

From: Elizabeth Lasensky <elasensky@yahoo.com>
To: "p66-railspur-comments@co.slo.ca.us"
<p66-railspur-comments@co.slo.ca.us>
Cc: Elizabeth <elasensky@yahoo.com>
Date: 11/15/2014 02:40 PM
Subject: Public Comments on Phillips 66 Refinery Railspur Project

November 15, 2014

Mr. Murry Wilson
SLO County Planning Department
p66-railspur-comments@co.slo.ca.us

Dear Mr. Murry:

Please add my comments to the public legal record on Phillip's 66 Crude By Rail. In addition, please forward my comments to the Planning Commissioners.

I am a resident of Davis. I live in a senior mobile home park within a mile from the tracks for the proposed Phillips 66 rail project. Our park is approximately a mile from a 10mph left-handed cross-over between the main tracks that lie east of the Davis train station. I am also a member of the Yolo Basin Foundation, which provides funds and volunteers for the Yolo Basin Wildlife Refuge. The Yolo Basin is the beginning of the Delta, from which much of California gets its water. In addition, I am a frequent passenger on the Capitol Corridor, a commuter train jointly operated by Amtrak, Union Pacific and Caltrans.

The Phillips 66 refinery is asking for permission to bring Canadian tar sands from Canada into and through California. Each oil train carries more than 3 million gallons of explosive, toxic crude oil. This is the most toxic crude oil on earth rolling in trains over the Sierras, where our watershed and forests are, potentially come across the Yolo Bypass, which includes our sensitive Yolo Basin Wildlife Preserve. These trains will share tracks with Amtrak passenger trains and will parallel Interstate 80.

They will pass within a mile of several senior housing complexes and our police station, pass through our downtown and several additional residential areas, and exit town along the edge of UC Davis, including the Mondavi Center complex. From here, the trains will rumble over the old Carquinas train bridge, down through the East Bay with its many earthquake faults on their toxic way to Santa Maria. Needless to say, I am very concerned about the cumulative impact of these crude oil trains rumbling through my community every day.

According to the California Energy Commission, we can expect California to import as much as 25% of its crude oil by rail within the next few years, translating into five or six trains per day passing through our town. Given the cumulative impact of such increased crude-by-rail traffic, up-rail communities have much at risk and deserve a voice in the process.

While the revised EIR mentions some of my concerns, many concerns and their mitigation are only directed at the vicinity of the refinery itself.

1. Air, noise and vibration pollution along the train route

As noted above, I live in a senior mobile home park, about a mile from the tracks. Across the street is a nursing home and in the other direction are two additional senior housing complexes. A high percentage of the residents have respiratory and ambulatory issues. Many residents will be connected to sensitive machines for which vibration might be a problem. Increased noise will be a factor for any residents living so close to the tracks.

The draft EIR admits that the facility will create "significant and unavoidable" levels of air pollution, including toxic sulfur dioxide and cancer-causing chemicals. The draft EIR also cites increased health risks for children and the elderly. These same issues are concerns here in Davis, specifically for our children and senior citizens.

The draft EIR also discusses noise and vibration and their mitigation but in the vicinity of the refinery.

LAE-01

LAE-02

LAE-03

LAE-04

What mitigation measures will be taken to offset the air pollution caused by increased particulate matter raised from the trains as they travel through our uprail communities?

LAE-05

What measures will be taken to offset the air pollution caused by fumes escaping from the train cars?

LAE-06

What measures will be taken to offset vibration from the trains as they travel through Davis?

LAE-07

What measures will be taken to offset the increased noise from additional trains, cars and weight rolling through town at all hours?

LAE-08

2. Public safety

a. Even cars that meet the 1232 standards from 2011 are prone to rupture.

LAE-09

Please site convincing evidence that the newer cars can withstand puncture in a derailment of a train going 40-50 miles an hour.

b. There is a 10mph left-handed cross-over between the main tracks several hundred feet east of the Amtrak station, which is acknowledged in the draft EIR. The document assures the public that oil trains coming through this section will reduce speed to 10 mpr. What group or agency will monitor this?

LAE-10

Several derailments elsewhere in North America have been caused by human error when a train proceeds through a low speed crossover between two higher speed tracks and failing to reduce speed; one near Chicago and one in Canada caused fatalities.

c. The Davis Enterprise reported that two train derailments have happened in Davis since 2003 and summaries of the articles are below.

Davis Enterprise, The (CA)-January 29, 2003
Author: Lauren Keene/Enterprise staff writer

People traveling by Amtrak trains experienced some service delays in Davis this morning, the result of a freight train accident that derailed four cars Tuesday night.

No injuries resulted from the derailment, which occurred at about 7:45 p.m. on the Union Pacific Railroad tracks that run parallel to Second Street, near Cousteau Place.

LAE-11

Bob Jones, a general manager with California Northern Railroad, said the derailment was the result of an "overspeed impact" that occurred when a 48-car train coming from Woodland attempted to connect with another line consisting of 27 cars. The empty cars were then destined for Roseville.

"For some reason they didn't slow as anticipated," Jones said, adding that the longer train was traveling an estimated 5 to 6 mph. "They needed to be under four (mph)."

http://docs.newsbank.com/s/InfoWeb/aggdocs/NewsBank/105D11605DB00D87/105FF707937F67E5?p_multi=DVEB&s_lang=en-US

Davis Enterprise, The (CA)-November 4, 2009
Author: Jonathan Edwards

Enterprise staff writer

A freight train derailed Tuesday afternoon in downtown Davis and threatened to snap power lines, crush fences and roll into back yards.

The tracks collapsed under a 12-car train and two cars toppled, said Capt. Richard Moore with the Davis Fire Department. A third car's wheels came off the rails, but the car itself stayed upright.

No one was injured in the accident, which was reported to fire crews at 4:18 p.m.

