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NOTICE OF PREPARATION – DRAFT ENVIRONMENTAL IMPACT REPORT

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

DATE: July 8, 2013

TO: Interested Agencies

FROM: Department of Planning and Building
976 Osos St., Room 200
San Luis Obispo, CA 93408-2040

PROJECT TITLE: Santa Maria Refinery Rail Project

PROJECT APPLICANT: Phillips 66 Company

RESPONSES DUE BY: August 9, 2013

The County of San Luis Obispo will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the above-referenced project. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

Please provide us the following information at your earliest convenience, but not later than the 30-day comment period, which began with your agency's receipt of the Notice of Preparation (NOP).

1. NAME OF CONTACT PERSON. (Please include address, e-mail and telephone number)
2. PERMIT(S) or APPROVAL(S) AUTHORITY. Please provide a summary description of these and send a copy of the relevant sections of legislation, regulatory guidance, etc.
3. ENVIRONMENTAL INFORMATION. What environmental information must be addressed in the EIR to enable your agency to use this documentation as a basis for your permit issuance or approval?
4. PERMIT STIPULATIONS/CONDITIONS. Please provide a list and description of standard stipulations (conditions) that your agency will apply to features of this project. Are there other conditions that have a high likelihood of application to a permit or approval for this project? If so, please list and describe.
5. ALTERNATIVES. What alternatives does your agency recommend be analyzed in the EIR?
6. REASONABLY FORESEEABLE PROJECTS, PROGRAMS or PLANS. Please name any future project, programs or plans that you think may have an overlapping influence with the project as proposed.

7. RELEVANT INFORMATION. Please provide references for any available, appropriate documentation you believe may be useful to the county in preparing the EIR. Reference to and/or inclusion of such documents in an electronic format would be appreciated.

8. FURTHER COMMENTS. Please provide any further comments or information that will help the county to scope the document and determine the appropriate level of environmental assessment.

The project description, location, and the probable environmental effects are contained in the attached materials.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, **but not later than 30 days after receipt of this notice, on or before August 9, 2013**.

Please send your response to Murry Wilson at the address shown above. As requested above, we will need the name for a contact person in your agency.

Signature_____

Murry Wilson, Project Manager
Telephone: (805) 788-2352
E-mail: mwilson@co.slo.ca.us

Reference: California Administrative Code, Title 14, Section 15082

Attachments

Scoping Meeting Notice
CEQA Initial Study Checklist
Applicant's Project Description
Project Graphics
Previous Agency Referral Response
Applicant-prepared Technical Studies

San Luis Obispo County

Department of Planning and Building

ENVIRONMENTAL IMPACT REPORT SCOPING MEETING

SANTA MARIA REFINERY RAIL PROJECT (PHILLIPS 66 COMPANY) DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT

DATE: **July 29, 2013**
TIME: **6:00 to 8:00 P.M.**
LOCATION: **Blacklake Golf Resort Banquet Room, 1490 Golf Course Lane, Nipomo**

The San Luis Obispo County Planning & Building Department (Planning) has begun environmental review pursuant to the California Environmental Quality Act (CEQA) for the proposed Santa Maria Refinery Rail (Phillips 66 Company) Development Plan/Coastal Development Permit. SLO County Planning invites you and other interested persons and organizations to comment on environmental issues to be evaluated as we proceed with preparation of an Environmental Impact Report (EIR) for the project.

SCOPING MEETING – The scoping meeting discussion will focus on environmental issues, feasible ways in which project impacts may be minimized, and potential alternatives to the project. Additional information about the project and EIR is posted on the SLO Planning website: www.slocounty.ca.gov/planning under "Environmental Impact Reports" then "Environmental Impact Reports and Major Projects…", under "Santa Maria Refinery Rail Project". We encourage your participation in this process. Please contact Murry Wilson at (805) 788-2352 or mwilson@co.slo.ca.us for additional information.

The EIR will include evaluation of project and cumulative impacts, mitigation measures and project alternatives. The issues to be analyzed include: Aesthetics, Agricultural Resources, Air Quality/ Greenhouse Gases, Biological Resources, Cultural Resources, Geological Resources, Hazards/ Hazardous Materials, Land Use/Recreation, Noise and Vibration, Population/ Housing, Public Services/ Utilities, Transportation/ Circulation, and Water Resources.

PROPOSED PROJECT – The proposed project is comprised of two distinct components: the proposed Rail Spur Extension and a separate and distinct possible provision of vertical Coastal Access through the site. The two project components are summarized below:

Rail Spur Extension. The proposed rail spur extension includes a request by Phillips 66 Company for a Development Plan/Coastal Development Permit to allow for the extension of an existing rail spur at the Santa Maria Refinery and construction of a railcar off-loading facility, above-ground conveyance pipeline, restroom facility, and an unpaved emergency vehicle access road from the end of the proposed rail spur to State Route 1. Development of the extension would include approximately 1.3 miles of new rail (with a construction width of 270 feet), 0.7 miles of new above-ground pipeline, and a 0.7-mile-long emergency access road. The rail spur extension would include up to five parallel ladder tracks, each long enough to accommodate a train of approximately 80 tank cars, with associated locomotives and supporting cars. The project would also include work within the existing refinery, connecting and upgrading existing infrastructure. The extension is intended to allow the Santa Maria Refinery to access a wider range of competitively priced crude oil.

The total area of disturbance would be approximately 48.9 acres; however, almost half of the proposed disturbance would occur within the existing refinery or coke storage areas, with the remaining portion being constructed in an area currently used for grazing and other open/undisturbed areas within the existing refinery area. This project component will be analyzed on a project-specific basis in the EIR.

Coastal Access. The project also includes a conceptual plan for provision of vertical Coastal Access through the project site located to the Oceano Dunes State Vehicular Recreation Area. As part of a separate permit issued for the project site, initiated by Phillips 66 in 2008 and approved by the County Board of Supervisors in February 2013, Phillips 66 may be required to construct vertical public access from State Route 1 to their western property line to comply with the coastal access provisions of the County's Coastal Zone Land Use Ordinance. Although the provision of coastal access is not integral to, and has independent utility from, the Rail Spur Extension project, it is appropriate to include an analysis of the potential environmental impacts of the accessway because of the shared environmental setting and regulatory framework of the two adjoining components. The size and alignment of the coastal accessway, as well as the appropriateness of access at this location based on the environmental setting, public safety concerns, and current land uses in the area, is currently under consideration by the California Coastal Commission.

The Coastal Access component of the project will be analyzed in a separate section of the EIR and at a programmatic level to help inform the decision makers on potential impacts associated with development of a public accessway at this location.

The project is located in southwest San Luis Obispo County, approximately 1 mile southwest of State Route 1, and 3.5 miles west of the community of Nipomo, in the South County Coastal planning area. The rail spur extension would be located entirely on the Phillips 66 property lying east of the Union Pacific Railroad and zoned for industrial use, at the site of the existing Santa Maria Refinery. The proposed coastal access trail would cross this portion of the project site and also extend into open space lands west of the railroad.

Initial Study Summary – Environmental Checklist

PLANNING & BUILDING DEPARTMENT • COUNTY OF SAN LUIS OBISPO
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

(ver 5.1) Using Form

Project Title & No. **Phillips 66 Santa Maria Refinery Rail Project Development Plan /Coastal Development Permit ED12-201 (DRC2012-00095)**

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

☒ Aesthetics	☒ Geology and Soils	☒ Recreation
☒ Agricultural Resources	☒ Hazards/Hazardous Materials	☒ Transportation/Circulation
☒ Air Quality	☒ Noise	☒ Wastewater
☒ Biological Resources	☐ Population/Housing	☒ Water /Hydrology
☒ Cultural Resources	☒ Public Services/Utilities	☒ Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Emily Creel			June 28, 2013
Prepared by (Print)	Signature		Date
Murry Wilson		Ellen Carroll, Environmental Coordinator	July 8, 2013
Reviewed by (Print)	Signature	(for)	Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Current Planning Division, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: The proposed project is comprised of two distinct components: the proposed Rail Spur Extension project and a separate and distinct possible provision of vertical Coastal Access through the site (collectively referred to as "the project"). The two project components are summarized below:

Rail Spur Extension. The proposed rail spur extension includes a request by Phillips 66 Company for a Development Plan / Coastal Development Permit to allow for the extension of an existing rail spur at the Santa Maria Refinery and construction of a railcar off-loading facility, above-ground conveyance pipeline, restroom facility, and an unpaved emergency vehicle access road from the end of the proposed rail spur to State Route 1. Development of the extension would include approximately 1.3 miles of new rail (with a construction width of 270 feet), 0.7 miles of new above-ground pipeline, and a 0.7-mile long emergency access road. The rail spur extension would include up to five parallel ladder tracks, each long enough to accommodate a train of approximately 80 tank cars, with associated locomotives and supporting cars. The project would also include work within the existing refinery, connecting and upgrading existing infrastructure. The extension is intended to allow the Santa Maria Refinery to access a wider range of competitively priced crude oil.

The total area of disturbance would be approximately 48.9 acres; however, almost half of the proposed disturbance would occur within the existing refinery or coke storage areas, with the remaining portion being constructed in an area currently used for grazing and other open/undisturbed areas within the existing refinery area.

The County has determined that an EIR should be prepared for the project, based on the potential for the project to result in significant, adverse impacts on the environment, as discussed below. This project component will be analyzed on a project-specific basis in the EIR.

Coastal Access. The project also includes a conceptual plan for provision of vertical Coastal Access through the project site to the Oceano Dunes State Vehicular Recreation Area. As part of a separate permit issued for the project site, initiated by Phillips 66 in 2008 and approved by the County Board of Supervisors in February 2013, Phillips 66 may be required to construct vertical public access from State Route 1 to their western property line to comply with the coastal access provisions of the County's Coastal Zone Land Use Ordinance (CZLUO). Although the provision of coastal access is not integral to, and has independent utility from, the Rail Spur Extension project, it is appropriate to include an analysis of the potential

environmental impacts of the accessway because of the shared environmental setting and regulatory framework of the two adjoining components. The size and alignment of the coastal accessway, as well as the appropriateness of access at this location based on the environmental setting, public safety concerns, and current land uses in the area, is currently under consideration by the California Coastal Commission.

The Coastal Access component of the project will be analyzed at a programmatic level in a separate section of the EIR to help inform the decision makers on potential impacts associated with development of a public accessway at this location.

The project is located in the southwestern corner of San Luis Obispo County, approximately 1 mile southwest of State Route 1, and approximately 3.5 miles west of the community of Nipomo, in the South County Coastal planning area. The rail spur extension would be located entirely on the Phillips 66 property lying east of the Union Pacific Railroad and zoned for industrial use, at the site of the existing Santa Maria Refinery. The proposed coastal access trail would cross this portion of the project site and also extend into open space lands west of the railroad.

A detailed project description has been included as Appendix A and the project location and site plans are shown in the figures attached as Appendix B. Appendix C includes referral responses received from responsible agencies and interested parties that previously reviewed the project. Their responses have also been incorporated into the analysis below.

ASSESSOR PARCEL NUMBER(S): 091-141-062, 091-192-034, 092-391-020, 092-391-021, 092-391-034, 092-401-005, 092-401-011, 092-401-013, 092-411-002, and 092-411-005

Latitude: 35 degrees 02' 18" N Longitude: 120 degrees 34' 56" W **SUPERVISORIAL DISTRICT #** 4

B. EXISTING SETTING

PLANNING AREA: South County (Coastal), Rural

LAND USE CATEGORY: Industrial and Open Space

COMBINING DESIGNATION(S): Coastal Appealable Zone, Flood Hazard, Sensitive Resource Area

TOPOGRAPHY: Nearly level to gently rolling

VEGETATION: Coastal scrub, Grasses, Wetland

PARCEL SIZE: ~1650 acres total

EXISTING USES: Industrial uses, agricultural uses, and undeveloped land

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Suburban, Agriculture; single-family residence(s) agricultural uses heavy commercial/light industrial	*East:* Recreation, Agriculture; golf course, undeveloped lands, agricultural uses
South: Agriculture; agricultural uses	*West:* Recreation; undeveloped, Pismo Dunes State Vehicular Recreation Area

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study).

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

1. AESTHETICS *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	☒	☐	☐	☐
b) Introduce a use within a scenic view open to public view?	☒	☐	☐	☐
c) Change the visual character of an area?	☒	☐	☐	☐
d) Create glare or night lighting, which may affect surrounding areas?	☒	☐	☐	☐
e) Impact unique geological or physical features?	☒	☐	☐	☐
f) Other: _____	☐	☐	☐	☐

Setting. The proposed project is located in unincorporated San Luis Obispo County, in the predominantly rural area west of the community of Nipomo (refer to the figures located in Appendix B for a project location map). The eastern portion of the project site is level to gently rolling (0 to 10 percent slopes), and predominantly consists of degraded central dune scrub habitat and grazed grasslands. The Union Pacific Railroad bisects the project site, and open space uses on the project site, off-road activities associated with the Oceano dunes, and the beach are located west of the rail line. This area includes more moderate slopes and is comprised of high quality central dune scrub vegetation supporting a variety of sensitive plant species. This area is within the Sensitive Resource Area (SRA) combining designation and is also a designated Environmentally Sensitive Habitat Area (ESHA).

Existing on-site uses include industrial activities associated with the Santa Maria Refinery and cattle grazing in the eastern portion of the site, and undeveloped open space uses west of the railroad. An existing unimproved service road provides access for maintenance of the refinery's ocean outfall structure (associated with the on-site wastewater treatment facility) within the undeveloped open space area west of the railroad. Surrounding land uses include intensive agricultural production to the north and south, recreation and open space to the west, and more urbanized residential and light industrial uses within the communities of Nipomo and Callendar-Garrett to the east and northeast.

The project site is visible from sporadic locations along State Route 1 and other local roads. However, existing topography, structures and roadside vegetation largely obstruct public views of the Santa Maria Refinery.

Impact. Rail Spur Extension**.** The proposed rail spur extension would result in the construction of approximately 2.7 miles of new rail, pipeline and roadways within the project site. The project would introduce new industrial features (tracks, off-loading facilities, pipelines, and rail cars) on areas of the property that are currently grazed. Rail cars utilizing the new section of rail and other infrastructure would be visible from over a mile away, including at various locations along State Route 1. Preliminary analysis indicates that the new infrastructure and rail cars would not be visible from any existing residences. The off-loading activities and security lighting also have the potential to generate

sources of night lighting or glare, which may be visible from surrounding areas, impacting views of the night sky at this rural location.

Coastal Access. The vertical coastal accessway through the project site would likely follow existing roads on the refinery property before crossing the railroad into the open space dune areas and existing unimproved access road. The conceptual design of the accessway provided by the applicant includes an approximately 1.5-mile long and 30-foot wide paved pedestrian and bicycle path. The path would rise in elevation with the dune topography and has the potential to be visible from multiple public vantage points in the surrounding area. This project component would extend through a highly scenic and undisturbed area, potentially creating an aesthetically incompatible use at the project site. The Guadalupe-Nipomo Dune Complex is one of the largest remaining dune systems in the state. Development of a paved 30-foot-wide path at this location may result in a significant impact to this unique geologic feature.

Mitigation/Conclusion. The project could potentially result in significant adverse impacts to the visual character of the area by introducing visible industrial uses into an area that has historically been grazed and creating a paved path across the open space dune area. Aesthetic and visual resource impacts resulting from the project shall be analyzed in the EIR to determine whether public views from surrounding public areas, including State Route 1, Oso Flaco Lake Road, and the Oceano Dunes State Recreational Vehicle Area, would be adversely impacted by the proposed project activities.

2. AGRICULTURAL RESOURCES ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?	☐	☐	☒	☐
b) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☒	☐	☐	☐
c) Impair agricultural use of other property or result in conversion to other uses?	☒	☐	☐	☐
d) Conflict with existing zoning for agricultural use, or Williamson Act program?	☒	☐	☐	☐
e) Other: _____	☐	☐	☐	☐

Setting. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Industrial, Open Space

State Classification: Not prime farmland

Historic/Existing Commercial Crops: None

In Agricultural Preserve? No

Under Williamson Act contract? No

The project area currently supports grazing activities and is bordered on the northeast, south, and southwest by intensive agricultural uses that are under Williamson Act contracts. The Natural Resource Conservation Service (NRCS) surveys soils and assigns a soil capability classification that is used to determine whether the soil is a prime or non-prime agricultural soil.

On-site soils are designated as Farmland of Local Potential and Other Land by NRCS soil classifications. The soil type(s) at the property site include: dune land (comprising approximately 65% of the total project site), Oceano sand, 0 to 9 percent slopes (29%), Oceano sand, 9 to 30 percent slopes (4%), and Camarillo sandy loam, Psamments and Fluvents, and Xerorthents, escarpment (1% or less each).

Dune land, which encompasses the majority of the project site is not well suited for agricultural uses. However, other on-site soils are designated as Prime Farmland, Farmland of Statewide Importance, Other Productive Soils, or Highly Productive Rangeland Soils by the County's Conservation and Open Space Element (COSE).

The conversion of prime agriculture lands to non-agricultural uses is a concern within the county and across the state. The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) tracks farmland conversion throughout California.

Impact. Rail Spur Extension. Construction of the rail spur extension and associated infrastructure would directly convert soils designated by the COSE as Farmland of Statewide Importance to non-agricultural uses. It would also result in the conversion of grazing lands to industrial uses, though grazing activities would likely continue on the remainder of the site. The increase in industrial infrastructure at the project site could also result in indirect impacts to adjacent agricultural activities due to the introduction of incompatible land uses, increased traffic, air pollutants, potential for hazardous materials spills, etc.

Coastal Access. The potential coastal accessway would likely be located along existing roads or in sand dune areas generally unsuited to agricultural uses. However, this project component would bring increased pedestrian and bicycle traffic within closer proximity to intensive production agriculture on adjacent properties (approximately 700 feet). Recreational users who stray off of the designated path could impact surrounding agricultural resources in the project vicinity.

Mitigation/Conclusion. Although the project site predominantly supports industrial and open space uses, there are also grazing activities on-site and portions of the area contain soils suited to agricultural production. The proposed developments are consistent with existing uses, but would reduce the amount of land available for grazing activities and would directly convert potentially productive soils to non-agricultural uses, potentially resulting in a significant impact. Increased industrial development and traffic at the project location could also result in adverse effects to intensive agricultural operations on adjacent properties. Potential impacts to agricultural resources resulting from the project shall be analyzed in the EIR to determine the extent of potential effects. The analysis shall include consultation with the County Agriculture Department to assist in identifying impacts and any necessary mitigation measures.

3. AIR QUALITY

Will the project:	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☒	☐	☐	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☒	☐	☐	☐
c) Create or subject individuals to objectionable odors?	☒	☐	☐	☐

3. AIR QUALITY *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Be inconsistent with the District's Clean Air Plan?	☒	☐	☐	☐
e) Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?	☒	☐	☐	☐
GREENHOUSE GASES				
f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☒	☐	☐	☐
g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☒	☐	☐	☐
h) Other: _____	☐	☐	☐	☐

Setting. The San Luis Obispo County Air Pollution Control District (SLOAPCD) has developed and updated their CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Western San Luis Obispo County is currently in non-attainment for ozone (O_3) and respirable particulate matter (PM_{10}). The project site is within close proximity (1 mile) of various sensitive receptors, including multiple residences and recreational areas along the beach and dunes.

The project is located in an area that has historically been subject to poor air quality conditions due to high northwesterly winds and off-road vehicle use blowing sand and dust across the dunes (SLOAPCD, *Oceano Dunes: Air Quality Issues & Solutions*, CAPCOA Engineering Managers Symposium, June 4, 2013). While the PM_{10} standard is rarely exceeded elsewhere in the County, the Nipomo Mesa has regularly experienced state and federal standard exceedances, including over 60 state standard exceedances per year. The SLOAPCD has undergone significant air quality monitoring and analysis in the project vicinity and has concluded that the refinery coke piles and industrial operations are not a significant contributing source of the area's high PM_{10} concentrations (SLOAPCD, June 4, 2013). Airborne particulate matter can cause significant health impacts, including respiratory problems, heart attacks and other cardiac conditions, impaired lung development in newborn children, and premature death.

Greenhouse Gas (GHG) Emissions are gases that trap heat in the earth's atmosphere causing an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature,

wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the SLOAPCD approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. A bright-line numerical value threshold of 10,000 MT CO2e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

Impact. Rail Spur Extension. As proposed, the project will result in the disturbance of approximately 48.9 acres. This will result in the creation of construction dust, construction emissions, as well as short- and long-term vehicle emissions in an area historically subject to poor air quality conditions. The project is located in an area known to contain naturally occurring asbestos (NOA), a toxic air contaminant. Site disturbance has the potential to disturb NOA in rocks underlying the project site. Demolition of existing rail facilities may also encounter asbestos containing materials (ACM), which would trigger regulations regarding the appropriate handling, demolition and disposal of ACM.

Increased operational activities at the site will generate long-term operational emissions, which may exceed operational thresholds triggering mitigation. Operational emission sources include locomotives transporting crude oil in rail tankers along the new spur, unloading of crude oil at the facility, and the use of facility equipment (pumps, compressors, and tank trucks). The project is within close proximity (1 mile) of multiple sensitive receptors, including residential areas that are sensitive to air pollution. Project-related emissions, particularly of diesel particulate matter, could pose health and cancer risks to nearby sensitive receptors. The increased industrial operations at the site could constitute new sources of odors and toxic air contaminants, and dust complaints could result in a violation of the APCD's nuisance rules, a potentially significant air quality impact.

This project is a heavy industrial use, which would result in the generation of GHGs (particularly CO_2 emissions from internal combustion engines). Operation of the proposed project could generate more than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. The electricity sector is the number one contributor of U.S. greenhouse gas emissions. The project proposes to divert some of the fuel gas currently used for electricity generation to steam production to supply heat for the

proposed rail spur; therefore, additional electricity will need to be purchased from the grid resulting in additional indirect generation of GHGs. Operational use of unpaved roads and parking areas would also generate fugitive dust.

Coastal Access. Development of the paved coastal accessway would result in the creation of construction dust, construction emissions, and short-term vehicle emissions in an area subject to high wind erosion and poor air quality conditions. Operational emissions would result from additional vehicle trips associated with accessing the new accessway at this location and any necessary routine maintenance activities.

Mitigation/Conclusion. The project site is situated in an area with considerable existing air quality concerns, thus necessitating a comprehensive review of potential short- and long-term air quality effects. Air quality emissions, including GHGs, associated with the project shall be analyzed in the EIR to determine the extent of any resulting impacts. The analysis should, at minimum, identify and evaluate potential emission sources and compare anticipated emissions of criteria air pollutants, toxic air contaminants, greenhouse gases, and odor-causing compounds against applicable thresholds. The County is currently non-attainment for PM_{10}, therefore PM mitigation measures shall be included to reduce impacts to the greatest extent feasible. A geologic evaluation to determine the presence of NOA shall be developed and a screening health risk assessment shall be completed to assess the potential health risks associated with project-related emissions. Indirect impacts associated with additional electrical demands shall also be analyzed. This analysis will require close coordination with the SLOAPCD.

4. BIOLOGICAL RESOURCES *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a loss of unique or special status species* or their habitats?	☒	☐	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☒	☐	☐	☐
c) Impact wetland or riparian habitat?	☐	☐	☒	☐
d) Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☒	☐	☐	☐
e) Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?	☒	☐	☐	☐
f) Other: _____	☐	☐	☐	☐

*** Species – as defined in Section15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.**

Setting. The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: Central Dune Scrub with varying degrees of disturbance

Name and distance from blue line creek(s): un-named blue line creek approximately 0.5 mile north and un-named tributary to Oso Flaco Creek approximately 0.4 mile south of the project site

Habitat(s): Central Dune Scrub, Non-native Veldt Grassland, Arroyo Willow Scrub

Site's tree canopy coverage: Less than 5%

The Natural Diversity Database (or other biological references) identified numerous plant and wildlife species potentially existing within approximately one mile of the proposed project. Those wildlife species considered likely to be present at the project site (suitable habitat is present) include: California red-legged frog (*Rana draytonii*), western spadefoot toad (*Spea hammondii*), Bell's sage sparrow (*Amphispiza belli*), Pacific pond turtle (*Actinemys marmorata*), coast horned lizard (*Phrynosoma coronatum*), silvery legless lizard (*Anniella pulchra* subsp. *pulchra*), western burrowing owl (*Athene cunicularia*), Loggerhead shrike (*Lanius ludovicianus*), northern harrier (*Circus cyaneus*), white-tailed kite (*Elanus leucurus*), Cooper's hawk (*Accipiter cooperii*), American badger (*Taxidea taxus*), and monarch butterfly (*Danaus plexippus*).

