



November 16, 2014

Margaret Wallace
1773 Kyle Court
Nipomo, California, 93444

Murry Wilson
SLO County Dept. of Planning and Building
976 Osos St., Room 200
San Luis Obispo, CA 93408

Subject: Phillips 66 rail terminal project.

Dear Mr. Wilson,

As I am sure you are aware, Phillips 66 wishes to change their mode of operation. For many years, they have brought their crude in by a pipeline, at little impact to the environment and residential zoning nearby. They now want to put in a rail spur, and have 520 trains arriving and departing each year. The trains would be 1.5 miles long. I am urging you to reject their plan for the following reasons:

- 1. The trains would come down the Cuesta grade, cross the Steiner Bridge (built in the 1800s) and go through Cal Poly. Cal Poly brings in over \$1 billion a year to SLO County and Santa Barbara County. Parents will not be sending their kids to Cal Poly, with such a dangerous condition at the campus.
- 2. The trains would cause dangerous air, light and noise pollution. Air pollution is at an unlawful level in the Nipomo Mesa as it stands.
- 3. Tourism in SLO County would be diminished or disappear.
- 4. The REIR lacks a facility inspection plan to counter earthquakes and oil spills.
- 5. The last time a train had a spill, 5000 people had to be evacuated to keep them safe from the resulting fires and explosions.
- 6. Emergency responders are undertrained, undersupplied, unprepared for the type of emergencies a spill or derailment could cause. A whole town in Canada was wiped out by a runaway oil train that exploded and burned down the town, killing many of its residents.
- 7. Phillips 66 has said it would be a job creator. In fact, only around eight permanent jobs would result.
- 8. Phillips 66 also said the rail plan would reduce our dependence on foreign oil. In fact, they plan to send all the oil overseas.
- 9. The current railcars aren't built to withstand an accident, and upgrades to them will take years.

The health of SLO County, both physical and economic is at stake. I urge you to reject the Phillips 66 crude oil rail plan. The pipeline is a far safer alternative.

Sincerely,
Margaret Wallace
Margaret Wallace

WAM-01

WAM-02

WAM-03

WAM-04

WAM-05

WAM-06

WAM-07

WAM-08

WAM-09

Responses to Margaret Wallace Comments

WAM-01	<p>In San Luis Obispo County, the Cuesta Grade represents an area where a runaway train could occur. A runaway train coming down the Cuesta Grade could result in spills of crude oil and associated fires. The Rail Spur Project would use two additional locomotives (for a total of five locomotives) on the crude oil unit train for crossing the Cuesta Grade. These two additional locomotives would be added to the train at Santa Margarita and removed from the train in the City of San Luis Obispo once the train had crossed the Cuesta Grade. These additional locomotives would help to assure that the train can safely traverse the Cuesta Grade.</p> <p>A Quantitative Risk Analysis (QRA) was conducted as part of the RDEIR and is documented in the Hazards and Hazardous Materials Section (see Section 4.7 and Appendix H). The rail routes were divided up into distinct segments to account for differing population levels along the rail routes. Each segment was assigned a population density reflecting the unique populations along the rail route. Segments where facilities and/or events might attract temporary high population levels were assigned a population that reflected the larger temporary population, and did not correct for seasonal or diurnal variation, thus slightly overestimating the risk for the segment. The fact that every possible landmark along the proposed rail routes is not explicitly mentioned does not mean that it was omitted. The population assigned for each segment characterizes the potential residential, commercial, industrial, and venue population that is, or could be temporarily, present along the segment.</p> <p>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:</p> <ul style="list-style-type: none">• 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
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Responses to Margaret Wallace Comments

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

Responses to Margaret Wallace Comments

	of the same routes that the proposed Phillips 66 unit trains would utilize.
WAM-02	<p>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.</p> <p>The EIR concludes that emissions of criteria, GHG and toxic pollutants would exceed the SLOCAPCD thresholds and would be a significant impact.</p>
WAM-03	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, and particularly a major spill or fire, could affect the local economy and tourism, these effects would not constitute or cause a physical change in the environment above those already described and discussed in the RDEIR.
WAM-04	Additional mitigation has been added in response to the comment. See mitigation measure GR-1i (Section 4.6) that requires annual inspections of project related facilities and pipelines.
WAM-05	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 hazards of the project are included in the FEIR for the decision-makers’ consideration as part of the County’s deliberations on the proposed project.
WAM-06	<p>Phillips 66 has proposed a state-of-the-art fire protection system for the rail spur unloading rack. This fire protection system would be reviewed and approved by Cal Fire prior to commencing operations at the new unloading facility.</p> <p>The RDEIR contains numerous mitigation measures in Section 4.11, Public Services and Utilities, to ensure that the SMR Fire Brigade and the Cal Fire resources are sufficient before the project proceeds. These mitigation measures would be funded by Phillips 66 for the SMR requirements, and Phillips 66 and others for improvements along the mainline track, most likely as part of a "fair share" type arrangement. The mitigation measures at the SMR 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/County Fire</p>

Responses to Margaret Wallace Comments

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 29CFR 1910.120 compliance.

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*

Responses to Margaret Wallace Comments

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.

Responses to Margaret Wallace Comments

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*

Responses to Margaret Wallace Comments

	<p><i>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.</i></p> <p>9. <i>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.</i></p> <p>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).</p>
WAM-07	<p>This comment expresses support for the scope of analysis provided for in the EIR. 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.</p>
WAM-08	<p>As stated in the Project Description (Chapter 2.0) oil delivered by rail to the SMR cannot be moved from the refinery by either pipeline or rail so Phillips 66 would not be able to export the oil. The SMR has not crude oil pipelines for exporting oil from the refinery, and there are no crude loading facilities for loading rail cars.</p>
WAM-09	<p>As noted in the RDEIR, the current DOT-111 tank cars have serious safety deficiencies that can lead to an unacceptable spill rate in the event of a train derailment. As a result, the RDEIR specifically included mitigation measure HM-2a, which requires only rail cars designed to Option 1: PHMSA and FRA Designed Tank Car as listed in Table 4.7.6, shall be allowed to unload crude oil at the Santa Maria Refinery. Even with the improved rail cars, the RDEIR found that the risk of a crude oil train accident and spill was considered a Significant and Unavoidable (Class I) impact.</p>