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Date: 10/24/2014 01:11 PM
Subject: RE: Phillips 66 Rail terminal Project

We are residents in the Trilogy community which is very close to the proposed expansion of the Philips facility and the fundamental change regarding the transportation of crude to and from the refinery.

We are shocked and disappointed that the revised Draft EIR did not address the fundamental issues raised by those most impacted.

We understood when we purchased our home that SLO County had created and zoned the area next to the refinery as a residential community. This project will certainly change the character of the entire community.

We believe that as tax payers and voters in SLO County, we are entitled to be protected from major changes to the character of the area adjacent to our community

Our objections include many factors:

Noise pollution:

MAD-1

Noise Pollution inconsistent with a residential community and far greater than existing noise from the refinery.

Specifically:

- Noise will come from blaring train whistles, as 260 fully-loaded, 1.5-mile-long trains enter SLO County each year, moving from north to south.

- Noise will come from blaring train whistles, as another 260 empty, mile-long trains leave SLO County each year, moving from south to north.

- Even more noise will come from the same 260 empty trains leaving the County, because empty cars have a tendency to shake, rattle and roll with even greater intensity than fully-loaded cars.

- Track noise will be generated by the 520 trains coming and going each year. That's the seemingly, never-ending, "clickety-clack" sound produced by the wheels of trains moving over the rails.

- Engine and vibration noise will be heard as 200-ton locomotives are forced to idle at crossings, in virtually every town in SLO County.

In addition, locally on the Nipomo Mesa, here's what residents would now be hearing from the new Rail Terminal ...

- Engine and vibration noise will be heard as locomotives idle at the Nipomo refinery.

- Onsite, ongoing mechanical, operational noise will be heard on the Mesa from the new crude oil offloading facility, new pumping systems, HVAC equipment, and air compressors.

MAD-01

- Onsite, sharp clatter will be generated as locomotives disengage and then connect again with their tank cars ... 520 trains and 41,600 tankers a year.

- And also onsite, noise will be heard from additional vehicles, as cars, trucks and other construction and transport vehicles work to service the new rail operations.

It is a given that trains would be moving about the spur at all hours of the night. However, the REIR leaves many details of their management plan to be developed in the future ... therefore, we have no way of knowing or assessing what mitigation measures Phillips would take. We should assume the worst case that no sufficient measures will be taken.

Thank you for your attention.

David and Margie Markus

From: David Markus <woburn659@hotmail.com>
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Date: 10/24/2014 12:43 PM
Subject: Phillips 66 Rail terminal Project

We are residents in the Trilogy community which is very close to the proposed expansion of the Philips facility and the fundamental change regarding the transportation of crude to and from the refinery.

We are shocked and disappointed that the revised Draft EIR did not address the fundamental issues raised by those most impacted.

We understood when we purchased our home that SLO County had created and zoned the area next to the refinery as a residential community. This project will certainly change the character of the entire community. Our objections include many factors:

Noise and air pollution:

The original EIR recognized only two air quality impacts as "Class I. However, in the REIR, the number of Class I impacts has more than doubled to five in that are "significant and unavoidable" ... obviously proving that the original analysis either purposely minimized these issues or was woefully inadequate in its observations.
In the new REIR, the following project impacts were classified as Class I:

MAD-02

1. (AQ.2): Operational activities associated with the Rail Spur Project at the Refinery would generate criteria pollutant emissions that exceed SLOCAPD thresholds.

2. (AQ.3): 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.

3. (AQ.4): Operational activities at the Refinery associated with the Rail Spur Project would generate toxic emissions that exceed SLOCAPCD thresholds.

4. (AQ.5): Operational activities of trains along the mainline rail route associated with the Rail Spur Project would generate toxic emissions that exceed thresholds.

5. (AQ.6): Operational activities associated with the Rail Spur Project would generate GHG (greenhouse gas) emissions that exceed SLOCAPCD thresholds.

The Key Issues ...