Plant species with the potential to occur at the project site (suitable habitat present) include: aphanisma (*Aphanisma blitoides*), Davidson's saltscale (*Atriplex serenana* var. *davidsonii*), San Luis Obispo sedge (*Carex obispoensis*), coastal goosefoot (*Chenopodium littoreum*), straight-awned spineflower (*Chorizanthe rectispina*), surf thistle (*Cirsium rhothophilum*), Pismo clarkia (*Clarkia speciosa* subsp. *immaculata*), Seaside bird's-beak (*Cordylanthus rigidus* subsp. *littoralis*), Gaviota tarplant (*Deinandra increscens* subsp. *villosa*), dune larkspur (*Delphinium parryi* subsp. *blochmaniae*), beach spectacle pod (*Dithyrea maritima*), mouse-gray dudlea (*Dudleya abramsii* subsp. *murina*), Blochman's leafy daisy (*Erigeron blochmaniae*), Saint's daisy (*Erigeron sanctarum*), Suffrutescent wallflower (*Erysimum suffrutescens*), mesa horkelia (*Horkelia cuneata* subsp. *puberula*), Kellogg's horkelia (*Horkelia cuneata* subsp. *sericea*), pale-yellow layia (*Layia heterotricha*), Nipomo Mesa Lupine (*Lupinus nipomoensis*), San Luis Obispo manardella (*Monardella frutescens*), crisp monardella (*Monardella undulata* subsp. *crispa*), California spineflower (*Mucronea californica*), coast wooly-heads (*Nemacaulis denudata* var. *denudata*), short-lobed broomrape (*Orobanche parishii* subsp. *brachyloba*), sand almond (*Prunus fasciculate* var. *punctata*), black-flowered figwort (*Scrophularia atrata*), Rayless ragwort (*Senecio aphanactis*), Blochman's groundsel (*Senecio blochmaniae*), and San Bernardino aster (*Symphyotrichum defoliatum*).

Surveys at the project site identified the presence of seven sensitive wildlife species observed in the project vicinity: Cooper's hawk, Bell's sage sparrow, western burrowing owl, Ferruginous hawk, northern harrier, Loggerhead shrike, and monarch butterfly. Other sensitive wildlife species are expected to occur or periodically occur in the project vicinity though they were not observed during site surveys, including coast horned lizard, silvery legless lizard, white-tailed kite, and American badger. At least six sensitive plant species are known to occur in the project vicinity: Nipomo Mesa lupine, crisp monardella, Blochman's leafy daisy, California spineflower, sand almond, and Blochman's groundsel.

The following sensitive species were observed within the proposed area of disturbance for the rail spur extension: western burrowing owl, Bell's sage sparrow, Blochman's groundsel, California spineflower, sand almond, and Blochman's leafy daisy. Sensitive species identified within the proposed area of disturbance for the vertical coastal access include western burrowing owl, Blochman's groundsel, California spineflower, sand almond, Blochman's leafy daisy, crisp monardella, and Nipomo Mesa lupine.

The nearest blue line creeks are located at least 1,000 feet from the proposed rail spur extension and off-loading facility, though the emergency access road would come within 500 feet of an un-named tributary of Oso Flaco Creek at the southeastern portion of the project site. A small wetland community is located approximately 600 feet south of the proposed off-loading facility, outside of the proposed area of disturbance.

The project applicant will be required to prepare a Stormwater Pollution Prevention Plan (SWPPP)

that has been approved by the Regional Water Quality Control Board (required whenever 1 or more acres of disturbance would occur). The SWPPP will include measures to reduce the potential for sedimentation, erosion and drainage impacts to existing downstream water sources.

Due to the area's special environmental qualities, areas west of the railroad have been designated as within the County's SRA combining designation and are also considered ESHA due to the potential value of the Terrestrial Habitat (TH) at that location. Additional areas within the project site that contain habitat and/or qualities consistent with those found in an SRA, TH, or ESHA designation would also be considered Environmentally Sensitive Habitat Area. Special requirements will apply to these areas relating to the protection of sensitive biological resources, which are intended to preserve and protect rare and endangered plants and wildlife and the habitat in which they reside.

Impact. Rail Spur Extension. The project would result in the removal of a large amount of on-site vegetation, including areas that may qualify as ESHA. Appropriate habitat characteristics for certain sensitive wildlife and plant species exist at the project site and are likely to support candidate or listed special status species. Construction and development activities associated with the rail extension have the potential to disrupt these sensitive species and/or damage or destroy suitable habitat areas. Construction and operational activities also have the potential to disturb a variety of nesting raptors or migratory birds, in violation of the California Fish and Game Code and Migratory Bird Treaty Act, resulting in a potentially significant impact. Particularly, the U.S. Department of Fish and Wildlife has indicated that the last remaining populations of the Nipomo Mesa lupine may occur on the refinery property. After the dry season, the species may currently persist only as an underground seed bank.

The project is not located within 500 feet of a creek or riparian habitat area and no direct impacts to riparian areas are expected to occur. However, construction equipment may be required to travel in close proximity to riparian habitat areas or other sensitive natural resources to access the project site. Indirect impacts to biological resources in the project vicinity could result. The project is not expected to impact the small wetland habitat located on-site, though mitigation is appropriate to ensure avoidance of this area.

The rail extension would also result in development of a 1.3-mile-long linear track, which would bisect the large undeveloped area on the project site. This bisection could disrupt the movement of wildlife across the project site, causing a potentially significant impact.

Coastal Access. A variety of sensitive wildlife and plant species have the potential to occur on the western portion of the project site at the location of the proposed coastal accessway. The coastal access component of the project would extend through protected SRA and ESHA areas, triggering additional requirements in the CZLUO. Construction activities would degrade the natural habitat of the dunes and potentially disturb or damage sensitive species and habitats. Introduction of pedestrian and bicycle traffic could also result in adverse impacts to surrounding sensitive biological resources due to users straying from the designated path, trampling and erosion of dunes, introduction of invasive plant species, and litter.

Mitigation/Conclusion. The project site is known to support several state- and federally-listed special status species. It also includes areas that constitute protected SRAs and/or ESHA that would be disturbed during construction and operation of the project. The EIR shall evaluate the potential and extent of adverse impacts to biological resources associated with development of the proposed project. The discussion in the EIR shall incorporate the results of updated botanical surveys conducted during the typical blooming period for annual plant species, particularly for Nipomo Mesa lupine. Appropriate mitigation measures shall be recommended and the potential for residual impacts, resulting from implementation of the mitigation measures, shall be addressed.

5. CULTURAL RESOURCES

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb archaeological resources?	☒	☐	☐	☐
b) Disturb historical resources?	☒	☐	☐	☐
c) Disturb paleontological resources?	☒	☐	☐	☐
d) Other: _____	☐	☐	☐	☐

Setting. The project is located in an area historically occupied by the Obispeno Chumash.

A records search of the Central Coastal Information Center, and pedestrian-level surveys on the eastern (Industrial) portion of the project site (performed in 2012 and 2013) identified one previously-recorded historical site within the project area, and nine archaeological sites within a 1-mile radius of the project site (Arcadis 2013).

The identified prehistoric resource was recorded as measuring 900 meters long by 60 meters wide located adjacent to and partially within a portion of the proposed emergency access route, and consisting of flakes stone debris and tool fragments, marine shell, and a possible hearth feature possibly occupied 1,000 to 2,000 years before present. The nine previously-identified sites in the project vicinity include seven prehistoric era archaeological sites and two historic era sites. The majority of the prehistoric sites are located south of the project site, along Oso Flaco Creek. Two prehistoric sites are located in the dune complex west of the railroad, which were found to contain marine shell (predominantly Pismo clam), flaked stone tools, and production debris.

Survey of the proposed coastal access route was performed in June 2013. A previously documented site is located immediately north of and possibly within the proposed coastal access road. As a result of pipeline construction and off-road vehicle activities, the site has been previously subjected to disturbance and a 2010 site record update indicated that the resource could not be relocated.

The project area is within the South Coast Ranges physiographic province and is comprised of surficial deposits of older Quaternary dune sands. A Paleontological Resources Records Search found no vertebrate fossil localities directly within the project area. However, fossils have been identified in nearby areas with deposits somewhat similar to those that occur in the proposed project area and on-site deposits were identified by the Natural History Museum of Los Angeles County as having the potential to produce significant vertebrate paleontological resources.

Impact. Rail Spur Extension. Surface disturbance resulting from grazing activities has diminished the potential for significant surface-level cultural resources at the site. However, based on the location of several cultural resource sites at or within close proximity to the project impact area, the potential for buried subsurface cultural resources is considered moderate to high. Site disturbance associated with the rail extension component has the potential to disturb or damage known prehistoric resource located in close proximity to the proposed emergency access road and/or other unknown buried resources.

Coastal Access. The pedestrian-level surveys completed for the project did not identify cultural resources within the proposed coastal access route; however, a previously recorded site is located immediately adjacent to and possibly within the proposed route. Based on the proximity of significant cultural resources in the immediate vicinity, this area is also presumed to have moderate to high potential to contain significant historic, archaeological and paleontological resources. Site disturbance associated with development of the paved pedestrian and bicycle path would potentially affect on-site surficial or buried cultural resources. The addition of public traffic in this previously-undisturbed area could pose an additional indirect threat to resources in the project vicinity.

Mitigation/Conclusion. Due to the presence of significant cultural resources at the project site and within close proximity to the project impact area, the project's potential effect on cultural resources shall be evaluated in the EIR. The cultural resources section of the EIR shall contain a description of the region's historical and cultural ethnography, a summary of documented resources in the project vicinity, and an analysis of potential project-related impacts to cultural and archaeological resources. The project applicant has proposed to utilize cultural resources training, cultural resources monitoring, and standard inadvertent discovery clauses as mitigation. The effectiveness of these measures will be analyzed and additional measures designed to reduce significant impacts will be developed as necessary.

6. GEOLOGY AND SOILS *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☒	☐	☐	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?	☐	☐	☒	☐
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	☒	☐	☐	☐
d) Include structures located on expansive soils?	☐	☐	☒	☐
e) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	☒	☐	☐	☐
f) Preclude the future extraction of valuable mineral resources?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☐

* **Per Division of Mines and Geology Special Publication #42**

Setting. The following relates to the project's geologic aspects or conditions:

Topography: Nearly level to moderately sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Negligible

Liquefaction Potential: Moderate

Nearby potentially active faults?: Yes Distance? approximately 1.5 miles to the northeast

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Low

Other notable geologic features? None

The proposed area of disturbance is located on undulating dune topography, with elevations ranging from approximately 80 to 120 feet above mean sea level. The closest known Alquist-Priolo Earthquake Fault Zone (active fault) is the Los Osos Fault Zone, located approximately 18 miles to the north, near the city of San Luis Obispo. The closest known Quaternary (potentially active) fault is the Oceano Fault, located approximately 1.5 miles to the northeast. Although there are no known active faults in the immediate project vicinity, there is a potentially active fault within 2 miles of the project location and the entire central coast of California is subject to risk of seismic events and ground shaking. The project is within a moderate liquefaction area due to shallow groundwater and sandy dune soils, and may be subject to geologic report preparation requirements of the CZLUO to evaluate the area's geological stability. Soils have low shrink-swell potential due to the minimal presence of clay in on-site soils.

Impact. Rail Spur Extension. The proposed rail spur and associated oil pipeline would be susceptible to damage as a result of an earthquake on any proximate regional faults. Shallow groundwater and sandy soils also create a moderate potential for liquefaction in the project area. Lateral spreading and seismically-induced settlement typically occur in association with liquefaction. Seismically-induced ground failure, excessive erosion, or corrosion could result in damage to facilities and hazardous oil spills. Remediation of such spills, could, in turn, potentially cause soil erosion-induced water quality impacts to nearby drainages such as Oso Flaco Creek.

The preferred rail spur extension along a straight track has been proposed to reduce potential geologic hazards (two loop alternatives were originally considered, but were found to be more environmentally damaging). Relatively minor amounts of cut and fill would be required for the straight alignment. Additionally, above-ground construction of the conveyance pipeline would minimize geologic impacts by reducing the need for excavations and stockpiling of soil, thus reducing potential construction-related erosion. However, 48.9 acres of site disturbance would occur, and ground stability issues continue to be a potential concern.

Coastal Access. Topography of the dunes west of the railroad is more moderately sloping, and the potential for soil erosion and soil instability would be slightly more severe at this location than the flatter areas on the east side of the project site. Potential impacts associated with development of the coastal pathway would be similar to those of the rail spur extension component, and include coastal bluff erosion, liquefaction, and seismically-induced ground failure. The potential dangers that would result from a geologic event at this location would be much less significant, however, as no hazardous spills or loss of industrial structures would occur.

Mitigation/Conclusion. The project site is moderately susceptible to ground failure incidents due to on-site geologic conditions and soils. Because of the nature of the industrial activities proposed, the effects of such an incident could be severe, and include hazardous oil spills, risk of fire, and soil, ground and surface water contamination. The EIR prepared for the project shall assess the geologic risks associated with additional development at the project site. The County Building Division has required that a full soils report be developed that addresses the design parameters of all building/structure foundations.

7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☒	☐	☐	☐
b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☒	☐	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?	☒	☐	☐	☐
e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	☐	☐	☒	☐
f) If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐
g) Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?	☒	☐	☐	☐
h) Be within a 'very high' fire hazard severity zone?	☐	☐	☒	☐
i) Be within an area classified as a 'state responsibility' area as defined by CalFire?	☒	☐	☐	☐
j) Other: _____	☐	☐	☐	☐

Setting. The project location is the site of the Santa Maria Refinery and is the site of routine hazardous materials processing, storage and transfer. The refinery was originally owned by Union Oil Company of California, while an adjacent carbon plant was owned by Collier Chemicals. Union Oil Company of California subsequently acquired the carbon plant and processed petroleum residuals

from the carbon plant in the carbon plant kiln to produce a specialty petroleum coke product called "carbon black". Debris from this process was stored on-site with other industrial debris, coke and sand. The "carbon black" debris piles were identified as the source of elevated levels of nickel and vanadium that exceeded acceptable hazardous waste limits in California. This disposal practice has since been regulated, and the process for cleanup and removal of the materials from the site was initiated in May 2013 and is ongoing.

Despite the long history of industrial petroleum processing uses, the site is not listed on the Cortese List of hazardous materials cleanup sites developed pursuant to California Government Code Section 65962.5. The State Water Resource Control Board's GeoTracker Database provides a list of hazardous materials sites regulated by the state. The project site is identified by GeoTracker as a Cleanup Program Site (RB Case #: SL203121248) with an "Open – Site Assessment" cleanup status (refer to http://geotracker.waterboards.ca.gov). Potential contaminants of concern listed are metals/heavy metals, petroleum, fuels, oils, and polynuclear aromatic hydrocarbons. Site history indicates that management of the on-site coke piles has been changed so that industrial and stormwater do not flow into the area of coke pile storage. Groundwater on site is monitored to determine if metals and other constituents from the coke piles are leaching from the surface into the groundwater. This case has been open since 1995.

The site is within the High Severity Fire Hazard Zone and a 5 to 10 minute Emergency Response Time area. The project location is within an area classified as "state responsibility" by CalFire. The project is not within the Airport Review area, and there are no schools or public or private airports within 0.25 mile of the project site.

Impact. Rail Spur Extension. Construction of the rail extension and off-loading facilities would involve the use of oil, fuel, and other potentially hazardous materials required for the operation of construction equipment. Hazardous materials could include fuels, lubricants, asphalt, paints, and solvents. Any earthmoving activities or site disturbance in the vicinity of the existing refinery and coke pilings has the potential to disturb hazardous materials stored at the site or that have leached into on-site soils. Use, transport and storage of hazardous materials during construction could result in accidental release of hazardous materials which could degrade soil, ground and surface water in the project vicinity. The presence of these hazardous materials could also create additional sources of fuel (i.e., stored fuels, cleared vegetation piles) and ignition (i.e., electric tools that may produce a spark or flame, smoking by construction workers) for fires and explosions.

Project operations would include the routine transportation, conveyance, storage and processing of crude oil, but would not involve an increase in the existing total amount of crude oil processed or product generated at the refinery. Operation of the project would involve the use of equipment and vehicles that use hazardous materials such as fuels, lubricants, and solvents. The presence of these materials during the operational phase of the project could result in an accidental release of dangerous materials or increase the chance of a fire.

Development of the new rail extension (comprised of five parallel ladder tracks) and off-loading facility and the transport of crude oil to the new facilities may potentially result in an increased risk of collisions, derailment, and accidental spills from the unloading system.

Coastal Access. The Coastal Access component of the proposed project would involve the use of similar hazardous materials during construction activities and similar risks of an accidental spill or fire. Construction of this component would be less intensive than the rail spur extension, thereby reducing the potential for impacts; however, contamination from an accidental spill or fire could be significantly more damaging to the sensitive habitat and vegetation at this location.

Vehicular use of the coastal accessway is not proposed at this time. Bicycle use of the trail could involve the presence of some limited hazardous materials, such as oils and lubricants, and pedestrians could also bring dangerous materials and/or sources of fuel and ignition for fires (such as cigarette lighters), as well as litter within the sensitive dune area.

Mitigation/Conclusion. The proposed project has the potential to result in significant adverse impacts related to hazards / hazardous materials and shall therefore be analyzed in the EIR. The EIR analysis shall include an assessment of the risk of disturbance of hazardous materials or upset as a result of the project, including risks associated with the proposed facilities and potential release scenarios. The probability and consequences of potential accidental release scenarios will be analyzed to determine the level of severity of potential environmental impacts.

8. NOISE *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☒	☐	☐	☐
b) Generate permanent increases in the ambient noise levels in the project vicinity?	☒	☐	☐	☐
c) Cause a temporary or periodic increase in ambient noise in the project vicinity?	☒	☐	☐	☐
d) Expose people to severe noise or vibration?	☒	☐	☐	☐
e) If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

Setting. The project area is zoned for Industrial and Open Space uses. The County limits daytime (7:00 a.m. to 10:00 p.m.) noise levels to 50 decibels A-weighted (dBA Leq) at residential property lines. Short-term construction noise is exempt from County noise regulations provided it takes place during daytime hours (noted above, and 8:00 a.m. to 5:00 p.m. on Saturday and Sunday). Pursuant to the Federal Transit Administration, a vibration level of 65 VdB is the threshold of perceptibility for humans.

The closest sensitive receptors to the project site are single-family residences located east of State Route 1 approximately 3,300 feet (0.625 mile) from the proposed project site and along Olivera Avenue at a distance of approximately 4,200 feet (0.8 mile). There are also non-conforming residential uses in the Callendar-Garrett industrial area north of refinery, within 0.5 miles of the existing refinery.

Impact. Rail Spur Extension. The proposed project would generate both short-term construction and long-term operational noise and vibrations. Possible sources of vibration include excavators, dump trucks, backhoes, and other grading and earthmoving equipment, as well as increased rail and locomotive operations along the new spur extension. The transport of crude oil to the refinery could also create noise impacts along the transport route outside of the immediate project area. Typical construction and operational equipment can produce noise and vibration levels that exceed acceptable County thresholds; however, these levels would dissipate over the distance between the source and nearby receptors.

The applicant-prepared Technical Noise Study indicates that noise and vibration levels resulting from construction and operation of the proposed project would not exceed acceptable thresholds. However, project activities could still generate a temporary or permanent increase in ambient noise and vibration levels in the project vicinity, resulting in a potentially significant impact.

Coastal Access. Construction of the proposed accessway would generate noise and vibration as a result of heavy machinery used during construction activities. These sources are generally exempt from noise regulations provided they are limited to daytime hours. Operational uses of the coastal access would be limited to pedestrian and bicycle traffic, and is therefore not expected to result in significant noise effects. Therefore, noise impacts associated with the coastal access component of the project are anticipated to be less than significant.

Mitigation/Conclusion. The project would generate new sources of short-term construction noise and vibration, and operation of the rail spur extension would create permanent sources of noise and vibration at the site, potentially resulting in a significant environmental impact. New noise and vibration levels resulting from the proposed industrial components shall be assessed in the EIR to determine whether they exceed County thresholds or constitute a significant increase in ambient levels, resulting in a significant impact. Although the project would not increase the volume of crude oil processed at the site, the EIR shall assess whether any increase in the number of train trips would be likely to occur as a result of the project, and quantify the resulting noise effects. The EIR shall assess the potential for increases in noise and vibration levels along likely transport routes associated with any additional trips for transport of crude oil. Calculations shall be made to estimate peak and average noise exposure levels at residences and sensitive receptors in the project vicinity and along transport routes.

9. POPULATION/HOUSING *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?	☐	☐	☒	☐
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

Setting. The proposed project is located within the unincorporated area of San Luis Obispo County, just west of the community of Nipomo. The site is located within the South County Coastal planning area. The area which has experienced, and continues to experience, the highest growth rate in South County is Nipomo, which experienced tremendous growth from 1990 to 2008; however, new development is also occurring in even the most remote areas of the Nipomo Mesa.

The major constraint to development is the availability and feasibility of community services, including water supply, sewage disposal, and transportation improvements. Dramatic growth in the Nipomo urban and Nipomo Mesa areas is placing strains on infrastructure, including water availability, roads

and schools.

In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

Impact. Rail Spur Extension. Development of the project would require approximately 100-200 workers over a construction period of nine to ten months. Most of this labor is expected to come from the local labor pool; therefore, development of the project is not expected to directly or indirectly induce population growth in the area. Specialty construction contractors from outside the immediate area would be used on an as-needed basis over the short-term construction period, but are not expected to induce substantial growth in the area. Construction of the project would not create any new public infrastructure that would indirectly induce population growth or remove any existing constraint to growth.

Operation of the project would result in the creation of four to six new permanent positions. The project may therefore result in a minimal increase in local population growth or housing demand. The local housing market would be able to accommodate the marginal growth. There is no housing on the project site and no houses would be displaced as a result of the project.

Coastal Access. Construction of the coastal access trail would require an undetermined number of workers during construction. The number of workers and length of construction is not expected to be significant, and workers would likely come from the local workforce. Operation of the trail would not induce significant population growth in the area, though an increase in temporary visitors or vacationers accessing the dunes may occur.

Mitigation/Conclusion. No significant population and housing impacts are anticipated. These conditions and potential project-related effect shall be confirmed in the EIR.

10. PUBLIC SERVICES/UTILITIES

Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Fire protection?	☒	☐	☐	☐
b) Police protection (e.g., Sheriff, CHP)?	☒	☐	☐	☐
c) Schools?	☐	☐	☒	☐
d) Roads?	☒	☐	☐	☐
e) Solid Wastes?	☒	☐	☐	☐
f) Other public facilities?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☐

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff Location: Oceano (Approximately 4.25 miles to the north)

Fire: Cal Fire (formerly CDF) Hazard Severity: High Response Time: 5-10 minutes

Location: Approximately 0.3 mile to the north

School District: Lucia Mar Unified School District.

The County-adopted Public Faciltiies Fee Ordinance (Title 18) provides for the collection of a fair-share fee from new development to help mitigate for cumulative impacts on public facilities. This fee is currently helping fund capital improvements to libraries, fire, general government, parks and recreation, and sheriff's patrol.

Impact. Rail Spur Extension. The proposed project is located in a High Fire Hazard Area and would also involve the use of highly flammable and hazardous substances, thereby increasing the need for fire services. The nearest CalFire station is located immediately north of the project site, but the capacity of CalFire to service the additional demands generated by the project is unknown. No significant increase in police protection services are expected to result. The project will also generate hazardous solid waste, the disposal of which may result in significant direct, secondary or residual impacts. The waste materials may contain hazardous materials or contaminated soils, requiring disposal at certified hazardous waste disposal facilities, which could lead to longer truck trips and associated traffic, noise and air quality effects. The addition of heavy construction and operational vehicles could degrade local roads due to increased wear and congestion. As with most development, the project may contribute to cumulatively increasing demands on schools, parks, roads, and other public facilities. However, payment of required fair-share fees is expected to mitigate potential impacts to less than significant levels.