Each of the two downed cars carried 90 tons of lime, a chemical used in construction, Moore said. A hazardous materials crew was not called in.

http://docs.newsbank.com/s/InfoWeb/aggdocs/NewsBank/12BC77A26EEE1578/105FF707937F67E5?p_multi=DVEB&s_lang=en-US

YouTube footage of the train derailment on November 6, 2009 can be seen at:

<http://www.youtube.com/watch?v=1FKkOoitQgw>
<http://www.youtube.com/watch?v=gQSLplkzPWs>

d. Rail tracks and bridges need to be inspected regularly, particularly after extreme weather events, to be sure they are supporting the axel load of the long, heavy, and frequent oil trains. This is especially true regarding the additional weight loads as the heavier updated tank cars with shielded hulls are put into service. The draft EIR notes that California has 38 rail inspectors and is hiring 7 more. The document does not mention any additional federal inspectors. Will the track inspections be made public?

e. What evacuation plans have been prepared for Davis when a spill and/or explosion occurs? What evacuation plans have been prepared for transporting injured, ill and infirm residents from senior housing complexes and nursing homes?

f. What plans have been prepared for dealing with catastrophic loss of life and property after a spill and/or explosion occurs?

g. What plans have been prepared to transport injured residents and responders to hospitals after a spill/explosion has occurred?

h. What plans have been prepared for rerouting Interstate 80 in Davis when a spill and/or explosion occurs?

i. What plans have been prepared for alternate headquarters and emergency response for the Davis Police Department should a spill and/or explosion occur? Will our emergency responders have access to information on what exactly is being transported in the train cars?

j. What plans have been prepared for protecting passengers on Amtrak from the risks of spills and/or explosions? What contingency plans are in place to reroute Amtrak trains after a spill and or/explosion?

3. Environmental damage

The water in the Yolo Bypass is the beginning of the Delta. Any spills in this area will have enormous implications for the entire state, including drinking water, rice growing, bird migration and drought relief.

a. Canadian tar sands crude are more carbon intensive than other sources of oil. This means more carbon pollution at every stage of its existence, from mining to transportation to refining.

LAE-12

LAE-13

LAE-14

LAE-15

LAE-16

LAE-17

LAE-18

LAE-19

LAE-20

b. What plans have been prepared for remediation after potential spills/explosions in Yolo Basin? How will the spill/explosion be contained?

LAE-21

c. What plans have been prepared to protect endangered species from pollution, spills and explosions caused by oil trains?

LAE-22

4. Liability

Should there be a spill/explosion on the scope of the Lac Megantic (Canada) explosion in Davis, who carries the liability? That Canadian town has yet to be compensated. What can we expect in Davis? Should there be a spill in Yolo Basin, what compensation is possible when a state's water supply is at risk?

LAE-23

5. Passenger Rail

While the draft EIR states that the Applicant will work with the Coast Starlight and Coast Pacific Surfliner routes to ensure that there are no delays to passenger rail service in San Luis Obispo area, no such assurances are made about the Capitol Corridor and California Zephyr.

LAE-24

What mitigation will be provided to make sure these two additional train routes will be protected from service delays caused by these oil trains?

Lastly and most importantly, moving this highly volatile, flammable and toxic crude across thousands of miles of rivers, forests, bridges and communities is sheer madness. Each trainload is a disaster waiting to happen. Each ton of crude is a ton for climate crisis.

Should this project be approved, the County of San Luis Obispo and its residents carry at least a moral liability for any disasters that happen along the thousands of miles of track to the refinery. While your county's coffers may be helped by this refinery, it is the uprill communities and resources that carry the risk.

LAE-25

The fossil fuel industry is literally and figuratively a dying industry. San Luis Obispo County can reject this project and redirect its focus to renewable energy. That is the future.

Thank you,
Elizabeth Lasensky
187 Full Circle
Davis, CA 95618



English ▾

Train derails off Second St.

Davis Enterprise, The (CA) - Wednesday, January 29, 2003

Author: Lauren Keene/Enterprise staff writer

People traveling by Amtrak trains experienced some service delays in Davis this morning, the result of a freight train accident that derailed four cars Tuesday night.

No injuries resulted from the derailment, which occurred at about 7:45 p.m. on the Union Pacific Railroad tracks that run parallel to Second Street, near Cousteau Place.

Bob Jones, a general manager with California Northern Railroad, said the derailment was the result of an "overspeed impact" that occurred when a 48-car train coming from Woodland attempted to connect with another line consisting of 27 cars. The empty cars were then destined for Roseville.

"For some reason they didn't slow as anticipated," Jones said, adding that the longer train was traveling an estimated 5 to 6 mph. "They needed to be under four (mph)."

As a result of the impact, two cars were forced nearly completely off the tracks, creating a V shape, while two others were only slightly derailed. Union Pacific Railroad maintenance workers reportedly called in cranes to return the cars to the tracks.

Amtrak spokeswoman Sarah Swain said this morning that the derailment resulted in service delays for both the Capitol Corridor and California Zephyr passenger trains, which had the use of only one rail line this morning. The Zephyr was delayed by about 15 minutes, while the Capitol Corridor lines experienced delays of between 25 minutes and an hour.

"Things are picking up now, and the delays are less and less," Swain said late this morning. "By the afternoon, it should be all cleared up."

For updated information, passengers may call Amtrak's passenger information line, at (800) USA-RAIL (872-7245).

-- Reach Lauren Keene at <mailto:lkeene@davisenterprise.net>

Wednesday, January 29, 2003

Record Number: 105D11605DB00D87

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[Train derails off Second St.](#)



English ▼

A freight train derailed Tuesday afternoon in downtown Davis and threatened to snap power lines, crush fences and roll into back yards.

Davis Enterprise, The (CA) - Wednesday, November 4, 2009

Author: Jonathan Edwards ; Enterprise staff writer

A freight train derailed Tuesday afternoon in downtown Davis and threatened to snap power lines, crush fences and roll into back yards.

The tracks collapsed under a 12-car train and two cars toppled, said Capt. Richard Moore with the Davis Fire Department. A third car's wheels came off the rails, but the car itself stayed upright.

No one was injured in the accident, which was reported to fire crews at 4:18 p.m.

Each of the two downed cars carried 90 tons of lime, a chemical used in construction, Moore said. A hazardous materials crew was not called in.

Getting the cars back on track will require a heavy-duty crane, said Javier Arias, trainmaster for the California Northern Railroad, which owns the railroad. The soonest he could get one to the scene would be midnight. But, he added, the six to seven hours of loud noise would disrupt homeowners and businesses. So, work was scheduled to start 6 a.m. today.