• Heightened Recognition Of Specific Threats To Citizens' Health: This REIR recognizes the serious nature of the health risks raised by this project. Increased risks in important health categories such as cancer, heart disease, respiratory disease (especially in the very young and very old) and premature death are recognized and in some cases the risks are quantified. MAD-03

• Heightened Recognition Of A Threat To Global Climate Change: The impact of this project on California's and SLO County's programs to reduce the threat of global climate change is also quantified in this REIR and the increase in greenhouse gas emissions of this project are found to exceed thresholds. MAD-04

• Impractical And Unenforceable Mitigation Measures Although there are mitigation measures discussed in this EIR for all five Class I impacts, the EIR's discussion of the measures, for the most part, makes it very clear they are not truly feasible or adequately enforceable. MAD-05

• Not Taking Into Account All The Criteria For Determining Compliance With Air Pollution Standards: An issue of great concern with the REIR is its singular reliance on emissions increase thresholds as the sole criteria for the determination of significance under CEQA. The County has identified a list of criteria that can be used as a basis for determining "significance" under CEQA. An emissions increase threshold is only one of them. MAD-06

Given that this project lies in the heart of a region where the state health standard for particulate matter is violated over 70 times per year and where the federal health standard has been violated in each of the last three years, we believe that any increase in the emissions of particulate matter at this project site violates additional CEQA significance criteria. MAD-07

For the above and many other reasons, we ask that this project be stopped and that the transportation of oil and refined oil products be restricted to pipelines.

Thank you for your attention.

David and Margie Markus

MAD-01	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). Train whistles are prohibited by mitigation while trains are at the SMR. Note that, as part of the baseline, trains pass through SLO multiple times each day and are part of the existing noise environment. Noise from equipment has been addressed in the EIR, including noise from locomotives, HVAC and pumps. The EIR provides specifics on the timing of rail car movements and requires that these limits on timing be included in any permit. In addition, noise monitoring is required in order to ensure that noise levels do not exceed thresholds in the community, or limits on hours of activity could be applied.
MAD-02	The increase in significant air quality impact was primarily due to the fact that the RDEIR addressed the impacts of the mainline rail routes beyond San Luis Obispo County. In addition, new draft health guidelines were issued by the California Office of Environmental Health Hazards Assessment (OEHHA), which were addressed in the RDEIR. These draft guidelines were not available when the original DEIR was prepared.
MAD-03	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. Health risks are determined to be significant. The most recent OEHHA approach to conducting health risks, utilizing very conservative values for children sensitivity to pollutants, was utilized. See Appendix B.2.
MAD-04	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.
MAD-05	All of the mitigation measures in the RDEIR are feasible and enforceable for the impact at the SMR. For the mitigation measures along the mainline rail routes the mitigation measures are all feasible, but may not be enforceable if the County is preempted by Federal law. It is unclear whether the County is preempted from imposing mitigation measures to reduce the potential for significant impacts along UPRR's mainline. The RDEIR takes a conservative approach to the evaluation of impacts by recognizing that Federal law may preempt the County from imposing conditions of approval that would mitigate these impacts, potentially

	resulting in unmitigated significant impacts. This satisfies the information disclosure requirements of CEQA and will allow the County decision makers to evaluate the full spectrum of potential environmental impacts as well as potential mitigation measures.
MAD-06	The RDEIR correctly analyzes compliance with air pollution standards by comparing the proposed Project emissions with applicable air quality thresholds consistent with guidance from the County and the San Luis Obispo County Air Pollution Control District. The use of SLOCAPCD thresholds is supported by the SLOCAPCD in their review of the EIRs for this project.
MAD-07	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. In addition, as per the SLOCAPCD Annual Report in 2013, the days which cause impacts from the dunes are associated with strong winds out of the northwest, with the strong winds generating high levels of dune dust and causing PM impacts. These periods would produce substantial dispersion of the diesel-related PM emissions from the project site and would not correlate with the same meteorological conditions that would be associated with maximum impacts from the rail spur operations. Therefore, rail spur operations are not anticipated to contribute to additional exceedances of the PM standard. In determining the impacts of the Rail Spur Project PM10 emissions, the CEQA thresholds established by the SLOCAPCD were used. Operation of the Rail Spur Project within SLO County would generate 1.32 lbs per day and 0.17 tons per year of fugitive dust PM10 emissions, which are well below the SLOCAPCD CEQA thresholds. Therefore, the impact of fugitive dust PM10 emissions was found to be less than significant.