November 24, 2014

Murry Wilson
SLO County Dept. of Planning and Building
976, Osos Street, Room 200
San Luis Obispo, 93408
P66-railspur-comments@co.slo.ca.us

Dear Mr. Murry Wilson,

Please add my comments to the public record on the Phillips 66 Rail Spur Extension Project.

I am a resident of Davis, California, and the proposed 80-car crude-oil train headed to the Santa Maria refinery 5 days a week will travel through Davis. After reading the summary and a number of sections of the RDEIR, I am concerned with the project for a number of reasons. NIL-01

High Hazard Rails

All three routes into CA from the north end of the state have sections marked "High Hazard" for rail on the map provided by the Office of Spill Prevention and Response, under the governor's Office of Emergency Services. The map can be found here: http://bit.ly/OBR-page NIL-02

It particularly concerns me to have oil trains carrying tars sands, which can be explosive depending on the diluents added to make it liquid enough to transport, speeding along on rails already designated as high risk. A major derailment accident on the route south from Oregon near Dunsmuir in 1991 killed 37 miles of the Sacramento River in one spot marked as high hazard rail, and recovery took many years. The Sacramento is a major source of water for agriculture and municipal use, and we simply cannot afford to put it at risk. If any tar sands spills happen over water, the diluents separate out and the heavy bitumen sinks to the bottom within hours if not minutes where it is nearly impossible to remove. We know this from the recent studies on the Kalamazoo River which after 4 years of remediation from a tar sands spill and nearly a billion dollars is still lined with tar sands bitumen and lifeless. NIL-03

The Downside of Tar Sands

Increasing the shipments of Canadian tar sands into our state also concerns me. I understand your refinery has always refined the heavy crude from southern California, and tar sands is similar and inexpensive right now. But it is the dirtiest crude on the planet, and from every angle I look, the extreme crude is unwelcome in California.
First, its extraction requires huge amount of energy, making its extraction questionable to begin with. There are serious and proven claims of infringement on indigenous people's rights and more importantly on their health as unusual cancer rates upstream (that's how the rivers flow there) are rising where people must eat the fish as their only source of food. NIL-04

Second, transporting the crude to refineries comes at a huge price to the safety and health of all the communities the trains pass through all over Canada and the U.S. Your refinery is by no NIL-05

means the only one clamoring for access to deliveries of the cheap, extreme, land-locked crude. In California we have embarked on a path toward renewable energy which is clean energy. With conservation alone Californians have dropped our consumption in the last year from 700 million barrels of oil to 600 million barrels of oil, according to California Energy Commission figures. We are on a different path than one that expands the refining of the highest carbon crude oi NIL-05 cont

Third, the refining of tar sands causes more problems. I understand that at the Santa Maria refinery, only certain products will be produced, and sulfur dioxide and some of the other toxic chemicals typically resulting during the processing will not be released as a result. How fortunate for the community! Still, I am concerned that some of the tar sands brought in by rail might be sent to the Phillips 66 refinery in the Bay Area and refined for other products there, where the worse air pollutants could be released. I have not been able to find out the truth of this. NIL-06

However, the EIR does admit the byproduct "petcoke" will be produced. It is already causing problems as it is stored in open piles (I read if covered it can catch fire), and now there will be more of it piling up before it can be sent off to Asia. In the U.S. this by-product is considered too dirty to burn; it's more polluting than coal. However, in Asia, they are allowed to burn it and all those greenhouse gases go up into the atmosphere we share. I have read that they have even tracked some of the smog in Los Angeles to burning petcoke in China. NIL-07

So from extraction to transportation to refining to burning, tar sands is bad news. Does California want tar sands in its energy portfolio? Does the Board of Supervisors for San Luis Obispo want to be responsible to its community, to the people of California and to the people of the planet for helping promote this carbon-intense cycle that causes harm to us and our planet at every step, especially when there is a clean energy option? NIL-08

Disruption of Public Transportation and Freight

On another topic, I notice the EIR took care to analyze the impact of the Phillips 66 trains on the Capitol Corridor traffic flow, and they concluded that it would be minimal. That analysis may be accurate from Benicia south, but there is a cumulative impact from multiple trains to be considered from Roseville to Benicia. NIL-09