The train still "could fall into telephone poles or high-voltage power lines," Moore said as he assessed the scene.

That's not going to happen, Arias assured him.

"If it would've fallen, it would've fallen," he told Moore and Fire Chief Rose Conroy, "and we're not going to move it."

Still, Conroy said, "a security guard of some sort would be appropriate" to keep people away from danger. Arias agreed.

Christi Postlethwaite's house sits next to the tracks. She was in her front yard with her 5-year-old daughter and 3-year-old son when the train derailed but didn't notice anything. In fact, the news surprised her, and she went to inspect.

Trains are just part of life for Postlethwaite and her family.

"I hear a train every morning, every evening, every afternoon," she said. Still, she said she had wondered why that one had been sitting there longer than usual.

Donna Purdum has lived in her Boyer Circle home, which is separated from the tracks by a fence, for 50 years. This is the second time there's been a train accident, she said.

The other, she estimated, happened about 30 years ago when a train car lost its load of telephone poles.

"If they had hit anyone, Purdum said, "they would've been killed."

Arias said this was the first time a train derailed in Davis. Compared to others he's seen, he said Tuesday's accident "isn't too bad."

— Reach Jonathan Edwards at jedwards@davisenterprise.net or (530) 747-8052.
Comment on this article at www.davisenterprise.com

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<cray@co.slo.ca.us>, "bgibson@co.slo.ca.us"
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Date: 11/19/2014 04:02 PM
Subject: Public Comment on Phillips 66 Refinery Railspur Project

November 19, 2014

Mr. Murry Wilson
SLO County Planning Department
p66-railspur-comments@co.slo.ca.us

Dear Mr. Murry:

Please add my comments to the public legal record on Phillip's 66 Crude By Rail. In addition, please forward my comments to the Planning Commissioners.

I am a resident of Davis, living within a mile of the train tracks. The Phillips 66 refinery is asking for permission to bring Canadian tar sands from Canada into and through California. Each oil train carries more than 3 million gallons of explosive, toxic crude oil. This is the most toxic crude oil on earth rolling in trains over the Sierras or down from Oregon, where our watershed and forests are, potentially come across the Yolo Bypass, which includes our sensitive Yolo Basin Wildlife Preserve. These trains, traveling at 50+ miles an hour, will share tracks with Amtrak passenger trains and will parallel Interstate 80. They will pass within a mile of several senior housing complexes and our police station, pass through our downtown and several additional residential areas, and exit town along the edge of UC Davis, including the Mondavi Center complex. From here, the trains will rumble over the old Carquinas train bridge, down through the East Bay with its many earthquake faults on their toxic way to Santa Maria. Needless to say, I am very concerned about the cumulative impact of these crude oil trains rumbling through my community every day.

LAE-26

As Davis is not considered a major urban area, oil trains may and do travel through our community at 50+ miles an hour. Although your revised EIR mentions a 10 mph speed limit in Davis, this is mentioned in context of increased air pollution from trains going slowly. What the EIR does not state is that there is a 10 mph crossover switch in Davis at a wye curve.

LAE-27

What guarantee do we have that the railroad will monitor this dangerous slow-speed section? How soon will they install the promised Positive Train Control devices?

Speaking of air pollution, the draft EIR states that Yolo and Solano Counties will not have significant increases in air pollution from the oil trains. Both counties are quite large with oil trains transiting only a portion of each county. The more accurate statistic would be how much additional air pollution will be created within a 5 mile or so distance from the tracks. The EIR already states that Davis will have an increase in air pollution because of oil trains going more slowly at the 10 mph curve and switch.

LAE-28

The revised EIR states that the new 1232 train cars are safer than the older DOT 111 cars. Please site convincing evidence that the newer cars can withstand puncture in a derailment of a train going 50+ miles an hour, as they do in Davis.

LAE-29

The draft EIR talks about potential disruption to transportation circulation, mostly in relation to San Luis Obispo County and passenger rail. What is not stated is the disruption to auto, pedestrian, bicycle and emergency response

LAE-30

traffic at at-grade crossings. How many such crossings are there on the routes from the California border to the refinery? What are the consequences of emergency responders being stuck at crossings while 80 and 100 unit trains pass through? Each crossing will have double the traffic, as the returning trains will also block traffic.

LAE-30
cont

The draft EIR notes that California has 38 rail inspectors and is hiring 7 more. The document does not mention any additional federal inspectors. Will the track inspections be made public? Is this really adequate given the state of our old bridges and the number of areas of track that are listed as "high risk" on the Office of Spill Prevention and Response map for CA?

LAE-31

The draft EIR consistently quotes risk assessments for train derailments starting from either the Roseville or Colton rail yards to the SMR.

However, some of the locations with the greatest potential for derailments and subsequent spills and explosions are in Dunsmuir, Feather River Canyon and over Donner and the Sierras. Why were those locations left off the risk analysis? With those locations added to the rail miles, what are the new risk assessment numbers?

LAE-32

While the report helpfully tells us that 40% of California firefighters are volunteers, the report does not appropriately connect many of those volunteer firefighting units to the high-risk areas over which the oil trains will transit, such as remote areas near Dunsmuir, Feather River Canyon, and the Sierras. These volunteer units lack trained spill and explosion personnel and equipment. Their ability to respond quickly to incidents in remote areas is unlikely, making spills and explosions even more disastrous.

LAE-33

Although the Yolo Bypass, which is the gateway to the Delta, is closer to trained emergency responders, that would be little comfort should there be a derailment of heavy tar sands crude into the watershed.

Per your EIR, "Even with these [mitigation] measures, in the unlikely event of an oil spill along the UPRR mainline track, cumulative impacts to water resources could be significant. Depending on the location of the spill, impacts may occur to water resources that cannot be mitigated through oil spill response, remediation and restoration and the cumulative impact would remain significant and unavoidable."

LAE-34

The EIR is now potentially talking about significant and unavoidable impacts on the drinking water for a huge portion of the state. Is San Luis Obispo County prepared to take that risk?

