spur Project. FIS-09

Simply stated; Phillips wants to increase it's profits to its shareholder to the detriment of residents up and down the mainline in terms of increased health risks and the potential of a horrific disaster or oil spill. Such a spill or disaster will cost tens of millions to clean up and stultify the economic renaissance and quality of life in the County.

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FIS-01	The RDEIR addresses the potential impacts and recommends mitigation measures for the proposed Project consistent with the requirements of CEQA. Section 4.0 presents the environmental analysis for the CEQA mandated issue areas; air quality and related health impacts are discussed in Section 4.3 (Air Quality and Greenhouse Gases). The commenter's statement about air issues are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
FIS-02	The comments about a statement of overriding consideration are related to the decision makers if and when they approve the proposed project. When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record (CEQA Guidelines 15093). The County will need to develop a statement of overriding consideration only if the decision makers decide to approve the proposed project. The remainder of 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 Phillips 66 profits vs. impacts to the residences are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
FIS-03	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.
FIS-04	A Quantitative Risk Analysis (QRA) was conducted as part of the RDEIR and is documented in the Hazards and Hazardous Materials Section (see Section 4.7 and Appendix H). The rail routes were divided up into distinct segments to account for differing population levels along the rail routes. Each segment was assigned a population density reflecting the unique populations along the rail route. Segments where facilities and/or events might attract temporary high population levels were assigned a population that reflected the larger temporary population, and did not correct for seasonal or diurnal variation, thus slightly overestimating the risk for the segment. The fact that every possible landmark along the proposed rail routes is not explicitly mentioned does not mean that it was omitted. The population assigned for each segment characterizes the potential residential, commercial, industrial, and venue population that is, or could be temporarily, present along the segment. The potential impacts of a train derailment, oil spill and potential fires and explosions would be substantial. Therefore, RDEIR found that the risk of a crude oil train

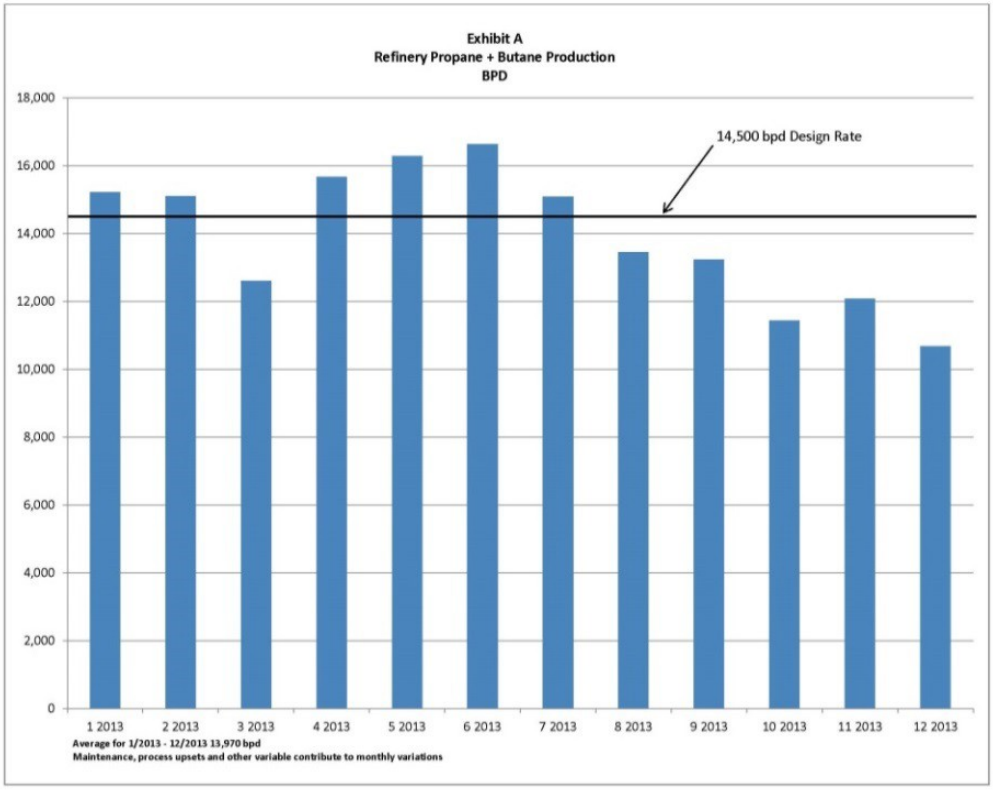
	accident and spill was considered a Significant and Unavoidable (Class I) impact. Potential impacts to the state's watersheds were addressed in Section 4.12.4, Water Resources of the RDEIR. The RDEIR found that the risk of a crude oil train accident and spill into watersheds along the rail line was considered a Significant and Unavoidable (Class I) impact.
FIS-05	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.
FIS-06	The DOT has proposed new regulations that would reduce the permitted speed of trains carrying crude and require improved braking systems. There is a direct relationship between train speed and derailment rates (AIChE, 1995), with the slower speeds reducing the probability of a derailment, as well as damage to the tank cars. The RDEIR evaluated the potential risk associated with the crude oil rail transportation. It should be noted that industrialized societies, such as the United States, transport a wide variety of hazardous chemicals by rail. To put the relative hazards in perspective, a study of potential risks associated with rail transport of Toxic Inhalation Hazards (TIH) prepared by the Harvard Kennedy School. As noted in the study: *The scale of potential fatalities is confirmed by the sophisticated and comprehensive analysis in a recent dissertation that examined the consequences of a 17 ton chlorine terror attack on a tanker truck. The study takes as its base case the rupture of a tanker truck carrying 17 tons of liquid chlorine in a generic urban area during daylight. While the analysis of the effect of structures on the three-dimensional propagation of the chlorine plume is less detailed than the Boris study and is, unlike that study, not specific to a particular city, the behavioral model is more detailed, and accounts for both the rate at which people can escape from open spaces and the extent to which sheltering in place saves (or sometimes may cost) lives. In the absence of a fast and effective defense response and with 2.5 meters/second wind speed, and a specified wind stability, approximately 4,000 fatalities are estimated, half within 10 minutes, and up to 30,000 fatalities, half within 20 minutes, depending on the dose response model. Fatality consequences are found to be roughly proportional to the amount of chlorine released, so a ruptured 90 ton rail car would, under a reasonable range of conditions, kill approximately 5 times as many people as would release of 17 tons from a truck. Assumptions for this range of estimates (4,000 to 30,000 fatalities depending on dose-response assumptions) is based on an outdoor population density in the target area of only 7 percent of the total daytime population density, it suggests that the Boris estimate of up to 100,000 deaths from a successful rail car attack is not as excessive or unsubstantiated as some critics have claimed.* This compares to the RDEIR worst-case analysis of a train derailment in a populated area where <u>six</u> rail cars fail, with the resulting fire and explosions having the potential to result in an upper bound 400 injuries and 45 fatalities. An accident involving rail