Coastal Access. Construction of the coastal accessway would generate minimal increased demand on fire, police and solid waste services, but is not expected to result in significant impacts. Operation of the open space/recreational use may result in increased demands on police protection services, access roads, and solid waste providers, but these effects are expected to be minimal.

Mitigation/Conclusion. The proposed project has the potential to result in significant impacts to fire protection and solid waste services. The existing capacity of these public services and the potential and severity of environmental impacts shall be analyzed in the EIR. The analysis shall also confirm that affected public services and utilities have available capacity to service the proposed project.

11. RECREATION

Will the project:	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Increase the use or demand for parks or other recreation opportunities?	☐	☐	☒	☐
b) Affect the access to trails, parks or other recreation opportunities?	☐	☐	☒	☐
c) Other: *Create a recreational facility in an area unsuited for recreational uses?*	☒	☐	☐	☐

Setting. The project site is located east of the Oceano Dunes State Vehicular Recreation Area, and northeast of the Oso Flaco Day Use Area and Oso Flaco Lake Trail. The Nipomo Bluff Trail terminates approximately 0.6 mile east of the rail spur location, and the Juan Batista de Anza National Historic Trail follows State Route 1 through the project area.

The nearest vertical coastal access points are located approximately 3.6 miles to the north (pedestrian and vehicle) and 0.74 mile south (pedestrian only). A permit previously issued for the project site (DRC2008-00146, the “Phillips 66 Throughput Project”) included a requirement for an offer of dedication for vertical access at this location as well as evaluation of the suitability and the

appropriate intensity of use at this location. The above referenced permit is currently being reviewed by the California Coastal Commission as a result of an appeal filed with their office of the action taken by the County Board of Supervisors.

Impact. Rail Spur Extension. The rail spur extension is proposed on land designated for industrial use and currently supporting petroleum refining and grazing activities. There are no existing or planned recreational uses on this portion of the project site, and recreational activities would likely be incompatible with existing and proposed uses. No significant population growth is expected to result from the project and no increased demand on recreational resources in the project area would occur. No impacts would result.

Coastal Access. The coastal access component of the project would potentially provide new vertical pedestrian and bicycle access to the Oceano Dunes State Vehicular Recreation Area and beach, resulting in a beneficial impact on recreational resources. It would not interfere with existing or planned recreational trails, parks or other recreational opportunities in the area, and would not generate an increased demand on recreational resources in the area. It would likely improve connectivity with the Nipomo Bluff Trail. However, the development of a recreational trail at this location could result in land compatibility conflicts and issues related to public safety.

Mitigation/Conclusion. Direct impacts to recreational resources are expected to be minimal. However, the EIR shall include, at minimum, a programmatic-level discussion of potential land use conflicts associated with development of the coastal access trail at the project location.

12. TRANSPORTATION/CIRCULATION	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
Will the project:				
a) Increase vehicle trips to local or areawide circulation system?	☒	☐	☐	☐
b) Reduce existing "Level of Service" on public roadway(s)?	☒	☐	☐	☐
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	☒	☐	☐	☐
d) Provide for adequate emergency access?	☐	☐	☒	☐
e) Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?	☒	☐	☐	☐
f) Conflict with an applicable congestion management program?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☒	☐	☐	☐
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☒	☐

12. TRANSPORTATION/CIRCULATION *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
i) Other: _____	☐	☐	☐	☐

Setting. The County has established the acceptable Level of Service (LOS) on roads in rural area as LOS "C" or better (LOS "D" in urban areas). Refinery traffic currently utilizes State Route 1, Willow Road, Pomeroy Road, West Tefft Street, State Route 166, and U.S. Highway 101 to access the project site. Some intersections along the transfer route currently operate at unacceptable levels during peak traffic (i.e., the intersection of West Tefft Street and Highway 101).

The refinery currently generates approximately 160 round-trip employee trips per day, five round-trip truck trips per day, and 41 round-trip coke removal truck trips per day, for a total of 206 round-trip trips per day (412 one-way trips).

Impact. Rail Spur Extension. The proposed project would generate, on average, approximately 40 round-trip worker trips during construction, with a short-term peak of up to 200 trips per day during assembly of the off-loading facility and pipeline. Operation of the proposed facility would generate the need for between one and six round-trip employee trips per day. These additional trips would access the site via the existing transportation system, parts of which currently operate at unacceptable levels during peak hours, potentially resulting in a significant impact. The additional heavy truck traffic could also damage the local and regional road network due to wear and tear resulting from heavy vehicle use. Any increase in the transfer of hazardous materials may also increase the potential for unsafe conditions on local roadways by bringing dangerous materials within close proximity to sensitive land uses and populations along the transfer route. Adequate emergency access is proposed to be developed from the new rail extension to State Route 1, reducing potential impacts associated with adequate emergency access.

Coastal Access. A provision of vertical coastal access at this location would generate additional construction and recreational trips to the project area. The number and extent of the additional trips is unknown at this time; however, due to the significant recreational resources and popularity of the Oceano Dunes State Recreational Vehicle Area, increased traffic could be significant. The availability (or lack thereof) of sufficient parking in the vicinity of the trail head may also generate congestion, trespass concerns and/or circulation impacts.

Mitigation/Conclusion. The project may result in significant impacts related to traffic congestion, safety concerns, and degradation of local roads, among others. These issues shall be addressed in the EIR.

13. WASTEWATER *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	☒	☐	☐	☐
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	☒	☐	☐	☐
c) Adversely affect community wastewater service provider?	☐	☐	☒	☐

13. WASTEWATER

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Other: _____	☐	☐	☐	☐

Setting. Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;
- ✓ The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- ✓ The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on percolation rates]);
- ✓ The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- ✓ Potential for surface flooding (e.g., within 100-year flood hazard area);
- ✓ Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances); and
- ✓ Distance from creeks and water bodies (100-foot minimum).

To assure a successful system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist:

- ✓ the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- ✓ the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or
- ✓ the separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type(s) for the project is provided in the listed in the previous Agricultural Resource section. The main limitation(s) of this soil for wastewater effluent include:

-***poor filtering characteristics*** due to the very permeable nature of the soil, without special engineering will require larger separations between the leach lines and the groundwater basin to provide adequate filtering of the effluent.

- wetness or high groundwater, where this soil at this location tends to frequently be in a saturated condition due to several possible factors, such as high groundwater or it is in a low lying area

that is being regularly fed by a water source. The on-site system needs at least five feet between the bottom of the leach line to the saturated soil (e.g. high groundwater) where the five feet of soil does not remain in a saturated condition for any length of time. Otherwise, special engineering will be required to provide this separation.

Impact. Rail Spur Extension. The project proposes development of an on-site septic system to manage operational wastewater. It is unknown at this time whether on-site conditions are suitable for a subsurface disposal system. Anticipated limitations include high groundwater and poor filtering characteristics of the sandy on-site soils. Improper development of a septic system could result in groundwater contamination or daylighting of effluent, which would be considered a significant environmental impact.

Coastal Access. The coastal access component is not expected to result in the generation of additional wastewater and no on-site wastewater facilities are proposed. No impact would result.

Mitigation/Conclusion. The project proposes development of an on-site individual septic system. The EIR shall assess site conditions and analyze the site's suitability for subsurface sewage disposal. Any necessary design modifications will be developed to ensure proper filtering and disposal of wastewater at the project site.

14. WATER & HYDROLOGY *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
QUALITY				
a) Violate any water quality standards?	☒	☐	☐	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?	☒	☐	☐	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☒	☐	☐	☐
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?	☒	☐	☐	☐
e) Change rates of soil absorption, or amount or direction of surface runoff?	☒	☐	☐	☐
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	☒	☐	☐	☐
g) Involve activities within the 100-year flood zone?	☒	☐	☐	☐
QUANTITY				
h) Change the quantity or movement of available surface or ground water?	☒	☐	☐	☐

14. WATER & HYDROLOGY

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
i) Adversely affect community water service provider?	☐	☐	☒	☐
j) Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure,etc.), or inundation by seiche, tsunami or mudflow?	☐	☐	☒	☐
k) Other: _____	☐	☐	☐	☐

Setting. Phillips 66 extracts groundwater from the Nipomo Mesa Management Area of the Santa Maria Groundwater Basin, which has been the subject of extensive litigation due to depression in groundwater elevations on the Nipomo Mesa. The County's Water Resources Advisory Committee has determined that overdraft in the Nipomo Mesa either currently exists or is imminent.

The source of groundwater for Phillips 66 wells is the deep aquifer in the Paso Robles and Careaga formations underlying the Nipomo Mesa. The deep aquifer is also the primary source of water for surrounding agricultural and municipal wells. Based on the Judgment after Trial of the Santa Maria Groundwater Litigation, Phillips 66 has rights to the reasonable and beneficial use of groundwater without limitation, except in the event of a Severe Water Shortage Condition, in which case water rights would be limited to no more than 110% of the highest amount it previously used in a single year.

The topography of the project is nearly level to moderately sloping The closest creek from the proposed development is approximately 0.4 mile away. As described in the NRCS Soil Survey, the soil surface is considered to have high erodibility.

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? Yes

Closest creek? tributary of Oso Flaco Creek Distance? Approximately 2,000 feet

Soil drainage characteristics: Well drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (CZLUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the the project's soil erodibility is as follows:

Soil erodibility: High

A sedimentation and erosion control plan is required for all construction and grading projects (CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. When work is done in the rainy season, the County's Coastal Zone Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed. Projects involving more than one acre of disturbance are

subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact. Rail Spur Extension. The proposed rail spur extension would be located on dune sand on relatively flat to undulating topography, at least 1,000 feet from the nearest drainage feature. Although the 100-year Flood Hazard Zone encompasses the southernmost portions of the project site, the proposed area of disturbance is located outside of the flood hazard area. However, construction and operation of the rail spur would increase impervious surfaces at the site and the potential risk of spills or train derailment, resulting in a potentially increased risk of water quality impacts. The emergency access road also comes within closer proximity of the Oso Flaco Creek tributary (approximately 500 feet), and runoff and erosion along the access route could contaminate surface water within the creek. While past activities at the site have not been found to be detrimental to groundwater, the potential for contamination exists as a result of the use and storage of significant amounts of crude oil.

Operational activities would be expected to increase water use by approximately one percent, which would be in compliance with the Judgment after Trial on the Santa Maria Groundwater Litigation. Construction activities would be short-term and limited in nature, but may require use of water trucks to keep dust levels down and other incidental water usage. Due to the current overdraft situation in the Nipomo Mesa, an analysis of available water supply to meet the one percent increase in demand shall be completed.

Coastal Access. The coastal accessway would be located on highly erosive, moderately sloped dune sands west of the railroad tracks and would increase impervious surfaces in this area. Jack Lake, a coastal wetland / dune lake area, is located north of and adjacent to the proposed coastal access route. A SWPPP would be required to assess the potential for runoff and stormwater impacts. Water quality impacts are potentially significant due to the proximity of Jack Lake to construction activities and increased human traffic in this area of highly erosive soils.

No increased water demand is expected to result from development of the coastal access trail, other than incidental uses needed during construction (i.e., water trucks, employee drinking water). Impacts to water quality and supply associated with the provision of coastal access are expected to be less than significant.

Mitigation/Conclusion. Water quality impacts could result from contamination of soils, ground or surface water, and alteration to existing stormwater runoff and drainage facilities. Because of the current overdraft condition of the basin, it is unknown whether the small increase in water demand that would result from construction and operation of the project would result in significant impacts. Therefore, these issues shall be addressed in the EIR.

15. LAND USE

Will the project:	**Inconsistent**	**Potentially Inconsistent**	**Consistent**	**Not Applicable**
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	☐	☒	☐	☐

15. LAND USE

Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
b) Be potentially inconsistent with any habitat or community conservation plan?	☐	☐	☒	☐
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	☐	☐	☒	☐
d) Be potentially incompatible with surrounding land uses?	☐	☒	☐	☐
e) Other: _____	☐	☐	☐	☐

Setting. The site currently supports heavy industrial uses east of the railroad corridor and undeveloped open space within the dunes at the western end of the project site. Surrounding uses are identified on Page 2 of the Initial Study, and include intensive agricultural and open space/recreational uses. Land use in the County is shaped by plans, policies and programs outlined in the County General Plan, CZLUO, and applicable Area and Specific Plans.

The project is not within or adjacent to a Habitat Conservation Plan area.

Impact. Rail Spur Extension. The project site has historically been supported industrial petroleum processing activities, and the proposed rail spur extension and crude oil processing would be consistent with past operations. While the amount of crude oil processed at the site would not increase, it is possible that the additional rail track, off-loading facility and related infrastructure would generate incompatibilities with adjacent land uses such as agriculture and residences. Additional noise, vibration, odors or other effects of the proposed industrial uses could result in a nuisance to adjacent uses.

Coastal Access. The coastal access component of the project would introduce pedestrian and bicycle traffic into the general vicinity of areas historically used for heavy industrial purposes, namely petroleum storage, processing and transport. It would also require crossing of the Union Pacific Railroad in a remote area with minimal infrastructure available to manage the integration of the two uses. This project component is also proposed in a designated SRA and ESHA, and may conflict with policies of the CZLUO.

Mitigation/Conclusion. The potential exists for the project to result in the development of incompatible land uses at the project site, predominantly associated with the coastal access provision. The consistency of the project with applicable land use plans, policies and regulations shall be analyzed in the EIR to determine whether significant land use impacts could result as a result of development of the project. Any potential inconsistencies shall be analyzed to determine the extent of resulting adverse physical impacts to the environment.

16. MANDATORY FINDINGS OF SIGNIFICANCE

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Have the potential to degrade the quality of the environment, substantially				

reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? ☒ ☐ ☐ ☐

b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) ☒ ☐ ☐ ☐

c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? ☒ ☐ ☐ ☐

The proposed project has the potential to degrade the environment, contribute to cumulatively considerable impacts, and generate signfiicant risks to human beings. An EIR will be prepared to determine the potential and extent of project-related and cumulative impacts.

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☐	County Public Works Department	**Not Applicable**
☐	County Environmental Health Division	**Not Applicable**
☐	County Agricultural Commissioner's Office	**Not Applicable**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**Attached**
☐	County Sheriff's Department	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☐	CA Department of Fish and Wildlife	**Not Applicable**
☐	CA Department of Forestry (Cal Fire)	**Not Applicable**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other FWS	**Attached**
☒	Other HEAL-SLO	**Attached**

*** "No comment" or "No concerns"-type responses are usually not attached*

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

County documents

☒ Coastal Plan Policies
☒ Framework for Planning (Coastal/Inland)
☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element/Project List
  - ☒ Safety Element
☒ Land Use Ordinance (Inland/Coastal)
☐ Building and Construction Ordinance
☒ Public Facilities Fee Ordinance
☐ Real Property Division Ordinance
☐ Affordable Housing Fund
☐ Airport Land Use Plan
☐ Energy Wise Plan
☒ South County (Coastal) Area Plan
☐ Design Plan
☐ Specific Plan
☒ Annual Resource Summary Report
☒ South County Circulation Study

Other documents

☒ Clean Air Plan/APCD Handbook
☒ Regional Transportation Plan
☒ Uniform Fire Code
☒ Water Quality Control Plan (Central Coast Basin – Region 3)
☒ Archaeological Resources Map
☒ Area of Critical Concerns Map
☒ Special Biological Importance Map
☒ CA Natural Species Diversity Database
☒ Fire Hazard Severity Map
☒ Flood Hazard Maps
☒ Natural Resources Conservation Service Soil Survey for SLO County
☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
☐ Other

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Arcadis. June 18, 2013. *Land Use Permit Application.* Submitted on behalf of Phillips 66 Company.

Arcadis. June 18, 2013. *Fire Safety Plan*.

Arcadis. June 2013. *Cultural Resources Assessment Report, Phillips 66 Santa Maria Refinery Rail Project, San Luis Obispo County, California*.

Arcadis. June 13, 2013. *Biological Assessment, Santa Maria Refinery Rail Project, San Luis Obispo County, California*.

Arcadis. June 17, 2013. *Wildlife and Habitat Assessment, Santa Maria Refinery Rail Project, San Luis Obispo County, California.*

Arcadis. June 18, 2013. *Technical Noise Study, Santa Maria Refinery Rail Project, San Luis Obispo County, California.*

Arcadis. June 2013. *View Simulations*.

Nipomo Mesa Management Area Technical Group. April 2013. *Nipomo Mesa Management Area 5th Annual Report, Calendar Year 2012.*

Phillips 66 Company. January 2012. *2011 Consumer Confidence Report, Revised January 2012.*

San Luis Obispo Air Pollution Control District. June 4, 2013. *Oceano Dunes: Air Quality Issues & Solutions.* CAPCOA Engineering Managers Symposium.

Science Applications International Corporation. May 2012. *Water Supply Assessment, Conoco Phillips Santa Maria Facility Expansion Project.* Prepared for San Luis Obispo County Air Pollution Control District on behalf of Marine Research Specialists, Inc.

CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543 -4244 • Fax: 805-543-4248
www.calfireslo.org

Robert Lewin, Fire Chief

Notice of Preparation

August 19, 2013
Phillips 66 Company
2555 Willow Road
Arroyo Grande, CA 93420

Santa Maria Refinery Rail Project – Phillips 66 Company
DRC2012-00095 APN 092-401-011, 013, 005, and 092-411-005
Request for a development plan/coastal development permit to modify the existing railroad spur at the Santa Maria Refinery (located on the Nipomo Mesa) to include an eastward extension, an unloading facility, a new (on-site) transfer conveyance pipeline, and a restroom. The tracks and unloading facility would be designed to accommodate trains of up to 80 tank cars and associated locomotives in unit train or manifest train configurations. These trains would deliver crude oil to the refinery for processing (within the current and allowable throughput limits). The unloaded crude oil would be transferred to the existing storage tanks via new pipeline that would be constructed along an existing internal refinery road. The new rail spur lines would extend approximately 2,600 yards from the terminus of the current spur. The project will result in the disturbance of approximately 40 acres.

Development and Construction
Philips 66 is a complex facility with a fire brigade and a designated Fire Department Liaison. County Fire has a good working relationship with Phillips 66 and their appointed Fire Department Liaison, local engine company, assigned battalion chief, the Hazardous Materials and Urban Search and Rescue Teams to ensure cooperative and efficient response to specialized and routine emergencies at this facility. There are notable impacts that this project will present to Fire and Life Safety.

> **Condition for "Development and Construction"**
> The project is located within a HIGH fire hazard severity zone with a minimum 5 minute response time from the nearest County Fire Station. The project and applicant shall comply with the approved EIR, 2010 California Fire Code (CFC), the 2010 California Building Code (CBC), the Public Resources Code (PRC), California Code of Regulations (CCR), Code of Federal Regulations (CFR), current edition of applicable NFPA requirements, Title 16 of the San Luis Obispo County Ordinance, and any other applicable fire laws.

Specialized Team Response
Phillips 66 is a high risk facility due to the volume of operational and facility risks. The technical personnel and equipment requirements to mitigate incidents, and the response time for specialized teams to arrive and implement mitigation plans, increases the potential negative impact of an incident to the community, local businesses and the environment.

The facility includes unique hazards which are time, equipment and personnel intensive to operate and/or mitigate. A single significant event would overwhelm first due resources and additional emergency responders and equipment would be required. Unique hazards include crude oil storage with manually operated extinguishing systems, uploading conveyance and transport of crude oil, rescue concerns in hundreds of confined spaces, trench and excavation activities, and numerous significant hazardous materials exposures. Emergency response coordination and annual fire and life safety inspections are an additional requirement on the agency having jurisdiction.

Specialized Team Response continued
Unique hazards found at Phillips 66 require their own specialized training and equipment to properly mitigate. County Fire recognizes Phillips 66 provides emergency coordination of teams to perform required rescue operations for confined space entries, trenching operations and monitoring of Hazardous Materials handling during routine maintenance and construction; however if an incident occurs which overwhelms these standby teams, San Luis Obispo County Fire Department is the responsible agency providing Specialized Rescue Mitigation Response.

These necessary specialized rescue skills and equipment are provided by two specialized teams funded solely by San Luis Obispo County Fire Department. Members of these teams respond to incidents above and beyond their normal day to day duties. One of these teams is the Urban Search and Rescue Team comprised of 20 members, the other team is a Hazardous Materials Team comprised of 16 members.

Costs associated with training, and equipment for both teams are significant. Total annual expenditures exceed $1,846,864.00. Diablo Canyon and Plains Exploration Company provides annual funding for training and specialized equipment. County Fire position is to request developers cover a fair and equitable portion of these expenses, which is not only prudent, but good fiscal management.

Condition for "specialized team response"
County Fire requested and was previously approved to receive $10,000 annually for training and equipment for assistance with required specialized teams during the 2012 through-put project. A condition which continues the same amount with CPI added.

Cumulative Emergency Response Impact
Numerous businesses in our county require specialized rescue services; some examples include 6 significant industrial facilities, approximately 20 medium and light industrial businesses, over 250 wineries, 215 miles of 12-26 inch oil and natural gas transmission pipelines, 72 miles of main line railroad with pipelines. The Nipomo Mesa has a well-established commercial business area, and thousands of homes are now in the initial response area of the Mesa Fire Station 22. Fire and life safety services are provided by the existing two person engine company for not only Phillips 66, but to the thousands of residents, businesses and visitors to the Nipomo Mesa.

Specialized, rapid and adequately staffed response is crucial to keep incidents small and minimize the impact on citizens and environmental health, decrease fiscal impact of long-term rehabilitation efforts from a conflagration fire in the facility. National Fire Protection Association (NFPA) has set the standard for a fire engine to be on scene within 4 minutes after receiving a call for assistance; arriving at scene within 4 minutes helps reduce loss of life, property and the environment.

Due to the specialized nature of the facility, and the response time for specialized teams to arrive at the remote end of our county; it is not only prudent but necessary to provide additional prevention and operational staffing to aggressively plan and train for effective mitigation of incidents with minimal staffing.

The cumulative increase of anticipated emergency response requirements resulting from the 80 railcars of crude oil volume of facility expansion, which brings additional inherent hazards, additional employees, and associated vehicle traffic, civilian and industrial accidents poses notable concerns of adequate staffing to respond to incidents at the facility while simultaneously meeting the needs of the public.

Phillips 66 has an industrial fire brigade. Other industrial facilities in San Luis Obispo County such as Diablo Canyon have full time staffed fire engines, and maintain fire brigades. Diablo Canyon Fire, Plains Exploration Company, the new California Valley Solar Facilities, employ highly trained management staff to coordinate, train and interface with San Luis Obispo County Fire Department for prevention requirements, routine and emergency operations.

Conditions for "cumulative emergency response impact"

1) Fire Brigade Requirement

County Fire requires the training and staffing 365 days a year, 24 hour onsite fire brigade which must meet all requirements as outlined in Occupational Safety and Health Administration 29 CFR 1910.156, and NFPA 600 & 1081.

2) Memorandum of Understanding (MOU) Requirement

County Fire requires the approval and implementation of an operational MOU which must be reviewed and updated annually by both County Fire and Phillips 66.

3) Fire Captain Inspector

Additionally, station captains assigned to Station 22 (first due in Engine Company) have committed over 1,000 hours/50% of on duty time specifically to Phillips 66 for meetings, inspections and emergency response coordination efforts. This time dedicated to Phillips 66 decreases the available time required for in service training of paramedics, firefighters, station and equipment maintenance, fire and life safety inspections within the entire first due area, and emergency response, which normally constitutes 100% of assigned duties. County Fire is working diligently with Phillips 66 to bring plant deficiencies to Fire Code requirements.

Since no state funds are made available to local jurisdictions to defray costs, Health and Safety Code §13146.2(b) allows local jurisdictions to charge and collect a fee for fire inspections required under the California Fire Code, the California Health and Safety Code, Title 19 and Title 24 of the California Administrative Code, or the San Luis Obispo County Code." Fees are limited to the reasonable cost to provide the inspection.

