

From: Tommy Nefcy <[tommy@nefcy.org](mailto:tommy@nefcy.org)>  
To: "[P66-railspur-comments@co.slo.ca.us](mailto:P66-railspur-comments@co.slo.ca.us)"  
<[P66-railspur-comments@co.slo.ca.us](mailto:P66-railspur-comments@co.slo.ca.us)>  
Cc: "[afherbon@gmail.com](mailto:afherbon@gmail.com)" <[afherbon@gmail.com](mailto:afherbon@gmail.com)>  
Date: 10/25/2014 02:59 PM  
Subject: My Comments on the October 2014 version of the Draft EIR for the SMR Rail Spur Project.

Mr. Wilson:

I am a resident of the Nipomo Mesa at Monarch Dunes. I live in the Townhomes on Monarch Ridge and will be severely impacted by the proposed Rail Spur Project at the Phillips Santa Maria Refinery.

I emailed you several times asking that you require those preparing the Draft EIR at a minimum perform a site survey that includes onsite visits to the Townhomes where I live to assess the impacts on those of us who live within the site line and the sound perimeter of the project. I was never contacted and no site visit was ever performed to my knowledge. I can only conclude that the assessments and conclusions derived from those assessments are all fictional and have no basis the reality.

I oppose the granting of a permit for construction of this project. SMR, Phillips and UPRR will ultimately hide behind Federal ICC rules to avoid any compliance with local regulations, regardless of any assertions they may state to gain our trust and County permission to proceed.

My comments are below.

Tommy Nefcy, Nipomo Mesa Resident  
1195 Swallowtail Way  
Nipomo, CA 93444  
818-648-7154

Comments to the October, 2014, Draft EIR for the Phillips SMR Rail Spur Project:

Executive Summary

Page 24, Paragraph 1:

“The SMR property is located in the southwestern corner of San Luis Obispo County, approximately 1 mile southwest of State Route 1, and approximately 3.5 miles west of the community of Nipomo, in the South County Coastal and South County Inland planning areas.”

This description is patently inaccurate and self serving. It implies that residential areas in the community of Nipomo are several miles away from the proposed project site when in fact there are hundreds of

NET-01

NET-02

homes located within a mile of the proposed project site. The residents of the community of Monarch Dunes were assured less than 2 years ago, by Phillips that all product coming into the SMR facility arrived by pipeline and no changes to that method of delivery was anticipated. I submit we were lied to.

NET-02

Page 29, Paragraph 1-2:

These two paragraphs state in no uncertain terms that SLO County may not have the authority to regulate these rail shipments, in the opinion of the authors of the EIR. If UPRR plans to benefit financially by acting as the common carrier for these shipments I submit they must forego their rights under the ISCC-TA and submit to local regulation of these materials. If they will not submit to local requirements then their partner, the SMR and Phillips, should not be allowed to build a facility which will benefit UPRR.

NET-03

Page 29, Paragraph 3-5:

There is only a north-to-south and a south-to-north routes which can be used to traverse SLO County. Extending the scope of the EIR to rail outside SLO County is a red herring designed to enhance potential disaster statistics and for that reason these paragraphs and the graphic following must be deleted and references to miles of track outside SLO County including failure and accident rates calculated based on length of track assumptions should also be removed or recalculated.

NET-04

Page 31, Paragraph 3-5, "Aesthetic and Visual Resources":

"There are no significant and unavoidable (Class I) impacts to aesthetics and visual resources associated with the Rail Spur Project." This is blatantly false. I live in the Townhomes on Monarch Ridge directly east of the proposed project site and this project will be built almost entirely in my line of site to the Ocean. This will ruin my ocean view and negatively impact my property value. On several occasions I invited Planning Department personnel to my home so they might accurately assess these impacts. The lack of response spoke volumes. As to the lighting up of the night sky being reduced to less than significant levels? Has anyone seen the SMR at night, it is an eyesore that is, at this time, out of my line of site at night. The proposed rail project however would destroy the night environment in the area and ruin my evening views. It will be impossible to mitigate the impact of any lighting of this size area.

NET-05

Page 32, "Air Quality":

"The operational pollutant emissions associated with operation of the Rail Spur Project within the County would exceed the SLOCAPCD thresholds." "However, the County may be preempted by Federal law from mitigating..." If UPRR and the SMR do not want to submit to local regulation and compliance rules and insist that Federal law preempts local ordinance, they should not be allowed to proceed with this project. "Air toxic emissions at the SMR would be significant and unavoidable (Class I) since the cancer risk over a 30-year exposure period would be greater than the 10 in a million threshold established by the SLOCAPCD. This cancer risk is driven mainly by diesel particulate emissions." "regardless of the preemption issue, the air emissions within the SMR can be mitigated through the use of emission reduction credits." That Phillips would give us cancer but "mitigate" through the use of "reduction credits" applied at other locations is cruel and callous and must not be allowed.

