From: Gary Nemetz <garynem23@yahoo.com>
To: "p66-railspur-comments@co.slo.ca.us"
<p66-railspur-comments@co.slo.ca.us>
Date: 11/25/2014 11:06 AM
Subject: P66 Rail Terminal Project

Mr. Murry Wilson, SLO County Planning Department

We have spent some amount of time reviewing the REIR for the proposed reinvention of the Phillips refinery located in SLO County. In particular we have reviewed Class I Impacts (Impacts that may not be fully mitigated to less than significant levels).

We were horrified to learn that any of the following occurrences will have a residual impact that is "Significant and Unavoidable".

* Adverse effects on agricultural land in the event of a spill including air-soil-water contamination and fire risk.

* Refinery operations would generate pollutant emissions that exceed SLOCAPCD thresholds. NEG-01

* Refinery operations would generate toxic emissions that exceed SLOCAPCD thresholds

* Refinery operations would generate GHG

* Oil spills that may damage vegetation and wildlife both at the refinery and along the rail path.

* Oil spills that may disturb or destroy cultural resources along the mainline routes (including persons in proximity to such resources)

The use of emission credits unfortunately does not do anything for those of us being subjected to the increased potentially toxic discharges from the refinery NEG-02 outlined in the REIR. Approval of this project in our mind is completely counter to the image being promoted by SLO County and there is not doubt in our minds that the appeal of this area for residency and tourism will be seriously damaged if construction of the oil car processing facility proceeds. San Luis Obispo is NEG-03 sometimes portrayed as the happiest place in America. Are we really willing to jeopardize this hard earned image for the sake of an Oil Company that is responding to market forces?

Is it really our job to assume additional risk and pollution of many types so that the Oil Company can reinvent itself? We do not believe so. NEG-04

Thank you for considering our input.

Gary & Christi Nemetz
1914 Northwood Rd., Nipomo, CA 93444

P66 Rail Terminal Project
Gary Nemetz to: p66-railspur-comments@co.slo.ca.us 11/25/2014 11:06 AM
Please respond to Gary Nemetz

Mr. Murry Wilson, SLO County Planning Department

During the past 8 years we have lived in the Shea Homes Trilogy Development in Nipomo. Our concerns with respect to this project relate not only to Trilogy directly, since we are "in the direct line of fire" so to speak, but the impact approval of this reinvention of the refinery will have on the quality of life to SLO County at large. NEG-05

Specific concerns:

1. Our oldest son attended Cal Poly. Every parent has an expectation that protections will be taken and decisions made by those in power to minimize threats to our children while attending school at any level. While not all threats can be eliminated the introduction of heavy crude trains descending Cuesta grade is an invitation for disaster. One only need look at the many videos on-line to see the potential in the event of a derailment. Why take this chance with our young people? I personally viewed a train accident near San Bernardino in the late 1980's where a train lost control descending Cajon Summit and it is a horrific sight. NEG-06

2. As a lifelong asthmatic a major draw for us with the Central Coast was the attraction of clean air. While the refinery currently has periodic discharges into the air we understand the refinery was here first and our failure to do a more adequate investigation into air quality is our problem. However, what the refinery is now proposing is a game changer as it is a complete transition in the way business will be conducted. Mitigation measures as outlined in the REIR related to visual, sound, and air particulates are not adequate to justify approval of this project. Typically, even well intentioned mitigation starts strong and slippage occurs over time. In this case mitigation is not adequate in the first place. It is obvious where we will be in a few years after the makeover is complete. NEG-07

We understand that P66 is running a business which has profit maximization as a primary objective. We also understand businesses need to change in order adapt with changing markets. Unfortunately, the counter to these interests is the well being of SLO County residents. We have a right as residents to expect clean air. We should not have to live in fear that we will hear a siren requiring us to evacuate or otherwise hunker down in our homes. We should not have to absorb the collateral environmental damage from P66 so that they may change with the times. Frankly, the business pressures facing P66 are just not the problem of SLO County residents. NEG-08

We urge denial of this project.

Gary & Christi Nemetz
1914 Northwood Rd., Nipomo, CA 93444

NEG-01	This comment just restates the list of significant and unavoidable (Class I) impact identified in the RDEIR. No further response is required.
NEG-02	Offset credits are used in the EIR to mitigate the impacts of criteria pollutant 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 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.
NEG-03	CEQA does not require an evaluation of economic or social impacts, and states that "economic or social effects of a project shall not be treated as significant effects on the environment" unless those effects result in physical changes to the environment (CEQA Guidelines Section 15131). Although the Project could affect tourism or perception of the County, these effects would not constitute or cause a physical change in the environment above those already described and discussed in the RDEIR.
NEG-04	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. No further response is required.
NEG-05	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. It is an introductory comment about the concerns addressed the other comments. See the responses below. No further response is required.
NEG-06	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 and the Cal Poly campus.
NEG-07	The EIR includes a mitigation monitoring plan that would ensure mitigation measures are applied consistently and thoroughly over time. However, as the EIR indicates, some mitigation measures might be preempted by Federal requirements and would not be applied. Noise mitigation measures for activities on the SMR property, as indicated in section 4.9, would reduce noise levels to below the thresholds and would produce less than significant impacts. For visual impacts, section 4.1 of the IER indicates that mitigation measures,

	including the use of berms and the use of shielded lighting, with studies to ensure spillover lighting is minimized, would reduce the visual impacts to less than significant. For air particulates, 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. 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 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.
NEG-08	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, clean air, risk, and the tradeoff with Phillips 66 profits are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.