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Date: 11/02/2014 05:46 PM
Subject: Phillips 66 - Stop the Nipomo Mesa Rail Spur & Terminal

To the members of the County Board of Supervisors,

The residents in South SLO County and their health and well being should motivate your vote against the Phillips 66 rail spur project. The Phillips 66 profit projections and very few new jobs are not a reasonable rationalization of Phillips 66 Management to promote this project.

I am a Civil Engineer with a Professional Engineering License. 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. KAB-01

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.

This Proposed new Phillips 66 Rail Spur is incompatible With Residential Zoning: The rail spur project is highly incompatible with SLO County's having created and zoned the area (in which I live) 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. A earth berm will NOT stop the large noises created by the dramatically increased number of trains cars. If the rail terminal is approved, the entire area environment would be negatively affected. It would dramatically increase risks of huge explosions/fires from train derailments and other risk issues. House values on the Mesa could decrease and new houses will likely be more difficult to KAB-02

build/sell as well as selling previously owned houses. This will likely decrease the taxes received by the County.

No matter what Phillips 66 promises, the residential community is more important to the South County. The Rail Project should not be allowed as it degrades our environment and significantly increase risks to residents and wildlife . KAB-02 cont

As a homeowner living in the Woodlands/Trilogy Development, please review these facts before you vote and put the residents at the top of SLO County's priorities.

Regards,
Brian and Debbie Kaub
1938 Eucalyptus Road
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KAB-01	The purpose of the California Environmental Quality Act (CEQA) is to inform governmental decision makers and the public about the significant environmental effects of a proposed project. 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 impacts are discussed in Section 4.3 (Air Quality and Greenhouse Gases). As indicated in the comment, the EIR identifies a number of significant impacts. 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.
KAB-02	The Rail Spur Project's consistency with applicable plans and policies is discussed in Appendix G of the RDEIR, and any identified potential inconsistencies are further evaluated in Section 4.8, Land Use and Recreation, of the RDEIR. This analysis includes a discussion of compatibility with surrounding land uses. 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. The issue of train derailments and accidents are discussed in Section 4.7, Hazards and Hazardous Materials. The RDEIR found that the public safety impacts of train derailments on mainline rail routes were a significant and unavoidable (Class I) impact. The ten foot berm is a recommended mitigation measure for visual impacts. Noise impacts of trains operating at the SMR are discussed in Section 4.9, Noise and Vibration. As part of the EIR baseline noise levels were taken at various locations around the Santa Maria Refinery. In addition, noise monitoring was done during existing train activities on the Santa Maria Refinery site. (Trains are currently used to transport coke from the refinery). In addition to this testing, the EIR utilized extensive testing and modeling as conducted by the Federal Transportation Administration (FTA) in order to assess the potential noise impacts of the project. The monitoring of the existing trains at the Santa Maria Refinery was conducted in order to assess the accuracy of the FTA models for this facility and arrangement. Models are often used to assess potential impacts, as they are used extensively to assess air quality impacts as well as noise impacts. The EIR provides the estimated impacts and provides for mitigation to ensure that the noise levels will remain below the thresholds, including monitoring of the activities during the day and night. With the mitigation, hourly noise levels at the nearest sensitive receptors would increase by between 0.2 and 1.4 dBA during the day and by between 0.8 and 3.6 dBA at night, which would be a less than significant impact. Note that these results do not indicate that the activities will not be heard, only that they will

	remain below the thresholds. CEQA is applied to projects that cause a physical change in the environment. Economic effects alone do not trigger CEQA; "[T]here must be a physical change resulting from the project directly or indirectly before CEQA will apply." Such changes can be direct or indirect. In other words, if a proposed project may cause economic and social consequences, but no significant environmental impacts, CEQA does not require that an EIR be prepared. By themselves, however, economic and social impacts of a proposed project "shall not be treated as significant effects on the environment." (CEQA Guidelines, Section 15131(a) The courts have specifically rejected consideration of economic concerns, for example "the economic impact on small businesses on property values" did not trigger CEQA in City of Orange v. Valenti (4th Dist. 1974) 37 Cal. App. 3d 240, 249 [112 Cal. Rptr. 379]. The issue of property values will be considered by the decision makers as part of the public hearing process.