From Davis to Benicia, we are looking at potentially three trains a day loaded with crude oil. The Valero project wants two 50-car trains per day with Bakken Crude and Phillips 66 wants one 80-car train five days/week with tar sands crude. Each of these three trains will make a return trip, so six trains per day. Six additional long trains on the tracks are enough to affect the scheduling of other trains. NIL-10

From Roseville to Sacramento, the number escalates. Bakersfield has just approved two daily 100-car trains that will travel from Roseville to Sacramento to Stockton and down the valley beginning in 2015. Already Roseville-Sacramento-Stockton has two trains per week going to NIL-11

Kinder-Morgan terminal in Richmond for transfer to trucks that take the Bakken crude to the refinery in Martinez. If the projects in Benicia and San Luis Obispo are approved, Roseville and Sacramento will have six daily 100-car trains loaded with crude oil, and six returning empty trains. Twelve trains per day can certainly affect their public transit and freight. While there may be extra tracks in the Bay Area, the EIR does not analyze whether there are extra sets of track between Roseville and Benicia and between Roseville and Stockton to ease the congestion of the extra trains. We have worked hard to build public transportation and need to be sure it is not disrupted as has happened all across the country as oil trains take precedence. NIL-12

Air Quality – Class I Air Pollution

Our region is working hard to bring its air quality into compliance, and the introduction of more pollutants from possibly six new daily trains is not good news. Even just the two new trains from Phillips 66 create Class I Air Pollution for us, so the cumulative impact of six trains will be greater. I am encouraged to learn that new standards for train engines will be in our favor in the coming years. I want to commend your EIR team for being honest and thorough in examining this issue which is of such concern to all the uprail and downrail communities, and offering a mitigation that would help if federal preemption is not in the way! NIL-13

Please consider your other options carefully in terms of uprail impacts as well as your own region. Every action has ramifications for our whole state and all the many communities and sensitive areas within it. Air quality is one of those overriding issues.

Liability Coverage

I'm sure you are aware that our state legislature enacted SB861 in June which requires railroads and refineries to produce proof of sufficient liability for accidents and spills, which sounds reasonable. Any other business must provide liability coverage for their business. The minute Governor signed the bill into law, UPRR and BNSF sued the state of California and the attorney general and the Office of Spill Prevention and Response. I urge you to be cautious in this arena, taking what happened in the aftermath of Lac Megantic to heart. After the accident there, the railroad went bankrupt, and the government is left to reimburse those affected, which is still not complete. That means the public had to pay for the accident! How would you feel if there were a spill into one of our rivers or an accident in one of our towns or cities, and aside from the damage and injuries, the railroad walked away from covering the costs? NIL-14

Thank you for reading my comments. I appreciate the opportunity to voice my concerns.

Lynne Nittler

Resident of Davis, CA
lnittler@sbcglobal.net
530-756-8110

From: Lynne Nittler <lnittler@sbcglobal.net>
To: "P66-railspur-comments@co.slo.ca.us"
<P66-railspur-comments@co.slo.ca.us>, "mwilson@co.slo.ca.us"
<mwilson@co.slo.ca.us>
Date: 11/24/2014 01:28 AM
Subject: comment letter for P66 Rail Spur Extension Project

Dear Mr. Wilson,
Please open the attachment to find a comment letter from 68 residents of Davis addressing seven concerns. Thank you for allowing us to comment on the RDEIR for the Phillips 66 Rail Spur Extension Project for the Santa Maria Refinery.

Sincerely,
Lynne Nittler
lnittler@sbcglobal.net(See attached file: final Davis comment ltr for P66 11.24.14.docx)

November 24, 2014

Murry Wilson
SLO County Dept. of Planning and Building
San Luis Obispo, 93408
P66-railspur-comments@co.slo.ca.us

Note letter contains 68 signatures attached.

Dear Mr. Murry Wilson,

Thank you for adding our comments to the public record on the Phillips 66 Rail Spur Extension Project.

