

Eunice Kaye
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November 17, 2014

Mr Murry Wilson
SLO County Planning Department
976 Osos St., Room 200
San Luis Obispo, CA 93408

Re: Phillips 66 Plan for Rail Spur and Expanded Operations and REIR

Dear Mr Murry Wilson:

I live in San Luis Obispo County and I am writing to express my concern about the Planning Commission's pending decision regarding a plan submitted by Phillips 66 and the revised REIR proposal. I understand that the review underway is to evaluate the impact of the plan and the mitigation strategies and commitments.

In general I am concerned whether there is specialized knowledge and adequate study to verify that the REIR statements are in fact backed by empirical science. However, I do not have the expertise to comment on many of the REIR assertions but am very fearful that the proposal could go forward. In studying Phillip 66's overall strategy and the impetus for the Santa Maria Refinery expansion at this time, I note a national trend of concerns for safety regarding pipeline transmission of oil. Many of these pipelines across the country are aging and the cost of replacement is very expensive. One alternative is to transport crude oil via rail. I understand that the Federal Railroad Administration (FRA) governs the regulatory process for safe transfer. The FRA is currently working on increasing safety measures for DOT-111 tanker cars which it appears that the REIR alludes to. However, the solutions to the inadequacies of the tanker cars are not designed as yet. The REIR and Phillips 66 project will involve a great increase in tanker cars bringing hazardous crude oil to the mesa location and no mitigation for very serious potential explosions or spills available.

It would seem that a better time to consider a plan and REIR for Phillips 66 rail spur and expansion of operations would be after the retrofit safety design of the DOT-111 tankers or the availability of a new tanker model that is proven to be safe. Since there are thousands of the DOT-111 tankers on the rail lines, I doubt that they will be out of usage for a long time. Certainly it would be prudent to wait for federal directives regarding tanker safety before subjecting San Luis County to such a horrendous risk.

I cannot overemphasize the amount of fear I feel if the planned expansion is supported and massive amounts of hazardous and toxic materials are brought in and there is no viable way to assure the safety of people within miles of the site of an explosion or spill. I ask the Planning Commission to shut this expansion down now with a decision of "no project". We know Phillips 66 will continue to pursue the plan but at this time the safety costs are too great and there are too many safety assurances that cannot be made. Specifically, the tankers are known to be unsafe and there is no design answer at this time.

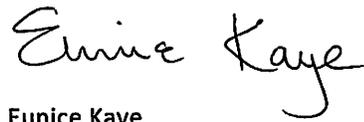
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Further, I request that the Planning Commission evaluate and assure residents that all of the scientific study and input is completed. Additionally, would all of the members of the Commission want to personally live within 5 miles of the proposed refinery expansion?

KAE-02

Sincerely,

A handwritten signature in cursive script that reads "Eunice Kaye". The letters are fluid and connected, with a prominent loop on the 'y'.

Eunice Kaye

Responses to Eunice Kaye Comments

KAE-01	<p>The EIR discusses the new United States Department of Transportation (DOT) regulations for tank car designs in Section 4.7.5, Hazards and Hazardous Materials. The EIR has a mitigation measure that requires the use of the safest designed tank car evaluated by the DOT as part of their rule making process. As discussed in Chapter 2.0, Project Description, Phillips 66 is proposing to use CPC-1232 tank cars, which are an upgrade from the old DOT-111s. However, the EIR recommends the use of a more robust tank car design. As discussed in Table 4.7.6 of the RDEIR, the CPC-1232 tank car design was not one that was being considered as part of the DOT rulemaking for new tank car designs. In May 2015 the DOT issued their final rules for high hazard flammable trains. The final rule is discussed in Section 4.7.5, Hazards and Hazardous Materials. The Final rule does not require the use of Option 1 tank cars, but the FEIR is still recommending as a mitigation measure the use of the Option 1 design.</p> <p>The remaining portions of this comment do not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's concerns about safety and hazards are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.</p>
KAE-02	<p>The County has been involved in the review of the EIR to assure that the scientific studies and analyses used in the document are accurate and appropriate for the proposed project. The remaining portions of this comment do not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. No further response is required.</p>