From: Larry Kimmelman <kimmelmail@verizon.net>
To: p66-railspur-comments@co.slo.ca.us
Date: 11/24/2014 03:38 PM
Subject: Phillip's Rail Terminal Project

Mr. Murry Wilson, SLO County Planning Department:

We have been residents at the Trilogy development in Nipomo since 2010, and we're appalled by the Phillip's Rail Terminal Project proposal. Because there are so many significant issues of importance to our family, our health, our neighborhood and our county, we ask that you and the County Officials decision makers decline this project forthwith. After reviewing the REIR, here are the crucial issues of concern:

A) Rail Terminal construction & air, vehicle, visual pollution, including extensive truck traffic & construction equipment along a bucolic Willow Road, cannot be honestly alleviated. KIL-01

B) Railcar repair noise mitigation has not been addressed. KIL-02

C) Railcars over a mile and a half long is untenable and unjustified. KIL-03

D) The loss of our scenic views, especially of the sand dunes and the Pacific Ocean, is a profound forfeiture of the area beauty (and one of the primary reasons we decided to purchase our home here in the first place).
The proposed "berm" would not hide the terminal views, thus assuring visual destruction of what we truly enjoy about our development. KIL-04

E) Excessive terminal project lighting will simply exacerbate the horrible views of train cars and loading facilities. The proposed REIR lighting solutions are misleading and without merit, in my humble opinion. We would lose our investment in the beauty of the area as it exists today. KIL-05

F) We take the increased air quality dangers as significant risks to our health, and our a profound rationale for selling our home. The increase of higher sulfur dioxide levels, along with ballooning tar sand "petcoke"
black granules dust is unacceptable and unwarranted. KIL-06

G) The heavy industry impact on our community, including our Monarch Butterfly Habitat, area tourism, wildlife and the natural environment is the antithesis of why we chose to live here. KIL-07

H) Accidents, derailments, and the release of hazardous materials are profound concerns with my family. We don't believe, for one minute, that the Phillips owned outmoded DOT-111railcars will protect or prevent truly serious accidents from occurring. The recent Casselton, ND accident is a prime example of why this project is truly, and unnecessarily dangerous. KIL-08

I) The noise from the traveling trains, ongoing operations, engine noise, and increased vehicular site traffic is beyond what we should endure, and what we signed up for when we bought our home in the Trilogy development 5 years ago. We do not believe that Philips will be able to monitor, let alone mitigate, unacceptable levels of noise pollution. KIL-09

We ask that you seriously consider the profound level of peril and risk to our health, home and neighborhood, and reject their proposal. We should not put our health, our economy, our quality of life, and the natural beauty of our area at risk for increasing Phillip's profit. KIL-10

Thank you for considering our request.