We are uprail residents of Davis, California, and the proposed 80-car crude-oil train headed to the Santa Maria refinery 5 days a week will travel through Davis. We are concerned for a number of reasons.

First is the cumulative impact of more trains. For Davis, the SLO rail spur means a second daily train moving through our community if both this and the Valero Crude-by-rail project are approved. For Sacramento, it's the 5th train! This shift to crude-by-rail transport has to be taken into account from the borders of CA all the way to the refineries. We all live with the threat of more trains as California expects 25% of its crude to arrive by rail according to the CA Energy Commission projection. As the number and frequency of trains increases, the significant impacts multiply. No individual project stands alone. NIL-15

Second, the map prepared by the Office of Spill Prevention and Response reveals serious dangers for our state. All three northern routes bring the oil trains over identified **"High Hazard Rail" sections of track.** These include coming south through Dunsmuir (the site of a terrible spill in 1991 that killed life in the Sacramento River for 35 miles), through the Feather River Canyon with long stretches of rail on high wooden trestles, and over the treacherous Donner Pass and just above Colfax. In addition, California has many **untrustworthy and old bridges** such as the Carquinas Bridge at Benicia, not built to carry 100 heavy tank cars regularly or ever. While the bridges were just recently scheduled to receive minimal safety inspections for the first time, there are no funds to repair or rebuild them. The map can be found at http://bit.ly/OBR-page . NIL-16

Third, the same OSPR map reveals **Earthquake faults** that run just south of Davis along the rail stretch to Benicia, and along capitol corridor all the way to San Luis Obispo. Seismic instability is a reason to avoid oil train deliveries entirely in the region. NIL-17

Fourth, tar sands is the dirtiest of crude oils, and the decision to import it for refining should be made at the state level, not by any single industry or refinery. Spills threaten to pollute our waterways and often cannot be cleaned up as the heavy bitumen sinks rapidly to the bottom. The refining process emits sulfur dioxide and other toxic chemicals which can cause serious health problems. The refining process also produces the by-product petcoke which is too toxic to be burned in the U.S., but it can be sold for burning in Asia. Tar sands produces more greenhouse gas emissions than conventional crude which exacerbates climate change. NIL-18

Fifth, oil trains themselves **create Class I toxic air pollution** every mile they travel in California, including criteria pollutant emissions **(AQ.3),** toxic emissions **(AQ.5)** and GHG emissions **(AQ.6)** that exceed thresholds in many air quality management districts. This increase in air pollution is unacceptable, especially when it is likely the railroads will claim federal preemption to negate the possibility of any mitigations such as requiring more efficient train engines. NIL-19

Sixth, Phillips 66, and UP and BNSF railroads have not offered proof of **sufficient liability** to cover a worst case scenario of accident or spill, or indeed, any scenario despite California's SB 861 enacted in June calling for safety measures and assurance of such liability. It should not rest on the communities, individuals, or government to bear the burden of paying for catastrophic accidents or spills. NIL-20

Seventh, states across the country are experiencing **major disruptions to Amtrak and freight movement** as railroads are favoring crude oil transport over apples in Washington, grain in the Midwest, and people on Amtrak. We can't afford the disruption of services in California. That's food wasted when in Yolo County one in six people is experiencing food insecurity, and the livelihood of farmers is sacrificed for the profit of oil companies, railroads and refineries. The SLO supervisors have the power to keep Capitol Corridor running smoothly and on time. NIL-21

Based on these seven serious concerns among others, we recommend that the San Luis Obispo Board of Supervisors reject the Phillips 66 Rail Spur Extension Project.

Thank you for allowing us to make comments.

Sincerely,

The various residents of Davis whose names and emails are attached (Scroll down 7 pages for 68 signatures.)