State Fire Marshal billing rate is currently $263 per hour to conduct inspections in other jurisdictions. Reimbursement fees to San Luis Obispo County Fire Department for a qualified fire inspector to conduct an annual fire inspection of the Phillips 66 Facility including all structures, and support facilities consistent with authority and jurisdiction. Billable time includes, all inspections, travel time and documentation completion. The rate will be according to the fee schedule adopted by the San Luis Obispo County Board of Supervisors (currently $99.96 per hour and .55 cents per mile). Based on historic records County Fire estimates these services will require approximately 1,000 hours annually. Direct billing documentation for inspector's time will be provided annually to validate actual costs to the facility. Actual cost may exceed above estimates.

If I can provide additional information or assistance on this matter, please don't hesitate to contact me at (805) 543-4244.

Sincerely,

Laurie Donnelly
Battalion Chief /Fire Marshal
Laurie.Donnelly@fire.ca.gov
805-593-3422

From: "Fukushima, Adam J@DOT" <adam.fukushima@dot.ca.gov>
To: "mwilson@co.slo.ca.us" <mwilson@co.slo.ca.us>
Date: 08/14/2013 03:56 PM
Subject: Santa Maria Refinery Rail Project

Hello Murry,

I would like to apologize for not meeting your NOP comment period due date by a few days, but if you are still taking comments I was wondering if it would be possible for the EIR to analyze the impact of the proposed unpaved vehicle access road and the potential vertical Coastal Access. Both facilities should be analyzed for their potential impact on safety and traffic operations of State Route 1.

Thank you,

Adam Fukushima, PTP
Transportation Planning
Caltrans - District 5
50 Higuera Street
San Luis Obispo CA
(805) 549-3131

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105- 2219
VOICE AND TDD (415) 904- 5200
FAX (415) 904- 5400

August 9, 2013

Murry Wilson
Department of Planning and Building
976 Osos St., Room 200
San Luis Obispo, Ca 93408-2040

Re: **Notice of Preparation of an Environmental Impact Report for the Phillips 66 Santa Maria Refinery Rail Spur Extension Project**

Dear Mr. Wilson:

Thank you for soliciting input from the California Coastal Commission (Commission) on the preparation of an Environmental Impact Report (EIR) for the proposed Phillips 66 Santa Maria Refinery Rail Spur Extension Project, a proposal by Phillips 66 (Phillips) to extend an existing rail spur at the Santa Maria Refinery, upgrade and connect equipment within the refinery, and construct a railcar off-loading facility, above-ground conveyance pipeline, restroom facility, and an unpaved emergency vehicle access road. In addition, the EIR would also describe and evaluate a conceptual plan for provision of vertical coastal access through the project site to the Oceano Dunes State Vehicular Recreation Area.

Phillips' proposed rail spur project is located within San Luis Obispo County's certified Local Coastal Program (LCP) jurisdiction and therefore requires a coastal development permit (CDP) from San Luis Obispo County. The issuance or denial of this CDP by San Luis Obispo County may be appealed to the Commission. In addition, the vertical coastal access project will also require a CDP from San Luis Obispo County and the issuance of this CDP may also be appealed to the Commission. Therefore, if appealed, the Commission may use the information contained in the EIR in its evaluation of the appealed project's conformity with the resource protection and use policies of the San Luis Obispo County LCP.

Your Notice of Preparation includes a request for information from the Commission on a variety of information topics. These topics cover administrative and procedural details as well as substantive questions about the content of the EIR. Please find our response to several of these topics in the comments included below along with recommendations on project details and evaluations to provide in the EIR in order to strengthen the document and assist with the Commission's review of each proposal, if such a review is necessary. Because the Rail Spur Extension Project and Coastal Access Project are unrelated, each will be addressed separately in the comments below.

Name of Contact Person
Please direct future correspondence on the projects discussed in the EIR to:

Cassidy Teufel
Energy, Ocean Resources and Federal Consistency Division
45 Fremont St.
San Francisco, CA 94105
Phone: (415) 904-5502
Email: cteufel@coastal.ca.gov

Permit(s) or Approval(s) Authority
The County's decision on the proposed Santa Maria Refinery Rail Spur Extension Project is appealable to the Commission because the project is a "major energy facility" as defined in the Commission's regulations[1], and is therefore subject to appeal to the Commission, pursuant to Coastal Act Section 30603(a)(5).[2]

The Commission's authority to review the proposed Coastal Access Project is provided through a separate subsection of the appeals provisions of the Coastal Act. Because this proposed project would be located between the sea and the first public road paralleling the sea it is subject to appeal to the Commission, pursuant to Coastal Act Section 30603(a)(1).[3]

Project Descriptions
In developing the EIR, we request that you specifically provide the following project details.

Rail Spur Expansion Project

1. Land Use: The project description notes that areas within the proposed footprint of the rail spur expansion project support existing industrial, open space, grazing and agricultural uses and include both prime and non-prime agricultural land. Please provide a figure diagraming the existing land uses, designations, and zoning of all areas within the proposed project's disturbance footprint as well as a table that quantifies the amount of each area that would be converted to industrial uses as a result of the proposed project. In addition, please provide ownership and operational details for the existing grazing and agricultural areas, including the underlying landowner of these areas and the entities undertaking agricultural and grazing operations.

---

[1] Coastal Act Section 30107 defines "energy facility" as "any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy. 14 Cal. Admin. Code Section 13012(a) defines, in relevant part, "major energy facilities" as those "that cost more than one hundred thousand dollars ($100,000)…" The proposed project involves the processing of petroleum and is anticipated to cost more than $100,000 to build.

[2] Coastal Act Section 30603(a) states, in relevant part: "After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments: … (5) Any development which constitutes a major public works project or a major energy facility."

[3] Coastal Act Section 30603(a) states, in relevant part: "After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments: (1) Developments approved by the local government between the sea and the first public road paralleling the sea…"

2. Public Service Capacity: Please describe and quantify any proposed demand increases to municipal water and sewer resources that would result from the proposed project. In addition, please describe the existing excess capacity that is available to meet these demand increases.
3. Disturbance Area: Please specify how much of the proposed 48.9 acre disturbance area would be within the existing footprint of the refinery facility and coke storage area.
4. Existing Uses: Please describe the existing operations at the refinery facility and coke storage area, including the activities that are carried out at these sites as well as the equipment that is used and the vehicle and train traffic generated by this use.
5. Proposed Operations: Please describe any and all increased activities, operations, or traffic that would result from the proposed project.

Coastal Access Project

6. Land Use: Information provided in the Notice of Preparation suggests that land use designations within the coastal access project area include sensitive resource areas and environmentally sensitive habitat areas. Please provide a diagram indicating the location of these areas relative to the proposed project's disturbance limits.
7. Accessway Design: Please provide a detailed description of the proposed design of the accessway and the factors that contributed to the selection of this design. Please include a description of the materials to be used, the dimensions of the accessway, and any ancillary facilities that would also be developed to support its use (i.e. parking areas, restrooms, emergency services, etc.).
8. Construction and Maintenance: Please provide a detailed description of the proposed method of constructing and installing the accessway, including any excavation, grading, or landform alteration that would be carried out. Please also describe the proposed maintenance activities that would be carried out to ensure that the acccessway is open and available for safe operation. Please also describe how often sand and vegetation removal activities would be carried out from within and adjacent to the accessway footprint.

Environmental Information and Analysis

The Notice of Preparation notes that the EIR will evaluate each project's potential to affect biological resources at their respective sites. Please consider adding to and clarifying the effects to be evaluated, as described below.

Rail Spur Expansion Project

9. Increased Traffic: Please describe the anticipated increase in vehicle and train traffic that would result from construction and operation of the proposed project.
10. Air Quality: Please quantify all anticipated emission sources and amounts, including greenhouse gases, both during construction and operation of the proposed project. Please also specify if train engines would remain engaged and running during use of the proposed railcar offloading facility. In addition, please note if any known area of naturally occurring asbestos are located within the proposed project's disturbance limits.
11. Environmentally Sensitive Habitat Areas: Please map the locations of all sites within or adjacent to the proposed project's disturbance footprint (including staging areas and construction equipment access routes) determined to qualify as environmentally sensitive habitat areas.

12. Wetland and Riparian Areas: Please map the locations of all wetland and riparian areas within or adjacent to the proposed project's disturbance footprint (including staging areas and construction equipment access routes) and provide the minimum distance between these areas and the project's disturbance footprint.

Coastal Access Project

13. Environmentally Sensitive Habitat Areas: Please map the locations of all sites within or adjacent to the proposed project's disturbance footprint (including staging areas and construction equipment access routes) determined to qualify as environmentally sensitive habitat areas.
14. Wetland and Riparian Areas: Please map the locations of all wetland and riparian areas within or adjacent to the proposed project's disturbance footprint (including staging areas and construction equipment access routes) and provide the minimum distance between these areas and the project's disturbance footprint.
15. Maintenance Road: Please describe the existing use of the maintenance road, including the type and frequency of vehicle use and the type and frequency of maintenance activities carried out to ensure its availability for use.

Project Alternatives

16. Please include an evaluation of alternative transport options such as the use of pipelines and tanker trucks in the range of project alternatives evaluated for the rail spur extension project.
17. Please include an evaluation of alternative construction materials and trail widths in the range of project alternatives evaluated for the coastal access project. These alternatives should include an evaluation of the use of the existing unpaved maintenance road for pedestrian and equestrian access.

Additional Comments and Requests

18. Commission Review of Coastal Accessway: The description of the Coastal Access Project included in the Notice of Preparation notes that:

    > *The size and alignment of the coastal accessway, as well as the appropriateness of access at this location based on the environmental setting, public safety concerns, and current land uses in the area, is currently under consideration by the California Coastal Commission.*

    This description is somewhat unclear. The County Board of Supervisors' February 26, 2013, approval of CDP No. DRC2008-00146 (Phillips 66 Santa Maria Refinery Throughput Project) has been appealed to the Commission. Commission staff is currently evaluating whether the public access requirement included as a condition of approval of this CDP raises a substantial issue with respect to LCP conformity. The results of this evaluation and the recommendation of Commission staff will be presented to the Commission for their consideration at an upcoming public hearing. If information regarding the Commission's review of CDP No. DRC2008-00146 is provided in the EIR, please coordinate with Commission staff to ensure that the Commission's process is reflected accurately.

Thank you for your consideration of the comments included above. If you have any questions, please feel free to call me (415) 904-5502.

Sincerely,

CASSIDY TEUFEL
Environmental Scientist
Energy, Ocean Resources and Federal Consistency Division

From: Andrew Carter <ACarter@ci.guadalupe.ca.us>
To: "mwilson@co.slo.ca.us" <mwilson@co.slo.ca.us>
Date: 08/14/2013 04:38 PM
Subject: RE: Santa Maria Refinery Rail Project

Mr. Wilson,

We had discussion at our City Council meeting last night about the Santa Maria Refinery rail project. My Council asked me to communicate one additional concern to you and asked that this concern be covered in the EIR as well. It is the potential impact of increased rail traffic through town.

The specific concern has to do with public safety, specifically the blocking of RR crossings. The Union Pacific RR divides Guadalupe in two.
There are three at-grade RR crossings. Two are at the north end of town -- 10th Street and 11th Street. One at the south end of town at Rt. 166. The 10th & 11th street crossings are a block apart and near City Hall where our fire department (Obispo & 9th) and police department (Obispo & 10th) are located. Obispo is parallel to and east of the RR. Rt. 1 is parallel to and west of the RR.

So what if there is a long oil train blocking both the 10th & 11th street crossings or one blocking the Rt. 166 crossing? It's 1 mile from the 10th street crossing to the Rt. 166 crossing. The concern has to do with potential delays in Public Safety response. Realistically, this is already an issue we deal with. But the concern is the potential increase in frequency or any potential increase in length of trains or anything different about how oil trains operate.

Thank you.

Andrew Carter
City Administrator

City of Guadalupe/ 918 Obispo Street/ Guadalupe, CA 93434/ 805-356-3891

From: Andrew Carter <ACarter@ci.guadalupe.ca.us>
To: "mwilson@co.slo.ca.us" <mwilson@co.slo.ca.us>
Cc: Jasch Janowicz <jjanowicz@rinconconsultants.com>, Gary Hoving <ghoving@ci.guadalupe.ca.us>
Date: 08/06/2013 09:22 AM
Subject: Santa Maria Refinery Rail Project

Mr. Wilson,

I am the City Administrator in Guadalupe, which is located on Rt. 1 just south of the SLO/SB County line. We are approximately 7 miles south on Rt. 1 from the Santa Maria Refinery entrance.

I don't know if there will be significant on-going impacts to Guadalupe of the expanded railcar facilities once they are operational, but I do ask that you closely examine the impact of truck traffic through our community during construction.

We are already heavily impacted by truck traffic due to remediation at the old Chevron oil field on the dunes across the Santa Maria River from us. That traffic leaves the oil field, heads south on Rt. 1 through our downtown, then east on Rt. 166 to the Santa Maria dump. As a voluntary mitigation effort, Chevron pays the City of Guadalupe approximately $130,000 a year.

There is also significant truck through our town to and from the Guadalupe cooling facility on Rt. 1 in SLO County about 2 miles north of town -- between the Oso Flaco and Division Street intersections.

There is also significant truck traffic to/from the Apio cooling facility in Guadalupe and coolers south of town and east of town.

If railhead construction traffic uses Rt. 166 and Rt. 1 to access the refinery site, we will see even more truck traffic. If truck traffic uses Willow Road or Tefft Street to access the site, we won't.

The impacts of truck traffic are noise, dust, pollution, traffic safety, pedestrian safety (particularly children heading to and from Guadalupe's elementary school and middle school), and road wear. Rt. 1 is already in terrible shape from road wear due to all the existing truck traffic.

Rt. 1 is our main street and goes right through our downtown, so the impact of truck traffic to the community's quality of life is significant.

Thank you in advance for making sure the issue of truck traffic is looked at in the SM Refinery Environmental Impact Report.

Andrew Carter
City Administrator

City of Guadalupe/ 918 Obispo Street/ Guadalupe, CA 93434/ 805-356-3891

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

August 6, 2013

Murray Wilson
San Luis Obispo County
976 Osos Street, Room 200
San Luis Obispo, CA 93408

Re: Notice of Preparation
Santa Maria Refinery Rail Project
SCH # 2013071034

Dear Mr. Wilson,

As the state agency responsible for rail safety within California, the California Public Utilities Commission's (CPUC or Commission) Rail Crossing Engineering Section (RCES) staff recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind.

While the Santa Maria Refinery Rail Project is mostly confined within the refinery's limits, the Commission offers the following comments:

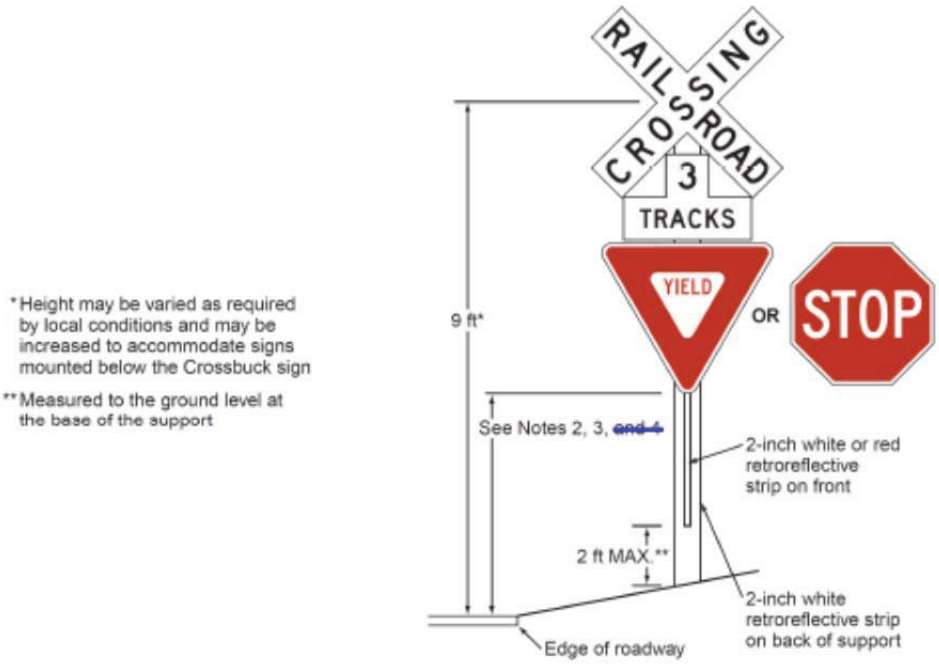
- The spur track crosses a roadway adjacent to the refinery prior to entering the refinery property limits. The Commission requests the Federal Railroad Administration's (FRA) DOT Number for this crossing. If no DOT Number is assigned, the Commission requests a DOT Number be assigned. The location is called out in the aerial photo below.
- The Commission requests information for the above referenced spur crossing:
  - Who maintains the crossing (Union Pacific, Santa Maria Refinery)?
  - Who operates the trains over the crossing?
- The Commission recommends all rail crossings within the refinery have Commission Standard 1-R's (Crossbucks) installed. Specifications on Crossbuck design can be found in the California Manual On Uniform Traffic Control Devices (CAMUTCD) Chapter 8. Figure 8B-2 is included in this letter below.
- Any rail extension is required to comply with the Commission's General Orders including:
  - GO 26-D: Clearances on railroads and street railroads as to side and overhead structures, parallel tracks and crossings
  - GO 72-B: Construction & Maintenance - Standard types of pavement construction at railroad grade crossings
  - GO 75-D: Warning Devices for at-grade railroad crossings
  - GO 118: Construction, reconstruction and maintenance of walkways and control, of vegetation adjacent to railroad tracks
- The Coastal Access Route requiring the project to provide coastal access to the public involves directing the general public over the Union Pacific mainline tracks. Per PU Code Section 1201, Commission authorization is required to either convert an existing private railroad crossing to a public crossing or for any new public railroad crossings.
- Any proposed public trail adjacent to the railroad tracks will be required to have fencing

to channelize the pedestrians to the appropriate railroad crossings.

- The north track alternative involves constructing a new railroad crossing at the driveway to the facility. If constructed, the project lead will need to procure a DOT number from the FRA. Commission will request the DOT number for this new private railroad crossing.

Aerial:

Figure 8B-2. Crossbuck Assembly with a YIELD or STOP Sign on the Crossbuck Sign Support



Notes:

1. YIELD or STOP signs are used only at passive crossings. A STOP sign is used only if an engineering study determines that it is appropriate for that particular approach.
2. Mounting height shall be at least 4 feet for installations of YIELD or STOP signs on existing Crossbuck sign supports.
3. Mounting height shall be at least 7 feet for new installations in areas with pedestrian movements or parking.

Information on the Commission's General Orders or filing formal applications can be found on our website at www.cpuc.ca.gov/crossings. Please call me at (415) 703-3722 or email me at felix.ko@cpuc.ca.gov if you have any questions. Thank you for your consideration of these comments.

Sincerely,

Felix Ko
Utilities Engineer
Rail Transit and Crossings Branch
505 Van Ness Ave
San Francisco, CA 94102

DEPARTMENT OF CONSERVATION

Managing California's Working Lands

Division of Oil, Gas, & Geothermal Resources

195 S. BROADWAY • SUITE 101 • ORCUTT, CALIFORNIA 93455

PHONE 805 / 937-7246 • **FAX** 805 / 937-0673 • **WEB SITE** conservation.ca.gov

July 11, 2013

Murray Wilson, Project Manager
San Luis Obispo County Department of Planning and Building
976 Osos St., Room 200
San Luis Obispo, CA 93408-2040

Dear Mr. Wilson:

NOTICE OF PREPARATION, ENVIRONMENTAL IMPACT REPORT, SANTA MARIA REFINERY RAIL PROJECT, PHILLIPS 66 COMPANY

The Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the Notice of Preparation - Draft Environmental Impact Report (NOP) for the above referenced project. The Division has no jurisdiction or statutory responsibility for the project. However, we do have record of one well drilled within or in close proximity to the Phillips project area. The well is approximately one half mile away from the proposed and alternate construction footprints, so there should be no need for mitigation measures.

If you have any questions, please contact me, or Ross Brunetti, at 805 937-7246

Sincerely,

Patricia A. Abel
District Deputy
by RBrunetti
RB:pd

cc: Chrono
EQ-EIR 2013

From: "Ross, Steven" <steven_ross@nps.gov>
To: Jaimie Jones <jmjones@swca.com>, <mwilson@co.slo.ca.us>
Date: 08/14/2013 09:16 AM
Subject: Re: Phillips 66 EIR NOP

Hi Jamie and Murry,

Thanks for sending the NOP to me and giving the Anza Trail staff at NPS an opportunity to comment. NPS does not have any concerns with the project because 1)the project is a modification to an existing refinery operation, and 2) the proposed modification would not result in any significant impacts to the Anza Trail resources (historic resources or existing or planned recreational resources).

The refinery rail spur project does fall within the presumed historic corridor traveled by the Anza Expedition, and it is near a recreational segment of the Anza Tail constructed as part of the Woodlands development (adjacent to Highway 1, east of the project site). However, views of the project site from the recreational trail and Highway 1 appear to be obscured by existing vegetation and topography, so there wouldn't be any direct or indirect impacts to the experience of visitors on the trail.
Also, it is extremely unlikely that there would be any artifacts from the Anza expedition with the historic corridor due to the very transitory nature of the expedition. Furthermore, the expedition did not camp near the project site.

Thanks for consulting with NPS regarding this project within historic setting of the Anza Trail.

