From: "Don Rutherford" <don@rutherfords.net>
To: <p66-railspur-comments@co.slo.ca.us>
Date: 11/24/2014 11:26 AM
Subject: P66 Rail Terminal Project

Dear Mr. Murry,

We wish to express our opposition to the proposed Phillips 66 Rail Terminal Project.

You will have undoubtedly received significant detail relating to the potential dangers related to rail shipment of crude oils, a danger to all of SLO County, not just the local residents, to the economic downside to the County by diminishing the value of the surrounding communities compared to the creation of a miniscule number of new jobs, and to a number of other negative impacts. RUD-01

From our standpoint as immediate neighbors of Phillips, the downside is obvious:

- Diesel locomotives idle at ALL TIMES when not in use, they are noisy, they create odors and they pollute the atmosphere. RUD-02
- Shunting tank cars creates noise

The Mesa already has illegal levels of air pollution at times so that the inescapable conclusion is that the rail terminal will only add to those illegal levels of air pollution while at the same time adding noise pollution. The impact of this project can only be negative on the surrounding communities and such an impact can only negatively influence real estate prices. It goes without saying that a negative effect on real estate prices will also have a negative effect on property tax revenue to the County. RUD-03

Looking at the proposal in a broader sense, two things are apparent;

- There are numerous negatives related to the proposed project with virtually no positives other than the possible addition of a few jobs. Those few jobs could easily be offset by the loss of employment in the development of projects on the Mesa that are negatively impacted. RUD-04
- If the Phillips refinery did not exist and Phillips or another company were to bring a proposal to build the refinery along with the proposed rail terminal what would result? It is inconceivable that they could ever obtain approval, so how could an expansion of the existing facility be approved? RUD-05

WE TRUST THAT YOU AND THE COMMITTEE WILL REJECT THIS PROPOSAL AS IT SHOULD BE REJECTED RUD-06

Thank you

Don and Nancy Rutherford
1368 Vicki Ln
Nipomo CA 93444

## Responses to Don Rutherford Comments

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| RUD-01 | 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. |
| RUD-02 | 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). Idling restrictions would be implemented to reduce air pollution, as has been implemented at numerous rail yards in California as per agreements between CARB and the Rail companies. |
| RUD-03 | 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 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.<br><br>Noise impacts with mitigation were determined to be less than significant. |
| RUD-04 | The majority of the comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comment states that there are virtually no positive aspects of the project other than the possible addition of a few jobs, which would be offset by the loss of employment on the Mesa due to negative impacts of the Project. The commenter's concerns are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.<br><br>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 |

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| | would result in limited job growth and could affect a significant number of local jobs, these effects would not constitute or cause a physical change in the environment above those already described and discussed in the RDEIR. Therefore, no additional analysis is necessary. |
| RUD-05 | This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's statement that a new refinery with rail delivery could never be approved, so the same should apply to an expansion is included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project. |
| RUD-06 | 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. |