From: TINADON MARTIN <tinadon1@msn.com>
To: p66-railspur-comments@co.slo.ca.us
Date: 11/24/2014 01:27 PM
Subject: P66 Rail Terminal Project

Mr. Murry Wilson, SLO County Planning Department:

Please vote "NO" on the P66 Rail Terminal Project. The impact of the terminal will only have detrimental effects for SLO County. Some major reasons the SLO County Department of Planning and Building should not approve the project are as follows: MAH-01

a. There would be 520 trains per year that are each 1.5 miles long loaded with high sulfur dioxide Canadian tar sands oil. The result would be more pet coke stored at the refinery.

b. The trains would be going up and down the Cuesta Grade which is the second most dangerous grade in the state. MAH-02

c. There would be 520 more trains passing through the campus of Cal Poly San Luis Obispo loaded with dangerous oil. MAH-03

d. If this proposal is approved SLO County will have no legal oversite of the entire project as the FTC will have all regulatory control. MAH-04

e. The REIR recognizes the serious nature of the health risks caused by the rail project. The AQ.2 section of the REIR states that the operational activities associated with the rail spur at the refinery would generate criteria pollutant emissions that exceed SLOCAPD thresholds. MAH-05

f. The rail project lies in the heart of a region where the state health standard for particulate matter is violated over 70 times per year. The diesel train engine emissions will only add to this problem. MAH-06

g. The light pollution from the rail terminal's 30 foot high floodlights would be on 24 hours a day. The light would be seen by most residents in the Trilogy Monarch Dunes and surrounding areas. MAH-07

h. The rail terminal project will have a negative impact on property values and on our communities residential growth which has been encouraged by the SLO Planning Commission. MAH-08

i. Although 12 full-time jobs would be added at the rail terminal, in the case of a spill terminal problem or train accident, thousands of jobs in our agricultural and tourist industries would be jeopardized. MAH-09

Sincerely,
Christina Martin
Nipomo, CA

| | |
|---|---|
| MAH-01 | The refinery already treats a wide variety of crude oil from different sources, many of which are of similar quality to tar sands. The refinery is specifically designed to treat heavy, low quality crude oil.<br><br>The RDEIR examined changes in emissions associated with a change of slate, as indicated in Section 4.3.4.2, Air Quality and Greenhouse Gases, which sates " For the SMR, key crude slate parameters that could impact air emissions include the percent of BTEX, vacuum resid, sulfur and metals in the crude oil. " The BTEX was analyzed in the health risk assessment to determine the increased health risk. Increased sulfur was assessed as to the increased sulfur truck trips that would be required. None of the other components would alter the emissions at the refinery as the heavy metals would not be emitted into the air from the SMR. Note that as the API gravity would be similar, the emissions of volatile components (ROG) from fugitive emissions would be similar with the change in crude slate.<br><br>BTEX levels of Canadian tar sands crude oil are similar to other heavy crude oil processed by the SMR and the RDEIR demonstrates that any increases in BTEX would generate a nominal increase in health risk. See Response to CBE-21 and CBE-23. The metals in the tar sands oil would not be volatilized at the SMR or along transportation routes and would therefore not contribute to increases in air-based health risk.<br><br>The Canadian tar sands are not as "explosive" as Bakken crude oil and present similar risks to the rail transportation of heavy crudes that currently occur within California and through SLOC.<br><br>The use of higher sulfur crude oils would increase the amount of sulfur produced at the SMR. This increase in sulfur and the associated truck trips are addressed in the RDEIR in Section 4.3, Air Quality and Greenhouse Gases. Emissions of sulfur dioxide are not anticipated to increase as most of the sulfur in the crude is removed as elemental sulfur and trucked from the site and the SLOCAPCD has limits on the emissions of sulfur dioxide from the refinery processing equipment.<br><br>As the SMR already processes heavy crude oils, and the tar sands crude oils would have a similar proportion of heavier materials, the production of coke is not expected to change with the project. Additional information on the make up the projected crudes compared with the current crude slate at the SMR is provided in Chapter 2.0, Project Description.<br><br>The increased levels of nickel, vanadium, lead and copper do not affect air emissions as none of the crude oil is combusted and none of the metals are carried over in the fuel gas. The metals would remain in the coke. Sulfur production would increase producing potentially more sulfur trucks trips, as discussed in the RDEIR in Section 4.12, Transportation and Circulation. |