NET-06

“Greenhouse gas (GHG) emissions within the State of California could be significant and unavoidable (Class I) since they would exceed the SLOCAPCD threshold for GHG emissions. This impact can be reduced to less than significant with the use of emission reduction credits...” Again, “reduction credits” would give someone else clean air while have out quality of life ruined.

NET-06

Page 34, “Hazards and Hazardous Materials”:

The assumptions based on miles of track used are flawed. They assume the only populated areas the oil trains will traverse and therefore the only ones at risk are in the LA, Bay Area and Sacramento, and completely disregard the fact that SLO County is heavily populated especially along the ONLY rail line that UPRR trains operate on in the County. The map on Page 30 depicts this only too well: there is only one line that runs through SLO and trains can only come from the North or from the South. It is misleading in the context of this EIR to assume the rail lines include track mileage in Nevada and Oregon in calculations then apply the results to the actual track mileage only in SLO County.

NET-07

Page 35, “Noise and Vibration”:

“There are no significant and unavoidable (Class I) impacts to noise and vibration associated with the Rail Spur Project.” The EIR then goes on to explain how the train noise of 10 to 12 hours per day or per train unload cycle is what is called a Class II or less than significant impact that would exceed the County nighttime noise standards on the tracks closest to residential area. That particular “residential area” is my townhouse. The plan appears to be “let’s see how it goes” as follows in Paragraph 3: “The requirement for a Rail Unloading and Management Plan, and limits on the amount of time locomotives can operate at night east of the unloading racks should reduce the noise impacts to less than significant. There is some level of uncertainty associated with the unloading timeline and the noise modeling. Therefore, a mitigation measure has been added that would require noise monitoring to assure that the rail unloading operations due not exceed the County noise standards.” Apparently their “plan” is to disrupt the lives of the people living within a half mile of the SMR until they complain loud enough to drown out the train noise.

NET-08

Page 37-38, “Description of Project Alternatives”:

The “No Project Alternative”, this works for me; The “Loop Rail Unloading Configuration” the ‘No Project Alternative’ is better; The “Reduce Train Deliveries” again, the ‘No Project Alternative’ is better.

NET-09

Page 38-40, “Environmentally Superior Alternative”:

It is no stretch to say the authors of the EIR warped reality to conclude the proposed rail project is superior to the Project Alternatives including the “No Project Alternative” which is less than optimal when compared to the proposed project if SMR, Phillips and UPRR are allowed to trade our health and well being with purchased “reduction credits”. They get clean air and water and we get cancer.

NET-10

Page 40-45, “Vertical Coastal Access”:

NET-11

It has been repeatedly stated by public officials and SMR representatives that VCA and the Rail Project were not linked. Statements contained in the Draft EIR reveal that these assertions are another falsehood presented to us by Phillips, SMR and even our own County officials. VCA must NOT be linked to the approval of the proposed Rail project! VCA will severely impact the residents of the Nipomo Mesa and provide no socio-economic benefit to our area. Our roads will be become more crowded and less safe. Our air will become more polluted but the added dust and we will see zero benefit. A look at the numbers involved show the issue: If vehicle access to the Dunes is permitted, the potential for 3,500 plus daily volume is estimated. These are not just entrance but exits as well. That is an additional 7,000 plus transits of Willow Road daily. That is an additional 7,000 plus uses of the 101-Willow Road freeway ramps, all of these uses occurring during morning and evening rushes. Daily traffic jams will be the norm. Parking along Route 1 will be a nightmare under any scenario used for VCA. VCA must be taken out of this mix and if it is to be considered it must be a separate issue from the proposed rail project.

NET-11

Page 45-48, "Known Areas of Controversy and Uncertainty":

The continued assertion that UPRR will not be subject to local regulation due to ICC preemption is troubling in the extreme. If UPRR does not subject the oil shipments on the mainline to local regulation this project must not proceed. ICC regulations have not prevented any catastrophic incidents and have made several much worse by not requiring improvements to tanker car safety.