Sincerely,

Steven Ross

STATE OF CALIFORNIA Edmund G. Brown, Jr.,, *Govemor*

NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Boulevard
West Sacramento, CA 95691
(916) 373-3715
(916) 373-5471 – FAX
e-mail: ds_nahc@pacbell.net

July 12. 2013

Mr. Murry Wilson, Project Planner
County of San Luis Obispo
976 Osos Street, Room 200
San Luis Obispo, CA 93408-2040

RE: SCH# 2013071028 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "**Phillips 66 Santa Maria Refinery Rail Project;**" located in the Nipomo area; San Luis Obispo County, California

Dear Mr. Wilson:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a

separate confidential addendum, and not be made available for pubic disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Health & Safety Code Section 7050.5 and California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
Also, CEQA Guidelines Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f). Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list

Native American Contacts
San Luis Obispo County
July 12, 2013

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
folkes9@msn.com
805 492-7255
(805) 558-1154 - cell
folkes9@msn.com

Chumash
Tataviam
Ferrnandeño

Judith Bomar Grindstaff
63161 Argyle Road
King City , CA 93930
(831) 385-3759-home

Salinan

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517
Santa Ynez , CA 93460
varmenta@santaynezchumash.
(805) 688-7997
(805) 686-9578 Fax

Chumash

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach CA 93433
(805) 481-2461
(805) 474-4729 - Fax

Chumash

Barbareno/Ventureno Band of Mission Indians
Julie Lynn Tumamait-Stennslie, Chair
365 North Poli Ave
Ojai , CA 93023
jtumamait@sbcglobal.net
(805) 646-6214

Chumash

Peggy Odom
1339 24th Street
Oceano , 93445
(805) 489-5390

Chumash

Lei Lynn Odom
1339 24th Street
Oceano , CA 93445
(805) 489-5390

Chumash

Salinan Tribe of Monterey, San Luis Obispo Counties
John W. Burch, Traditional Chairperson
14650 Morro Road
Atascadero , CA 93422
salinantribe@aol.com
805-460-9202
805 235-2730 Cell
805-460-9204

Salinan
Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013071028; CEQA Notice of Preparation (NOP); draft Environmental Impact report (DEIR) for the Santa Maria REfinery Rail Project; located in the Nipomo area of San Luis Obispo County, California

Native American Contacts
San Luis Obispo County
July 12, 2013

Santa Ynez Tribal Elders Council
Adelina Alva-Padilla, Chair Woman
P.O. Box 365 Chumash
Santa Ynez , CA 93460
elders@santaynezchumash.org
(805) 688-8446
(805) 693-1768 FAX

Salinan Nation Cultural Preservation Association
Robert Duckworth, Environmental Coordinator
4777 Driver Rd. Salinan
Valley Springs CA 95252
dirobduck@thegrid.net
831-578-1852

Randy Guzman - Folkes
6471 Cornell Circle Chumash
Moorpark , CA 93021 Fernandeño
ndnRandy@yahoo.com Tataviam
(805) 905-1675 - cell Shoshone Paiute
Yaqui

Coastal Band of the Chumash Nation
P.O. Box 4464 Chumash
Santa Barbara CA 93140

Xolon Salinan Tribe
Johnny R Eddy Jr, Chairperson
3179 Garrity Way #734 Salinan
Richmond , CA 94806
831-210-9771

yak tityu tityu - Northern Chumash Tribe
Mona Olivas Tucker, Chairwoman
660 Camino Del Rey Chumash
Arroyo Grande CA 93420
(805) 489-1052 Home
(805) 748-2121 Cell
olivas.mona@gmail.com

Salinan Nation Cultural Preservation Association
Doug Alger, Cultural Resources Coordinator
PO Box 56 Salinan
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Matthew Darian Goldman
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805-748-6913

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013071028; CEQA Notice of Preparation (NOP); draft Environmental Impact report (DEIR) for the Santa Maria REfinery Rail Project; located in the Nipomo area of San Luis Obispo County, California

Native American Contacts
San Luis Obispo County
July 12, 2013

Santa Ynez Band of Mission Indians
Tribal Admin/Counsel Sam Cohen
P.O. Box 517 Chumash
Santa Ynez , CA 93460
info@santaynezchumash.org

(805) 688-7997
(805) 686-9578 Fax

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ksen_sku_mu@yahoo.com

Salinan Nation Cultural Preservation Association
Gregg Castro, Administrator
5225 Roeder Road Salinan
San Jose , CA 95111
gicastro@pacbell.net
(408) 219-2754

Santa Ynez Tribal Elders Council
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P.O. Box 365 Chumash
Santa Ynez , CA 93460
805-688-7997, Ext 37
freddyromero1959@yahoo.com

Salinan-Chumash Nation
Xielolixii
3901 Q Street, Suite 31B Salinan
Bakersfield , CA 93301 Chumash

408-966-8807 - cell

Barbareno/Ventureno Band of Mission Indians
Kathleen Pappo
2762 Vista Mesa Drive Chumash
Rancho Pales Verdes CA 90275
310-831-5295

Northern Chumash Tribal Council
Fred Collins, Spokesperson
67 South Street Chumash
San Luis Obispo CA 93401
fcollins@northernchumash.org
(805) 801-0347 (Cell)

Barbareno/Ventureno Band of Mission Indians
Raudel Joe Banuelos, Jr.
331 Mira Flores Court Chumash
Camarillo , CA 93012
805-987-5314

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Native American Contacts
San Luis Obispo County
July 12, 2013

Coastal Band of the Chumash Nation
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805-689-9528

Coastal Band of the Chumash Nation
Crystal Baker
P.O. Box 723 Chumash
Atascadero , CA 93423
805-466-8406

Coastal Band of the Chumash Nation
Michael Cordero
5246 El Carro Lane Chumash
Carpinteria , CA 93013
805-684-8281

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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013071028; CEQA Notice of Preparation (NOP); draft Environmental Impact report (DEIR) for the Santa Maria REfinery Rail Project; located in the Nipomo area of San Luis Obispo County, California

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

Notice of Preparation

July 9, 2013

To: Reviewing Agencies

Re: Phillips 66 Santa Maria Refinery Rail Project
SCH# 2013071028

Attached for your review and comment is the Notice of Preparation (NOP) for the Phillips 66 Santa Maria Refinery Rail Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Murry Wilson
San Luis Obispo County
976 Osos Street, Rm 200
San Luis Obispo, CA 93408-2040

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2013071028
Project Title Phillips 66 Santa Maria Refinery Rail Project
Lead Agency San Luis Obispo County

Type NOP Notice of Preparation

Description Application for Development Plan/Coastal Development Permit for 1.3-mile extension of the Union Pacific Railroad rail spur at the Santa Maria Refinery and construction of a railcar off-loading facility, 0.7 miles of conveyance pipeline, restroom facility, and a 0.7-mile unpaved emergency access road. Total site disturbance would be approximately 48.9 acres, almost half of which would take place within the existing refinery or coke storage areas. Under separate permit but analyzed at a programmatic level in the EIR, a vertical coastal accessway is proposed from SR 1, through the project site, to the Oceano Dunes State Recreational Vehicle Area.

Lead Agency Contact

Name Murry Wilson
Agency San Luis Obispo County
Phone 805 788 2352 **Fax**
email
Address 976 Osos Street, Rm 200
City San Luis Obispo **State** CA **Zip** 93408-2040

Project Location

County San Luis Obispo
City Nipomo
Region
Cross Streets SR 1 / Willow Road
Lat / Long 35° 2' 18" N / 120° 34' 56" W
Parcel No. multiple
Township 11N **Range** 35W **Section** 7 **Base** SBB&M

Proximity to:

Highways Hwy 1
Airports No
Railways UPRR
Waterways Oso Flaco Creek/Lake, Jack Lake, Black Lake, Pacific Ocean
Schools Mesa Middle, Lopez High
Land Use Refinery, grazing, undeveloped/Industrial, Open Space, Agriculture / Industrial, Open Space

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 4; Native American Heritage Commission; Public Utilities Commission; California Highway Patrol; Caltrans, District 5; Air Resources Board, Major Industrial Projects; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 3

Date Received 07/09/2013 **Start of Review** 07/09/2013 **End of Review** 08/07/2013

NOP Distribution List

County: SAN LUIS OBISPO

SCH# 2013071 8

sources Agency

Resources Agency
Nadell Gayou

☐ Dept. of Boating & Waterways
Nicole Wong

☒ California Coastal Commission
Elizabeth A. Fuchs

☐ Colorado River Board
Gerald R. Zimmerman

☒ Dept. of Conservation
Elizabeth Carpenter

☐ California Energy Commission
Eric Knight

☐ Cal Fire
Dan Foster

☐ Central Valley Flood Protection Board
James Herota

☒ Office of Historic Preservation
Ron Parsons

Dept of Parks & Recreation
Environmental Stewardship Section

☐ California Department of Resources, Recycling & Recovery
Sue O'Leary

☐ S.F. Bay Conservation & Dev't. Comm.
Steve McAdam

☒ Dept. of Water Resources Resources Agency
Nadell Gayou

sh and Game

☐ Dept. of Fish & Wildlife
Scott Flint
Environmental Services Division

☐ Fish & Wildlife Region 1
Donald Koch

☐ Fish & Wildlife Region 1E
Laurie Harnsberger

☐ Fish & Wildlife Region 2
Jeff Drongesen

☐ Fish & Wildlife Region 3
Charles Armor

☒ Fish & Wildlife Region 4
Julie Vance

☐ Fish & Wildlife Region 5
Leslie Newton-Reed
Habitat Conservation Program

☐ Fish & Wildlife Region 6
Gabrina Gatchel
Habitat Conservation Program

☐ Fish & Wildlife Region 6 I/M
Brad Henderson
Inyo/Mono, Habitat Conservation Program

☐ Dept. of Fish & Wildlife M
George Isaac
Marine Region

Other Departments

☐ Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture

☐ Depart. of General Services
Public School Construction

☐ Dept. of General Services
Anna Garbeff
Environmental Services Section

☐ Dept. of Public Health
Jeffery Worth
Dept. of Health/Drinking Water

☐ Delta Stewardship Council
Kevan Samsam

Independent Commissions,Boards

☐ Delta Protection Commission
Michael Machado

☐ Cal EMA (Emergency Management Agency)
Dennis Castrillo

■ Native American Heritage Comm.
Debbie Treadway

☒ Public Utilities Commission
Leo Wong

☐ Santa Monica Bay Restoration
Guangyu Wang

☐ State Lands Commission
Jennifer Deleong

☐ Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Business, Trans & Housing

☐ Caltrans - Division of Aeronautics
Philip Crimmins

☐ Caltrans - Planning
Terri Pencovic

☒ California Highway Patrol
Suzann Ikeuchi
Office of Special Projects

☐ Housing & Community Development
CEQA Coordinator
Housing Policy Division

Dept. of Transportation

☐ Caltrans, District 1
Rex Jackman

☐ Caltrans, District 2
Marcelino Gonzalez

☐ Caltrans, District 3
Gary Arnold

☐ Caltrans, District 4
Erik Alm

☒ Caltrans, District 5
David Murray

☐ Caltrans, District 6
Michael Navarro

☐ Caltrans, District 7
Dianna Watson

☐ Caltrans, District 8
Dan Kopulsky

☐ Caltrans, District 9
Gayle Rosander

☐ Caltrans, District 10
Tom Dumas

☐ Caltrans, District 11
Jacob Armstrong

☐ Caltrans, District 12
Marlon Regisford

Cal EPA

Air Resources Board

☐ Airport/Energy Projects
Jim Lerner

☐ Transportation Projects
Douglas Ito

☒ Industrial Projects
Mike Tollstrup

☐ State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance

☐ State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

☐ State Water Resouces Control Board
Phil Crader
Division of Water Rights

☒ Dept. of Toxic Substances Control
CEQA Tracking Center

☐ Department of Pesticide Regulation
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

☐ RWQCB 1
Cathleen Hudson
North Coast Region (1)

☐ RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)

☒ RWQCB 3
Central Coast Region (3)

☐ RWQCB 4
Teresa Rodgers
Los Angeles Region (4)

☐ RWQCB 5S
Central Valley Region (5)

☐ RWQCB 5F
Central Valley Region (5)
Fresno Branch Office

☐ RWQCB 5R
Central Valley Region (5)
Redding Branch Office

☐ RWQCB 6
Lahontan Region (6)

☐ RWQCB 6V
Lahontan Region (6)
Victorville Branch Office

☐ RWQCB 7
Colorado River Basin Region (7)

☐ RWQCB 8
Santa Ana Region (8)

☐ RWQCB 9
San Diego Region (9)

☐ Other _____

☐ _____
Conservancy

Last Updated 01/08/2013

Phillips SMR Rail Project EIR

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

2011307102 8

Project Title: Phillips 66 Santa Maria Refinery Rail Project

Lead Agency: County of San Luis Obispo
Contact Person: Murry Wilson
Mailing Address: 976 Osos Street, Room 200
Phone: (805) 788-2352
City: San Luis Obispo
Zip: 93408
County: San Luis Obispo

Project Location: County: San Luis Obispo
City/Nearest Community: Nipomo
Cross Streets: State Route 1/Willow Road
Zip Code: 93420
Longitude/Latitude (degrees, minutes and seconds): 35 ° 02 ' 18 " N / 120 ° 34 ' 56 " W
Total Acres: approximately 1650
Assessor's Parcel No.: multiple (see Initial Study checklist)
Section: 7
Twp.: 11N
Range: 35W
Base: SBB&M
Within 2 Miles: State Hwy #: 1
Waterways: Oso Flaco Creek/Lake, Jack Lake, Black Lake, Pacific
Airports: none
Railways: Union Pacific Railroad
Schools: Mesa Middle, Lopez High

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JUL 09 2013
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Document Type:

CEQA:
- [x] NOP
- [ ] Early Cons
- [ ] Neg Dec
- [ ] Mit Neg Dec
- [ ] Draft EIR
- [ ] Supplement/Subsequent EIR (Prior SCH No.) _____
- Other: _____

NEPA:
- [ ] NOI
- [ ] EA
- [ ] Draft EIS
- [ ] FONSI

Other:
- [ ] Joint Document
- [ ] Final Document
- [ ] Other: _____

Local Action Type:

- [ ] General Plan Update
- [ ] General Plan Amendment
- [ ] General Plan Element
- [ ] Community Plan
- [ ] Specific Plan
- [ ] Master Plan
- [ ] Planned Unit Development
- [x] Site Plan
- [ ] Rezone
- [ ] Prezone
- [ ] Use Permit
- [ ] Land Division (Subdivision, etc.)
- [ ] Annexation
- [ ] Redevelopment
- [x] Coastal Permit
- [ ] Other: _____

Development Type:

- [ ] Residential: Units _____ Acres _____
- [ ] Office: Sq.ft. _____ Acres _____ Employees _____
- [ ] Commercial: Sq.ft. _____ Acres _____ Employees _____
- [x] Industrial: Sq.ft. _____ Acres 48.9 Employees 4-6
- [ ] Educational: _____
- [ ] Recreational: _____
- [ ] Water Facilities: Type _____ MGD _____
- [ ] Transportation: Type _____
- [ ] Mining: Mineral _____
- [ ] Power: Type _____ MW _____
- [ ] Waste Treatment: Type _____ MGD _____
- [x] Hazardous Waste: Type expansion of crude oil processing facility
- [ ] Other: _____

Project Issues Discussed in Document:

- [x] Aesthetic/Visual
- [x] Agricultural Land
- [x] Air Quality
- [x] Archeological/Historical
- [x] Biological Resources
- [x] Coastal Zone
- [x] Drainage/Absorption
- [x] Economic/Jobs
- [ ] Fiscal
- [x] Flood Plain/Flooding
- [x] Forest Land/Fire Hazard
- [x] Geologic/Seismic
- [ ] Minerals
- [x] Noise
- [x] Population/Housing Balance
- [x] Public Services/Facilities
- [x] Recreation/Parks
- [x] Schools/Universities
- [x] Septic Systems
- [x] Sewer Capacity
- [x] Soil Erosion/Compaction/Grading
- [x] Solid Waste
- [x] Toxic/Hazardous
- [x] Traffic/Circulation
- [x] Vegetation
- [x] Water Quality
- [x] Water Supply/Groundwater
- [x] Wetland/Riparian
- [x] Growth Inducement
- [x] Land Use
- [ ] Cumulative Effects
- [ ] Other: _____

Present Land Use/Zoning/General Plan Designation:

Refinery, grazing, undeveloped/Industrial,Open Space, Agriculture/Industrial, Open Space

Project Description: *(please use a separate page if necessary)*

Application for Development Plan/Coastal Development Permit for 1.3-mile extension of the Union Pacific Railroad rail spur at the Santa Maria Refinery and construction of a railcar off-loading facility, 0.7 miles of conveyance pipeline, restroom facility, and a 0.7-mile unpaved emergency access road. Total site disturbance would be approximately 48.9 acres, almost half of which would take place within the existing refinery or coke storage areas. Under separate permit but analyzed at a programmatic level in the EIR, a vertical coastal accessway is proposed from State Route 1, through the project site, to the Oceano Dunes State Recreational Vehicle Area. Refer to Initial Study checklist for detailed project description.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2010

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SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

August 8, 2013

Murry Wilson
SLO County Planning Department
County Government Center, Room 310
San Luis Obispo CA 93401

SUBJECT: APCD Comments Regarding the Phillips 66 Santa Maria Refinery Rail Project and Coastal Access

Dear Mr. Wilson,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the Notice of Preparation for the above referenced project. The proposed project is comprised of two distinct components: a Rail Spur Extension and a separate and distinct possible provision for a vertical Coastal Access through the site.

The proposed rail extension includes a request by Phillips 66 Company for a Development Plan/ Coastal Development Permit to allow for the extension of an existing rail spur at the Santa Maria Refinery and construction of a railcar off-loading facility, above ground conveyance pipeline, restroom facility, and an unpaved emergency vehicle access road from the end of the proposed rail spur to State Route 1. Development of the extension includes approx. 1.3 miles of new rail (with a construction width of 270 feet), 1.7 miles of new above ground pipeline, and a 0.7 mile long emergency access road. The rail spur extension would include up to five parallel ladder tracks, each long enough to accommodate a train of approximately 80 tank cars, with associated locomotives and supporting cars. The project would include work within the existing refinery (i.e connecting and upgrading existing infrastructure). The extension is intended to allow the Santa Maria Refinery to access a wider range of competitively priced crude oil.

The project also includes a conceptual plan for provision of vertical Coastal Access through the project site located to the west of the Oceano Dunes State Vehicular Park Recreation Area. As part of a separate permit issued for the project site, initiated by Phillips 66 in 2008 and approved by the County Board of Supervisors in February 2013, Phillips 66 may be required to construct vertical public access from State Route 1 to their western property line to comply with the coastal access provisions of the County's Coastal Zone Land Use Ordinance. Although the provision of coastal access is not integral to, and has

T 805.781.5912 F 805.781.1002 W slocleanair.org 3433 Roberto Court, San Luis Obispo, CA 93401

independent utility from the Rail Spur Extension project, it is appropriate to include an analysis of the potential environmental impacts of the access way because of the shared environmental setting and regulatory framework of the two adjoining components. The size and alignment of the coastal access way, as well as the appropriateness of access at this location based on the environmental setting, public safety concerns and current land uses in the area, is currently under consideration by the California Coastal Commission.

GENERAL COMMENTS

On page 7 of the Initial Study Environmental Check List, the statement is made "Western San Luis Obispo County is currently in non-attainment for ozone (O3) and respirable particulate matter (PM10)."

It should be noted that the entire county is non-attainment for the state 8-hr. ozone and 24 hr. PM_{10} standards, and the eastern portion of the county is non-attainment for the federal 8-hr. ozone standard.

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each.
Please address the action items contained in this letter, with special attention to items that are highlighted by bold and underlined text.

1. Contact Person:

   Melissa Guise
   Air Pollution Control District
   3433 Roberto Court
   San Luis Obispo, CA 93401
   (805) 781-4667

2. Permit(s) or Approval(s) Authority:

   Construction Permit Requirements
   Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits.

   The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2009 CEQA Handbook.
   - Power screens, conveyors, diesel engines, and/or crushers
   - Portable generators and equipment with engines that are 50 hp or greater
   - Electrical generation plants or the use of standby generator
   - Internal combustion engines

- Rock and pavement crushing
- Unconfined abrasive blasting operations
- Tub grinders
- Trommel screens
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc)

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Operational Permit Requirements

Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD's 2009 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Dry cleaning;
- Boilers;
- Internal combustion engines; and
- Cogeneration facilities.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. **To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations**, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at *http://www.slocleanair.org/business/asbestos.asp* for more information or contact the Enforcement Division at 781-5912.

Demolition

Demolition and remodeling activities have potential negative air quality impacts, including issues surrounding proper demolition and disposal of asbestos containing material (ACM). Demolition and remodeling projects are subject to the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP), which includes but is not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at 781-5912 prior to final approval of these types of projects by your agency.

Hydrocarbon Contaminated Soil

Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:

- Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
- Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH –non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
- Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
- During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and,
- Clean soil must be segregated from contaminated soil.

The notification and permitting determination requirements shall be directed to the APCD Enforcement Division at 781-5912.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances, where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Dust Control Measures

Impacts from dust should be quantified and mitigation measures propose in the EIR. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule.

3. Environmental Information:

The potential air quality impacts from construction and operational phases of the project should be assessed in the EIR. The project under development has the potential for significant impacts to local air emissions, ambient air quality, sensitive receptors, and the implementation of the Clean Air Plan (CAP). A complete air quality analysis should be included in the DEIR to adequately evaluate the overall air quality impacts associated with implementation of the proposed project. This analysis should address both short-term (construction) and long-term (operational) emissions impacts (including traditional air pollutants, air toxics and greenhouse gas emissions). The following is an outline of items that should be included in the analysis: The "2012 CEQA Air Quality Handbook" (the Handbook) can be used as guidance for assessing the air quality impacts for this project and defining mitigation measures. A copy can be accessed on the APCD web page at:

http://slocleanair.org/images/cms/upload/files/CEQA_Handbook_2012_v1.pdf

a) A description of existing air quality and emissions in the impact area, including the attainment status of the APCD relative to State and Federal air quality standards and any existing regulatory restrictions to development.

b) A detailed description of all phases of the project should be included in the EIR. Based on the description, a detailed quantitative air emissions analysis at the project scale needs to be completed and all emissions from each phase of the project need to be quantified. A complete emission analysis should be performed on all relevant construction and operational phase emission sources using the latest approved version of CalEEMod (www.caleemod.com) or other APCD approved emission calculator tools. This analysis should include both stationary and mobiles sources, regardless if APCD permits are needed for the equipment. A process flow diagram for the process equipment should be included in the DEIR and detail of the size and specification of each piece of equipment that will be used. All assumptions used in the air emissions calculations should be included in the DEIR (this includes but is not limited to length of round trips for the train, all on site and off site hauling associated with construction and operation of the facility, construction and operation of new equipment to support operation of the new facility – see attached letter dated 5-28-13 for additional comments). Modeling results should include detailed output reports that include data input parameters, assumptions, and default modification if applicable. The quantitative analysis needs to address criteria pollutants, greenhouse gases, air toxics, and diesel particulate matter and be compared to APCD's CEQA threshold.

c) As indicated above greenhouse gases should be quantified as part of the project. The short term greenhouse gas impacts from the construction should be amortized over the life of the project and added to the operational phase impacts.

d) To aid in the air quality analysis, the traffic study should include the total daily traffic volumes projected. The traffic study results can be used in the quantitative and qualitative analyses by providing a tool for comparing trip generation between different alternatives and evaluating effectiveness of mitigation methods for reducing traffic impacts.

e) This project has the potential to emit toxic or hazardous air pollutants which may impact sensitive receptors. Sensitive receptors are people that have increased sensitivity to air pollution. Sensitive receptor locations include schools, residential dwellings, parks, day care centers, nursing homes, and hospitals. Health impacts may be significant due to an increased cancer risk for the affected population, even at a very low level of emissions. This project should be required to include a health risk assessment in the DEIR to document the potential level of risk associated with their operations. The assessment should include both mobile and stationary sources.

f) Hydrogen sulfide should be addressed in the DEIR, including measure to monitor and mitigate its impacts, as applicable.

g) A cumulative impact analysis should be performed to evaluate the combined air quality impacts of this project and impact from existing and propose future development in the area. This should encompass all planned construction activities within one mile of the project.

h) Odors from the operation could be an issue for local residences in the area. Odor sources should be identified as part of the DEIR and mitigation measure to control odors proposed. An Odor Monitoring and Complaint Response Plan will need to be developed as part of the project and reviewed and approved by the APCD prior to construction of the project.

i) The DEIR should include a range of alternatives that could effectively minimize air quality impacts. A quantitative analysis of the air quality impacts should be generated for each of the proposed alternatives.

j) While it is understood that at this time the coastal access component of this DEIR will be evaluated at the programmatic level, to fully understand and assess the potential air quality impacts certain assumptions will need to be made to adequately represent the potential impacts from an access point in this location. The project is located in an area that has historically been subject to poor air quality conditions (e.g., exceeds the state PM_{10} standard over 70 times per year) due to high northwesterly winds and blowing sand and dust across the Oceano dunes. The existing conditions and sensitive nature of the area should be addressed as part of the DEIR evaluation. The DEIR should include a description of the type of access (pedestrian vs. vehicular) along with an estimate and quantification of the number

of vehicle trips that might be associated with access to this area, and parking areas associated with this access point.

k) Mitigation measures to reduce or avoid significant air quality impacts should be recommended. The DEIR should address any proposed off-site mitigation measures and describe feasible mitigation measure to reduce air quality impacts on-site. Off-site mitigation may be required in the event that emission cannot be reduced on-site below APCD specified thresholds.

4. Permit Stipulation/Conditions:

It is recommended reference material include the 2012 version of the "CEQA Air Quality Handbook" (the Handbook). It can be accessed on the APCD web http://slocleanair.org/images/cms/upload/files/CEQA_Handbook_2012_v1.pdf

5. Alternatives:

Any alternatives described in the DEIR should involve the same level of air quality analysis as described in section 3 listed above.

6. Reasonably Foreseeable Projects, Programs or Plans:

None at this time.

7. Relevant Information:

As mentioned earlier, the CEQA Air Quality Handbook should be referenced in the DEIR for determining the significance of impacts and level of mitigation recommended.

8. Further Comments:
On May 28, 2013, APCD staff responded to the Initial Study/Negative Declaration for this project. The analysis completed for the DEIR should address all the comments and issues that were outlined in that letter. A copy of the letter is attached for reference.

Thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-4667.

Sincerely,

Melissa Guise
Air Quality Specialist
MAG/arr

Attachment APCD letter date May28, 2013

H:\PLAN\CEQA\Project_Review\3000\3700\3764-2\3764-2.docx

COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Weights and Measures
2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401 - 4556
MARTIN SETTEVENDEMIE (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER
www.slocounty.ca.gov/agcomm AgCommSLO@co.slo.ca.us

DATE: **August 9, 2013**

TO: **Murry Wilson, Project Manager**

FROM: **Lynda L. Auchinachie, Agriculture Department**

SUBJECT: **Phillips 66 Refinery Rail Project Notice of Preparation (1447)**

Name of Contact Person:	Lynda Auchinachie 2156 Sierra Way, Suite A San Luis Obispo, CA 93401 781.5914
Approval Authority:	San Luis County Agriculture Element (AE)
Potential Impacts:	The Notice of Preparation (NOP) adequately identified potential impacts to agricultural resources.

