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Cc: "Ray, Caren" <cray@co.slo.ca.us>
Date: 11/01/2014 09:54 AM
Subject: Phillips 66 Rail Spur RDEIR

Dear Mr. Wilson,

These comments I made on the EIR and sent last February were not included in the RDEIR and are still valid. I have read the RDEIR, and find no significant improvements in the problems I cited earlier. However, I would like to add my dismay at the apathy regarding the significant and unmitigatible (and unmitigated in the RDEIR) impacts on the thousands of people who are neighbors to this proposed Railway yard: i.e. 7 days-per-week construction noises; railway whistles and annunciators (the use of which is allowed at all hours in a self-declared emergency); 24 hour noise associated with the movement and unloading of rail cars; increases in already dangerous levels of PM 10 on the Nipomo Mesa during construction and later operations; acknowledged release of noxious odors and toxic gases; loss of night skies for Mesa dwellers; and loss of seaside views of some homes overlooking the railspur. HOI-01

All of these factors undermine the quality of life for the thousands of adjacent and nearby communities as well as having a significant downward impact on the monetary value of their residents' homes and properties. Most important, this project has the potential of not only affecting the neighbors' quality of life, health, and wealth, it also threatens the very lives of the neighbors of the project, given the history of fire and explosions of this kind of rail transport and the woefully inadequate staffing of fire, rescue, and police personnel in the south county (the two extra firemen Philips offered to subsidize during construction is a laugh). Still, the RDEIR finds "no significant impact on housing and population? HOI-02

The only logical response to this project is No Project !

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Response to DEIR Phillips Rail Spur project in February 2014:

A careful review of the DEIR and the listed Class ! Impact (cannot be mitigated), Class II Impact (can be mitigated) and Class III Impact (no significant impact) has led to the following conclusion: the DEIR places little or no value on human life, either its quality or its continued existence. HOI-03

Class I Impacts listed mentions only the potential of ROG or NO emissions and diesel Particulate Matter exceeding County or State standards, the impact rupture or leaks of rail cars could have on sensitive species and habitats, and the degradation of water.

There is no mention of the impact of potential fire or explosion on nearby communities in terms of loss of life or property as unmitigatable. Under Class II Impacts, although there are numerous references to biological impacts, impacts on Agriculture such as dust, gas, soil and water contamination, no mention is made of these impacts on surrounding residential properties or people.

In fact, Class II Impacts lists impacts on view, lighting, agriculture, birds, vegetation, but under impact on Population and Housing, claims "none were identified."

In addition, under Class III (Adverse but not significant) project impacts which directly affect the surrounding community, such as noise, traffic, and impact on public rail transportation, are dismissed as "adverse but insignificant."

HOI-03 cont

In fact, a close look at the language of much of the DEIR gives pause.

In the section on Hazardous Materials 4.7-27, it is acknowledged that "the transportation of hazardous substances poses a potential for fires, explosions and hazardous materials release," but NOWHERE acknowledges this project's proximity to Highway One and adjacent well-populated residential and industrial communities. In fact, the DEIR's Summary's statistical study minimizing the possibility of "train-related fatality or injury" ends years before the several catastrophic accidents in Canada and the United States involving these long trains of fuel laden tankers.

In Section 4.7.37, the DEIR states, "Given the properties of crude oil, the likelihood of an explosion is virtually nonexistent and consequently explosion scenarios are not further addressed in this document."

However, the DEIR (4.7.38) limits its supporting statistics to pre 2001 and references pipelines and coke transportation by rail and does not address volatile fuel transported in tankers, the safety of which are in question and proposed for strengthening in light of recent accidents (Interestingly, Phillips bought up thousands of pre-strengthened tankers in expectation of newer and more expensive requirements being imposed).

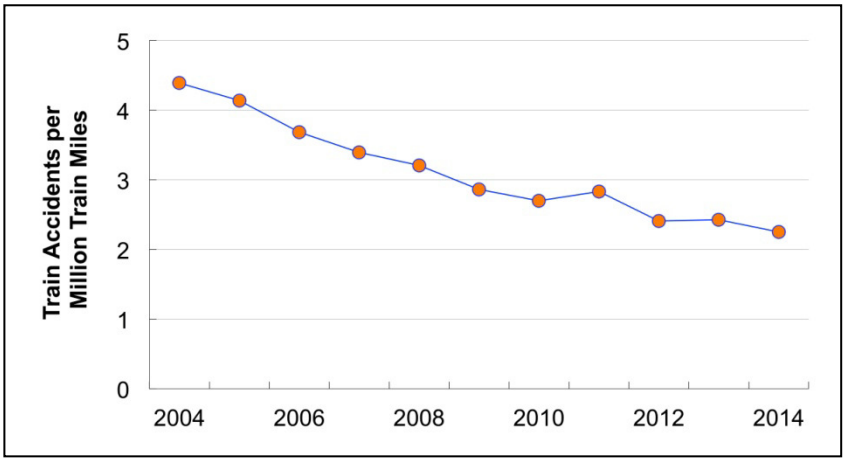
HOI-04

HOI-01 through HOI-03	The issues addressed under CEQA for population and housing have to do with increase in population for the project that could increase demand for housing. Since the project would create only about 12 full time jobs, the impact on housing demand would be less than significant. See Section 4.10, Population and Housing for a definition of the significance criteria used for this issue area. The impacts associated with noise, air quality, safety, visual on existing residences in the area are discussed in the respective issue areas and are not part of the assessment of population and housing. 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 air quality, traffic , lighting, and safety are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
HOI-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 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.

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.