First and Last Name	Email/address	Resident of Davis
Dorothy Callison	dorothyandpaulca@gmail.com	yes
Sonja Brodt	brodtsb@yahoo.com	yes
Donald Schug	dmschug@hotmail.com	yes
Milton Kalish	milton@miltonkalish.com	yes
Alvin Remmers	westof113@me.com	yes
Diane Remmers	westof113@me.com	yes
Diane Simon	simonsez@sbcglobal.net	yes
Barry Bolden	olliebees57@gmail.com	yes
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Cindy Anders	cindy.h.anders@gmail.com	yes
Ray Valentine	ray@courtyards.com	yes
Richard Schultz	rschultz@sas.upenn.edu	yes

From: Lynne Nittler <lnittler@sbcglobal.net>
To: "P66-railspur-comments@co.slo.ca.us"
<P66-railspur-comments@co.slo.ca.us>, "mwilson@co.slo.ca.us"
<mwilson@co.slo.ca.us>
Date: 11/24/2014 02:04 AM
Subject: Comment letter on the P66 Rail Spur Extension Project

Dear Mr. Wilson,
Please add the attached letter to the comments for the San Luis Obispo Phillips 66 Rail Spur Extension Project.

Thank you,
Lynne Nittler
Secretary for Cool Davis Foundation
lnittler@sbcglobal.net
530-756-8110

(See attached file: Cool Davis SLO REIR letter.docx)

Re: Comments on the SLO Phillips 66 Rail Spur Extension Project

November 23, 2014

*See Cool Davis Comment Letter
Under Organizations and Schools

Murry Wilson
SLO County Dept. of Planning and Building
San Luis Obispo, CA 93408
P66-railspur-comments@co.slo.ca.us

Dear Mr. Murry Wilson,

Please add our comments to the public record on the Phillips 66 Rail Spur Extension Project which proposes the shipment of crude oil by trains. We understand that proposed route for the trains would pass through the center of Davis.

Cool Davis is a non-profit organization whose mission is to inspire our community to reduce greenhouse gas (ghg) emissions, to adapt to a changing climate, and to improve the quality of life for all! We are concerned that not only do the trains present the danger of spillage and explosions in our area, but also, that our own efforts to mitigate the climate crisis will be compromised or negated by the potential pollution and increased GHG emissions from the proposed trains carrying crude oil through Davis and other cities along the rail route.

The impacts of the trains are cumulative as more trains travel on the tracks. Cool Davis has already commented on the Valero Crude-by-Rail Project in Benicia which proposes two trains of 50 cars each per day, seven days a week, traveling to Benicia and back through Davis. The additional trains to Santa Maria refinery and back five days a week means the greenhouse gas (GHG) emissions will be even higher, exacerbating the pollution problems already increased by the Valero trains. The mitigation for the Phillips 66 train emissions must take into account the round trip of the Phillips 66 trains in the larger context of the existing air quality and the compromised air quality in the near future should the Valero project be approved.

The climate impacts of Canadian tar sands crude must also be taken into account. At every stage of the mining, transportation, and refining process, tar sands are more carbon intensive than any other source of oil. Bringing tar sands to California will undermine the state's efforts to be a global leader addressing greenhouse gas (GHG) emissions and climate disruption. Spills threaten to pollute our waterways and often cannot be cleaned up as the heavy bitumen sinks rapidly to the bottom. The refining process emits sulfur dioxide and other toxic chemicals which can cause serious health problems. The refining process also produces the by-product "petcoke" which is too polluting to be burned in the U.S., though it can be sold for burning in Asia.

CEQA addresses impacts for all of California. The REIR for the Phillips 66 project has focused on air quality and GHG emissions from Roseville to San Luis Obispo, saying the routes above Roseville are uncertain. Nonetheless, the REIR provides data on the three northern entry routes, and their GHG emissions are calculated and considered. Similar data is included for the two southern entry routes to Colton. Therefore, total GHG emissions in the state introduced by the Phillips 66 trains can be considered for possible mitigations from each possible entry point where the trains cross the California border.

To be truly complete**, the REIR should consider the full life-cycle impact of the fossil fuel footprint** from the extraction process to the transportation to the final consumption which all contributes to local pollution and to global climate change. Singling out only the greenhouse gas emissions as the train passes through town is a thin slice of the total lifecycle and its impact. CEQA requires a more cumulative and holistic approach.