NET-12

Page 45, "Train Unloading Sequence and Time":

According to the timing and sequence of events for unloading and specific 80 tank car train, any given train would be at the SMR facility for 12 hours. During that time period 2 of the 3 locomotives would be operating constantly, moving and repositioning the tank cars for unloading and departure preparation. All time frames given for unloading a set of 20 cars on 2 sets of tracks include moving, switching and decoupling times during which a locomotive is attached and running. According to the time table presented on Page 133, 2 of 3 locomotives would be operational 100% of the time they are present at the SMR. Switching or Idling the noise level would be unacceptably high on the Mesa to residents living within less than 400 yard of this operation. The noise level of this type of operation cannot be mitigated regardless of what the EIR says. Life on the Nipomo Mesa for those of us who purchased before this project was revealed to the public will change dramatically. I contact the SLO Planning department (Mr. Wilson?) several times and asked that those writing the EIR be required to come to the Mesa to hear for themselves the sounds of trains traversing the SMR. The lack of response speaks volumes for their concern.

NET-13

Page 46, "Fugitive Dust Emissions":

The South County Phase 2 Particulate Study established a threshold of 25 pounds of particulates per day coming from all sources. The addition of the 1.32 lbs per day must not be considered over and above this level, it must be considered as included in that limit. The residents of the Nipomo Mesa are suffering from the impact of this dust and compliance by all parties must be imposed.

NET-14

Page 46, "Relationship between the Recently Approved SMR Throughput Project and the Rail Spur Project":

NET-15

The authors of the Draft EIR, Phillips and the SMR claim no linkage between the two projects. I submit this is not true in the way the Throughput Project was presented when Phillips and SMR representatives solicited Mesa residents acceptance of the Throughput Project at the Monarch Club presentation approximately 20 months ago. During that presentation and the following Q&A session Phillips and SMR officials were repeatedly ask about how materials were delivered to and from the facility. The Rail Spur Project was, in my opinion, deliberately hidden from the residents even though it was obviously a work in progress at that time. This kind of deception must not be rewarded. Had we known at that time of the possible use of trains to bring crude into the facility if expansion was approved we would most certainly mounted opposition to the Throughput Increase Project as well as the Rail Spur Project.

NET-15

Note: the October 2014 Draft EIR for the proposed SMR Rail Spur Project is 889 pages long, I have reviewed only the Executive Summary and two sections of Section 2 pertaining to Train Unloading. As I review more of the document I will have more comment...

NET-16

From: Tommy Nefcy <[tommy@nefcy.org](mailto:tommy@nefcy.org)>  
To: "[P66-railspur-comments@co.slo.ca.us](mailto:P66-railspur-comments@co.slo.ca.us)"  
<[P66-railspur-comments@co.slo.ca.us](mailto:P66-railspur-comments@co.slo.ca.us)>  
Date: 11/24/2014 11:29 PM  
Subject: Phillips 66 Rail Spur Draft EIR Comment.

Mr. Wilson,

The attached night time photos were taken from public areas. Please note it is very dark and only the lights from the refinery marking the night.

The daylight photos were all take from pubic areas on Via Concha and Euclid Street at Monarch Dunes. Please note the views are where the proposed rail yard will be built and where the views will be, of course, destroyed.

Please, these photos are a compelling argument against this rail project. The night sky will be, and even the draft EIR states this, destroyed without any mitigation available as will the day time views.

Tom Nefcy  
1195 Swallowtail Way  
Nipomo, CA 93444  
805-315-1115(See attached file: WP\_20141105\_20\_21\_29\_Pro.jpg)(See attached file: WP\_20141105\_20\_25\_23\_Pro.jpg)(See attached file: WP\_20141105\_20\_27\_16\_Pro.jpg)(See attached file: WP\_20141106\_12\_01\_46\_Pro.jpg)(See attached file: WP\_20141106\_12\_03\_35\_Pro.jpg)(See attached file: WP\_20141106\_12\_06\_15\_Pro.jpg)(See attached file: WP\_20141106\_12\_04\_59\_Pro.jpg)