LAE-35

As the Agency responsible for either accepting or rejecting this project, your decision will impact uprail communities far beyond the boundaries of San Luis Obispo County. Although SB 861 requires proof from UPRR that they have enough insurance to cover any disaster, the railroad is contesting that legislation. Is the County prepared to cover any liability, including a worst-case scenario?

LAE-36

Sincerely,
Elizabeth Lasensky
187 Full Circle
Davis CA 95618



Public comment on the Phillips 66 Santa Maria oil terminal proposal

Elizabeth Lasensky to: p66-railspur-comments

11/23/2014 03:40 PM

Sent by: **Sierra Club** <information@sierraclub.org>

Please respond to Elizabeth Lasensky

Nov 23, 2014

Mr. Murry Wilson

Dear Mr. Wilson,

As a resident of Davis, living within a mile of the train tracks, I am deeply concerned about the proposed crude-by-rail project at the Phillips 66 Santa Maria Refinery. This project presents significant and unacceptable risks to communities across California.

As I have noted elsewhere, the cumulative impact of numerous oil trains transiting our state and communities has serious consequences for air emissions, chemical leaks, noise and vibration issues, and for our first responders. Our drinking water and forests are at huge risk. There is also the liability issue, as railroads do not carry sufficient liability insurance to cover damages and loss of life after an oil spill and/or explosion.

LAE-37

Finally, I urge the planning department to examine the Santa Maria and Rodeo proposals as a single project. The proposed oil train terminal in Santa Maria is linked by pipeline to the Phillips 66 refinery in Rodeo, CA. Phillips 66 is proposing to modify these facilities to allow them to refine tar sands, thus creating more toxic air and water pollution for families along the rail line and near the Santa Maria refinery. San Luis Obispo cannot approve the Santa Maria project in isolation.

LAE-38

For all the aforementioned reasons, I urge the San Luis Obispo County Planning Commission and Board of Supervisors to reject the Phillips 66 proposed rail spur. This project creates significant, unavoidable, and unnecessary risks for our communities and our climate.

LAE-39

Sincerely,

Ms. Elizabeth Lasensky
187 Full Cir
Davis, CA 95618-5406
(650) 324-8138

Responses to Elizabeth Lasensky Comments

LAE-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 hazards, transportation, cumulative impacts, air emissions, noise and vibration, emergency response, water resources and climate are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
LAE-02	This comment is an introductory statement about commenter's concerns that are listed in the comments below. Responses to the specific comments about the concerns and mitigations are provided in the responses below.
LAE-03	<p>The RDEIR addresses the potential impacts and recommends mitigation measures for the proposed Project consistent with the requirements of CEQA. Section 4.3 (Air Quality and Greenhouse Gases) addresses GHG emissions, criteria air emissions and health risks. 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.</p> <p>Noise and vibration are addressed in Section 4.9 (Noise and Vibration) of the RDEIR. Noise and vibration impacts, with mitigation, were determined to be below the thresholds.</p>
LAE-04	Noise levels along the mainline would increase with the additional trains. Noise levels along the mainline are addressed in Section 4.9 (Noise and Vibration) under impact N.3. Based on in-field monitoring and modeling, noise impacts would be less than significant with mitigation (Class II).
LAE-05	Particulate matter dust generated by trains traveling through communities would be nominal and no mitigation measures are proposed. Particulate matter from diesel combustion would be a significant impact and the use of cleaner locomotives, such as Tier 4, are proposed a mitigation measures.
LAE-06	Particulate emissions from diesel combustion associated with the locomotives was found to be significant and above the thresholds. Mitigation included the use of Tier 4 locomotives, which are substantially cleaner than most locomotives in use currently. These locomotives are available in 2015 (now). However, the ability of the County to require this mitigation is in doubt due to preemption. Therefore, the EIR presented both the emissions with the mitigation and the emissions without the mitigation.
LAE-07	Vibration levels are addressed in Section 4.9 (Noise and Vibration), under mitigation N.4. Vibration levels were found to be less than significant (Class III) so no mitigation measures were required.
LAE-08	Noise levels along the mainline would increase with the additional trains. Noise levels along the mainline are addressed in Section 4.9 (Noise and Vibration) under impact N.3. Based on in-field monitoring and modeling, noise

Responses to Elizabeth Lasensky Comments

	impacts would be less than significant mitigation (Class II).
LAE-09	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. However, there is no guarantee that these tank cars will not fail during a high speed derailment. 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.
LAE-10	Generally, Union Pacific will monitor train speeds in this situation.
LAE-11 and LAE-12	Human error is definitely a significant cause of rail accidents and is reflected in the train accident and derailment rates that were used in the RDEIR Quantitative Risk Analysis (QRA).
LAE-13	Inspections conducted by state or federal inspectors are available via a Public Records Act (PRA) or Freedom of Information Act (FOIA) request. Inspections conducted by the rail line owner/operator are also submitted to the appropriate state and/or federal agency and are also available via a PRA or FOI request.
LAE-14	<p>The RDEIR contains a considerable amount of mitigation that may be within the jurisdiction of San Luis Obispo to require prior to project operations that address the potential for accidents, oil spills and emergency response. These include:</p> <p>Class I Impact HM.2</p> <p>The potential for a crude oil unit train derailment would increase the risk to the public in the vicinity of the UPRR right-of-way.</p> <ol style="list-style-type: none"> 1. HM-2a Only rail cars designed to FRA, July 23, 2014 Proposed Rulemaking Option 1: PHMSA and FRA Designed Tank Car as listed in Table 4.7.8, shall be allowed to unload crude oil at the Santa Maria Refinery. 2. HM-2b For crude oil shipments via rail to the SMR a rail transportation route analysis shall be conducted annually. The rail transportation route analysis shall be prepared following the requirements in 49 CFR 172.820. The route with the lowest level of safety and security risk shall be used to transport the crude oil to the Santa Maria Refinery. 3. HM-2c The Applicant's contract with UPRR, shall include a provision to require that Positive Train Control (PTC) be in place for all mainline rail routes in California that could be used for transporting crude oil to

Responses to Elizabeth Lasensky Comments

the SMR.

