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Date: 11/23/2014 06:07 PM
Subject: rail spur project

Nov. 22, 2014

San Luis Obispo County Supervisors and San Luis Obispo County Planning Dept.,

I have been a resident in the Callendar/ Garrett area of the Nipomo Mesa for the last 25 years. The proposed rail spur project at Phillips 66 should not be approved for the following reasons:

1. More air pollution will be created by the trains and associated operations. The proposed mitigations (credits) will not reduce air pollution in the neighborhoods near the refinery, which is an area with severe pollution problems already. RAW-01

2. There is not an adequate safety plan in place at the plant or in our county for accidents that can occur related to trains hauling shipments of oil. What will happen if an explosion/ fire occurs when there is only foam available to put out a fire on one car? These are 80 car trains. RAW-02

3. The vibration and sound of the diesel engines will be unbearable to the residents in this area. If five 80 car trains are off-loaded per week, that will amount to 60 hours per week of train engines running. The EIR indicates train engines should be shut off during off-loading if it is safe. Who decides if it is safe, the engineer? RAW-03

We have no confidence in the Air Pollution Control Department as it relates to protecting residents in this area. We have the worst air pollution problem in the county, yet efforts are slow or non-existent to alleviate it. If the rail spur project is approved we will have additional pollution with no recourse. Hopefully the rumors that this is a 'done deal' are false, and you will seriously consider concerns of the community before making any decision on this project. RAW-04

Wendy Ragan
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Responses to Wendy Ragan Comments

RAW-01	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 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. Emission reduction credit information has been added to the final EIR, indicating that there are sufficient emission reduction credits available with the SLOCAPCD to offset the criteria pollutants generated by the project within SLOC. The SLOCAPCD has a well established program of credits for criteria pollutants and GHG which can be used to offset the emissions increases. The mitigation measures have been developed in coordination with the SLOCAPCD. ERC are standard practice in many air districts state-wide to reduce the impacts of criteria pollutant emissions
RAW-02	The RDEIR contains a considerable amount of mitigation that may be within the jurisdiction of San Luis Obispo to require prior to project operations that address the potential for accidents, oil spills and emergency response. These include: **Class I Impact HM.2** *The potential for a crude oil unit train derailment would increase the risk to the public in the vicinity of the UPRR right-of-way.* 1. *HM-2a Only rail cars designed to FRA, July 23, 2014 Proposed Rulemaking Option 1: PHMSA and FRA Designed Tank Car as listed in Table 4.7.8, shall be allowed to unload crude oil at the Santa Maria Refinery.* 2. *HM-2b For crude oil shipments via rail to the SMR a rail transportation route analysis shall be conducted annually. The rail transportation route analysis shall be prepared following the requirements in 49 CFR 172.820. The route with the lowest level of safety and security risk shall be used to transport the crude oil to the Santa Maria Refinery.* 3. *HM-2c The Applicant's contract with UPRR, shall include a provision to require that Positive Train Control (PTC) be in place for all mainline rail routes in California that could be used for transporting crude oil to the SMR.* 4. *HM-2d The refinery shall not accept or unload at the rail unloading facility any crude oil or petroleum product with an API Gravity of 30° or greater.* **Class I Impact PS.4**

	Operations of the crude oil train on the mainline UPRR tracks would increase demand for fire protection and emergency response services along the rail routes. 1. *PS-4a As part of the Applicant's contract with UPRR, it shall require that quarterly hazardous commodity flow information documents are provided to all first response agencies along the mainline rail routes within California that could be used by trains carrying crude oil to the Santa Maria Refinery for the life of the project. Only first response agencies that are able to receive security sensitive information as identified pursuant to Section 15.5 of Part 15 of Title 49 of the Code of Federal Regulations, shall be provided this information. This contract provision shall be in place and verified by the County Department of Planning and Building prior to delivery of crude by rail to the Santa Maria Refinery.* 2. *PS-4b Only rail cars designed to FRA, July 23, 2014 Proposed Rulemaking Option 1: PHMSA and FRA Designed Tank Car shall be allowed to unload crude oil at the Santa Maria Refinery. PS-4c As part of the Applicant's contract with UPRR, it shall require annual funding for first response agencies along the mainline rail routes within California that could be used by the trains carrying crude oil to the Santa Maria Refinery to attend certified offsite training for emergency responders to railcar emergencies, such as the 40 hour course offered by Security and Emergency Response Training Center Railroad Incident Coordination and Safety (RICS) meeting Department of Homeland security, NIIMS, OSHA 29CFR 1910.120 compliance. The contract shall require funding of a minimum of 20 annual slots per year for the life of the project. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery.* 3. *PS-4d As part of the Applicant's contract with UPRR, it shall require annual emergency responses scenario/field based training including Emergency Operations Center Training activations with local emergency response agencies along the mainline rail routes within California that could be used by the crude oil trains traveling to the Santa Maria Refinery for the life of the project. A total of four training sessions shall be conducted per year at various locations along the rail routes. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery.* 4. *PS-4e As part of the Applicant's contract with UPRR, it shall require that all first response agencies along the mainline rail routes within California that could be used by trains carrying crude oil traveling to the Santa Maria Refinery be provided with a contact number that can provide realtime information in the event of an oil train derailment or*