NET-17



NET-17  
cont



NET-17  
cont



NET-17  
cont

## Responses to Tommy Nefcy Comments

NET-01	<p>As part of the preparation of the RDEIR site visits were made to a number of locations around the SMR including a number of residential locations within Monarch Dunes as shown in Figure 4.9-3 (see Section 4.9, Noise and Vibration). Locations were selected based upon area that would be expected to see the greatest impact from the project.</p> <p>The remainder of the comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's concerns about Federal preemption are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.</p>
NET-02	<p>The statement in the Executive Summary about being 3.54 miles west of the community of Nipomo was referring to the distance to the Urban Reserve Line (URL) for the Nipomo Community. The text in the Executive Summary has been modified to make this clear and to state the types of land uses that surround the SMR property.</p>
NET-03	<p>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.</p>
NET-04	<p>The calculation of risk in the RDEIR Quantitative Risk Analysis (QRA) is cumulative based on miles traveled. Therefore, the longer the route that is considered in the analysis, the higher the estimated risk. The QRA represents a conservative analysis of risk to the public in California.</p>
NET-05	<p>The RDEIR acknowledges visibility of new night lights from the surrounding areas and identifies substantial mitigation measures to minimize any potentially adverse effects.</p> <p>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 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</p>

## Responses to Tommy Nefcy Comments

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 associated with residential and recreational development.

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.

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.

Mitigation measures preclude illumination of adjacent slopes, prohibit placement of perimeter lights (which as previously described would be 15-foot tall) east of the screening berm (which as previously described would be 10 to 20-foot tall), and require the use of motion detectors rather than being continuously on.

Importantly, following project completion the RDEIR requires the preparation of a Lighting Evaluation Report for review and approval by the County Department of Planning and Building prepared by a qualified lighting engineer not involved in the design of the original lighting plan. The Lighting Evaluation Report will conduct a comprehensive evaluation of in-place lighting, under all expected circumstances, and will require correction of any

**Responses to Tommy Nefcy Comments**

---

	<p>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.</p> <p>The RDEIR Aesthetics section considers all public viewpoints surrounding the project, and specifically addresses viewpoints associated with the developments and recreation east of Highway 1. The project location was directly viewed and analyzed from each of these potential viewpoints. The analysis, potential impacts and mitigation measures identified in the RDEIR Aesthetic section include and specifically address views from the residential and recreational developments east of Highway 1.</p> <p>Key Viewing Areas (KVAs) along Highway 1 provide a fair representation of how the majority of the public will experience the project. Highway 1 has the greatest traffic volume, is the closest public roadway and is a primary regional and local transportation route. KVAs along Highway 1 were positioned at major entrances to the Trilogy and other east side development to further increase their representative value. KVA-2, at the intersection of Highway 1 and Via Concha is at an elevation of approximately 200 feet above sea level. The closest residential street (and golf course) east of the project is at an elevation of approximately 235 feet above sea level. Potential viewpoints along Louise Lane and Eucalyptus Road rise to approximately 250 feet above sea level.</p> <p>Although the 35 to 50-foot viewpoint elevation difference between Highway 1 and the viewpoints to the east is not substantial when applied to the 0.5 to 1.5 mile viewing distance, field analysis showed that some public viewpoints would have slightly increased visual exposure to the project compared to views from Highway 1. This increased visual exposure would mostly occur through the 600-foot gap in the existing approximately one-mile long windrow of mature eucalyptus trees paralleling the east side of Highway 1. The RDEIR analyzed views from these elevated viewpoints, and includes mitigation measures which would minimize visual impacts from these areas.</p> <p>In addition, field review showed that this somewhat increased exposure also includes greater visibility of the existing Santa Maria Refinery, coke processing facility, railroad tracks and other development. As seen from these elevated locations the project would not block views of the Pacific Ocean, coastline, dunes, riparian corridors, or agricultural field patterns. Direct observation showed that from the vast majority of potential public viewpoints within the developed and recreation areas east of Highway 1, views of the project would be substantially or completely blocked by some combination of intervening vegetation, landform, distance or existing residential and recreational development.</p>
NET-06	Offset credits are used in the EIR to mitigate the impacts of criteria pollutant