4. HM-2d The refinery shall not accept or unload at the rail unloading facility any crude oil or petroleum product with an API Gravity of 30° or greater.

Class I Impact PS.4

Operations of the crude oil train on the mainline UPRR tracks would increase demand for fire protection and emergency response services along the rail routes.

1. PS-4a As part of the Applicant's contract with UPRR, it shall require that quarterly hazardous commodity flow information documents are provided to all first response agencies along the mainline rail routes within California that could be used by trains carrying crude oil to the Santa Maria Refinery for the life of the project. Only first response agencies that are able to receive security sensitive information as identified pursuant to Section 15.5 of Part 15 of Title 49 of the Code of Federal Regulations, shall be provided this information. This contract provision shall be in place and verified by the County Department of Planning and Building prior to delivery of crude by rail to the Santa Maria Refinery.
2. PS-4b Only rail cars designed to FRA, July 23, 2014 Proposed Rulemaking Option 1: PHMSA and FRA Designed Tank Car shall be allowed to unload crude oil at the Santa Maria Refinery. PS-4c As part of the Applicant's contract with UPRR, it shall require annual funding for first response agencies along the mainline rail routes within California that could be used by the trains carrying crude oil to the Santa Maria Refinery to attend certified offsite training for emergency responders to railcar emergencies, such as the 40 hour course offered by Security and Emergency Response Training Center Railroad Incident Coordination and Safety (RICS) meeting Department of Homeland security, NIIMS, OSHA 29CFR 1910.120 compliance. The contract shall require funding of a minimum of 20 annual slots per year for the life of the project. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery.
3. PS-4d As part of the Applicant's contract with UPRR, it shall require annual emergency responses scenario/field based training including Emergency Operations Center Training activations with local emergency response agencies along the mainline rail routes within California that could be used by the crude oil trains traveling to the Santa Maria Refinery for the life of the project. A total of four training sessions shall be conducted per year at various locations along the rail

Responses to Elizabeth Lasensky Comments

routes. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery.

4. PS-4e As part of the Applicant's contract with UPRR, it shall require that all first response agencies along the mainline rail routes within California that could be used by trains carrying crude oil traveling to the Santa Maria Refinery be provided with a contact number that can provide realtime information in the event of an oil train derailment or accident. The information that would need to be provided would include, but not be limited to crude oil shipping papers that detail the type of crude oil, and information that can assist in the safe containment and removal of any crude oil spill. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery.

Class II Impact PS.3

The Rail Spur Project would increase demand for fire protection and emergency response services at the SMR.

1. PS-3A Prior to issuance of construction permits, the Applicant shall submit to Cal Fire/County Fire for review and approval a final Fire Protection Plan for the Rail Spur Project that meets all the applicable requirements of API, NFPA, UFC, and Cal Fire/County Fire.
2. PS-3b Prior to notice to proceed for the rail unloading facility, the Applicant shall update the SMR Emergency Response Plan to include the rail unloading facilities and operations.
3. PS-3c Prior to notice to proceed for the rail unloading facility, the Applicant shall update the existing SMR Spill Prevention Control and countermeasure Plan to include the rail unloading facilities and operations.
4. PS-3d Prior to notice to proceed for the rail unloading facilities, the Applicant shall assure that the existing SMR fire brigade meets all the requirements outlined in Occupational Safety and Health Administration 29 CFR 1910.156, and NFPA 600 & 1081.
5. PS-3e Prior to issuance of grading permits, the Applicant shall have an executed operational Memorandum of Understanding (MOU) with Cal Fire/County Fire that includes fire brigade staffing/training requirements and Cal Fire/County Fire funding requirements. This MOU shall be reviewed and updated annually by Cal Fire and the Applicant.
6. PS-3f Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for time spent by a

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	<p>qualified fire inspector to conduct the annual fire inspections at the SMR including all structures, and support facilities consistent with Cal Fire/County Fire's authority and jurisdiction. The Applicant shall reimburse all costs associated with travel time, inspections, inspection training, and documentation completion. The reimbursement rate shall be according to the most recent fee schedule adopted by the San Luis County Board of Supervisors.</p> <p>7. PS-3g Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for offsite training for emergency responders to railcar emergencies, such as the 40 hour course offered by Security and Emergency Response Training Center Railroad Incident Coordination and Safety (RICS) meeting Department of Homeland security, NIIMS, OSHA 29CFR 1910.120 compliance. Initial training shall be two members of the Interagency Hazardous materials Response Team, two members of the interagency Urban Search and Rescue Team, and two members annually from Cal Fire/County Fire or fire districts in San Luis Obispo that have automatic aid agreements with Cal Fire/County Fire for a total of six slots per year for the life of the project.</p> <p>8. PS-3h Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for Fire Chief Officer attendance such as the 40 hour course offered by Security and Emergency Response Training Center; Leadership & Management of Surface Transportation Incidents. Funding shall be for two Fire Chief Officers annually for the life of the project.</p> <p>9. PS-3i Prior to issuance of grading permits, the Applicant shall have an agreement with Cal Fire/County Fire to conduct annual emergency response scenario/field based training including Emergency Operations Center Training activations with the Applicant, Cal Fire/County Fire, UPRR, and other San Luis Obispo County First response agencies that have mutual aid agreements with Cal Fire/County Fire. These annual emergency response drills shall occur for the life of the project.</p> <p>Specific emergency response plans have not been developed at this point, but approved plans would be required prior to any shipments of oil.</p> <p>Even with the implementation of the above mitigation to reduce the potential for a rail accident and increase local emergency response capabilities, the potential risk associated with the proposed project is considered Significant and Unavoidable (Class I).</p>
LAE-15	Please see Response to LAE-14.

