From: Marcia <mardale42@gmail.com>
To: p66-railspur-comments@co.slo.ca.us
Date: 11/20/2014 04:34 PM
Subject: REIR for P66 Rail Spur Extension Project's Effects on Air Quality

November 20, 2014

Dear Mr. Murry Wilson,
SLO County Planning Department

I have reviewed the REIR for P66 Rail Spur Extension Project, and I am very concerned about the effect on air quality for us living on the Nipomo Mesa.

A-4a. Air Quality and Greenhouse Gases:

The Serious Environmental Threats - Five "Class I" Damaging Impacts

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

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

1. (AQ.2): Operational activities associated with the Rail Spur Project at the Refinery would generate criteria pollutant emissions that exceed SLOCAPD thresholds.
2. (AQ.3): Operational activities of trains along the mainline rail route outside of SLO County associated with the Rail Spur Project would generate criteria pollutant emissions that exceed thresholds.
3. (AQ.4): Operational activities at the Refinery associated with the Rail Spur Project would generate toxic emissions that exceed SLOCAPCD thresholds.
4. (AQ.5): Operational activities of trains along the mainline rail route associated with the Rail Spur Project would generate toxic emissions that exceed thresholds.
5. (AQ.6): Operational activities associated with the Rail Spur Project would generate GHG (greenhouse gas) emissions that exceed SLOCAPCD thresholds.

JOM-01

The Key Issues ...

• Heightened Recognition Of Specific Threats To Citizens' Health: This REIR recognizes the serious nature of the health risks raised by this project. Increased risks in important health categories such as cancer, heart disease, respiratory disease (especially in the very young and very old) and premature death are recognized and in some cases the risks are quantified.

• Heightened Recognition Of A Threat To Global Climate Change: The impact of this project on California's and SLO County's programs to reduce the threat of global climate change is also quantified in this REIR and the increase in greenhouse gas emissions of this project are found to exceed thresholds.

• Impractical And Unenforceable Mitigation Measures Although there are mitigation measures discussed in this EIR for all five Class I impacts, the EIR's discussion of the measures, for the most part, makes it very clear they are not truly feasible or adequately enforceable.

• Not Taking Into Account All The Criteria For Determining Compliance With Air Pollution Standards: An issue of great concern with the REIR is its singular reliance on emissions increase thresholds as the sole criteria for the determination of significance under CEQA. The County has identified a list of criteria that can be used as a basis for determining "significance" under CEQA. An emissions increase threshold is only one of them.

Given that this project lies in the heart of a region where the state health standard for particulate matter is violated over 70 times per year and where the federal health standard has been violated in each of the last three years, we believe that any increase in the emissions of particulate matter at this project site violates additional CEQA significance criteria.

JOM-01 cont

I would encourage you to please disapprove the P66 Rail Spur Extension Project.
Thank you for your time.
Best regards,

Marcia and Dale Johnson
1694 Waterview Pl.
Nipomo, CA 93444

From: Marcia <mardale42@gmail.com>
To: p66-railspur-comments@co.slo.ca.us
Date: 11/20/2014 04:39 PM
Subject: REIR for P66 Rail Spur Extension Project

November 20, 2014
Dear Mr. Murry Wilson,
SLO County Planning Department

I have reviewed the REIR for P66 Rail Spur Extension Project and would like to discuss some of my concerns with the project. First I want you to know that I am a resident of the Trilogy at Monarch Dunes and we were made aware of the location of the Santa Maria Refinery when we purchased our home two years ago. Most of the time we are unaware of the Refinery's activities, whose raw material is delivered by pipeline. The only time we really know we are near a refinery is when the wind blows a foul & acrid smell over the development.

We enjoy living in the beautiful Nipomo Mesa area, where many different groups are trying to live & work in harmony.....homeowners, small businesses, agriculture, parks, tourism, along with the Santa Maria Refinery. From reading the REIR, I feel the Proposed P66 Rail Spur Extension Project is just too massive a change in business for this area with so many different interests that are in such close proximity. Is the P66 Rail Spur Extension Project even compliant with SLO County Residential Zoning laws? JOM-02

The REIR states (4.5.1.4) that “between 1994 and 2011 (an 18 year period in which the Nipomo Mesa residential communities were built) the only discernible activity is within the coke yard.” Therefore, building a rail terminal and unloading facility, plus the arrival and departure of 520 trains per year, each a 1.5 miles long, will be a major sea change in the amount of activity residents will be exposed to.

Adding the Rail Spur Extension would greatly degrade the environment in which we live. At the higher elevation of the Trilogy Monarch Dunes development, we will literally have a "Bird's Eye View" of the new rail spurs, with all the arrivals & departures of 400 weekly rail cars bringing in crude oil to the Refinery day & night, along with all the support vehicles. A major "bee-hive of activity right under our noises day and night. My experience from house-hunting is that noise travels up in elevation and is also effected, along with smells, by wind direction. All this added activity will be polluting our air with noise, light, foul smells, and even more particulates to our already burdened air quality. JOM-03

To alleviate the damage to the “scenic vista”, the REIR suggests that an earthen berm be constructed around the eastern perimeter of the Rail Terminal. It theorizes that a berm 10 - 20 feet tall would block the views of the rail spur and trains.That solution simply will not work, given that homes in Trilogy are actually at an elevation some 100’ higher than presented in the study. The visual destruction would remain.

