From: Donna Rubin <donna.rubin@gmail.com>
To: p66-railspur-comments@co.slo.ca.us
Date: 11/24/2014 10:54 AM
Subject: Opposition to the P66 Rail Terminal Project

Dear Mr. Murry,

I am writing this email as a very concerned citizen who recently moved to the Trilogy community in Nipomo, Ca.
In making this move (retirement) to a tranquil, beautiful area close to the beach, the sand dunes, the Monarch Habitat and rows upon rows of Eucalyptus trees; I thought I had found paradise. Now I hear there is a proposal to end all of these attributes and put in place an obnoxiously loud, noisy, highly lighted and very dangerous spur to the existing Santa Maria refinery…… which is in Nipomo and only a few hundred feet from the community of Trilogy. RUB-01

I have read several reports (REIR), articles, and the following is what I understand and why I vehemently OPPOSE this project:

1. Proposed oil trains will be over 1 1/2 miles long, with 80-100+ cars each. Containing approx. 3Million gallons of dangerous, explosive crude oil coming into our area at least 5 days a week. RUB-02

2. NOISE LEVEL cannot be mitigated and would exceed noise levels allowed RUB-03

3. VISUAL destruction to all residents along the western side of Trilogy, not only the trains moving in/out, but the excessive Lighting required by the facility will be seen from all elevated sites within Trilogy RUB-04

4. Violation of RESIDENTAL ZONING. SLO County had created and zoned the area next to the refinery as a RESIDENTIAL COMMUNITY (A-3b AESTHETICS AND VISUAL RESOURCES) of the REIR report. The SLO County planners have encouraged residential growth and master planned the land use and growth of these communities with the expectations of beautiful views, golf courses, a resort hotel and a serene way of life. The area was to become a desirable place to visit, play, live and retire…. not a major 'above ground' thoroughfare to transport dangerous substances. RUB-05

5. CLASS 1- AIR POLLUTION. Nipomo air is currently unhealthy, according to health standards (for fine particles.) We have violated state standards 97 times and health standard is 50. The refinery would only exasterbate this problem by adding Crystalline Silica (a known carcinogen), and diesel exhaust a main air pollutant. RUB-06

6. DANGER of having three (3) million gallons of crude being spilled so close to the coast line, and possibly igniting…. which would cause the evacuation of thousands of people and endanger our way of life indefinitely! RUB-07

7. it is also my understanding that this noxious tar sands crude is more explosive, and toxic than conventional oil and more carbon intensive. RUB-08

In a time where water is at a premium, I would think we should guard our precious reserve at all costs! As we are using less and less oil these days, I do not understand the need to sacrifice our health, our living conditions, the beauty of our coastlines and the serenity we all cherish simply for the sake of the bottom line for P66. RUB-09

Respectfully submitted,
Donna Rubin
Resident at 1831 Nathan Way (west side of Trilogy), Nipomo, CA

## Responses to Donna Rubin Comments

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| RUB-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. The commenter's concerns about noise, aesthetics and visual resources and hazards are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project. |
| RUB-02 | As shown in Appendix A of the RDEIR each of the 80 tank cars and two buffer cars would be 60 feet long, and the three locomotives would be 90 feet long. This would make the total train length 5,190 feet (82*60+90*3=5,190), not 1.5 miles as stated in the comment. The text in the Project Description (Chapter 2.0) has been modified to make the text clear with regard to the length of a unit train. |
| RUB-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). Mitigation measure N-2c requires monitoring with the option for additional time limits on activities if noise levels are not acceptable. |
| RUB-04 | The RDEIR describes an unloading of up to five trains per week, with a maximum of 250 allowed per year. With this average of less than one unloading operation per day, noticeably new activity would be minimal. In addition, because of viewing distance, existing topography, intervening vegetation, and the required screening berm, ground plane activity would not be easily noticed from the majority of public viewpoints. The same conditions which preclude visibility of much of the existing oil processing facility activity would also preclude much of the visibility of the proposed unloading facility and rail spur tracks.<br>The RDEIR acknowledges visibility of new night lights from the surrounding areas and identifies substantial mitigation measures to minimize any potentially adverse effects.<br>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 the 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 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 |

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| | 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.<br>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.<br>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.<br>Mitigation measures preclude illumination of adjacent slopes, prohibit placement of perimeter lights (which as previously described would be 15-feet tall) east of the screening berm (which as previously described would be 10 to 20- feet tall), and require the use of motion detectors rather than being continuously on.<br>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 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.<br>Direct field observation showed that some public viewpoints east of Highway 1, including residential and recreational areas would have slightly increased visual exposure to the project compared to views from Highway 1. This |

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| | 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.<br>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. |
| RUB-05 | 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.<br><br>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 for the surrounding areas, 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. |
| RUB-06 | 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 (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 |

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| | 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. |
| RUB-07 | 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. |
| RUB-08 | 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.<br>The main difference in GHG emissions occurs at the extraction point, where extracting the tar sands generally produces 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. Current CARB requirements (LCFS) already require refineries to disclose the carbon intensities of the crude oil they refine.<br>The Canadian tar sands are not as "explosive" as Bakken crude oil and present similar risks to the rail transportation of heavy crudes that currently occur within California and through SLOC. |
| RUB-09 | The comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's statement about water and general options about the project are included in the FEIR for the decision-makers' consideration as part of the County's |

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| | deliberations on the proposed project. |