Under AB32, the California Global Warming Solutions Act, California has chosen a set of goals for greenhouse gas reduction. According to the California Energy Commission, in the last year California significantly reduced its consumption of oil through conservation measures such as more efficient vehicles and more trips by transit, biking and walking. We have proven we can reduce our footprint! Bringing in more crude by any means runs counter to our path to renewable energy and conservation.

If mitigations are called for, generally, they are direct offsets related to local pollution. However, since GHG emissions contribute to global climate changes that affect California communities as well as others around world, the mitigation should also provide global benefits. Cool Davis proposes creative mitigations such as funding to support the transition to electric and hybrid vehicles, including incentives to encourage households to purchase electric vehicles and to encourage multi-family residences to install electric vehicle charging devices for their residents. Another example would be funding to support local government efforts to convert to "complete streets" to encourage more biking and walking. Cool Davis would be happy to work with the project proponents on a list of possible mitigations to effectively reduce GHG emissions to best fit our community, the region, and the world. The mitigations must reduce GHG emissions sufficiently to counterbalance the emissions added to the community by the added daily trains.

As already stated, the sudden and substantial increase in crude-by-rail into our state takes us backwards, increasing our ghg emissions into the atmosphere and slowing our necessary conversion to renewable energy and low-carbon fuels as we confront climate change. **This REIR must examine how the increase in oil trains will affect our state and local climate goals and propose appropriate mitigations if it finds that the incoming crude-by-rail makes it harder to reach those goals.** At stake is a livable climate for all living beings, including our children and their children. The best mitigation may be to stop importing crude by rail, particularly high carbon-intense and explosive crude, and instead put our efforts into supporting passenger rail and other measures more consistent with a safe climate.

Thank you for taking into account the above concerns regarding greenhouse gas emissions for the Phillips 66 Rail Spur Extension Project. We urge you to reject the REIR and the Phillips 66 Rail Spur Extension Project until the above concerns are addressed in full.

Sincerely,

Bill Heinicke, President of Cool Davis Foundation Board of Directors
Davis, CA
info@cooldavis.org

From: Lynne Nittler <lnittler@sbcglobal.net>
To: "P66-railspur-comments@co.slo.ca.us"
<P66-railspur-comments@co.slo.ca.us>
Date: 11/25/2014 10:07 AM
Subject: Davis residents comment letter for P66 Rail Spur Extension Project

Dear Mr. Wilson,

I am resubmitting the the letter I sent early November 24th signed by 68 Davis residents. When I returned to my computer later in the day but before the 4:00 deadline, I discovered another ten residents wishing to add their names to the letter. I have added that additional sheet of signatures, making the total 78 signatures.

If appropriate, I request that you use this updated file. Thank you for all your efforts to make this process of gathering comments effective.

Sincerely,

Lynne Nittler
lnittler@sbcglobal.net
530-756-8110 (See attached file: final Davis comment ltr for P66 11.24.14.docx)

November 24, 2014

*Duplicate Letter with 10 additional signatures. See 11/24/2014 Submission.

Murry Wilson
SLO County Dept. of Planning and Building
San Luis Obispo, 93408
P66-railspur-comments@co.slo.ca.us

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Sincerely,

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Sonja Brodt	brodtsb@yahoo.com	yes
Donald Schug	dmschug@hotmail.com	yes
Milton Kalish	milton@miltonkalish.com	yes
Alvin Remmers	westof113@me.com	yes
Diane Remmers	westof113@me.com	yes
Diane Simon	simonsez@sbcglobal.net	yes
Barry Bolden	olliebees57@gmail.com	yes
Margaret Algazi	malgazi@comcast.net	yes
Jean Miller	jm_miller@sbcglobal.net	yes

First and Last Name	Email/address	Resident of Davis
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Eric Miller	jm-miller@sbcglobal.net	yes
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Don C Price	nancytprice39@gmail.com	yes
Yvonne Adcock	auntevon@hotmail.com	yes
Barbara R Burr	BRBIQ@aol.com	yes
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Jewel Payne	jewel@dcn.org	yes
Carol B. Gass	cbgass@gmail.com	yes
Michael Gass	cbgass@gmail.com	yes