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LAE-16	Please see Response to LAE-14.
LAE-17	Please see Response to LAE-14.
LAE-18	Please see Response to LAE-14.
LAE-19	Please see Response to LAE-14.
LAE-20	<p>The refining of the different crude slate associated with this project would not produce different GHG emissions at the SMR than the normal range of crude oils refined at the SMR. Note that some Canadian crude oils are currently being processed at the SMR, transported by rail to Bakersfield, then by truck to the SMPS. GHG emissions are attributable to removal of the heavier ends, such as at the SMR, and associated with the cracking and formulation of lighter ends, such as gasoline, at the Rodeo Refinery. These activities would be within the range of normal activities at each refinery. The main difference in GHG emissions occurs at the extraction point, where extracting the tar sands generally produces substantially higher GHG per bbl of crude oil than convention methods, depending on the level of associated gas and the use of that gas. Some fields in California for example, extract the crude oil and just burn the associated gas in flares, which actually can produce a higher GHG intensity than even Canadian Tar Sands crude oils. The additional GHG emissions associated with mining the tar sands would occur no matter the destination of the crude oil, whether the crude oil is destined for the SMR, or other locations within the U.S.</p> <p>Section 4.13, Water Resources, evaluated the impacts to surface water in the event of an oil spill and found the impact was significant and unavoidable (Class I).Table 4.13.1 lists the major surface water bodies that are in close proximity to the UPRR mainline tracks, and includes the Yolo Bypass Wilderness Area.</p>
LAE-21	<p>UPRR is required by Federal law to have and Emergency Response Plan, which address the spill, containment, and cleanup of hazardous materials. In addition railroads have developed an inventory of emergency response resources for responding to the release of large amounts of crude oil along routes over which trains with 20 or more cars of crude oil operate. This inventory includes locations for the staging of emergency response equipment and, where appropriate, contacts for the notification of communities.</p> <p>Various state agencies engage in prevention, planning, emergency response, and cleanup activities applicable to oil by rail, including the Office of Emergency Services (OES), the Office of State Fire Marshal (OSFM), California Environmental Protection Agency (CalEPA), and the Office of Spill Prevention and Response (OSPR). These state agencies are all beginning to prepare for the heightened risks posed by oil by rail. Local agencies, including the local Certified Unified Program Agencies (CUPAs), also play critical roles</p>

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	<p>in emergency preparedness and response. There are local Fire and Emergency Response Departments within counties and cities along the various rail routes.</p>
<p>LAE-22</p>	<p>The RDEIR contains a number of mitigation measures that would reduce air pollution from the proposed rail operations. These include items such as use of cleaner locomotive (AQ-2a), limits on idling time for locomotives (AQ-2b), and use of cleaner construction equipment (AQ-1a). At the SMR the applicant has proposed to install a number of oil spill prevention and control measures that would limit any onsite spills to the rail unloading area. These measures are discussed in Chapter 2.0, Project Description. The RDEIR contains a mitigation measure that requires the development of a Spill Prevention, Control and Countermeasure Plan (SPCCP) that would serve to reduce impacts to biological resources in the event of an oil spill (see mitigation measure BIO-7). For mainline oil spills the RDEIR provides a mitigation measure to develop and implement an Oil Spill Contingency Plan (BIO-11) that would serve to reduce impacts to biological resources in the event of an oil spill.</p> <p>Mitigation measure BIO-11 has been designed to reduce the impacts of a spill in the event that one occurs. The measure requires the staging of spill equipment in areas that have sensitive biological resources, requires training for spill responders, requires the identification and documentation of sensitive resources that could be impacted in the event of a spill, and sets standards for how quickly spill response resources must be deployed at the site of a spill. Other mitigation measures identified in the RDEIR also would serve to the risk or impacts of a spill. Implementation of mitigation measures PS-4a through PS-4e would serve to reduce the likelihood of an oil spill and the ability of first response agencies to respond to a crude oil spill. In particular, PS-4b would require the use of safer tank cars that would reduce the likelihood of a spill in the event of an accident. Even with all of these mitigation measures the impacts of an oil spill on the mainline was found to be significant and unavoidable.</p>
<p>LAE-23</p>	<p>Issues of liability are not required to be addressed as part of the CEQA process. Under both Federal and state law, UPRR is responsible for costs associated with cleaning up any spill that occurs along the mainline rail routes.</p>
<p>LAE-24</p>	<p>The mitigation measure referred to in the comment is a recommended measure since the impact to passenger trains service was found to be less than significant (Class III). This measure was added for this train since it is in close proximity to the SMR, which is where trains would be entering and exiting the mainline tracks at slower speeds than the through trains operating on this stretch of mainline track. This would not be the case in the area where the Capitol Corridor and California Zephyr operate.</p>
<p>LAE-25</p>	<p>The RDEIR addresses the potential impacts and recommends mitigation measures for the proposed Project consistent with the requirements of CEQA. 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</p>

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	<p>proposed project.</p> <p>The RDEIR states that GHG emissions associated with crude oil transportation by rail would produce significant and unavoidable impacts. Emissions can be offset through the use of emissions offsets, as are available from a number of different sources for GHG. However, as indicated in Section 4.3 (Air Quality and Greenhouse Gases) of the RDEIR, it is uncertain if Air Districts could require GHG offsets due to Federal preemption and the impacts associated with the GHG emissions would remain significant and unavoidable.</p> <p>Section 4.7 (Hazards and Hazardous Materials) of the RDEIR discusses the risks associated with spills along the mainline.</p>
LAE-26	<p>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 hazards, transportation, cumulative impacts, air emissions, noise and vibration, emergency response, water resources and climate are included in the FEIR for the decision-makers’ consideration as part of the County’s deliberations on the proposed project.</p>
LAE-27	<p>The allowable speed limit for train traveling through the curve in the City of Davis is 10 mph. The railroad is required to adhere to this speed limit. The RDEIR clearly stated that “In the City of Davis, there are stretches of track that are limited in speed to 10 mph.” (see Section 4.3, Air Quality and Greenhouse Gases). As stated in Chapter 2.0, Project Description, “UPRR has been installing Positive Train Control (PTC) on their main rail lines in California. The main line routes between Roseville/Colton and the SMR that would be used for the proposed project have been upgraded to include PTC. PTC is used to prevent train to train collisions, over-speed derailments, switch misalignment, and unauthorized entry into work zones (UPRR, 2014b)”. The Railroad Safety Enhancement Act of 2008 The Railroad Safety Enhancement Act of 2008 requires PTC to be in place by the end of 2015. A mitigation measure (HM_2c) in Section 4.7, Hazards and Hazardous Materials, requires that PTC be in place for all mainline rail routes in California that could be used for transporting crude oil to the SMR.</p>
LAE-28	<p>The emissions within each Air District are based on the length of track within each Air District. Although Yolo and Solano Counties are large, there would be minimal train activity related to this project in those Counties.</p>
LAE-29	<p>The RDEIR (see Section 4.7, Hazards and Hazardous Materials) found that with CPC-1232 tank cars the potential hazard impact along the mainline rail would be significant and unavoidable (Class I). The RDEIR recommends the use of Department of Transportation (DOT) Option 1 tank car design, which is substantially more robust than the CPC-1232. Even with the Option 1 tank car design, the potential hazard impact along the mainline rail would be significant and unavoidable (Class I). As discussed in Table 4.7.6, the CPC-1232 tank car</p>