	cars containing commonly transported acutely hazardous materials, such as chlorine, sulfur dioxide, sulfuric acid, hydrochloric acid, or anhydrous ammonia would be far more devastating than a crude oil train accident. An accident and breach of a single rail car containing a TIH chemical would be a orders of magnitude worse than an accidental release from a crude oil unit train.
FIS-07	There are very few alternatives on which routes can be used to transport crude oil to the refinery. In evaluating the routes to the SMR, a wide variety of communities could potential impacted by a rail accident; from the poorest and most vulnerable members of the community to some of the richest, especially along the coastal routes north and south of the refinery. This diversity in demographs is essentially the same along all of the potential routes that could be used to transport crude oil to the refinery. Regarding the volume of crude oil that could routinely leak from a rail car, the comment mischaracterizes the potential leak volume. The comment provides not subsantial evidence to support the three percent number, nor does it provide any reference for the NRDC comment about the three percent. 49 CFR § 173.24b(a) sets the minimum tank car outage for crude oil at 1 percent, which means that this is a maximum allowable loss. NRCD has cited losses of 0.5 to 3.0 percent for rail cars transporting Bakken crude (NRDC 2014), but provides no substantial evidence to support these numbers. Also, Bakken crude contains substantially more volatile components than the Canadian crudes that would be transported as part of the Rail Spur Project. The EIR addressed fugitive emissions from tank cars, as discussed under impact AQ.2. Air emissions from tank car fugitive emissions are nominal, totaling only about 0.02 lbs/round trip within SLO County, based on fugitive leaking from tank car components utilizing the fugitive component leak rates as developed by the EPA and CARB and utilized by the SLOCAPCD to estimate fugitive emissions from the components at the SMR. Rails cars would not be opened during transit. Shrinkage estimates associated with cost projections appear to be very conservative. Loss of 3% of crude volume to evaporation over the course of the transit would produce emissions that far exceed the estimates based on EPA fugitive emissions methodologies and therefore appear to be inaccurate. Not all crude oil is removed from a rail car during unloading, as some remains on the insides of the car and within piping and connections, thereby accounting for some "shrinkage" value. The comment states that railroads were designed to move people and freight. What the comment fails to consider is that freight is not just consumer products, but has always included hazardous chemicals and products. For example, chlorine gas, moved in rail cars as a cryogenic liquid, is routinely moved via rail as a raw chemical for a wide variety of uses, such as the manufacture of sodium hypochlorite for water treatment, and to manufacture household bleach. These products, while less hazardous, are also moved via rail. As noted in the response to comment FIS-06, the hazards associated

