From: Patricia Haines <hmbpoppy31@gmail.com>
To: p66-railspur-comments@co.slo.ca.us
Date: 11/12/2014 09:25 AM
Subject: Nipomo Mesa Rail Terminal

As a new resident, I strongly object to the development of this terminal. My husband and I researched this issue before we purchased our home in the Trilogy Resort. We believe - and pray - that better minds will prevail for the following reasons: HAP-01

-It is not in keeping with the master plan for the mesa. Residential development was encouraged and will better serve the county in the long run. Residential development brings new energy and resources, not to mention tax money, to the area. HAP-02

-We are at a critical juncture in our environmental history. Oil is, and will continue to be, a short term and dangerous solution to our energy needs. The more we invest in crude, the more we accept it as an alternative to cheaper, cleaner forms of energy. HAP-03

-Air, light, noise pollution levels will be unacceptable to all species living in the area. HAP-04

-Safety measures, as out outlined by Phillips, are not acceptable. For example, the cars they plan on using are not acceptable as they have been involved in major accidents in other parts of the country. Also, what is their plan for emergency services? HAP-05

-The potential for disaster is very, very real. We are in earthquake country and there is no guarantee that Phillips has put in place appropriate safety and emergency standards to protect the surrounding area. HAP-06

-We now have a glut of refined fuels that have caused prices to drop dramatically. So why is this even being considered? HAP-07

I'm sure the report has been read and reread. Please, don't let big oil profits sway you. And I know that it may create jobs, revenue, etc.
However, one of California's problems has been and continues to be lack of long term vision. There will be a time in the near future when we will no longer need crude - thank god - and we best plan for that time instead of caving to big oil interests. HAP-08

This is an unnecessary and dangerous course you are considering.

Thank you,
Patricia Haines
1283 Trail View Place
Nipomo, CA

HAP-01	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. No further response is required.
HAP-02	The Project's consistency with planning policies applicable to the Nipomo Mesa is discussed in Appendix G of the RDEIR. CEQA does not require an EIR to discuss potential economic or social benefits that would result from a different land use than what is proposed by the project. Therefore, no revisions or changes to 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.
HAP-03	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's concerns about use of oil and an energy source are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
HAP-04	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 air, light and noise pollution are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
HAP-05	The RDEIR evaluated in the safety measures proposed by Phillips 66 and identified additional measures that would help to mitigate the safety impacts of the project. See Impact HM.4 in Section 4.7, Hazards and Hazardous Materials. The RDEIR evaluated in the emergency response impacts associated with the proposed by Phillips 66 and identified measures that would help to mitigate impacts to these services See Impact PS.3 and PS.4 in Section 4.11, Public Services and Utilities.
HAP-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. The RDEIR contains a considerable amount of mitigation that may be within the jurisdiction of San Luis Obispo to require prior to project operations that address the potential for accidents, oil spills and emergency response. These include:

	Class I Impact HM.2 The potential for a crude oil unit train derailment would increase the risk to the public in the vicinity of the UPRR right-of-way. 1. HM-2a Only rail cars designed to FRA, July 23, 2014 Proposed Rulemaking Option 1: PHMSA and FRA Designed Tank Car as listed in Table 4.7.8, shall be allowed to unload crude oil at the Santa Maria Refinery. 2. HM-2b For crude oil shipments via rail to the SMR a rail transportation route analysis shall be conducted annually. The rail transportation route analysis shall be prepared following the requirements in 49 CFR 172.820. The route with the lowest level of safety and security risk shall be used to transport the crude oil to the Santa Maria Refinery. 3. HM-2c The Applicant's contract with UPRR, shall include a provision to require that Positive Train Control (PTC) be in place for all mainline rail routes in California that could be used for transporting crude oil to the SMR. 4. HM-2d The refinery shall not accept or unload at the rail unloading facility any crude oil or petroleum product with an API Gravity of 30° or greater. Class I Impact PS.4 Operations of the crude oil train on the mainline UPRR tracks would increase demand for fire protection and emergency response services along the rail routes. 1. PS-4a As part of the Applicant's contract with UPRR, it shall require that quarterly hazardous commodity flow information documents are provided to all first response agencies along the mainline rail routes within California that could be used by trains carrying crude oil to the Santa Maria Refinery for the life of the project. Only first response agencies that are able to receive security sensitive information as identified pursuant to Section 15.5 of Part 15 of Title 49 of the Code of Federal Regulations, shall be provided this information. This contract provision shall be in place and verified by the County Department of Planning and Building prior to delivery of crude by rail to the Santa Maria Refinery. 2. PS-4b Only rail cars designed to FRA, July 23, 2014 Proposed Rulemaking Option 1: PHMSA and FRA Designed Tank Car shall be allowed to unload crude oil at the Santa Maria Refinery. PS-4c As part of the Applicant's contract with UPRR, it shall require annual funding for first response agencies along the mainline rail routes within California that could be used by the trains carrying crude oil to the Santa