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	<p>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.</p>
LAE-30	<p>Section 4.12, Transportation and Circulation, discusses impact of the proposed project on at-grade crossings. The estimated delay for at-grade crossing for a unit train would be about 2.2 to 3.2 minutes depending upon the speed of the train. Depending upon the location of the at-grade crossing and the time the crude oil train made the crossing it could affect delay times at an intersection. The greatest chance for this would be if a train crossed the at-grade crossing during the AM or PM peak hours. There is a 12 percent chance that a train would cross an intersection during the AM or PM peak hours. However, given that under normal operations, only one train would cross an at-grade crossing during the AM and PM peak hours, it would not affect the average delay time for the intersection over the peak three hour period.</p> <p>Section 4.11, Public Services and Utilities, addresses the impact of the Rail Spur Project on emergency services. The EIR found that in the event of a rail accident that impacts to emergency services would be significant and unavoidable (Class I) for rail movements along the mainline routes. This finding was passed upon lack of adequate emergency responses capabilities and access.</p>
LAE-31	<p>The exact number of Federal inspectors is not known. It is also not known if the inspection reports are publically available. As discussed in Impact HM.2 (see Section 4.7, Hazards and Hazardous Materials) UPRR has a track inspection program for their rail lines in California that exceed the current Federal requirements. The UPRR inspection program includes the following:</p> <p>Tracks in California are visually inspected twice a week with "hi-rail" pickup trucks to identify any broken rails or issues with track surface condition.</p> <p>Special inspections are performed during and after storm events and earthquakes.</p> <p>UPRR conducted track geometry tests of their mainline tracks at least twice per year. These tests provide information on the condition of the track, track alignment, curve wear, clearance in tunnels and bridges, track profile, etc. These inspections also include collecting video of the track, which can be used to further assess track conditions.</p> <p>UPRR also tests their main line rails in California every three to six months using a rail detector system, which uses ultrasonic sound waves to search the tracks for any internal issues. This is a key technology that helps to prevent broken rail derailments.</p>

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	<p>UPRR also has a capital track maintenance project in California that covers the replacement and upgrading of track. In the last five years UPRR has replaced over two million railroad ties and 452 miles of rail line in California (UPRR, 2014b).</p> <p>UPRR also has a bridge inspection program that complies with 49 CFR Part 237-Bridge Safety Standards. This program is used to ensure the structural integrity of bridges, culverts, and tunnels. All bridges are inspected between one and three times per year. In the last five years, UPRR has upgraded 70 bridges in California (UPRR, 2014b).</p>
<p>LAE-32</p>	<p>The QRA has been revised to show the risk between the SMR and California boundaries with Nevada and Oregon. Given the relatively low population densities along the rural portions of these routes, the risk is only slightly higher for the complete routes within California. Please see Section 4.7.4, Hazards and Hazardous Materials, for the updated risk profiles.</p>
<p>LAE-33</p>	<p>As discussed in the RDEIR numerous local emergency response offices lack adequate resources to respond to oil by rail accidents. Many of these first responders are in rural areas and have little or no funding for firefighters and rely on volunteer firefighters. Many departments lack the necessary capacity to support a hazmat team to purchase or maintain necessary specialized vehicles and equipment, or to obtain training in the specialized areas of oil rail safety and flammable liquid, and their response time to significant oil by rail accident could be hours. Moreover, these small departments cannot rely on the assistance of larger, certified departments because those departments could be engaged in an incident locally and would be unavailable.</p> <p>There are gaps in local emergency response training, equipment, and planning capabilities needed to adequately prepare for oil by rail incidents. Emergency responders lack adequate training in the specialized areas of oil rail safety and flammable liquid, lack critical information needed to help plan for and respond to oil by rail incidents, including what resources railroads can provide in the event of an accident, and how they would respond to potential worst case scenarios.</p> <p>The rural areas referred to in the RDEIR would include areas such as Dunsmuir, Feather River Canyon, and the Sierras as well as other rural area that the mainline rail routes pass through. The RDEIR found that the impacts of a train derailment and spill along the mainline rail routes would be a significant and unavoidable (Class I) impact.</p> <p>Yolo Bypass Wildlife Area is shown on Figure 4.13-5 (see Section 4.13, Water Resources) as an area that could be impacted in the event of a train derailment and spill. Impacts from a train derailment and spill were found to be significant and unavoidable (Class I). This would include spills into the Yolo Bypass</p>