DRC 2012-00095 Phillips 66 Company
5/13/2013

These are the Building Division Comments to be incorporated into the Conditions. Please call me if you have any questions.

Comments from Building Division:

1. All plans and engineering shall be prepared by a California Licensed Professional of Record unless exempted by the Business and Professions Code.

2. The project is subject to a construction permit as well as the newly adopted 2013 California Codes, effective date January 1, 2014.

3. The project will require a full soils report including addressing the design parameters of all building/structure foundations at the time of construction permit application submittal.

4. Any occupied structures (restrooms) are subject to the California State Title 24 accessibility / energy laws.

5. A grading permit is required and the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations (SWPPP).

6. Cal Fire shall evaluate the storage of hazardous materials. A fire sprinkler system maybe required for the structures. The sprinkler plans shall be submitted with a separate application for a separate fire sprinkler permit with the application for the structure(s). The application for the sprinkler system and any water tank storage required for the system shall be approved prior to issuance of the structure(s). Cal Fire requires that all commercial sprinkler systems be reviewed by a licensed fire protection engineer.

7. All on-site utilities serving existing structures shall be located on the correct parcel containing the structure served.

8. In the Land use process the case planner shall determine which components and what square footage of those components are subject to public facilities fees, suggest a spread sheet.

9. A pre-construction permit application submittal meeting is required with Stephen Hicks or his designee in the Building division (free of charge) to clarify how many permit's will this scope of work required and determine the timing of the permit review process and any other key issues.

by Elizabeth Szwabowski, Plans Examiner III

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 5/3/2013

TO: Parks

FROM: Murry Wilson, Environmental Resource Specialist

PROJECT DESCRIPTION: DRC2012-00095 PHILLIPS 66 COMPANY- Request for a development plan / coastal development permit to modify the existing railroad spur at the Santa Maria Refinery (located on the Nipomo Mesa) to include an eastward extension, an unloading facility, a new (on-site) transfer conveyance pipeline, and a restroom. The tracks and unloading facility would be designed to accommodate trains of up to 80 tank cars and associated locomotives in unit train or manifest train configurations. These trains would deliver crude oil to the refinery for processing (within the current and allowable throughput limits). The unloaded crude oil would be transferred to the existing storage tanks via a new pipeline that would be constructed along an existing internal refinery road. The new rail spur lines would extend approximately 2,600 yards from the terminus of the current spur. The project will result in the disturbance of approximately 40 acres. APN: 092-401-011, 013, 005, and 092-411-005.

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☑ YES (Please go on to PART II.)
- ☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- ☒ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

The Anza trail in the immediate area of this site was completed by previous subdivisions. No trail alignment is needed for this permit.

Date	Name	Phone
8/2/13	E. Kavanaugh	781-4089

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600

EMAIL: planning @co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.sloplanning.org

Ian S. Parkinson
Sheriff-Coroner
1585 Kansas Avenue
San Luis Obispo, CA 93405

©2011 SAN LUIS OBISPO SHERIFF'S OFFICE

July 12, 2013

TO: County of San Luis Obispo
Planning and Building Department
Attention: Murray Wilson, Project Manager

FROM: San Luis Obispo County Sheriff's Office
1585 Kansas Avenue
San Luis Obispo, California 93405

CONTACT: Chief Deputy Rob Reid
rreid@co.slo.ca.us 805-781-4540

RE: Project Title: Santa Maria Refinery Rail Project
Project Applicant: Phillips 66 Company

PATROL AREA: South
COMMUNITY: Arroyo Grande

Law enforcement needs for the unincorporated area of San Luis Obispo County are served by the Sheriff's Office (SO) San Luis Obispo County encompasses 3,615 Sq. miles of which sixty-six miles are incorporated (City) and served by police departments.

The South Patrol Station is located at 1681 Front Street, Oceano. The South Station serves the communities of Oceano, Nipomo, Huasna, rural Arroyo Grande, New Cuyama, and Lopez Lake. The Santa Maria Refinery Rail Project site is located in the Sheriff's Office jurisdiction.

The California Highway Patrol (CHP) is primarily responsible for traffic-related calls or issues along highways and streets in the unincorporated areas of the County. These types of issues, resulting from the project, would most likely not impact the SO as much as CHP, however; any endeavor, such as this, does have the potential to affect law enforcement resources due to increased calls for service for other types of incidents, i.e. vandalism, burglary, or trespassing issues. Unlike the SO, CHP will not investigate, take action, or respond to crimes in progress in residential, commercial, or industrial areas. They may respond upon request as back-up to the (SO) response, if available; however, CHP does not normally provide police protection services.

Any enterprise has the potential to generate the need for public safety response, and therefore impact SO resources. In order to minimize increased calls for service related to this project, the following principles and practices of "Crime Prevention Through Environmental Design" (CPTED) should be incorporated into the planning stages:

The following suggestions incorporate CPTED practices:

- After-hours access points to the project's equipment yards should be protected with adequate signage, lighting, and security. The equipment yards themselves should also be well lit, with "No Trespassing" signs posted, and if possible surveillance cameras. On site security would also be a great asset.
- Proper illumination in these yards is not only essential to deter property crime, but it is also vital for personal safety of employees. Due to the overnight or other types of "shift" work to decrease impact on heavy traffic time frames etc… lighting is especially an important factor.
- It is also suggested that the Emergency Vehicle Access route(s), discussed in the "Proposed Facilities" section of the project description, as well as any entrances to equipment yards , should be gated and locked, if possible. Entry codes or combinations to these locks should be provided to the Sheriff's Office Dispatch.
- All construction equipment, machinery, and vehicles should be secured at the site after hours with a complete recorded inventory kept on file. Any serial, VIN, or PIN numbers should be included on this inventory record.
- Key control for employees is essential, with accurate information indicating who has access to which areas, equipment, and entry points.
- Signage with notification of this project should be posted in affected areas, to forewarn commuters of possible delays etc… This, along with working during non-peak hours, will minimize the impact for commuters. These ideas are helpful in preventing frustration, which many times may lead to confrontation from the public, and ultimately calls for service, so by taking these measures many problems are avoided. Another benefit of this information being displayed is a possible decrease in commuter traffic, as the public may opt to utilize another route.

Respectfully Submitted,
Marsha Mann, Crime Prevention Specialist

SLOCOG
SAN LUIS OBISPO COUNCIL OF GOVERNMENTS

CONNECTING COMMUNITIES
ARROYO GRANDE | ATASCADERO | GROVER BEACH
MORRO BAY | PASO ROBLES | PISMO BEACH
SAN LUIS OBISPO | SAN LUIS OBISPO COUNTY

September 6, 2013

Mr. Murry Wilson, Environmental Specialist
County of San Luis Obispo
Planning and Building Department
County Government Center, Room 310
San Luis Obispo, CA 93401

Re: Santa Maria Refinery Rail Project

Dear Mr. Wilson;

We have reviewed the project description for the Santa Maria Rail Refinery Project and offer the following comments and suggestions. These comments are meant to further elaborate on our verbal comments made on July 29th at the public meeting in Nipomo.

General comments - Our adopted 2010 Regional Transportation Plan recommends transportation of commodities by pipelines as an alternative to trucking and/or by rail. However, we understand this may not be economically feasible based on the nature of the project, and the distances involved with the raw product.

Our major concern is with regard to the multi-regional impacts this project with have on the available capacity of the existing Union Pacific Railroad (UPRR). It is important to note that train traffic would increase along the entire railroad route, not just in the immediate vicinity of the plant. Specifically we believe this Phillips 66 Refinery Rail project will have a measurable impact on the UPRR owned Pacific Coast Route located between San Jose and Moorpark.

> *In a nutshell, SLOCOG staff believes the permitting agencies* ***should not grant a permit*** *for this project until UPRR allows one additional daily round-trip passenger frequency between San Luis Obispo and San Jose as compensation for the region-wide impacts.*

Specific comments - The following specific comments present our reasoning of why the Environmental Impact Report should take into account the multi-regional impact of this project – and to justify the recommended condition of approval (above).

1) **The Union Pacific Railroad alleges the railroad capacity is already "over-prescribed" (or in other words is *already* operating at capacity). Five (5) additional weekly round-trips will further delay passenger trains.**

SLOCOG, Caltrans, Amtrak and other public agencies have been working with UPRR to improve on-time performance of the existing passenger train services and expand service north of San Luis Obispo for over 20 years. In fact public agencies have invested tens of millions into the railroad between San Luis Obispo and Moorpark since 1990 (UPRR owned). UPRR has steadfastly refused any additional passenger train service frequencies by arguing the rail line north of San Luis Obispo is currently operating at full capacity.

1114 Marsh Street San Luis Obispo, CA 93401 | t (805) 781-4219 f (805) 781-5703 | slocog@slocog.org SLOCOG.ORG

Currently there are three (3) roundtrip passenger trains operating south of San Luis Obispo and one (1) north of San Luis Obispo (the *Coast Starlight*). We believe the additional 5 new roundtrips have the potential to *significantly* impact the ability of passenger trains & freight to pass each other – and stay on schedule.

Phillips 66, through the use of UPRR tracks, should not be permitted to expand services at the expense of the general public's opportunity for improved transportation by rail. UPRR has denied Caltrans and Amtrak's request for track access approval for the SLO-San Jose segment of the Coast Rail route for nearly 15 years. The service is included in the 2013 State Rail Plan and $6 million per year in funding is included in the State Transportation Improvement Program (STIP) Fund Estimate for FY 15/16 and beyond.

2) **Because the rail infrastructure is antiquated, new traffic on the corridor may result in on-time performance delays throughout the Coast Route (including San Jose to San Diego)**

The Pacific Coast Rail Line, or "Coast Route" is predominately a single-track railroad. When two trains need to pass each heading in opposite directions, one train must take a "siding" or passing track. North of Santa Barbara, these tracks are largely operated by "hand thrown switches" without the more sophisticated Centralized Traffic Control (CTC) systems that would allow radio-controlled automatic switching. Any scheduled passenger train that falls out of its "slot" on the railroad system has the potential to cause cascading delays further up and/or down the line.

For this reason, a change in regular freight volumes will have a direct nexus to on-time performance in faraway places including the Bay Area, Los Angeles and San Diego.

The number of passing sidings on the Coast Route is minimal. In some cases there are 10 to 20 miles between passing sidings. Many of the sidings are too short (3000-4000 feet) to facilitate the passing of two 5000 foot freight trains – therefore the smaller passenger train is forced to take the siding. Unscheduled "train meets" can cause delays of up to 30 or 40 minutes.

3) **On-time performance delays will negatively affect ridership and revenue**

To the degree that passenger rail services are delayed, there will be a negative effect on future ridership and revenue of all services. For the two trains operating south of San Luis Obispo (known as *Pacific Surfliners*) the State of California pays the difference between the fares generated and the total cost to operate the service. The total annual cost to the State is roughly $30 million. With a loss in ridership this required subsidy would increase. Similarly, the federally-funded *Coast Starlight* would experience a drop in ridership and revenue.

4) **Since the future weekly volume(s) and directional travel to and from the refinery are vague, <u>the specific infrastructure deficiencies or impacts cannot be identified</u>.**

It is impossible to articulate specific localized impacts since the new train volume(s) and scheduled times are not clear. At a cost of about $140,000, SLOCOG has already funded two (2) railroad capacity studies to identify the specific impact(s) of one additional roundtrip per day. UPRR has used these studies to claim that hundreds of millions of public funds must be invested in the corridor to allow one additional new passenger train. Towards that end, Caltrans has earmarked $25 million in State Proposition 1B bond funds for improvements on the Coast Route. In addition, two siding improvements on the UPRR for $17 million are in the planning and environmental phases.

5) **The large number of public "at-grade crossings" of surface streets poses a safety concern.**

An increase in freight volumes will negatively affect automobiles, bicyclists and pedestrians at several busy locations; most notably at 24th Street in Paso Robles, Foothill Boulevard and Orcutt Road in the of City San Luis Obispo, and Grand Avenue in the City of Grover Beach. We recognize that providing "grade-separated" crossing at these locations would be tens of millions of dollars, and is therefore not economically feasible. Consequently, alternative mitigation should be provided, such as increased passenger train opportunities.

In conclusion, we believe the EIR should take a very broad and regional look at the transportation impacts of this project and suggest mitigation measures that could benefit the entire corridor.

Sincerely,

Peter Rodgers
Administrative Director

C: Bill Bronte, Caltrans Rail Program
Linda Culp, LOSSAN Corridor Agency
Dave Potter, Chair, Coast Rail Coordinating Council
Cal. Public Utilities Commission

Mitigation Concept for Phillips 66
Santa Maria Refinery Rail Project

Issue/Goal - To secure long-term benefits air quality, transportation and increased public access to coastal areas.

Background – Phillips 66 plans to construct 5 parallel railroad tracks, up to at least 3,200 feet each to incorporate 80 cars and 3 diesel engines. This new capacity totals 320 rail cars, and 15 locomotives that could receive five unit trains per week.

It is important to note that train traffic would increase along the entire railroad route, not just in the immediate vicinity of the plant.

Transportation planning agencies between San Francisco and Los Angeles have been working to add a new passenger train to connect these two downtown locations since 1992. The Union Pacific Railroad Company (UPRR) has **denied** public agencies access to the tracks due to a purported "lack of railroad track capacity".

In May 2013 a Service Development Plan (SDP) completed by Caltrans articulates the implementation details of the new train service which is projected to begin in April 2015, **only** if agreement is reached with UPRR. The State of California has included $21Milion in the 2014 Fund Estimate to operate the service, and $25 Million is dedicated for additional capital upgrades through Proposition 1B Bond funds for this purpose.

Key Recommendation – To mitigate the impact of this project, the permitting agencies (SLO County/APCD) should require Phillips 66 to pay $500,000 per year into capital fund to allow a new passenger train slot.

This capital fund would be directed to, and credited for, the required rail capital projects to facilitate passenger train movements.

Components of a subsequent agreement would include:

- Term of the Agreement (TBD unlimited? 30 years?)
  - If the term ends, the train slot must be in perpetuity
- Funds would be deposited into an account controlled by the County of SLO/APCD or SLOCOG.
- SLOCOG would develop a Capital Investment Plan with Coast Route stakeholders
- Capital Investment Plan stakeholders include UPRR, Caltrans, Air Districts and Transportation Agencies along the Corridor etc.

Please contact me with suggestions and/or comments.

Peter Rodgers 805-781-5712
Prodgers@slocog.org

DRAFT

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2013-CPA-0144

August 9, 2013

Murry Wilson
Planning and Building Department
County of San Luis Obispo
976 Osos Street
San Luis Obispo, California 93408

Subject: Comments on the Notice of Preparation - Draft Environmental Impact Report for the Modification of Existing Railroad Spur Project at the Santa Maria Refinery, Phillips 66, Arroyo Grande, San Luis Obispo County, California

Dear Mr. Wilson:

We are responding to your request, received in our office on July 9, 2013, for our comments on the subject project located at 2555 Willow Road, in the city of Arroyo Grande, California. Phillips 66 (applicant) proposes to modify the existing railroad spur at the Santa Maria Refinery to include an eastward extension, an unloading facility, a new transfer conveyance pipeline, and a restroom. The project also includes a conceptual plan for provision of vertical Coastal Access through the project site to the Oceano Dunes State Vehicular Recreation Area.

On May 21, 2013, our office sent you a letter outlining our concerns regarding the subject project. Enclosed is a copy of our May 21, 2013 letter for your review during the preparation of the subject Draft Environmental Impact Report. To reiterate, we have concerns regarding the impact of the proposed project on the federally-endangered Nipomo Mesa lupine (*Lupinus nipomensis*). We understand that the last remaining population of the species occurs on the subject property.

Sincerely,

Roger P. Root
for Stephen P. Henry
Deputy Field Supervisor

Enclosure

cc:
Brandon Sanderson, California Department of Fish and Wildlife
Kami Griffin, County of San Luis Obispo

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2013-CPA-0116

May 21, 2013

Murry Wilson
Planning and Building Department
County of San Luis Obispo
976 Osos Street
San Luis Obispo, CA 93408

Subject: Modification of Existing Railroad Spur at the Santa Maria Refinery, Phillips 66, Arroyo Grande, San Luis Obispo County, California (DRC2012-00095)

Dear Mr. Wilson:

We are responding to your request, received via email on May 7, 2013, for our comments on the subject project located at 2555 Willow Road, in the city of Arroyo Grande, California. Phillips 66 (applicant) proposes to modify the existing railroad spur at the Santa Maria Refinery to include an eastward extension, an unloading facility, a new transfer conveyance pipeline, and a restroom. The tracks and unloading facility would be designed to accommodate trains of up to 80 tank cars and associated locomotives in unit train or manifest train configurations. These trains would deliver crude oil to the refinery for processing within the current and allowable throughput limits. The unloaded crude oil would be transferred to the existing storage tanks via a new pipeline that would be constructed along an existing internal refinery road. The new rail spur lines would extend approximately 2,600 yards from the terminus of the current spur. The project will result in the disturbance of approximately 40 acres. We have substantial concerns regarding the impact of the proposed project on the federally-endangered Nipomo Mesa lupine (*Lupinus nipomensis*). We understand that the last remaining population of the species occurs on the subject property.

Surveys have not been conducted for Nipomo Mesa lupine; therefore, we are unable to properly evaluate the effects of the project. The significance of the project on Nipomo Mesa lupine cannot be determined without knowing whether the species occurs onsite. However, the application prematurely states that the project will have a less than significant impact on federally-listed species with mitigation measures incorporated. Furthermore, the application does not include any measures to avoid impacts to the species, should it occur onsite.

The region had a poor rainfall year and the species may currently persist only as a seed bank without producing above ground individuals. We recommend that a reference occurrence be visited prior to surveying the project site to determine if, and to what extent, the species is expressing itself with above ground individuals this year.

Nipomo Mesa lupine, a member of the legume family, is difficult to detect and has very long-lived seeds that can remain viable underground for many years. The seeds require scouring (e.g., scratching of the surface of the seed) in order for germination to occur. It is possible that a seed bank undetected by surveys will germinate during construction and grading activities associated with the proposed project.

In summary, we find the documents submitted to be lacking essential survey information for the presence of the federally-endangered Nipomo Mesa lupine. Surveys are needed to accurately evaluate and characterize the impacts the project, as proposed, would have on the species. Protective measures should be developed to avoid all project-related impacts to Nipomo Mesa lupine. We are willing and available to work with you to achieve this goal. In addition, we recommend that you contact the California Department of Fish and Wildlife because Nipomo Mesa lupine is also listed by the State of California as endangered.

Sincerely,

Diane K. Noda

Diane Noda
Field Supervisor

cc:
Brandon Sanderson, California Department of Fish and Wildlife
Kami Griffin, County of San Luis Obispo

RECEIVED
AUG 12 2013
SLO CO PLAN & BLDG DEPT

Northern Chumash Tribal Council

A Native American Corporation - NorthernChumash.org
67 South Street, San Luis Obispo, CA 93401 805-801-0347

Ellen L. Carroll
Environmental Coordinator
976 Osos Street Room 200
San Luis Obispo, CA 93408

August 8, 2013

Re: Phillips 66 Santa Maria Refinery Rail Project Development Plan
Coastal Development Permit Ed12-201 (DRC 2012-00095)

Dear Ellen,

The Northern Chumash Tribal Council (NCTC) does not support the above referenced project, because of the many serious impacts to the environmental, which is proposed in our coastal zone.

On Friday July 19, 2013 NCTC received an email, (no certified or written notice) from Greg McGowan who works for Arcadis a company who is working for Phillips 66 on the above referenced project. In this email Mr. McGowan solicits information regarding an extended phase one survey of a California Chumash registered site CA-SLO-1190. Mr. McGowan goes on to say that a Mr. Brian Glenn archaeologist will start working in the site during the week of July 22nd 2013, lest than 72 hours from his email, NCTC finds this to be unacceptable.

San Luis Obispo County Policy 4.4 and 4.4.1 states the following:

Policy CR 4.4 Development Activities and Archaeological Sites. *Protect archaeological and culturally sensitive sites from the effects of development by avoiding disturbance where feasible. Avoid archaeological resources as the primary method of protections.*
Implementation Strategy CR 4.4.1 Native American participation in development review process
In areas likely to contain Native American and cultural resources, include Native Americans in tasks such as Phase I, II, and III surveys, resource assessment, and impact mitigation. Consult with Native American representatives early in the development review process and in the design of appropriate mitigations. Enable their presence during archaeological excavation and construction in areas likely to contain cultural resources.

San Luis Obispo County General Plan and all of its elements are the law in San Luis Obispo County, NCTC is stating that Arcadis broke the law and is continuing to break the law, because they used a 72 hour notice, in total disregard of the General Plan, which calls for early, meaningful, discussion with the Native American Community, allowing for the design of an appropriate monitoring plan, and/or mitigation plan.

In the Initial Study Check List under Cultural Resources, Arcadis makes false and misleading statements, NCTC knows of more than 100 Chumash Sacred Sites within eye view of the Phillips 66 refinery. The area along the Coastal Dunes is one of the most Sacred Chumash areas in San Luis Obispo County, Chumash have live there for over 10,000 years and we continue to live there, and conduct Sacred Ceremony in the Coastal Dunes. The Sacred viewshed, which is all that we can see from any one of our Sacred Sites, will be affected by this project. Arcadis goes on the state that

because of grazing activities that our Sacred Sites have been diminished below, what Arcadis, states to be significant. NCTC finds these statements to be Colonial Anthropology, Manifest Destiny, Cultural Genocide and just plain horrible archaeology. Arcadis is in violation of the UN Declaration of the Right of Indigenous Peoples, which was indorsed in San Luis Obispo County August 9th 2011. Because of the Federal oversight, NCTC finds Arcadis in violation of the federal mandate by Milford Wayne Donaldson, **The national Advisory Council on Historic Preservation (ACHP) President appointed, chairman Milford Wayne Donaldson, former California SHPO, has stated the following March 2013:**

"The Advisory Council on Historic Preservation (ACHP) formally endorsed a plan to support the United Nations Declaration on the Rights of Indigenous Peoples at its winter business meeting on March 1, 2013.
I believe this is an opportunity to promote better stewardship and protection of Native American historic properties and sacred sites and in doing so helps to ensure the survival of indigenous cultures. The Declaration reinforces the ACHP's policies and goals as contained in our Native American initiatives including the Traditional Cultural Landscapes Action Plan and our participation in the interagency memorandum of understanding on the protection of sacred sites as well as in our oversight of the Section 106 review process.
The plan calls for the ACHP to raise awareness about the Declaration within the preservation community; post information about the Declaration on its Web site; develop guidance on the intersection of the Declaration with the Section 106 process; reach out to the archaeological community about the Declaration and the conduct of archaeology in the United States; and generally integrate the Declaration into its initiatives.
The ACHP oversees the Section 106 review process which requires federal agencies to take into account the impacts of their actions on historic properties. In carrying out the Section 106 process, federal agencies are required to consult with Indian tribes, Alaska Natives, and Native Hawaiian organizations when historic properties of religious and cultural significance to them may be affected. The ACHP has an Office of Native American Affairs that provides assistance to federal agencies, Indian tribes, Alaska Natives, and Native Hawaiian organizations and others. The ACHP, among many other efforts, has also published extensive guidance regarding tribal and Native Hawaiian consultation.
The ACHP encourages federal agencies, State Historic Preservation Officers, the historic preservation community, and the general public to become familiar with the United Nations Declaration on the Rights of Indigenous Peoples. It is important because it expresses both the aspirations of indigenous peoples around the world and those of States in seeking to improve their relations with indigenous peoples.
In 2010, the United States reversed its position and announced that it supports the Declaration. U.S. support goes hand in hand with the U.S. commitment to address the consequences of a history in which, as President Obama recognized, "few have been more marginalized and ignored by Washington for as long as Native Americans-our First Americans." That commitment is reflected in the many policies and programs being implemented by federal agencies, including the ACHP."