Lawrence N. Kimmelman
Terry L. Kimmelman
1138 Vaquero Way
Nipomo, CA 9 3444

Responses to Lawrence N. Kimmelman Comments

KIL-01	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 truck and construction traffic along Willow Road is included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project. Section 4.12, Transportation and Circulation discusses the impacts of construction traffic on Highway 1 and Willow Road.
KIL-02	The main purpose of the "bad order track" is to hold tank cars that have crude oil that does not meet the require specifications. With regard to rail car and locomotive repairs, the SMR facilities do not have the equipment or operations to conduct major repairs to rail cars and locomotives. If a rail care or locomotive broke down and needed repair UPRR would have to move them to one of its rail yard facilities. Mitigation has been added to the FEIR to ensure that any minor car or locomotive repairs occur only during daylight hours (refer to mitigation measure N-2a), when background noise levels are higher and noise from rail spur activities has less of an impact. Note also that UPRR may do minor car and locomotive repairs along the existing siding near the SMR for any trains currently being transported by UPRR, so a degree of repairs are already a part of the baseline noise environment.
KIL-03	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). Text has been added to Section 2.5 of the FEIR that provides additional information on the length of a unit train. Appendix A of the RDEIR contains detailed track drawings that provide the length of each of the tracks. Figure 2-4 of the FEIR has been modified to provide the length of each of the tracks.
KIL-04 and KIL-05	The RDEIR identifies and acknowledges potential impacts to the scenic vista and requires mitigation measures such as the screening berm which would reduce those impacts to a less than significant level. The RDEIR also notes that the project would not block views of the Pacific Ocean, sweeping coastline, dunes, riparian corridors, or agricultural field patterns. 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 RDEIR acknowledges visibility of new night lights from the surrounding areas and identifies substantial mitigation measures to minimize any potentially adverse effects. At the unloading facility all lights would be mounted under the proposed canopy. Forty of these canopy lights would be placed 60-feet apart, and 30 of them would be 20-feet apart. Lighting for the rail spur would only be for perimeter fencing security purposes and would be placed on 15-foot tall poles, 500 feet apart. The lighting associated with the unloading facility would be viewed at a distance of approximately 1.5 miles or more from viewpoints east of Highway 1, and would be seen in the context of the Santa Maria Refinery immediately to the north. In addition the unloading facility proposes a covered canopy over the majority of the area, which would decrease light-trespass. Similar to the lack of visibility of the existing Santa Maria Refinery's illuminated ground-plane, intervening topography would block views of the illuminated ground-plane of the unloading facility as seen from Highway 1 and the residential areas to the east. Although the project would introduce light into a new area, the required berm in combination with the natural ridge to the north will help reduce visibility of night lighting for viewpoints from the east, including elevated viewpoints in the Trilogy development and other public viewpoints. With applied mitigation measures new lighting would not appear out of place given the relatively close proximity to the existing Santa Maria Refinery and coke processing facility, which emits high levels of industrial lighting every night of the year. In addition to the applicant-proposed lighting features such as downward-directed lights with fully shielded lenses, the RDEIR requires substantial mitigation measures that will minimize lighting impacts through expertise and photometric-based design and technology, based on established dark-sky principles. Mitigation measures preclude illumination of adjacent slopes, prohibit placement of perimeter lights (which as previously described would be 15-feet tall) east of the screening berm (which as previously described would be 10 to 20- feet tall), and require the use of motion detectors rather than being continuously on. Importantly, following project completion the RDEIR requires the preparation of a Lighting Evaluation Report for review and approval by the County Department of Planning and Building prepared by a qualified lighting engineer not involved in the design of the original lighting plan. The Lighting Evaluation Report will conduct a comprehensive evaluation of in-place

	lighting, under all expected circumstances, and will require correction of any unexpected or residual lighting impacts based on direct observation of the completed project. The air quality mitigation that would limit rail car unloading from between 7 A.M. and 7 P.M. would also serve to reduce the nighttime lighting impacts to less than significant.
KIL-06	A study performed by the SLOCAPCD, the South County Phase 2 Particulate Study, evaluated whether impacts from off-road vehicle activities at the Oceano Dunes State Vehicle Recreational Area (ODSVRA), the Phillips Refinery coke piles, and adjacent agricultural fields were contributing to the particulate problems on the Nipomo Mesa (SLOC APCD 2010). The Phase 2 portion of the study concluded that off-road vehicle activity in the ODSVRA is a major contributing factor to the PM concentrations observed on the Nipomo Mesa and that neither the petroleum coke piles at the Phillips facility nor agricultural fields or activities in and around the area are a significant source of ambient PM on the Nipomo Mesa. The composition of the particulates is predominately natural crustal particles. The SLOCAPCD has determined that the dune complex along the coast of the Five Cities area is the source of the high particulate matter levels measured at the South Coast stations (SLOCAPCD Annual Emissions Report, 2013). The SMR has a coke dust plan to reduce coke dust and it does involve watering. However, the proposed Project is not anticipated to increase coke handling or contribute to dust particulate levels in the area.
KIL-07	The comment regarding impacts to the community, Monarch butterfly habitat, tourism, wildlife and the natural environment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's concern regarding these issues have been included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
KIL-08	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 the safety and environmental impacts of the project are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
KIL-09	Noise levels along the mainline and at the SMR would increase with the additional trains. Noise levels along the mainline are addressed in Section 4.9 (Noise and Vibration) under impact N.3. Noise levels at the SMR are discussed in Section 4.9 under impacts N.1 for construction and N.2 for operations. Based on in-field monitoring and modeling, noise impacts would be less than significant with mitigation (Class II). Mitigation measure N-2c requires monitoring and potential limits on operations if noise levels are unacceptable.
KIL-10	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 health, aesthetics and visual resources and economics are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.