I would like to encourage you to disapprove the P66 Rail Spur Extension Project.
Thank you for your time.
Best regards,

Marcia Johnson
1694 Waterview Pl.
Nipomo, CA 93444

From: Marcia <mardale42@gmail.com>
To: p66-railspur-comments@co.slo.ca.us
Date: 11/20/2014 05:15 PM
Subject: REIR for P66 Rail Spur Extension Project and the DOT-111 rail tank cars

November 20, 2014

Dear Mr. Murry Wilson,
SLO County Planning Department

An article in the Huffington Post written by Joan Lowy 02/27/2014 DOT-111 Rail Tank Cars Used To Ship Oil Called 'Unacceptable' , highlights the potential risk of DOT-111 Rail Tank Cars, the very same model of rail cars that Phillips 66 has said that they have already purchased.

... Rail tank cars being used to ship crude oil from North Dakota's Bakken region are an "unacceptable public risk," and even cars voluntarily upgraded by the industry may not be sufficient, a member of the National Transportation Safety Board said Wednesday."..... "The NTSB has said vulnerabilities with the DOT-111s means they are easily ruptured during accidents, releasing crude oil or other hazardous liquids like ethanol that then ignites....

The REIR for P66 Rail Spur Extension Project states

4.7 Hazards and Hazardous Materials

Early this year (Feb. ’14) in a flyer to residents, Phillips stated it is “committed to the safety of everyone in the communities where we operate. (Our) crude railcar fleet is one of the newest and are all DOT-111 cars ... including 2,000 that meet or exceed the Association of American Railroads safety standards. We are committed to our crude-by-rail strategy.” JOM-04

However, they fail to mention that it’s the DOT-111 tank cars that have been involved in most or all of the previous derailments, explosions, fires and oil spills. While those cars may be state-of-the-art, the state-of-the-art has proven beyond doubt that it’s not good enough.

- A May, 2013 Phillips press release reported on their new cars - “During the first quarter (of 2013), the company took delivery of 400 railcars, which will transport crude to its refineries on the East and West Coasts.”

- Yet, two months later, U.S. Senator Charles Schumer warned - “DOT-111 tank cars are tragically flawed, causing potential damage & catastrophic loss of hazardous materials during derailments.” He called for the “Feds to require a

phase-out plan of DOT-111 cars carrying oil. The DOT-111 tank car has proven particularly prone to spills, tears and fires in the event of a derailment, and it's simply unacceptable."

• A February '14 AP article quoted Ed Hamberger, the president and CEO of the Association of American Railroads, who said the industry has strongly urged the government to set new tank car standards. He said - "We believe there needs to be a safer tank car."

JOM-04 cont

The DOT-111 rail tank cars that will be used have be shown to be flawed, and too expensive to retrofit. The danger of rail car derailments, spills, fires and explosions, not to mention evacuations within San Luis Obispo County are dire concerns for the safety of the community, our air, water, & soil quality. Also I do not feel there will be an adequate number of trained personnel with the appropriate equipment to handle these types of hazardous situations.

I would encourage you to please disapprove the P66 Rail Spur Extension Project.
Thank you for your time.
Best regards,

Marcia Johnson
1694 Waterview Pl.
Nipomo, CA 93444

JOM-01	The original EIR addressed only emissions within SLO County. The revised EIR broke this Class I impact into two parts, emissions within SLO County (both onsite and offsite) and emissions along the mainline outside of SLO County to Roseville or Colton. The criteria for impacts related to health risk were also revised based on the fact that the state agency, OEHHA, is revising their criteria for health risks and this impact was also divided into SMR site and mainline. The GHG scope was revised to address GHG emissions along the entire route as well (to Roseville or Colton), thereby increasing GHG emissions. In combination with the preemption issue, these changes produced additional Class I impacts. Note also that some revisions to rail car handling onsite also changed the onsite emissions levels somewhat. Note that the emissions and modeling related to health risks did not change for the revised EIR, only the criteria for determining cancer impacts were revised based on revisions that were being finalized by OEHHA (although the most recent OEHHA model was used for the Final EIR. The HARP2 model was released by OEHHA after the RDEIR was released). Chronic and acute impacts did not change, but were updated in the FEIR based upon the new HARP2 model. See Appendix B.2.. GHG emissions within SLO County are the same as the original draft, but GHG emissions along the mainline outside of SLOC have been included. Mitigation measures are, by definition, technically feasible, such as the use of Tier 4 locomotives, which are being made within the U.S. However, the ability to require these mitigation measures is uncertain due to the potential for preemption. The mitigation measure to limit idling is feasible, from both a technical and a monitoring basis. UPRR has voluntary agreements with CARB to limit diesel idling in rail yards. Locomotive are equipped with the ability to monitoring idling. Inspections by County staff would ensure that idling limits are complied with. The use of SLOCAPCD thresholds is supported by the SLOCAPCD in their review of the EIRs for this project. As determined by APCD studies, violations of area PM levels are due to the sand particulates from the recreation area and not from SMR operations. Health effects of diesel exhaust are quantified in the EIR using the models and methods defined by CARB, OEHHA and the SLOCAPCD.
JOM-02	The SMR site is zoned Industrial so it is consistent with the zoning of the site. The RDEIR addresses impact to land use (See Section 4.8 Land Use and Recreation) and the potential compatibility of the proposed project with the surrounding land uses. This includes discussion of compatibility with the South County Coastal Area Plan and South County Inland Area Plan. In addition,

	Appendix G contains a preliminary consistency analysis with the applicable San Luis Obispo County Policies. This analysis did identify a number of areas where the Rail Spur Project may be inconsistent with various polices regarding land use compatibility. 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.
JOM-03	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 be sufficient to reduce visibility of the project to a less than significant level for viewpoints from the east, including elevated viewpoints on Via Concha, Louise Lane, Eucalyptus Road, Thomas Court, and other viewing areas. The remainder of the comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's concerns about noise, odor, air quality and aesthetics and visual resources are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
JOM-04	It would appear that most of the information in this comment has been derived from information disseminated by Phillips 66, and does not reflect the RDEIR analysis. 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.