	accident. The information that would need to be provided would include, but not be limited to crude oil shipping papers that detail the type of crude oil, and information that can assist in the safe containment and removal of any crude oil spill. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery. **Class II Impact PS.3** *The Rail Spur Project would increase demand for fire protection and emergency response services at the SMR.* 1. *PS-3A Prior to issuance of construction permits, the Applicant shall submit to Cal Fire/County Fire for review and approval a final Fire Protection Plan for the Rail Spur Project that meets all the applicable requirements of API, NFPA, UFC, and Cal Fire/County Fire.* 2. *PS-3b Prior to notice to proceed for the rail unloading facility, the Applicant shall update the SMR Emergency Response Plan to include the rail unloading facilities and operations.* 3. *PS-3c Prior to notice to proceed for the rail unloading facility, the Applicant shall update the existing SMR Spill Prevention Control and countermeasure Plan to include the rail unloading facilities and operations.* 4. *PS-3d Prior to notice to proceed for the rail unloading facilities, the Applicant shall assure that the existing SMR fire brigade meets all the requirements outlined in Occupational Safety and Health Administration 29 CFR 1910.156, and NFPA 600 & 1081.* 5. *PS-3e Prior to issuance of grading permits, the Applicant shall have an executed operational Memorandum of Understanding (MOU) with Cal Fire/County Fire that includes fire brigade staffing/training requirements and Cal Fire/County Fire funding requirements. This MOU shall be reviewed and updated annually by Cal Fire and the Applicant.* 6. *PS-3f Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for time spent by a qualified fire inspector to conduct the annual fire inspections at the SMR including all structures, and support facilities consistent with Cal Fire/County Fire's authority and jurisdiction. The Applicant shall reimburse all costs associated with travel time, inspections, inspection training, and documentation completion. The reimbursement rate shall be according to the most recent fee schedule adopted by the San Luis County Board of Supervisors.* 7. *PS-3g Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for offsite training for emergency responders to railcar emergencies, such as the 40 hour*

	course offered by Security and Emergency Response Training Center Railroad Incident Coordination and Safety (RICS) meeting Department of Homeland security, NIIMS, OSHA 29CFR 1910.120 compliance. Initial training shall be two members of the Interagency Hazardous materials Response Team, two members of the interagency Urban Search and Rescue Team, and two members annually from Cal Fire/County Fire or fire districts in San Luis Obispo that have automatic aid agreements with Cal Fire/County Fire for a total of six slots per year for the life of the project. 8. *PS-3h Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for Fire Chief Officer attendance such as the 40 hour course offered by Security and Emergency Response Training Center; Leadership & Management of Surface Transportation Incidents. Funding shall be for two Fire Chief Officers annually for the life of the project.* 9. *PS-3i Prior to issuance of grading permits, the Applicant shall have an agreement with Cal Fire/County Fire to conduct annual emergency response scenario/field based training including Emergency Operations Center Training activations with the Applicant, Cal Fire/County Fire, UPRR, and other San Luis Obispo County First response agencies that have mutual aid agreements with Cal Fire/County Fire. These annual emergency response drills shall occur for the life of the project.* Even with the implementation of the above mitigation to reduce the potential for a rail accident and increase local emergency response capabilities, the potential risk associated with the proposed project is considered Significant and Unavoidable (Class I). In the event of a train derailment and accident, only a limited number of rail cars actually derail and spill oil. In no case has a rail accident resulted in all rail cars derailing and failing. The median number of cars derailed per FRA-reportable, freight-train derailment on Class I mainlines was six (Liu et al., 2013). In this analysis, we assumed that all derailed cars were crude oil tank cars. The conditional probability of release (CPR) represents tank car safety performance in accidents and was estimated based on the latest statistics developed by the Railway Supply Institute (RSI) – Association of American Railroads (AAR) Railroad Tank Car Safety Research and Test Project. The RSI-AAR Tank Car Project analysis accounts for tank car safety design features and accident characteristics. The RSI-AAR Project has also calculated a similar statistic, CPR(>100), which is the conditional probability of release of more than 100 gallons from an individual tank car involved in an FRA-reportable accident. Releases smaller than this amount are not believed to pose a substantial threat, so this is the principal metric being used by the rail and tank car industries in their consideration of different tank car safety designs. CPR(>100) is used in the risk analysis described here to be consistent with other documents related to this subject. Please note that trains associated with

	the Phillips 66 Project would generally have 80 tank cars due based on the space available for the new rail spur.
RAW-03	Noise levels along the mainline and at the SMR would increase with the additional trains. Noise levels along the mainline are addressed in Section 4.9 (Noise and Vibration) under impact N.3. Noise levels at the SMR are discussed in Section 4.9 under impacts N.1 for construction and N.2 for operations. Based on in-field monitoring and modeling, noise impacts would be less than significant with mitigation (Class II). The County would monitor unloading activities to ensure compliance with the EIR mitigation measures. If horns are used or locomotives are not shut down related to idling restrictions, these would be evaluated by the County to ensure that safety issues were an issue. Vibration is examined in Section 4.9 (Noise and Vibration) under impact N.4. Vibration impacts were found to be below the thresholds of significance and therefore, less than significant (Class III).
RAW-04	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.