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Date: 11/22/2014 11:14 AM
Subject: Phillips 66 in Nipomo

Mr. Murry Wilson, SLO County Planning Department

We can not allow this to happen to us, our children, and generations to come. We must also preserve our coastline. I do not want these trAins coming down the Cuesta grade. This is dangerous and Cal Poly is right there. Let our children survive.

1. I have read the REIR. I can't believe that P66 expects us to put our faith in its noise testing (see Noise Modeling Appendix D. 1-2 through D.1-5). To believe that this limited noise test fairly represents what noise levels we would be subjected to, should this project go forward, is really a leap of faith that we cannot be expected to accept on its face. At the very least, the final EIR should compel more extensive testing that represents what noise levels neighbors would really be subjected to. Thank you for your consideration of this issue. MAO-01

2. I live right across the road from the Refinery. I looked at the REIR. The thing I am worried about is what kind of noise we should expect both from construction and operations. I'm no expert but I think much more extensive noise testing should have to be performed other than the LIMITED and UNREALISTIC testing P66 did for this REIR (see their consultant's test results at D.1-2 through D.1-5, Noise Modeling Appendix). Please consider this issue SERIOUSLY! Thank you. MAO-02

3. No intelligent person could reasonably expect us to take, at face value, the "extensive noise testing" (see Noise Modeling Appendix at D. 1-2 through D. 1-5) that Phillips 66 hired its consultants to perform. One purpose of this test was to "confirm source noise levels during train movements on the existing rail spur at the Refinery". Give me a break...doing a 30 minute test with 34 rail cars and two engines hardly replicates the load and duration of activity that would occur in the event this project gets approved. Disapprove this Project. Thank you. MAO-03

4. Trains will be moving about the spur at all hours of the night if this project gets approved. The REIR leaves many details of the "Rail Unloading and Management Plan" (see "Mitigation Measures" N-2a at page 4.9-26) to be developed in the future...therefore, we have no reasonable way of knowing or assessing what mitigation measures P66 would actually take to alleviate exceedances of noise thresholds at noise-sensitive receptors which exceedances are recognized as a "potentially significant impact' (see 4.9-25 of REIR). This project should be DISAPPROVED. Thank you. MAO-04

5. I read the REIR and am very concerned. Under the section 4.9 Noise and Vibration (4.9-24) P66 admits the flaws in its so-called noise testing..."There are a number of uncertainties associated with estimating noise impacts. Meteorological conditions can strongly affect noise propagation and impacts, as most people have had experiences of hearing noisy activities a long distance from the source when the conditions are right. In addition, characterizing noise sources is challenging, as there are a number of activities, including hooking up rail cars, potential emergency annunciators and the low frequency locomotive noises that can travel long distances. The models capture many of these issues, but there is not extensive data available on some issues, such as good octave band analysis of different locomotive arrangements, for example, that bring in a range of potential errors into the analysis". MAO-05

The above speaks for itself...at a minimum much more extensive testing should be required to determine if this project is viable. Thank you. MAO-06

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MAO-01	Appendix D provides the results of noise monitoring during train activities on the SMR site. In addition to this testing, the EIR utilized extensive testing and modeling as conducted by the FTA in order to assess the potential noise impacts of the project. The monitoring listed in Appendix D 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. Note that these results do not indicate that the activities will not be heard, only that they will remain below the thresholds.
MAO-02	See response to comment MAO-01. The EIR relied both on in-field monitoring as well as FTA noise models to assess the potential impacts. The FTA models determined that the noise levels from train activities would be similar to those measured in Appendix D. In-field monitoring and modeling was conducted by the County's EIR consultant and not P66.
MAO-03	The noise monitoring was conducted by the EIR consultant under contract to the County, not the Applicant. The noise levels measured were "scaled" to the level of activity expected with the project, not used directly. For example, 2 locomotives would have 2/3 of the noise energy of 3 locomotives. By measuring the noise energy from the 2 locomotives, the noise levels that 3 locomotives would generate can be calculated. This approach was used to assess the project activities.
MAO-04	The primary issue that would be addressed through preparation and implementation of the Rail Unloading Management Plan recommended in Mitigation Measure N-2a is the amount of time that locomotives are allowed to be on the east end of the spur, which is substantially closer to the receptors that other areas. This issue is the reason why limits are placed on the activities during the night in mitigation measure N-2a, along with limits on horns, etc. This is sufficient detail to assess the noise impacts and determine that the noise levels would be below the thresholds.
MAO-05	Noise estimation models, like any models, have uncertainties, and these are discussed in the EIR. However, the EIR presents the results as per CEQA requirements, and estimates that, with extensive mitigation, that the noise impacts would be less than the thresholds.
MAO-06	The use of in-field measures to confirm the extensive modeling provided by the FTA for train noise is sufficient to determine significance and the noise levels expected from the project.