| | |
|---|---|
| | 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 (SVRA), 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 SVRA 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. Air quality violations on the mesa a primarily associated with natural crustal particulates. |
| MAH-02 | In San Luis Obispo County, the Cuesta Grade represents an area where a runaway train could occur. A runaway train coming down the Cuesta Grade could result in spills of crude oil and associated fires. The Rail Spur Project would use two additional locomotives (for a total of five locomotives) on the crude oil unit train for crossing the Cuesta Grade. These two additional locomotives would be added to the train at Santa Margarita and removed from the train in the City of San Luis Obispo once the train had crossed the Cuesta Grade. These additional locomotives would help to assure that the train can safely traverse the Cuesta Grade. |
| MAH-03 | As discussed in the Project Description (see Chapter 2.0) the project would be limited to 250 trains per year. While this would equate to 500 one-way trips, half of these would be empty trains. |
| MAH-04 | SLO County would have legal over site of all of the rail activities at the SMR. It is possible that SLO County could be preempted by federal law for regulating the UPRR operations on the mainline tracks. The Federal Railroad Administration (FRA) has regulatory authority on the mainline rail routes along with the California Public Utilities Commission. |
| MAH-05 | 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. |
| MAH-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. |
| MAH-07 | The RDEIR acknowledges visibility of new night lights from the surrounding areas and identifies substantial mitigation measures to minimize any potentially adverse effects.<br><br>The project description defines an unloading of up to five trains per week, averaging less than one train per day. Although some security lighting may be on throughout the night (and not 24-hours per day as the commenter states), the more intense lighting associated with unloading would only occur during unloading operations.<br><br>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 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 help reduce visibility of night lighting for viewpoints from the east, |

| | |
|---|---|
| | including elevated viewpoints in the Trilogy development and other public viewpoints.<br><br>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 oil 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 unloading facility lights would introduce light into a new area, with applied mitigation measures they would not appear out of place given the relatively close proximity to the existing refinery and coke processing facility, which emits high levels of industrial lighting throughout the night, every night of the year.<br><br>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. Mitigation measures include that the lighting plan be based on a photometric study prepared by a qualified engineer who is an active member of the Illuminating Engineering Society of North America (IESNA), using guidance and best practices endorsed by the International Dark Sky Association.<br><br>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.<br><br>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. |
| MAH-08 | CEQA is applied to projects that cause a physical change in the environment. Economic effects alone do not trigger CEQA; "[T]here must be a physical change resulting from the project directly or indirectly before CEQA will apply." Such changes can be direct or indirect. In other words, if a proposed project may cause economic and social consequences, but no significant |

| | |
|---|---|
| | environmental impacts, CEQA does not require that an EIR be prepared. By themselves, however, economic and social impacts of a proposed project "shall not be treated as significant effects on the environment." (CEQA Guidelines, Section 15131(a)<br><br>The courts have specifically rejected consideration of economic concerns, for example "the economic impact on small businesses on property values" did not trigger CEQA in City of Orange v. Valenti (4th Dist. 1974) 37 Cal. App. 3d 240, 249 [112 Cal. Rptr. 379].<br><br>The issue of property values will be considered by the decision makers as part of the public hearing process. |
| MAH-09 | The RDEIR found that impacts to public safety, biological resources, agricultural resources, etc. in the event of a spill would be significant and unavoidable (Class I). Impacts to jobs in an economic issue. By themselves, however, economic and social impacts of a proposed project "shall not be treated as significant effects on the environment." (CEQA Guidelines, Section 15131(a)<br><br>The courts have specifically rejected consideration of economic concerns, for example "the economic impact on small businesses on property values" did not trigger CEQA in City of Orange v. Valenti (4th Dist. 1974) 37 Cal. App. 3d 240, 249 [112 Cal. Rptr. 379].<br><br>The issue of economic losses due to a spill will be considered by the decision makers as part of the public hearing process. |