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Robb Davis	robbathome @ gmail. com	yes
Dale Haack	avro @ att. net	yes
Lynn Narlesky	omalsky@ yahoo.com	yes
Lucille Hammes	snazzijazzi@att.net	yes
Jack Berger	dmbj 8@ sbcglobal.net	yes
Julie Sly	cyclinggirl6 @ gmail. com	yes
Ann Hubes	Ann H@ dcn. org	yes
Russell Reagan	rssllr @ yahoo. com	yes
Mark Atherton		yes

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NIL-01	This comment introduces the topic of subsequent comments and therefore does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA.
NIL-02	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 the safety and environmental impacts of the project are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
NIL-03	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 the safety and environmental impacts of the project are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
NIL-04	The refining of the different crude slate associated with this project would not produce different GHG emissions at the SMR than the normal range of crude oils refined at the SMR. Note that some Canadian crude oils are currently being processed at the SMR, transported by rail to Bakersfield, then by truck to the SMPS. GHG emissions are attributable to removal of the heavier ends, such as at the SMR, and associated with the cracking and formulation of lighter ends, such as gasoline, at the Rodeo Refinery. These activities would be within the range of normal activities at each refinery. The main difference in GHG emissions occurs at the extraction point, where extracting the tar sands generally produces substantially higher GHG per bbl of crude oil than convention methods, depending on the level of associated gas and the use of that gas. Some fields in California for example, extract the crude oil and just burn the associated gas in flares, which actually can produce a higher GHG intensity than even Canadian Tar Sands crude oils. The additional GHG emissions associated with mining the tar sands would occur no matter the destination of the crude oil, whether the crude oil is destined for the SMR, or other locations within the U.S.
NIL-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 EIR concludes that emissions of criteria pollutants would exceed the SLOCAPCD thresholds and would be a significant impact. Section 4.7 (Hazards and Hazardous Materials) of the EIR, that risks to the public would exceed the thresholds and be a significant impact.
NIL-06	The RDEIR examined changes in emissions associated with a change of slate as part of Impact AQ.2 (see Section 4.3, Air Quality and Greenhouse Gases). 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. BTEX levels of Canadian tar sands crude oil are similar to other heavy crude oil processed by the SMR and the EIR demonstrates that any increases in BTEX would generate a nominal increase in health risk. Additionally, Canadian crude is currently being refined at the SMR. The potential increase in BTEX has been addressed in the EIR. See Impacts AQ.2 and AQ.4 in Section 4.3, Air Quality and Greenhouse Gas Emissions. However, during the Enbridge Spill, 1,086 air samples of benzene levels, for example, were measured and 21 of the samples showed air concentrations above the EPA action levels (http://www.epa.gov/enbridgespill/data/dataair.html) of 6 ppb, indicating that some volatiles were present in the spilled materials although not very much. Sampling conducted by the Michigan Department Of Natural Resources And Environment Environmental Laboratory on the crude oil in the Enbridge pipeline (which was dilbit from Canada, same as would be expected for the proposed project) indicated that benzene could be as high as 1,100 ppm in the crude, Xylene as high as 1,200 ppm and Toluene as high as 1,900 ppm (measured as mg/kg) (http://www.epa.gov/enbridgespill/data/index.html#aqdata). The results indicated a BTEX concentration of about 0.50%, or, as per Table 4.3.13 in the RDEIR, within or below the range of crude oils currently processed by the SMR. The Keystone Pipeline FEIS (2013) also examined a wide range of crude oils and demonstrated that the " BTEX content of the dilbits [from Canada] is much lower than that of many lighter crude oils" The EIR analyzed a BTEX concentration of 1.25% to be conservative which indicated nominal increases in health risk. BTEX levels of the proposed project crude do not present a "far greater" amount of BTEX from fugitive components. In addition, fugitive emissions from components are estimated based on industry-wide average emission rates developed by the EPA and include a wide range of crude oil types, volatilities, BTEX fractions and compositions. The EIR demonstrated that changes to health risk due to a potential increase in BTEX to 1.25% are nominal and do not require further analysis. See Appendix B.2. 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. 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 EIR 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.
NIL-07	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 EIR in Section 4.3 (Air Quality and Greenhouse Gases). As the SMR already processes heavy crude oils, 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.
NIL-08	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.
NIL-09 through NIL-12	Section 4.12.5 in Transportation and Circulation, Section 4.12, discusses the cumulative crude by rail impact on passenger trains including the rail lines past Benicia. With the cumulative crude by rail projects (see Table 3.1) an additional eight one-way crude trains per day would be added to the section of track between the northern Bay Area and Sacramento. An additional 16 one-way crude trains would be added to the mainline track from Sacramento to Roseville and along the mainline track from Roseville to Oregon or Nevada depending upon the route taken. The 2013 State Rail Plan identified two areas along the Northern California rail system that could become bottlenecks and checkpoint during the next ten years that could handle cumulative crude by rail traffic (Oakland to Martinez and BNSF mainline between Stockton and Bakersfield). No bottleneck issues were identified for the mainline tracks between Benicia and Roseville or areas to the west (CalTrans 2013). Two of the cumulative crude by rail project would use the Oakland to Martinez section of track, which would add a maximum of four additional one-way trips per day. The addition of these freight trains on this stretch of UPRR track would not be expected to substantially reduce the on time performance of the Capitol Corridor passenger trains given the process used by UPRR to dispatch trains along this corridor. Therefore, the cumulative impact due to crude oil trains on this stretch of UPRR tracks would be less than significant. The Kinder-Morgan terminal has been added to the list of cumulative crude by rail projects and is accounted for in the discussion above. UPRR owns and maintains the mainline between the Roseville Yard and the

