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Subject: Nipomo Oil Development

Based on just these facts, I am against the proposed Philips 66 spur line in Nipomo.

the EIR identifies 5 air quality impacts that are Class I (those that cannot be mitigated to less than significant levels). Yet, it fails to take into account that this pollution would be in addition to air quality that already fails to meet state and federal standards.two mile-long oil trains would come through the county each day: county emergency services are underfunded, undertrained, under-equipped, and unprepared. the EIR fails to address the fact that SLO County approved multiple residential communities on the Nipomo Mesa; an invasive Rail Terminal is totally incompatible with those communities.

PEL-01

PEL-02

PEL-03

Lee Perkins
Atascadero CA

Responses to Lee Perkins Comments

PEL-01	The purpose of the California Environmental Quality Act (CEQA) is to inform governmental decision makers and the public about the significant environmental effects of a proposed project. The RDEIR addresses the potential impacts and recommends mitigation measures for the proposed Project consistent with the requirements of CEQA. Section 4.0 presents the environmental analysis for the CEQA mandated issue areas; air quality and GHG impacts are discussed in Section 4.3 (Air Quality and Greenhouse Gases). 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.
PEL-02	The RDEIR contains mitigation measures PS-3a through PS-3i (see Section 4.11, Public Services and Utilities) to ensure that the SMR Fire Brigade and the Cal Fire resource are sufficient before the project proceeds. These include; 1) an updated Fire Protection Plan for the Rail Spur Project that meets all the applicable requirements of API, NFPA, UFC, and Cal Fire/County Fire; 2) an updated Emergency Response Plan to include the rail unloading facilities and operations; 3) an updated Spill Prevention Control and Countermeasure Plan to include the rail unloading facilities and operations; 4) requirements that the SMR fire brigade meets all the requirements outlined in Occupational Safety and Health Administration 29 CFR 1910.156, and NFPA 600 & 1081; 5) updated fire brigade staffing/training requirements and Cal Fire funding requirements; 6) funding of a qualified Cal Fire inspector to conduct the annual fire inspections at the SMR; 7) funding of training for Cal Fire personnel, including field training, as per the Security and Emergency Response Training Center Railroad Incident Coordination and Safety (RICS) meeting Department of Homeland security, NIIMS, OSHA 29 CFR 1910.120 compliance. These extensive requirements would reduce the impacts of the rail spur project on fire resources at the SMR to less than significant with mitigation (Class II). In addition, for transportation of crude oil along the mainline tracks, mitigation measures PS-4a though PS-4c) (see Section 4.11, Public Service and Utilities) include 1) Only rail cars designed to Option 1: PHMSA and FRA Designed Tank Car shall be allowed; 2) requires annual funding for first response agencies along the mainline rail routes; 3) require annual emergency responses scenario/field based training; and 4) notification requirements. Impacts to fire protection and emergency response would remain significant and unavoidable (Class I) along the mainline routes.
PEL-03	Potential impacts associated with land use incompatibilities are discussed in Section 4.8 of the RDEIR. As explained in that section, an incompatibility would not necessarily result in a significant land use impact, particularly if the impact is based on the same environmental effects identified in other sections of the RDEIR (i.e., Aesthetics and Visual Resources, Hazards and Hazardous Substances, Noise). To result in a significant effect on land use, the incompatibility would need to result in some additional adverse effect, such as health risks, public safety issues, or the inability to sleep, relax, or enjoy the full

	use of one's property. Using this approach, a significant and unavoidable land use impact was identified based on the increased health risk that would result from increased diesel particulate matter emissions from the Project. Other potential incompatibilities, such as increased air emissions, noise, odor, and hazards, were also considered. Applicable zoning and land use standards associated with the Project Site and surrounding area, and the Rail Spur Project's potential consistency with applicable standards and policies are addressed in Appendix G of the RDEIR. While the RDEIR discusses potential inconsistencies with applicable planning documents, the decision of whether a proposed project is consistent with a particular plan or policy must ultimately be made by the local decision-making body. The comment has been included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.