**Responses to Tommy Nefcy Comments**

	<p>emissions, which can contribute to the formation of ozone throughout the air district. Emissions of toxic pollutants contribute to cancer risks and are generally more local impacts. Emission credits are not proposed for these impacts. The use of DPM credits was removed from the final EIR. The mitigation measures for toxic impacts are to utilize Tier 4 locomotives, which are substantially cleaner than most locomotive currently operating and Tier 4 locomotives are available in 2015. However, this mitigation measure may be preempted by Federal requirements.</p> <p>GHG emissions are a global issue and do not produce localized impacts in the way that toxic emissions or criteria emissions do. Reductions in GHG located in Texas, for example, would be equally applicable as reductions locally. The use of credits is a feasible and effect mitigation for GHG emissions.</p>
NET-07	<p>A QRA was conducted as part of the RDEIR and is documented in the Hazards and Hazardous Materials Section (see Section 4.7 and Appendix H). The rail routes were divided up into distinct segments to account for differing population levels along the rail routes. Each segment was assigned a population density reflecting the unique populations along the rail route. Segments where facilities and/or events might attract temporary high population levels were assigned a population that reflected the larger temporary population, and did not correct for seasonal or diurnal variation, thus slightly overestimating the risk for the segment. The fact that every possible landmark along the proposed rail routes is not explicitly mentioned does not mean that it was omitted. The population assigned for each segment characterizes the potential residential, commercial, industrial, and venue population that is, or could be temporarily, present along the segment.</p>
NET-08	<p>The primary issue associated with the rail management plan 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 than other areas. This is the limit 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.</p>
NET-09	<p>This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. A discussion of the environmentally superior alternative is included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.</p>
NET-10	<p>The discussion in the RDEIR about the environmentally superior alternative points out that if the County is preempted by Federal law from regulating mainline rail operations that the No Project Alternative would be the environmentally superior alternative. However, if the County is not preempted then the reduced delivery alternative would be the environmentally superior alternative since the County could apply mitigation to the locomotives and</p>

**Responses to Tommy Nefcy Comments**

	<p>mainline rail. These could not be applied to the No Project Alternative, since San Luis Obispo County would have no permits to issue for this alternative.</p>
<p>NET-11</p>	<p>The County’s condition of approval on the Throughput Project requires that the access be consistent with the standards of Section 23.04.420 of the Coastal Zone Land Use Ordinance. This determination was not made as part of the Throughput Project. The first step in determining consistency with the standards of Section 23.04.420 is to determine if any of the exceptions in Section 23.04.420 (c), listed above, would apply.</p> <p>The RDEIR does not propose coastal access as part of the Rail Spur Project, but rather presents an environmental assessment of the potential impacts associated with various levels of coastal access at the SMR site.</p> <p>The County determined that a programmatic assessment of various access options was the best way to determine if coastal access at this site is consistent with the provisions of Section 23.04.420 of the Coastal Zone Land Use Ordinance. As stated in Section 9.0 (Vertical Coastal Access Assessment) the assessment will be used by the County to assist in determining:</p> <ol style="list-style-type: none"> <li>1. Whether coastal access is appropriate for the SMR site consistent with the standards of Section 23.04.420 of the Coastal Zone Land Use Ordinance; and</li> <li>2. What intensity and type of coastal access is appropriate at the SMR site.</li> </ol> <p>By including this analysis in the Rail Spur Project RDEIR, it allows for public review and input on any decision about coastal access at this site. If the County finds that coastal access for this location is consistent with the requirements of Section 23.04.420 of the Coastal Zone Land Use Ordinance, then a formal application would need to be submitted that details the type and design of the proposed access. This application would be subject to additional environmental review and an appropriate environmental determination would be required prior to final approval. An additional Coastal Development Permit would also be required based on the location of coastal access and resources found in the vicinity of the final proposed alignment.</p> <p>When and if a formal application is submitted to construct a vertical coastal access at this site, a more detailed traffic analysis, including a warrant analysis would be conducted. If the formal application included a new traffic signal or turnout lanes then Caltrans would be a responsible agency and would be involved in the determination of what traffic reports and analyses would be needed as part of the environmental review process.</p>
<p>NET-12</p>	<p>See Response to NET-03.</p>
<p>NET-13</p>	<p>The conclusion that noise levels during operational activities, particularly rail movements at night, was based on a comprehensive noise assessment, including</p>

**Responses to Tommy Nefcy Comments**

	<p>in-field monitoring of actual rail activities, and a detailed assessment of rail activities as proposed by the Applicant. Mitigation measure N-2c requires monitoring with the option for additional time limits on activities if noise levels are not acceptable. As the baseline noise levels during the night are substantially below those during the day, nighttime noise levels are the issue of concern. If noise levels during rail unloading are determined to be unacceptable, then limits on nighttime unloading would be applied. However, noise modeling with the proposed arrangement indicates that noise thresholds would not be exceeded with mitigation.</p>
NET-14	<p>The 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.</p>
NET-15	<p>This comment is about what Phillips 66 told the local residences about the Throughput Increase Project. It is not a comment about the adequacy of the EIR or compliance with CEQA. No further response is required.</p>
NET-16	<p>This comment details how much of the Revised DEIR the reader has read and therefore does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. No further response it required.</p>
NET-17	<p>This comment provides day and night photos of the area. This comment is mostly a statement about the commenter's opinion about the proposed project. See Response NET-05 for a response to the issue of impacts on views due to the Proposed Project.</p>