	Maria Refinery to attend certified offsite training for emergency responders to railcar emergencies, such as the 40 hour course offered by Security and Emergency Response Training Center Railroad Incident Coordination and Safety (RICS) meeting Department of Homeland security, NIIMS, OSHA 29CFR 1910.120 compliance. The contract shall require funding of a minimum of 20 annual slots per year for the life of the project. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery. 3. PS-4d As part of the Applicant's contract with UPRR, it shall require annual emergency responses scenario/field based training including Emergency Operations Center Training activations with local emergency response agencies along the mainline rail routes within California that could be used by the crude oil trains traveling to the Santa Maria Refinery for the life of the project. A total of four training sessions shall be conducted per year at various locations along the rail routes. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery. 4. PS-4e As part of the Applicant's contract with UPRR, it shall require that all first response agencies along the mainline rail routes within California that could be used by trains carrying crude oil traveling to the Santa Maria Refinery be provided with a contact number that can provide realtime information in the event of an oil train derailment or accident. The information that would need to be provided would include, but not be limited to crude oil shipping papers that detail the type of crude oil, and information that can assist in the safe containment and removal of any crude oil spill. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery. Class II Impact PS.3 The Rail Spur Project would increase demand for fire protection and emergency response services at the SMR. 1. PS-3A Prior to issuance of construction permits, the Applicant shall submit to Cal Fire/County Fire for review and approval a final Fire Protection Plan for the Rail Spur Project that meets all the applicable requirements of API, NFPA, UFC, and Cal Fire/County Fire. 2. PS-3b Prior to notice to proceed for the rail unloading facility, the Applicant shall update the SMR Emergency Response Plan to include the rail unloading facilities and operations. 3. PS-3c Prior to notice to proceed for the rail unloading facility, the Applicant shall update the existing SMR Spill Prevention Control and

	countermeasure Plan to include the rail unloading facilities and operations. 4. PS-3d Prior to notice to proceed for the rail unloading facilities, the Applicant shall assure that the existing SMR fire brigade meets all the requirements outlined in Occupational Safety and Health Administration 29 CFR 1910.156, and NFPA 600 & 1081. 5. PS-3e Prior to issuance of grading permits, the Applicant shall have an executed operational Memorandum of Understanding (MOU) with Cal Fire/County Fire that includes fire brigade staffing/training requirements and Cal Fire/County Fire funding requirements. This MOU shall be reviewed and updated annually by Cal Fire and the Applicant. 6. PS-3f Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for time spent by a qualified fire inspector to conduct the annual fire inspections at the SMR including all structures, and support facilities consistent with Cal Fire/County Fire's authority and jurisdiction. The Applicant shall reimburse all costs associated with travel time, inspections, inspection training, and documentation completion. The reimbursement rate shall be according to the most recent fee schedule adopted by the San Luis County Board of Supervisors. 7. PS-3g Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for offsite training for emergency responders to railcar emergencies, such as the 40 hour course offered by Security and Emergency Response Training Center Railroad Incident Coordination and Safety (RICS) meeting Department of Homeland security, NIIMS, OSHA 29CFR 1910.120 compliance. Initial training shall be two members of the Interagency Hazardous materials Response Team, two members of the interagency Urban Search and Rescue Team, and two members annually from Cal Fire/County Fire or fire districts in San Luis Obispo that have automatic aid agreements with Cal Fire/County Fire for a total of six slots per year for the life of the project. 8. PS-3h Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for Fire Chief Officer attendance such as the 40 hour course offered by Security and Emergency Response Training Center; Leadership & Management of Surface Transportation Incidents. Funding shall be for two Fire Chief Officers annually for the life of the project. 9. PS-3i Prior to issuance of grading permits, the Applicant shall have an agreement with Cal Fire/County Fire to conduct annual emergency response scenario/field based training including Emergency Operations Center Training activations with the Applicant, Cal Fire/County Fire, UPRR, and other San Luis Obispo County First response agencies that have mutual aid agreements with Cal Fire/County Fire. These annual

	emergency response drills shall occur for the life of the project. 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.
HAP-06	Impact GR.1 in Geological Resources (Section 4.6) acknowledges that the proposed rail spur, unloading facility, and associated oil pipeline would be susceptible to damage as a result of an earthquake and that existing building codes are often inadequate to completely protect engineered structures from ground shaking. However, Mitigation Measure GR-1 includes not only typically mandated geotechnical engineering measures, but also mandates cessation of operations and facility inspections following an earthquake and a newly added mitigation for annual inspections to verify that facilities have not been compromised by earthquakes, corrosion, erosion, soil settlement, or other geologic hazards. The issue of emergency response in the event of an accident is discussed in Section 4.11 under fire protection and emergency response. Mitigation measure PS-3b requires that the Emergency Response Plan be updated to include the rail

	unloading facilities and associated operations.
HAP-07 and HAP-08	These comments do not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's concerns about oil company profits are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.