	Bay Area. UPRR operates freight trains on the line, and allows the Capitol Corridor passenger trains to operate on the line. This line currently has daily traffic of between 51 and 75 passenger and freight trains per day of which 11 to 25 are freight trains (Caltrans 2013b). The passenger trains are scheduled to the minute. UPRR dispatches the passenger trains so as to meet these precise schedules. Freight trains do not typically run on regular schedules. In its normal course of operation, however, UPRR dispatches freight trains so as to avoid congestion. With the existing traffic, the Capitol Corridor trains dispatched by UPRR are on time over 95% of the time over the past two years (see Table 4.12.7). Moreover, UPRR currently avoids dispatching freight trains during the commute hours in order to ensure that freight trains do not delay the Capitol Corridor passenger trains. The addition of the cumulative crude by rail trains on this stretch of UPRR track would not be expected to substantially reduce the on time performance of the Capitol Corridor passenger trains given the process used by UPRR to dispatch trains along this corridor.
NIL-13	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 use of Tier 4 locomotives would provide substantial reductions in emissions at the SMR site as well as along the mainline routes from the source of the crude oils.
NIL-14	Issues of liability and insurance are not required to be addressed as part of the CEQA process. Under both Federal and state law UPRR is responsible for the costs associated damages and the costs associated with cleaning up any spill that occurs along the mainline rail routes. The commenter's concerns about liability and insurance are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
NIL-15	Section 4.7, Hazards and Hazardous Materials, discusses the cumulative risk levels associated with train traffic from multiple projects along the various rail routes within California (See Section 4.7.6). Depending upon the mainline rail route and the location there could be as many as 8 to 16 crude oil trains per day (these numbers are one-way trips). The EIR indicates that this would "represent a significant cumulative risk." The EIR identifies the principal cumulative crude by rail projects for risk and determines that cumulatively, these projects would produce a significant and unavoidable impact.
NIL-16	In July 2010, Federal Railroad Administration (FRA) released a Bridge Safety Standards Final Rule requiring railroad track owners to adopt and follow specific procedures to protect the safety of their bridges and to strengthen federal oversight of railroad bridge programs. The Bridge Safety Standards Final Rule requires rail carriers to:

	• Implement bridge management programs that include at minimum annual inspections of railroad bridges • Conduct special inspections if the weather or other conditions warrant such inspections • Maintain an inventory of all railroad bridges and know their safe load capacities • Maintain design documents and to document all repairs, modifications, and inspections of each bridge • Ensure bridge engineers, inspectors and supervisors must meet minimum qualifications • Make sure bridge inspections are conducted under the direct supervision of a designated railroad bridge inspector • Conduct internal audits of bridge management programs and inspections 49 CFR 237.71 requires railroad bridge owners to determine bridge load capacities as follows: (a) Each track owner shall determine the load capacity of each of its railroad bridges. The load capacity need not be the ultimate or maximum load capacity, but must be a safe load capacity. (b) The load capacity of each bridge shall be documented in the track owner's bridge management program, together with the method by which the capacity was determined. (c) The determination of load capacity shall be made by a railroad bridge engineer using appropriate engineering methods and standards that are particularly applicable to railroad bridges. (d) Bridge load capacity may be determined from existing design and modification records of a bridge, provided that the bridge substantially conforms to its recorded configuration. Otherwise, the load capacity of a bridge shall be determined by measurement and calculation of the properties of its individual components, or other methods as determined by a railroad bridge engineer. (e) If a track owner has a group of bridges for which the load capacity has not already been determined, the owner shall schedule the evaluation of those bridges according to their relative priority, as established by a railroad bridge engineer. The initial determination of load capacity shall be completed no later than five years following the required date for adoption of the track owner's bridge management program in conformance with § 237.31. (f) Where a bridge inspection reveals that, in the determination of the railroad bridge engineer, the condition of a bridge or a bridge component might

	adversely affect the ability of the bridge to carry the traffic being operated, a new capacity shall be determined. (g) Bridge load capacity may be expressed in terms of numerical values related to a standard system of bridge loads, but shall in any case be stated in terms of weight and length of individual or combined cars and locomotives, for the use of transportation personnel. (h) Bridge load capacity may be expressed in terms of both normal and maximum load conditions. Operation of equipment that produces forces greater than the normal capacity shall be subject to any restrictions or conditions that may be prescribed by a railroad bridge engineer. The bridges along the proposed routes are currently rated to accommodate crude oil unit trains. ExxonMobil currently operates a unit train from San Ardo to Los Angeles following the same route as proposed by Phillips 66, including the Cuesta Grade and Stenner Creek Bridge. Plains All American pipeline also receives crude oil unit trains at their Kern County terminal that traverse much of the same routes that the proposed Phillips 66 unit trains would utilize.
NIL-17	Potential worst-case water quality impacts related to a rail accident has been addressed in Impact WR.3. This impact would apply in the event that a train derailment occurs as a result of an earthquake. Water quality impacts were concluded to be significant and unavoidable (Class I). Similarly, risks to public safety along the UPRR right of way are addressed in Impact HM.2, which concludes that the impact to public safety in the event of a derailment that leads to fire or explosion is significant and unavoidable (Class I). In estimating the probability of a train accident, items such as earthquakes were taken into account. Table 4.7.1 list the various initiating and contributing causes of rail accidents.
NIL-18	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. Spills are addressed in section 4.7 and are determined to be a significant impact. 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 Section 4.3.4.2 (see Section 4.3 Air Quality and Greenhouse Gases). 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 EIR 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. 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 EIR in Section 4.3 (Air Quality and Greenhouse Gases). 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.
NIL-19	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.
NIL-20	See Response NIL-14.
NIL-21	Section 4.12, Transportation and Circulation, provides an analysis of impact of the proposed crude oil unit train on passenger train performance. The analysis found that the addition of the proposed crude oil unit train would not significantly impact the on time performance of passenger trains including the Capital Corridor train. Since passenger trains operate on a fixed schedule, this would represent a worst case analysis. On the other hand, freight trains do not operate on a fixed schedule and UPRR has more flexibility in scheduling the movement of freight trains then they do passenger trains. UPRR dispatches the passenger trains so as to meet these precise schedules. In its normal course of operation, UPRR dispatches freight trains so as to avoid congestion on the tracks and many freight trains are scheduled at night when commuter and passenger train levels are at their lowest. Based upon freight estimates in the 2013 State Rail Plan the routes that could be used by the proposed project crude oil trains have daily freight traffic between 2 and 80 trains per day. The addition of five crude oil trains per week would not be expected to impact the delivery of agricultural supplies and goods given the flexibility UPRR has in scheduling freight train movements.