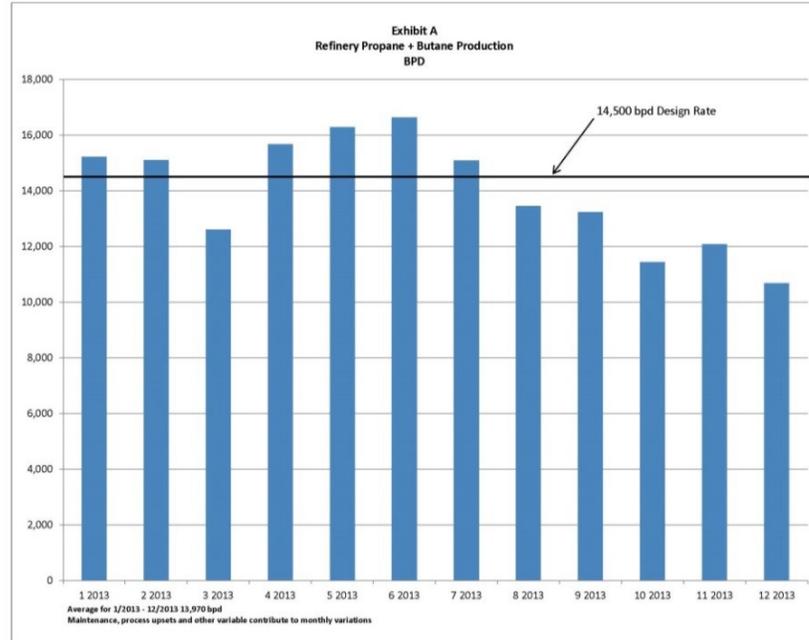
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	Wildlife Area.
LAE-34	This comment just provides a quote from the EIR on the impact to water quality in the event of an oil spill along the mainline rail routes. No further response is required.
LAE-35	The comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's question about the County accepting the risk of an oil spill in large parts of the State is included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
LAE-36	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 liability for the County are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
LAE-38	<p>Operations at the Rodeo Refinery are not anticipated to change with the processing of Rail Spur Project crude oil. The refinery currently handles heavy crude oil and the characteristics of the Rail Spur Project crude oil are similar to current heavy crude oils. Section 4.3, Table 4.3.13 summarizes the different characteristics of the crude oils. BTEX levels may increase (although some tar sands crude oils have lower percentages of BTEX than the heavy crudes currently being processed. The SMR refinery ships naphtha and gas oils via pipeline to the Rodeo Refinery. Both of these are semi-refined products. The composition of these two products is not expected to change with the Rail Spur Project.</p> <p>As discussed in the Project Description (Chapter 2.0) the SMR currently processes a range of crude oils from different sources, and the crudes vary from time to time. In addition, the refinery often blends crudes from multiple sources prior to processing. A comparison of crude oils and their characteristics demonstrates that the crudes likely to be received by unit train would be comparable to those currently or recently processed at the SMR. The SMR is not requesting any changes or modifications to its crude unit or other processing units that would allow it to process any crude types that it can't be process currently.</p> <p>The only proposed change to the Rodeo Refinery is the Propane Recovery Project. The Rodeo Refinery (SFR) produces gases as a byproduct of the refining process, and these gases are used as fuel in various refinery processes (referred to as "refinery fuel gas" or "RFG"). Currently, the propane and part of the butane generated at the SFR is used as RFG. Instead of using the propane and butane as fuel at the SFR, the Propane Recovery Project will allow Phillips 66 to recover, store, and ship propane and additional butane via rail to</p>

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	<p>outside customers.</p> <p>Therefore, the primary project objective is to recover liquid petroleum gases ("LPGs" i.e., propane and butane) that already exist in the RFG. The Propane Recovery Project will not cause or require an increase in the amount of recoverable LPG present in the RFG; it will simply allow recovery of the LPGs that already are present in the RFG.</p> <p>The Propane Recovery Project is designed to remove up to 14,500 barrels of LPGs per day. Data regarding actual LPG content of the RFG is consistent with the design basis for the project. The figure below shows that, for the twelve month period from January through December 2013, the average LPGs in the Rodeo RFG was 13,970 barrels per day.</p> <p>The equipment design is a limiting factor on the amount of propane and butane that can be captured and stored, regardless of how much propane and butane can be produced by the SFR in the future or what type of crude oil is processed. Phillips 66 specified this design basis in the application to the Bay Area Air Quality Management District for an authority to construct the Propane Recovery Project, and it has been translated into an enforceable condition included in the draft permit prepared by the air district. Therefore, the amount of propane and butane to be extracted once the Propane Recovery Project is operational will be constrained by the physical design of the equipment and the permit limits.</p> <p>Most of the LPG produced at the SFR does not arrive as propane and butane in crude oil or in the semi-refined products received from the Santa Maria Refinery (SMR). Rather, the vast majority of LPG produced at the SFR is created through the refining process itself. As explained above, the design capacity of the Rodeo Propane Recovery Project was sized to recover LPGs that are currently being produced and burned as part of the refinery fuel gas at the SFR. No changes in the crude delivery system, type of crude or operations at the SMR are needed in order to fully utilize the propane recovery unit in Rodeo.</p>
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The commenter's have overlooked the fact that the refining process at the SFR itself accounts for 90% of the propane and butane currently produced and proposed to be recovered by the Rodeo Propane Recovery Project. As described at pages 3-8 to 3-9 of the Recirculated Draft Environmental Impact Report for the Propane Recovery Project, the refining process incorporates four primary functions: separation, conversion, purification and blending. Crude oil and other incoming feed streams contain mixtures of various hydrocarbon compounds that can be separated using distillation and fractionation in the first step of the refining process. At the SFR, a small amount of butane and propane is separated from the crude oil in these first stage processes. However, butane and propane are also created from other hydrocarbon compounds during the conversion phase of the refining process. Overall approximately ten percent of the LPG (combined butane and propane) arrives as identifiable fractions of the crude oil, and the balance of approximately ninety percent is created in the refining processes (cracking units).

Since LPG in the crude oil accounts for only a very small fraction (approximately ten percent) of the total LPG produced at the SFR, a change in crude oil LPG content in Santa Maria or in Rodeo would have very little effect on the volume of LPG available for recovery at Rodeo.

As discussed in the Recalculated Draft Environmental Impact Report for the Propane Recovery Project Section 3.4.2.1, and shown in Figure 3-7, the proposed Project's design basis was derived from data taken at the Refinery in August, 2011. In the same section, the RDEIR for the Propane Recovery Project also provides an update to substantiate this 2011 design basis with the

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	<p>most recent full year (2013) of RFG data from the Refinery in Figure 3-8. This figure shows that for 2013 an average of 13,970 barrels per day (BPD) of propane and butane were available and that monthly this quantity of propane and butane varies. Note that between the 2011 design basis and the 2013 data, no change to crude feedstock, such as those of concern to commenter's, had been made. These data provide the substantial evidence to support the "independent utility" of this Project and further support that the EIR has not inappropriately piecemealed or segmented this Project.</p>
LAE-39	<p>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 all of the significant unavoidable impacts are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.</p>