NCTC finds Arcadis' actions and survey to unacceptable, any and all surveys must be reviewed by an, "in good standing with the Native American Community", Archaeological company, not a Colonial Archaeological company being pay by Phillips 66.

NCTC finds that Aesthetics cannot be mitigated.

NCTC finds that Agricultural Resources cannot be mitigated.

NCTC finds that Air Quality cannot be mitigated.

NCTC finds Biological Resources cannot be mitigated.

NCTC finds that Cultural Resources cannot be mitigated.

NCTC finds that Geology and Soils cannot be mitigated.

NCTC finds that Hazards & Hazardous Materials cannot be mitigated.

NCTC finds that Noise cannot be mitigated.

NCTC finds that Public Services/Utilities cannot be mitigated.

NCTC finds that Recreation cannot be mitigated.

NCTC finds that Transportation/Circulation cannot be mitigated.

NCTC finds that Wastewater cannot be mitigated.

NCTC finds that Water & Hydrology cannot be mitigated.

NCTC finds that Land Use is Inconsistent and therefore cannot be mitigated.

NCTC finds that this proposed project will potential degrade the quality of the environment and will create substantial impacts to the environment, and cannot be mitigated.

This potential project will be a nightmare for the environment, NCTC does not support the information provided in the Initial Study, nor do we support the Phillips 66 proposed project.

Fred Collins
Tribal Administrator
Northern Chumash Tribal Council

Santa Maria Refinery Rail Project - Phillips 66 (Nipomo Mesa)
Mona Tucker to: mwilson 08/13/2013 03:22 PM

Murray:

Thank you for your help this afternoon in regards to the Santa Maria Refinery Rail Project - Phillips 66 (Nipomo Mesa)

This is a very large project that will be constructed in an area that is well known for containing Northern Chumash cultural resources. Please consider the findings that have been made in this dune complex by Calif. State Parks, contact:alicia.perez@parks.ca.gov, and by Chevron with the dune remediation, contact: cdenardo@garciaandassociates.com.

My family has considerable experience with cultural resources in the dune complex including the discovery of human remains and the recent discovery of new sites. There must be a through archaeological plan in place before any work is started and avoidance of cultural resources needs to be a priority.

Thank you,

Mona Olivas Tucker
Tribal Chair yak tityu tityu - Northern Chumash Tribe
660 Camino Del Rey
Arroyo Grande, CA 93420

Randolph
Cregger &
Chalfant LLP
ATTORNEYS AT LAW

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Samuel L. Jackson
Of Counsel

Melissa S. Greenidge
Email: mgreenidge@randolphlaw.net

August 16, 2013

Sent Via U.S. Mail and Email

County of San Luis Obispo
Department of Planning and Building
Attn: Murry Wilson, Project Manager
976 Osos St., Room 200
San Luis Obispo, CA 93408-2040

Email: mwilson@co.slo.ca.us

Re: Phillips 66 Land Use Permit Application, Santa Maria Refinery Rail Project

Dear Mr. Wilson:

Union Pacific Railroad Company ("Union Pacific") is in receipt of the County of San Luis Obispo's ("County") Notice of Preparation for the above mentioned project. The correspondence indicates that Union Pacific's response is due by August 9, 2013; however, Union Pacific did not receive this correspondence until August 13, 2013. Please see the attached emails that demonstrate the paperwork was sent to an incomplete address.

Union Pacific responds as follows to the identified categories of information in the Notice of Preparation:

CONTACT PERSONS:
Please send correspondence relating to this project to the following persons:
Kenneth Tom
Union Pacific Railroad Company
Manager Special Projects Industry & Public
2015 South Willow Avenue
Bloomington, CA 92316
Tele:(909)685-2288
Email:ktom@up.com

Liisa Lawson Stark
Union Pacific Railroad

The Achelle Bldg.
1030 G Street
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California 95814
(916) 443-4443
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llstark@up.com

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Randolph Cregger & Chalfant LLP
1030 G Street
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(916) 443-4443
mgreenidge@randolphlaw.net

PERMIT OR APPROVAL AUTHORITY

Union Pacific has become aware that the Phillips 66's Santa Maria Refinery Rail Project ("Project") includes a conceptual plan for vertical coastal access via an existing private road and private at-grade crossing. Union Pacific owns and operates mainline railroad tracks that bisect the Phillips 66 parcel. Both passenger and freight trains operate on this segment of tracks; the maximum train speed for passenger trains is 70 m.p.h. and 60 m.p.h. for freight trains.

For many years, Union Pacific has collaborated with the Federal Railroad Administration ("FRA"), California Public Utilities Commission ("CPUC"), and local communities to reduce safety risks relating to railroad operations. These efforts have become increasingly important in coastal communities, where there is a demand for public access over railroad tracks. The plan for coastal access at the Project site would involve public travel over railroad tracks owned by Union Pacific. Union Pacific does not consent to use of its property for public access.

The CPUC has exclusive jurisdiction over railroad crossings in California. *See* Pub. Util. Code §§1201-1202. Therefore, should the County or Phillips 66 wish to pursue a public crossing for coastal access as part of the Project, it must file an application with the CPUC. As a matter of policy, grade-separated access should be considered in place of at-grade access. *See In re Pasadena Metro Blue Line Construction Authority*, D.02-05-047, pg. 13 (Cal. P.U.C. Oct. 3, 2002); P.U.C. R. Prac. & Proc. 3.7(c) (1)-(3). While Union Pacific acknowledges that a private railroad crossing currently exists at Phillips 66's parcel, it does not consent to use

of the private crossing for public purposes and would protest any application submitted to the CPUC to improve this crossing for public use.

ENVIRONMENTAL INFORMATION

Union Pacific will require environmental studies exploring alternate access routes to coastal areas that would utilize existing public roads and public railroad crossings. In the alternative, Union Pacific will require environmental studies exploring the feasibility of grade-separated access for this Project.

PERMIT STIPULATIONS/CONDITIONS

Should grade-separated access be considered, Union Pacific requires the County and/or Phillips 66 to follow the "BNSF Railway-Union Pacific Grade-Separation Guidelines" available online at:
http://www.uprr.com/aboutup/operations/specs/attachments/grade_separation.pdf.

ALTERNATIVES

Union Pacific recommends that the County and Phillips 66 explore existing alternate access routes whereby the public can reach the coast via existing public road and public railroad crossings. Additionally, the County and Phillips 66 should explore the feasibility of grade-separated access at the Project site.

REASONABLY FORESEEABLE PROJECTS, PROGRAMS, OR PLANS

Union Pacific reserves its right to improve its railroad property in anyway necessary to further its rail transportation needs. Since future improvements can result in an increase in freight or passenger traffic, Union Pacific strongly suggests that alternatives addressed above be considered for this Project.

Please do not hesitate to contact my office should you have any questions or concerns.

Sincerely,

RANDOLPH CREGGER & CHALFANT, LLP

Melissa Greenidge
Attorneys for Union Pacific Railroad Company

cc: Liisa Stark, UPRR
Kenneth Tom, UPRR
David Pickett, UPRR

heal slo
HEALTHY EATING ACTIVE LIVING
San Luis Obispo County

COALITION PARTNERS:

Arroyo Grande Community Hospital
Boys and Girls Club – South County
Cal Poly University
Art and Design Department
Center for Sustainability
Food Science & Nutrition Department
Kinesiology Department
Landscape Architecture Department
STRIDE
CenCal Health
Central Coast Ag Network
City of San Luis Obispo
Parks and Recreation Department
Community Action Partnership of SLO County, Inc.
Dairy Council of California
Diringer Associates
Equilibrium Fitness
First 5 Commission of SLO
French Hospital Medical Center
Juiciful Creative Consulting
Kennedy Club Fitness
Lillian Larsen Elementary School
Living the Run
Lucia Mar Unified School District
Network for a Healthy California – Gold Coast Region
North County Farmers Market Assoc.
Oceano Community Center
Paso Robles Library & Recreation Services
Rideshare – Safe Routes to School
San Luis Sports Therapy
San Miguel Joint Unified School District
San Miguel Resource Connection
SLO Bicycle Coalition
SLO Council of Governments
SLO County Board of Supervisors
SLO County Community Foundation
SLO County Health Commission
SLO County Office of Education
SLO County Parks
SLO County Planning and Building
SLO County Public Health
SLO Food Bank Coalition
UC Cooperative Extension
YMCA of SLO County

June 10, 2013

TO: San Luis Obispo County Planning Commission

FROM: HEAL-SLO - Healthy Communities Work Group

RE: DRC2012-00095 – Phillips 66 Company

The Healthy Communities work group has reviewed the proposal to modify the existing railroad spur at the Santa Maria Refinery to include an eastward extension, an unloading facility, a new transfer conveyance, and a restroom. This is a comprehensive proposal that brought up many questions. The health impact of this proposal is dependent on the answers to these questions.

Phillips 66 plans to receive five unit trains per week, each unit incorporating 80 cars and 3 diesel engines. It is important to remember that train traffic would increase along the entire route, not just in the immediate vicinity of the plant.

- What is the potential for traffic and pedestrian accidents at train crossings, as a result of the increased train traffic in the County?
- The noise study looked at residences close to the facility, but what about increased noise along the rest of the route?
- Would increased train traffic cause air quality issues? Would the loading/unloading cause air quality issues?
- The plant appears to have developed a comprehensive fire safety plan for incidents within the plant, but what if there were accidents, spills or a train derailing along the rest of the route? Is there a general safety plan in place to deal with those types of issues?
- How would neighbors to the plant be advised in case of an accident at the plant? Have neighbors been consulted about this proposal?
- What is the capacity of the plant to handle site safety issues for workers?

Thank you for the opportunity to review this project. We will monitor this proposal as it moves forward in the planning process.

HEAL-SLO is the SLO County obesity prevention coalition and its mission is to increase healthy eating and regular physical activity among County residents through policy, behavioral and environmental changes. In carrying out that mission, a subcommittee called the Healthy Communities Work Group provides responses to Planning staff, from a healthy community's perspective, on proposed land development projects, ordinance and general plan amendments, and special projects.

Comments at Public Workshop

Christine Chersicla 620 Raptor St. Arroyo Grande, CA 93420 cchersicla@yahoo.com	How long to construct Noise level during construction Noise level on a day to day basis Effects of air quality – pollution What benefits are there to the County?

Citizens For A Vehicle Free Nipomo Dunes

P.O. Box 73 • Nipomo, California 93444-0073

Mr. William L. Denneen
1040 Cielo Ln.
Nipomo, CA 93444-9039

Responding to enclosed article with an Aug. 8th deadline.

—//—

I am Executive Director of "Citizens for a Vehicle Free Nipomo Dunes" established about 20 years ago. The goal of the group is to get vehicles off our beach & dunes — back to the roads on which they belong.

We are not concerned out the rail expansion. ~~but~~ Our concern is the potential vehicle access to the SVRA — Vehicles do NOT belong on the beach + dunes — they belong on roads.

In ~~summary~~ summary:

NO VEHICLE ACCESS TO SVRA ACROSS COLLIER PROPERTY!

William L. Denneen
Executive Director CFAVFND
2,000 members

Mr. William L. Denneen
1040 Cielo Ln.
Nipomo, CA 93444-9039

O.H.V. Riding Areas In California

- "Corral Canyon", Cleveland National Forest, 1,800 Acres
- "Little Rock", Angeles National Forest, 46 Acres
- "Rowher Flat", Angeles National Forest, 145 Acres
- "San Gabriel Canyon", Angeles National Forest, 180 Acres
- "Wildomar", Cleveland National Forest, 340 Acres
- "Buttercup Valley", BLM - El Centro Resource Area Office, 30,000 Acres
- "Dove Springs", BLM - Ridgecrest Resource Area OFfice, 161 Acres
- "Dumont Dunes", BLM - Barstow Resource Area Office, 2,200 Acres
- "El Mirage", BLM - Barstow Resourcee Area OFfice, 10,400
- "Glamis/Gecko", BLM - El Centro Resource Area Office, 149,000 Acres
- "Jawbone", GLM - Riedgecrest Resource Area Office, 133 Acres
- "Johnson Valley", BLM - Barstow Resource Area Office, 261 Acres
- "Mammoth Wash", BLM - El Centro Resource Area Office, 8,000 Acres
- "Plaster City", BLM - El Centro Resource Area Office, 100,000 Acres
- "Rasor", BLM - Barstow Resource Area Office, 32 Acres
- "Rice Valley Dunes", BLM - Palm Springs - South Coast Resource Area Office, 4,000 Acres
- "Spangler Hills", BLM - Ridgecrest Resource Area Office, 2,000 Acres
- "Stoddard Valley", BLM - Barstow Resource Area Office, 125 Acres
- "Ocotillo Wells", California Dept. of Parks & Recreation, 4,000 Acres
- "Hungary Valley", California Dept. of Parks & Recreation, 5,100 Acres
- "Pismo Dunes", California Dept. of Parks & Recreation, 2,000 Acres
- "Moabi Regional Park", San Bernardino County, 65 Acres

Total Acres: 319,988

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Margaret Trujillo
Hilda Zepeiss
Karen Kawczynski
William Amarillas

"Perhaps the time has come to re-evaluate the desirability of off-road vehicle use on state-owned property"
– ERIC SEASTRAND, 1987

Re: Phillips 66 Santa Maria Refinery Rail Project Development Plan
Pamela Dunlap to: mwilson 08/09/2013 12:55 PM

TO: Murray Wilson, Environmental Coordinator
San Luis Obispo Planning and Building Department
County of San Luis Obispo

RE: Phillips 66 Santa Maria Refinery Rail Project Development Plan
Coastal Development Permit ED12-201 (DRC2012-00095)

Mr. Murray:

As a resident of the Nipomo Mesa, I have several concerns about the proposed rail spurs proposed for the Santa Maria refinery and the proposed coastal access through Phillips 66 property to the Oceano Dunes State Vehicular Recreation Area,

RAIL SPUR EXTENSION

- Phillips 66 (then Conoco Phillips) applied for an received a 10% increase in throughput from San Luis Obispo County in spite of the fact that the output of this refinery has decreased. When the application was presented, there was no mention made of the need to provide increased outside oil to be processed at the facility in order to meet the 10% increase in throughput.

Aesthetics

- p 4: While the refinery may not be visible from Highway 1, it is very visible from other areas of the Nipomo Mesa and, frankly, "sticks out like a sore thumb". In addition, this is a rural setting and any addition of lighting would be most intrusive to nearby residences. And any addition of industrial equipment to the area further degrades the surrounding residential areas.

- p 5 : Introducing new industrial uses to an area that has been formerly grazing land is something that cannot be taken lightly. The impact would have been small three decades ago, but the Nipomo Mesa is now a primarily residential area and any major increase in industrial use is not in keeping with the rural residential nature of the area.

Any mitigations must include other areas of the Mesa than those indicated in the final paragraph. To just include Highway 1, Oso Flaco Lake and the ODSVRA ignores the residential areas on the Mesa that are already visually impacted by the refinery.

Agriculture

- p 6: Since this project would have such potentially negative impacts on surrounding agriculture operations, it is imperative that local landowners impacted be consulted in addition to the County Agriculture Department.

Air Quality

It can not be emphasized enough that the Nipomo Mesa is in violation of state air quality standards sixty times so far this year and federal standards five times in twelve months. This is a topic that needs careful consideration of any additional threats to air quality. The amount of emissions from two or three idling train engines per eighty-car train (idling for twelve hours it takes to unload and five trains per week = 60 hours of idling) is a significant threat to our air quality and qualifies for far more than to "reduce impacts to the greatest extent feasible." This issue cannot be determined by economics; it must be determined by the increased health risk to those living less than a mile away and other residents impacted by the pollution.

In addition, the project includes unpaved access roads which need to be maintained to prevent fugitive dust. Paved roads are subject to fugitive dust due to the nature of the winds in the area and adjacent sand, which can completely obstruct paved road areas, as seen on Main St. which travels through the dunes to Guadalupe Beach in Santa Barbara County.

Biological Resources

p 11: One of the problems which has resulted in the huge dust plume coming from the ODSVRA is the significant reduction in vegetation which normally remediates wind blown sand particulates. Any activity which further removes large areas of vegetation that is considered Environmentally Sensitive Habitat can only exacerbate an already significant problem.

Cultural Resources

It is hoped that the Chumash Indian community would be notified of the possible threat to areas of interest to them.

Geology and Soils

The Guadalupe Oil Spill was one of the largest oil spills in history. The biggest tragedy was the Unocal knew about it for years and did nothing. It was only when oil was discovered on the beach and the Coast Guard got involved that the cleanup process started and even then Unocal fought hard to avoid the cleanup.

There is an issue of trust here that is unavoidable. Nothing has changed: the bottom line with oil companies remains the top priority. And if oil spills occur -oh well.

The Nipomo Mesa was created by earthquakes. There are faults either adjacent to or directly under the oil refinery. Liquefaction is a serious consideration in any circumstance but when dealing with oil, the potential impact for disaster is enormous. The hazards that are already present at the refinery will increase substantially with the increase in rail traffic and associated operations.

Hazards and Hazardous Materials

Until recently, the former Unocal facility was one of the safest in the nation because they had an on-site highly trained health and safety specialists. Recently, corporate philosophy has downgraded these specialists so that the facility is much less prepared to handle a disaster than before. To depend on taxpayer supported Cal-Fire is unconscionable when so much more unrefined oil will be shipped to the site, with the resultant increase in exposure to fire and the release of hazardous materials.

Noise

When we moved here twelve+ years ago, we signed a disclosure that we knew there were various sources of noise we would be able to hear. As the years went on, the noise levels rose significantly, especially those emanating from the ODSVRA as vehicles became more powerful and noisier. In addition, we hear whistles from the refinery and the most often and loudest is train noise as the train runs about 1/2 mile from our house and many other houses. The areas noted in the Public Scoping Document are definitely not the only areas impacted by increased noise. All areas of the Mesa within a determined distance of the existing rail lines and the proposed industrial uses should be included in the EIR.

In addition, the project is to take at least thirteen months to construct, which means local residents will have to deal with construction noise for over a year.

Public Services/ Utilities

There is no way that paying a fee can mitigate the effects of increased truck traffic which would impact traffic, noise and air quality for local residents. These impacts will be significant and will permanently alter the rural nature of the area. The capacity of local Cal-Fire facilities to handle the potential hazardous accidents which may occur needs to be a primary consideration. It may need to be determined that the refinery have its own fire suppression and hazardous materials team on site at all times.

Transportation/Circulation

As a frequent Amtrak rider, my main concern is the impact the increased rail traffic would have on Amtrak service. For years lip service was paid to the requirement that Amtrak trains have priority over other trains and it has only been in the last two years that Amtrak passengers could expect on-time rail service. There are six Amtrak passenger trips per day, starting about 7:20 AM and lasting until 8:00PM . It is the state's priority that passenger service be given priority and the EIR should definitely include information on how this significantly-increased rail traffic would impact the passenger rail traffic.

Nowhere does it indicate where these trains would be coming from. To my knowledge, there is no rail line from Bakersfield or Fresno, so where is the oil coming from and which route is it taking to get here?

The increase heavy truck traffic which would be going directly to Highway 101 via Willow Road will have significant noise, vibration and traffic impacts on residents of Blacklake, Monarch Dunes, and adjacent residential properties. In addition, the Arcadis Report notes that construction traffic would avoid peak hours, which may include nighttime hours. I expect a significant objection from residents in those areas.

Water & Hydrology

Aside from the serious threat the public health posed by the particulates emanating from the ODSVRA, there is no more significant issue than the potential or current groundwater overdraft situation on the NIpomo Mesa. The lawsuit which resulted in landowners being allowed to use whatever water they needed creates an impact on residential users such that that no new water uses be approved until the situation is remedied.

In addition, we know from history that oil spills happen and groundwater contamination is a constant threat. If "construction and operation of the rail spur would increase impervious surfaces at the site and the potential risk of spills or train derailment, resulting in increased risk of water quality impacts" this issue needs to be thoroughly studied and not glossed over.

Land Use

The refinery was there long before the residential tracts and as such, has to be tolerated. But increased noise, vibration, air pollution, and environmental hazards which come with this project are totally incompatible with the primarily ag and residential environment on the Mesa. The document mentions odors, which haven't been addressed here. Odors emanate from the plant and impact residential neighborhoods depending on the way the wind blows. Increasing these impacts on residential areas completely disregards resident's wishes and health.

COASTAL ACCESS

Aesthetics

p4: The visual impact between an unpaved and paved road is extreme. In addition, why a 30-foot wide road to be just used for pedestrians and bikes? The Bob Jones Trail is not thirty feet wide,

but the street in front of my house is. The Arcadis Report indicates that the paved access road to the unloading point at the refinery would only need to be 24'. Based on experience, the thirty foot-wide road could easily be converted to a vehicle access. This road needs to be narrower so that never happens.

Biological Resources

EIRs done by State Parks OHV in the 1990s and again in 2006 concluded that there is no area on the Nipomo-Guadalupe Dunes that is not too sensitive to construct an alternate access road. This proposed road is an alternate access with potential to be converted to a vehicle road without significant additional preparation. Again, it is important not to take statements from Phillips 66 at face value but to probe future considerations and place limits in the permit process.

Hazards and Hazardous Materials

p 16: As was suspected "Vehicular use of the coastal accessway is not proposed at this time." That is oilspeak for, "it is certainly to be considered in the future. Let's get the pedestrian and bike pathway done and then we can go in for the kill." Since the potential exists for the road to be used as an alternative vehicle access, all the impacts related to that need to be included in this EIR. Or the permit must have a way to prohibit vehicle access, except for emergency purposes.

Noise

While the document notes that access would be limited to pedestrian and bicycle use only, since it may be the intent of the refinery operator, the County or the Coastal Commission to eventually use this access for vehicles, then noise pollution from that source should be examined, unless the permit can be written to prohibit all but emergency vehicle use.

Public Services

One of the few benefits of the Coastal Access portion of this project is that there would be faster emergency access to the riding area. However, the number of sheriff patrols on the Mesa and adjoining unincorporated areas is now barely enough to handle what is currently needed. The tone of the Public Scoping document indicates minimal increases needed, when that may not be realistic.

Recreation

There is no mention of the staging area that would be needed at the Highway 1 access point. Because of the remote nature of the area in question, most people accessing the trail would need to come by motorized vehicle to hike or bike the trail.

Transportation/ Circulation

" The availability (or lack thereof) of sufficient parking in the vicinity of the trail head may also generate congestion, trespass concerns, and/or circulation impacts." As already noted, there is no plan for parking the vehicles that will bringing the increased traffic expected for the coastal access. Who is going to pay for it, maintain it, police it? How big will it need to be and, most importantly, where will it be located? Is Philiips 66 willing to give up some of its property for the staging area? This needs to be included in the plan so we know what is planned and comments can be made.

Water & Hydrology

What in now a permeable surface would become an impermeable surface with the road construction. The runoff associated with impermeable surfaces would have a significant impact on surrounding lands, which are mostly ESHAs.

Land Use

And now we need to discuss that potentially tragic consequences inherent in bicycles and pedestrians crossing the train tracks. As we have seen at Cal Poly, having warning devices in place does not protect people from their own stupidity. This is a disaster waiting to happen. How will the area be protected at night when it is dark and trains are running? The document admits that it is "in a remote area with minimal infrastructure available to manage the integration of the two uses." Or to put it in lay terms, to keep people from getting run over by the train!

Conclusion

What initially seemed to be an insignificant change in the operations of the Conoco Phillips facility (now Phillips 66) has morphed into a monster. I attended the public scoping meeting of the throughput increase request and, based on information provided by the applicant and the APCD, determined the change would have little impact on local residents.

But wait, there is more in the plan that wasn't disclosed initially. The throughput was not requested to meet current needs but future needs which had not been discusseds yet. And in with it is an access route that sounds suspiciously like the alternative access State Parks OHV has wanted for decades.

There are so many "potentially" significant impacts in this project it is hard to imagine its being approved. But experience with how things work with the particulate issue cause serious concern about whether residents' many concerns will be taken seriously.

Pamela S. Dunlap
2393 Curlew Ct.
Arroyo Grande, CA

http://www.slostateparks.com/pdf/ODSVRA_Alternative_Access_Study.pdf

J. H. EDWARDS COMPANY
A REAL PROPERTY CONCERN

San Luis Obispo County Department of Planning and Building
976 Osos St., Room 200
San Luis Obispo, CA 93408
Attention: Murray Wilson

RE: Santa Maria Refinery Rail Project EIR Notice of Preparation (NOP)

August 8, 2013

Dear Mr. Wilson,

Please consider the following comments as they relate to the consideration of the potential vertical public access for multiple uses in connection with the subject proposal. Presently, the EIR proposes to prepare a "feasibility study" relative to coastal access across the refinery property.