	with the rail transport of chlorine are orders of magnitude higher than crude oil.
FIS-08	Operations at the Rodeo Refinery are not anticipated to change with the processing of Rail Spur Project crude oil. The refinery currently handles heavy crude oil and the characteristics of the Rail Spur Project crude oil are similar to current heavy crude oils. Section 4.3, Table 4.3.13 summaries the different characteristics of the crude oils. BTEX levels may increase (although some tar sands crude oils have lower percentages of BTEX than the heavy crudes currently being processed. The SMR refinery ships naphtha and gas oils via pipeline to the Rodeo Refinery. Both of these are semi-refined products. The composition of these two products is not expected to change with the Rail Spur Project. As discussed in the Project Description (Chapter 2.0) the SMR currently processes a range of crude oils from different sources, and the crudes vary from time to time. In addition, the refinery often blends crudes from multiple sources prior to processing. A comparison of crude oils and their characteristics demonstrates that the crudes likely to be received by unit train would be comparable to those currently or recently processed at the SMR. The SMR is not requesting any changes or modifications to its crude unit or other processing units that would allow it to process any crude types that it can't be process currently. The only proposed change to the Rodeo Refinery is the Propane Recovery Project. The Rodeo Refinery (SFR) produces gases as a byproduct of the refining process, and these gases are used as fuel in various refinery processes (referred to as "refinery fuel gas" or "RFG"). Currently, the propane and part of the butane generated at the SFR is used as RFG. Instead of using the propane and butane as fuel at the SFR, the Propane Recovery Project will allow Phillips 66 to recover, store, and ship propane and additional butane via rail to outside customers. Therefore, the primary project objective is to recover liquid petroleum gases ("LPGs" *i.e.*, propane and butane) that already exist in the RFG. The Propane Recovery Project will not cause or require an increase in the amount of recoverable LPG present in the RFG; it will simply allow recovery of the LPGs that already are present in the RFG. The Propane Recovery Project is designed to remove up to 14,500 barrels of LPGs per day. Data regarding actual LPG content of the RFG is consistent with the design basis for the project. The figure below shows that, for the twelve month period from January through December 2013, the average LPGs in the Rodeo RFG was 13,970 barrels per day. The equipment design is a limiting factor on the amount of propane and butane that can be captured and stored, regardless of how much propane and butane can be produced by the SFR in the future or what type of crude oil is processed. Phillips 66 specified this design basis in the application to the Bay Area Air Quality Management District for an authority to construct the Propane Recovery Project, and it has been translated into an enforceable condition included in the draft permit prepared by the air district. Therefore, the amount of propane and butane to be extracted once the Propane Recovery Project is operational will be constrained by the physical design of

the equipment and the permit limits.

Most of the LPG produced at the SFR does not arrive as propane and butane in crude oil or in the semi-refined products received from the Santa Maria Refinery (SMR). Rather, the vast majority of LPG produced at the SFR is created through the refining process itself. As explained above, the design capacity of the Rodeo Propane Recovery Project was sized to recover LPGs that are currently being produced and burned as part of the refinery fuel gas at the SFR. No changes in the crude delivery system, type of crude or operations at the SMR are needed in order to fully utilize the propane recovery unit in Rodeo.



The commenter's have overlooked the fact that the refining process at the SFR itself accounts for 90% of the propane and butane currently produced and proposed to be recovered by the Rodeo Propane Recovery Project. As described at pages 3-8 to 3-9 of the Recirculated Draft Environmental Impact Report for the Propane Recovery Project, the refining process incorporates four primary functions: separation, conversion, purification and blending. Crude oil and other incoming feed streams contain mixtures of various hydrocarbon compounds that can be separated using distillation and fractionation in the first step of the refining process. At the SFR, a small amount of butane and propane is separated from the crude oil in these first stage processes. However, butane and propane are also created from other hydrocarbon compounds during the conversion phase of the refining process. Overall approximately ten percent of the LPG (combined butane and propane) arrives as

	identifiable fractions of the crude oil, and the balance of approximately ninety percent is created in the refining processes (cracking units). Since LPG in the crude oil accounts for only a very small fraction (approximately ten percent) of the total LPG produced at the SFR, a change in crude oil LPG content in Santa Maria or in Rodeo would have very little effect on the volume of LPG available for recovery at Rodeo. As discussed in the Recalculated Draft Environmental Impact Report for the Propane Recovery Project Section 3.4.2.1, and shown in Figure 3-7, the proposed Project's design basis was derived from data taken at the Refinery in August, 2011. In the same section, the RDEIR for the Propane Recovery Project also provides an update to substantiate this 2011 design basis with the most recent full year (2013) of RFG data from the Refinery in Figure 3-8. This figure shows that for 2013 an average of 13,970 barrels per day (BPD) of propane and butane were available and that monthly this quantity of propane and butane varies. Note that between the 2011 design basis and the 2013 data, no change to crude feedstock, such as those of concern to commenter's, had been made. These data provide the substantial evidence to support the "independent utility" of this Project and further support that the EIR has not inappropriately piecemealed or segmented this Project.
FIS-09	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's statements about the objectives of the project, profits for Phillips 66 and the potential for a disaster have been included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.