Please be aware in 2006 an Alternative Access Study was prepared by Condor Environmental Planning Services Inc. which includes an analysis of a vertical access at the subject location. In the NOP there is no reference to the Condor study and it should be relied on extensively in the subject EIR.

As you know, a companion project known as the Throughput Increase is pending review by the California Coastal Commission. The Commission's review may not include the size and alignment of the coastal access, public safety concerns, etc., as characterized in the NOP. The commission has the ability to require the offer of dedication, but may not require any further commitments on the part of the applicant relative to permitting and construction of the access.

In any event, the subject development gives rise to additional public access requirements. In other words, a "second bite at the apple" is now available. The Rail Spur Project may impose additional requirements relative to the provision of public access at this location beyond what the Throughput Increase project is required to provide. The NOP references a 30 foot wide vertical access. Given possible multiple uses at such an access, a wider swath should be considered (eg. 80-100 feet.) Also, it is timely in the subject EIR to consider multiple uses of any access at this location including off-highway vehicles, equestrian as well as bicycle/pedestrian.

P.O. Box 6070, Los Osos, CA 93412 (805)235-0873 julietacker@charter.net
ACQUISITION MARKETING LAND USE REDEVELOPMENT

With regard to alignment of the access there does not appear to be many alternatives given the any new access should be coterminous with the existing maintenance road that services the refinery's ocean outfall. It is also important to note that fully two thirds or 1.0 of the 1.5 mile long access lies on land leased by the applicant to State Parks specifically for the State Vehicle Recreation Area.

The NOP indicates a number of sensitive plants in the area. This has already been well documented in the Condor Environmental Study. The Condor Environmental Study includes sensitive plants and sensitive animals observed or that may be present in the area. Also present in and around the vertical access alignment are a number of invasive plants, especially prevalent being the Purple veldt grass (Ehrharta calycina). Construction of access improvements would likely include a restoration plan providing for the removal of invasive plants well documented on the site.

Given the totality of information available regarding a vertical access at the Phillips 66 Refinery, it appears a project specific analysis could easily be performed relative to this component of the project. Again, the Condor Environmental Study provides an excellent starting point and its findings should be considered in preparation of the EIR.

Please feel free to contact me with any questions you may have.

Sincerely,

Jeff Edwards

Jeff Edwards
805.235.0873

P.O. Box 6070, Los Osos, CA 93412 (805)235-0873 julietacker@charter.net
ACQUISITION MARKETING LAND USE REDEVELOPMENT

Santa Maria Refinery Rail Project
Michael Elliott to: mwilson@co.slo.ca.us 08/09/2013 04:37 PM

Mr. Wilson:

I adamantly oppose the rail spur extension. Isn't enough enough? The refinery was recently granted the right to enhance production by ten percent. Because of that there now will be more pollution in the air due to refinery works and more long-haul trucks running in and out of the refinery. Adding the rail spur will cause more pollution in the air. I happen to live close to the refinery and the billowing smoke from the plant is sad to see. Especially at night when their plant lights are on and the pollution is released into our atmosphere and the lights reflect off of the pollution showing an orange cloud. It is sad that it has come to be fact that tax money derived from these pollutant refineries trumps our God-given fresh air to breathe as far as San Luis Obispo County goes.

The possibility of another coastal access for off highway vehicles is abominable! By allowing that to happen you would be inviting death to occur on Highway 1 in that area as it is already overwhelmed with traffic. Just a few tenths of a mile north of the refinery entrance is a horrible bend in the road near Callender Road where danger already lurks. More long- haul trucks, more OHV traffic, more deaths.

If you or any of those for these expansions lived in this immediate area you would be vociferously opposed to the rail spur and coastal access. But your interest is all about the county coffers and how much revenue will be attained by allowing the expansion for the refinery. What if YOUR mother or father or son or daughter lived in the immediate area being proposed to allow more pollution and vehicle traffic, which will undoubtedly put those living in the immediate area in additional danger of having breathing problems and more at risk on the highway in that area? Would you try to sell this project then?? Ask yourself Mr. Wilson.

ENOUGH IS ENOUGH!

Respectfully,
Michael Elliott

Sent from my iPhone

Santa Maria Refinery Rail Project

dan garson to: mwilson@co.slo.ca.us 08/09/2013 04:03 PM
Cc: Jay Johnson
Please respond to dan garson

History: This message has been forwarded.

Mr. Wilson - Jay Johnson, the planner for the Woodlands where I am a project manager, was kind enough to forward your contact information.

I became aware yesterday of the proposed Santa Maria Refinery Rail Project and believe that the proposed project will impact the Woodlands in several ways including aesthetics, air quality, gases, cultural, hazardous materials, noise, utilities, circulation, transportation, and water.

As a neighbor in close proximity we are very concerned that the project may have a negative impact on the Woodlands.

I would like to register as an interested party and be included in any mailings regarding the project.

I would appreciate hearing back from you acknowledging that you have received this email.

regards

dan

Dan R. Garson
Monarch Dunes, Rice Ranch, The Woodlands
Village Landscape, Inc. CA #952221
dgarson94041@yahoo.com (work)
(805)343-9451 Office
(805)343-9436 Fax
(805)310-2498 Mobile

8 August, 2013 Thursday

RECEIVED

AUG 9 2013

PLANNING & BUILDING

Planning and Building Center
976 Oso Street
San Luis Obispo, California
93408

Re: Phillips 66 Refinery

To Whom it May Concern:

I am dismayed with the proposition of perpetual oil dependency. Energy efficiency as an option will and has contributed to the sustainability of life on earth.

I am opposed to the exploitation of the earth for the purposes of extending the rail spur and the accessing of the coastal dunes.

Sincerely,

Refugio Hernández
4633 Ninth Street
Guadalupe, California
93434-1306

PLANNING & BUILDING
COUNTY OF SAN LUIS OBISPO

COMMENTS ON THE
SANTA MARIA REFINERY RAIL PROJECT (PHILLIPS 66 COMPANY)
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT EIR
NOTICE OF PREPARATION AND SCOPING MEETING

The following are useful types of scoping comments:

- Content of the EIR.
- Methods on how environmental issues are analyzed.
- Potential Alternatives to the project.
- Potential mitigation measures that would avoid or reduce environmental issues.

Please provide a copy of the Draft EIR
KEEP MITIGATIONS CONFINED TO AREA AFFECTED
USE DOWNWARD LIGHTING FOR SECURITY @ SITE

NAME: ISTAR HOLLIDAY
ADDRESS: 577 SHERIDAN RD
CITY: ARROYO GRANDE
EMAIL: ISTAR DOC@VERIZON.NET
PHONE: (805) 343-2581
STATE: CA **ZIP:** 93420

Comments at Public Workshop

John Kress 2530 Laurie Way Arroyo Grande, CA 93420 Jk786421@yahoo.com	1. We don't want another "Coastal Access". The dune dust problem is bed, make it worse. 2. Additional water use. 3. Site security, is it adequate? 4. Notify ALL home owners of ALL meetings.

PLANNING & BUILDING
COUNTY OF SAN LUIS OBISPO

COMMENTS ON THE
SANTA MARIA REFINERY RAIL PROJECT (PHILLIPS 66 COMPANY)
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT EIR
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LEP-1 The 7/29/13 Scoping Meeting was well-attended. There remains fundamental questions to the specifics of the Rail Project that were only superficially addressed during the meeting.
One slide indicated that there would be no further public meetings specific to this issue. There are still gaps in knowledge concerning the Project, and there are no obvious updates to the SLO County website /Planning/ SM Refinery Rail Project since the meeting. I object to the fast pace of this Project, and request Public Meetings be announced and held at regular intervals throughout the preparation of both the Draft and Final EIRs.

NAME: Paul Lee **EMAIL:**
ADDRESS: 730 Calle Bendita **PHONE:** 805 343-0525
CITY: Arroyo Grande **STATE:** CA **ZIP:** 93420

P.S. The doctor has now prescribed me inhaled steriods so that I breathe at home.

Curtis

The Anza trail corridor extends through the western portion of the Nipomo ConocoPhillips facility. Or at least that may be the first non sand dune location where we could see the Anza trail possibly work on stable ground.

1) Has county parks considered the location of Anza trail with respect to this rail extension project EIR?

2) Has the national parks service anza trail dept been notified of this EIR?

3)Where does parks think this Anza trail should be located in this area of Nipomo?

It would sure be nice to have this trail considered as a possible mitigation to some impact of this project.

Eric Meyer
www.themovement.com

"Learn the rules so you know how to break them properly." D.L.

Phillips 66 Rail Extension
Proksel, Mari - MRMC to: 'mwilson@co.slo.ca.us' 08/09/2013 04:43 PM

Dear Mr. Wilson.
After reading the negative impacts on our environment, I am not in support of this project. Many of my neighbors have also expressed their concerns. I do not have time to list all of the problems this will cause; I am sure that you are fully aware of them & that you have or will be receiving many more letters of complaint.
Sincerely,
Mari Proksel

Mari Proksel, P.A.-C.
Physician Assistant-Certified

Marian Community Clinic
4723 West Main Street, Suite H
Guadalupe, CA 93434

(805) 343-2004

SLO CNTY
PLANNING/BUILDING
DEPT

2013 AUG -9 PM 3:38

Deah Rudd

1189 Mesa View Dr.

Arroyo Grande, CA 93420

805-710-2739

Murray Wilson, Planner

San Luis Obispo County Planning Dept.

Palm St.

San Luis Obispo, CA

August 9, 2013

Re: Topics for EIR Rail Expansion and Public Access to Conoco Phillips land

Dear Muray,

My proposed topics for the EIR are:

1. Noise pollution and need for mitigation due to increased rail traffic in residential area of Dune Lakes Duck Club RR crossing requiring Union Pacific RR to blow their horn before this crossing. Union Pacific's need for raised rail crossing alleviating the horn blowing as mitigation. + ensure safety of drivers + residents
2. Would Highway One in front of 1189 Mesa View Dr., A.G. need to be widened because of increased auto traffic.
3. Would staging area for horse trailers and RVs be a hard pack surface.
4. What are the possible exposure to toxic substances from crossing Conoco Phillips land.
5. Would Highway One or Willow Road need to be widened because of the increased auto traffic.
6. What type of services such as a gas station deli are proposed on Conoco Phillips land or nearby

Sincerely,

Deah Rudd

Deah Rudd

San Luis Obispo County Department of Planning and Building
976 Osos St., Room 200
San Luis Obispo, CA 93408
Attention: Murray Wilson

RE: Santa Maria Refinery Rail Project EIR

August 8, 2013

Dear Mr. Wilson,

Please consider the following comments as they relate to preparation of the above referenced EIR.

First of all, the segmenting of CEQA by processing the Throughput Increase project separate from the subject proposal may be improper in that one project would not be necessary without the other. The cumulative impacts should have been analyzed as one project rather than incrementally by bisecting the project into two.

Particular attention should be paid to the use of water. The Santa Maria Valley Groundwater Basin is in overdraft and litigation. The area in which this project lies is under Level Severity III of the County's Resource Management System. It is unclear how the ten percent increase in production increases water use by a mere one percent as was approved in the Throughput Increase project. The cumulative impacts to the water basin of both projects should be considered as part of any approval for this project.

Flows related to the restroom facility (for how many people?), wash-down area/s and for fire suppression should have quantitative calculations included for impacts to be fully understood.

Additionally, while temporary in nature, the use of water for dust control and soil compaction related to the nearly 50 acres of disturbed sandy soils during construction may be significant. These calculations for water use should be included in the overall project impacts. The project should be conditioned to use non-potable water for all dust control and soil compaction for the duration of the project construction.

The refinery should also take this opportunity to find ways to reduce water use over all. Recycled water pipes could be installed simultaneously for possible future hook-up to the South San Luis Obispo County Sanitation District to eliminate their ocean outfall and reduce the refineries reliance on the basins drinking water supply. To install the pipe in anticipation of this change is a minor expense and will reduce impacts from a future project.

Thank you for your consideration.

Julie Tacker

Julie Tacker
PO Box 6070
Los Osos, CA 93412
805.528.3569

Comments at Public Workshop

Julie Tacker PO Box 6070 Los Osos CA 93412 julietaker@charter.net (805) 528-3569	I am particularly concerned with how much water the cement operation uses. How will the project increase water use? Construction water/dust control should be NON POTABLE! Habitat restoration should NON POTABLE. Any way to reduce current use of potable water to mitigate/offset project impacts would be appreciated. Increased H2O Restroom facility water use; washing of cars; fire protection.

Phillips 66 Rail Project Comments
rachelle toti to: mwilson 08/09/2013 01:33 PM

1 attachment

ODSVRA_Fig5_sensitive_plants.pdf

August 9, 2013

Mr. Murray Wilson
County of San Luis Obispo
Dept. of Planning and Building
976 Osos St. Room 200
San Luis Obispo, Ca. 93408

Dear Mr. Wilson,

I am writing in response to the Notice of Preparation for the Santa Maria Refiner Rail Spur Project. There are many issues that are concerning about this project, starting with the fact that the public meeting was held just 11 days before the written comments were due. This was not enough time for residents to become informed.

Second, the presentation did not include much of the information I found in the Initial Study Report, such as an on-site septic system to store wastewater. In an area with homes on wells, this does not seem prudent, and the report said it is not known if conditions are suitable for this.

The following are my comments pertaining to this project with recommendations where noted.

1. Safety. Human safety and environmental safety are major concerns. Human safety of the Phillips 66 workers, the Cal-Fire responders and the neighboring residents could be threatened if an earthquake occurred, a fire, derailment or collision/ explosion occurred. With the above ground and underground pipelines, I hope there is an automatic shutoff in case of an accident. With 80 railcars carrying 550 barrels of oil each, there is no automatic shutoff. At best you would have to try and uncouple the cars and separate the intact ones from the burning / exploding cars. At the same time spraying foam on the involved cars.

   To mitigate the safety issues, I would recommend 1) moving the rail system away from the refinery. 2) Creating a Phillips 66 fire station with fire personnel stationed around

the clock, trained in hazardous materials as well as fire suppression. It is unrealistic to think the small Cal-Fire station and its personnel could deal with a major explosion or incident. 3) Decrease the number of cars per train and the number of shipments coming in. 4) Fund a Sheriff's sub-station to provide a police presence in the event of a major catastrophe. 5) Confirm that the refinery, pipelines and trains and rail cars, could withstand a Fukishima size earthquake without incident. If not, this is not the place to have a refinery.

2. Contamination. Air, Soil, Water. This area was already the subject of a lawsuit, 43 million dollar fine and cleanup project begun in 1999. When Unocal owned the refinery, it dumped "diluent" into the soil, contaminating the surrounding soil and water. This cannot happen again. Use of diesel engines to pull the railcars carrying the oil, will increase the air pollution in an area which is already in non-attainment for Federal and State particulate matter standards. Should an oil spill occur, the soil would become contaminated and possibly the water aquifer. All the residents of the Nipomo Mesa depend on the well water from the aquifer. Use of on-site septic tanks is also unacceptable.
To mitigate these problems, the use of non-diesel, non-polluting engines would be required. On-site septic tanks should not be used. Remove the wastewater, via truck and take to an appropriate treatment plant. Decrease the chances of a spill by reducing the number of cars per train and number of shipments received per week.

3. Lights, noise and vibration. This refinery has historically received its oil via underground pipeline. By starting train deliveries, all of the residents along the rail lines and all of the residents near the refinery are going to be subjected to an increase in lights, noise and vibration from the trains. Further all of the animal species (many of which are endangered) will also be subject to the lights, noise and vibration. Said exposure would be permanent if the rail project goes through. If possible the lights, noise and vibration should be reduced as much as possible. If it can't be reduced below acceptable levels, the project should not be pursued.

4. Archaeological and historical resources. This area is a known location for Chumash villages, burial grounds and artifacts. A qualified archaeologist should examine the future site of the rail spur, buildings, pipeline, etc. before any digging occurs. Further, an archaeologist should be present whenever any digging occurs, to observe and stop the activity should an artifact or sign of a historical or archaeological find be found. If signs are found, digging and building should stop until the items can be relocated.

5. Hazardous solid waste. I am guessing this refers to the coke piles and sulfur dioxide produced. As we were told in the meeting, the waste would not increase, because the production is not increasing. Oil that would have come through the pipeline, is being replaced by rail cars of oil. No net increase of hazardous waste should occur. If there is an increase or a new type of waste, it should be removed to a storage

site or treatment plant away from populated areas. Transportation in the safest manner possible is recommended. If this can't be done, then the project should not proceed.

6. Loss of vegetation and habitat. The building of the rail spur and buildings and above ground pipeline will destroy vegetation and habitat. If any of this vegetation or habitat is in a Sensitive Area or an Environmentally Sensitive Habitat Area or is habitat for a protected or endangered species, the project should be re-considered for another area.

7. Coastal Access. Attached is a map of the rare plants found along the current maintenance road which is being considered for some form of public access. Here is a partial list of the rare plants which would be disturbed by creating this access. Sand Almond, Blochman's Groundsel, Dune Wallflower, Nipomo Lupine, Blochman's leafy Daisy, California Spine flower, and Fuzzy prickly Phlox. Damage to the plants would be unavoidable, so this access should be denied.

Further, looking at the map, the maintenance road ends in the middle of the Snowy Plover Nesting Area which is closed to the public and Oceano Dunes SVRA from March 1 st thru Sept. 30 of every year. Pedestrians would have to walk around the enclosure a considerable distance to avoid the nesting area. For this reason and the disturbance of native wildlife in the area, this access request should be denied.

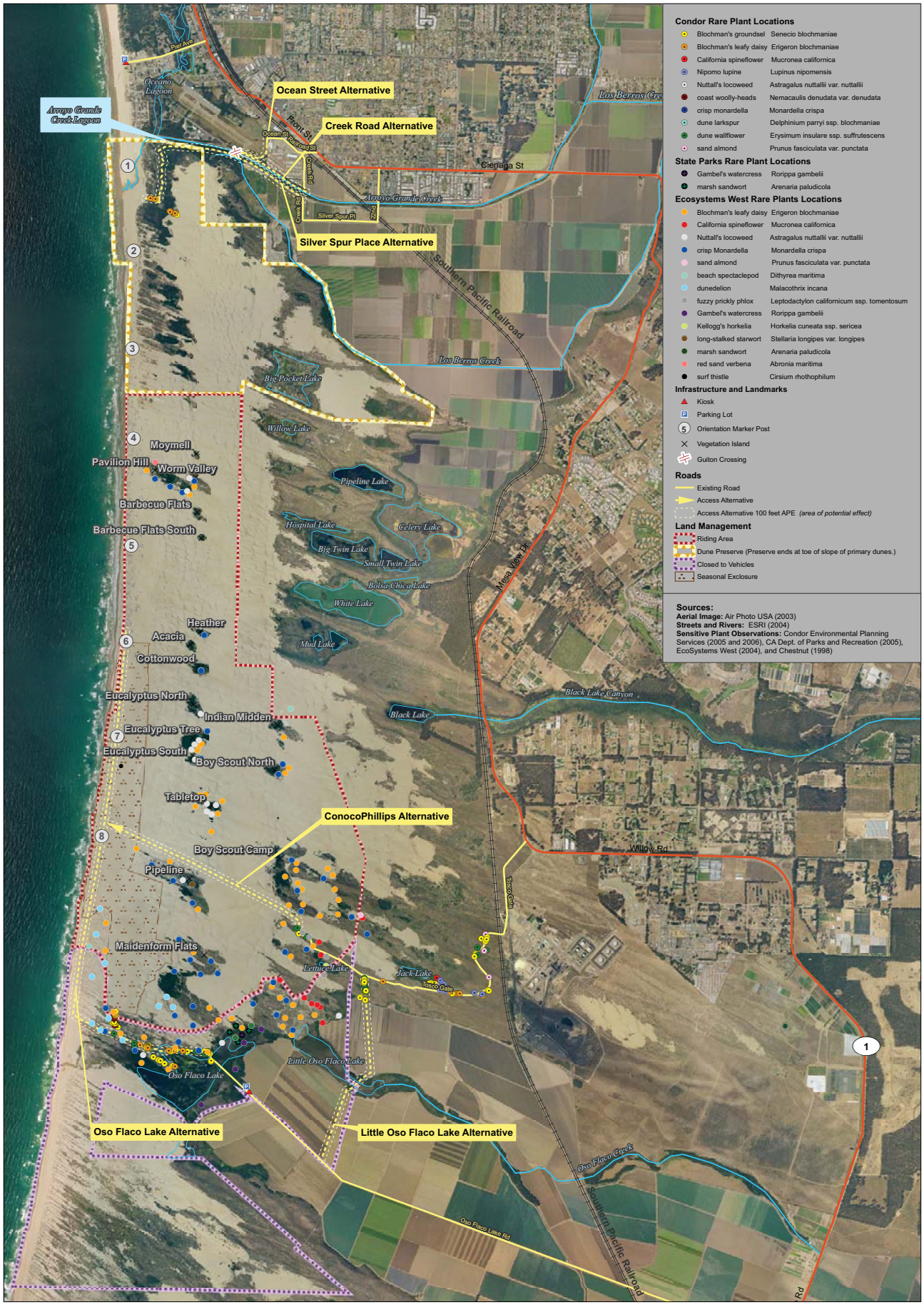
Thank you for the opportunity to provide input on this important project.

Sincerely,

Rachelle Toti
630 Raptor St
Arroyo Grande, Ca. 93420

Comments at Public Workshop

Rachelle Toti 630 Raptor St. Arroyo Grande, CA 93420 rachelletoti@yahoo.com (805) 343-6540	This railroad development is for too large 15 or more engines / 400 cars. These will impact air quality, noise, water quality and usage, environmental damage to plants and animals. It has inadequate police personnel to handle and contain an explosion, spill, chain reaction.



1:29,000

1 Inch equals 0.5 Miles

0 0.25 0.5 1 1.5 Miles

N

Figure 5: Sensitive Plant Species

Prepared by:

Condor Environmental Planning Services, Inc.

Tel. (805) 898-2000 www.condorenvironmental.com

Prepared for:

State of California
Department of Parks and Recreation
Oceano Dunes District

Alternative Access Study

Oceano Dunes State Vehicular Recreation Area
Phillips SMR Rail Project EIR
September 2006

PLANNING & BUILDING
COUNTY OF SAN LUIS OBISPO

COMMENTS ON THE
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- Potential mitigation measures that would avoid or reduce environmental issues.

- SLO has incredible natural coastal beauty.
- I think we should not do anything to increase the noise (more locomotives), degrade the air quality (dust from more OHV traffic on dunes) and congestion (heavy motor home + R.V. + diesel vehicle use on Willow trying to pollute our beautiful dunes).
- Please realize the incredible natural gifts we have here in South SLO County and help us preserve & develop those incredibly beautiful aspects.

NAME: James VerWest, M.D.
EMAIL: JVerwest@verizon.net
ADDRESS: 916 Anna Circle
PHONE: 343-9278
CITY: Nipomo, Cal 93444
STATE: CA
ZIP: 93444

Comments at Public Workshop

Dan Woodson 1699 Primavera Lane Nipomo, CA 93444	A detailed analysis of adding an access road to the Coast from SR 1 needs to be made. Any such addition is going to cause immense pressures to change the general plan and place numerous commercial developments along Willow Road, SR 1and any new access road. This is not desired by the area residents. Consider a 25 foot easement for a multipurpose pedestrian/equestrian/bicycle path which could double as an access road for emergency vehicles. A full road will be an inducement to unbridled growth. As it stands now rail passenger traffic has a right-of-way over freight, unless the freight is too long to fit on the nearest siding. Freight traffic takes advantage of this situation by always making their trains too long. The EIR should include means to mitigate this problem by requiring that the new freight traffic must always be of sufficient length to fit on any mainline sidings. Since added freight trains will affect vehicles at any at-grade crossing along the main rail corridors in the Western United States please insure that your document submittals to other agencies include and Council-of-Governments and/or Rail Committees along the main rail corridors.