24. The Oil Industry Shoots Itself In The Foot, Temporarily Reducing Pipeline Supplies (Then Uses It All As A Pretext To Ask For Delivery By Rail) (1:45): PLANNING COMMISSION

Speaker: DONALD GORTH

AGENDA ITEM: 3
DATE: 2/4/16

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Hello, I'm _____ and I live in _____.

The managers at Phillips' Nipomo plant have concocted an outlandish argument for allowing them to bring their crude oil trains here.

They're saying that rail should be allowed because there are "dwindling sources (of crude) via pipeline." As a result, "the refinery is only operating at 50% of capacity."

Oh really? Why only 50% of capacity? The reason -- the local oil industry has shot itself in the foot.

- The industry failed to maintain its pipelines, resulting in the Refugio oil spill. That caused pipeline #901 from Goleta to Gaviota to be temporarily closed. And that temporarily shut most of the offshore platforms west of Goleta.

- The industry's maintenance failure also caused the federal government to temporarily shut pipeline #903 from Gaviota to Kern County for testing.

- The outcome has been unfortunate for Phillips -- it's reduced the crude piped to their Nipomo plant. We're sorry, but stuff happens when you and your closest partner aren't vigilant about safety. Normally, the Nipomo refinery has access to far more local crude via pipeline than it can process ... and that will be the case again in the future.

- But for now, in a bizarre twist of logic, Phillips is trying to use the industry's poor maintenance activities as an excuse. They're crying for rail delivery of crude, even though rail delivery is far more dangerous than pipelines.

One more point -- Phillips asked for its rail terminal in 2013 -- about two years before the Refugio pipeline burst. So the fact that the pipeline ruptured has nothing to do with their fundamental request for rail -- they wanted it long before this event happened.

Rather than investing in polluting/perilous rail tankers, the industry in California needs to invest a small drop of its enormous profits to properly maintain its pipelines. Rail would not be a solution ... it would be a far worse problem.

(Hand one copy of your statement to each commissioner + three copies to the clerk)

http://www.sanluisobispo.com/2015/08/29/3782827_benefits-of-refinery.html?rh=1#storylink=cpy
http://m.examiner-enterprise.com/business/p66-reports-earnings-1b
http://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/shipping-oil-through-pipelines-safer-than-by-rail-report-says/article25943221/

121. The Project's Diesel Particulate Matter Would Worsen An Already Dangerously High Level Of Particulate Matter Pollution On The Nipomo Mesa (2:05):

Speaker: _____

Hello, I'm _____ and I live downwind of the refinery on the Nipomo Mesa.

One of the Class I air quality impacts of the Phillips Rail Spur project is the increase in toxic diesel particulate matter … i.e., matter coming from the use of diesel locomotives and trucks at the proposed rail spur site. As these new locomotives and trucks operate at the refinery, they'd pump out diesel particulate matter that previously never existed at the refinery or on the Nipomo Mesa.

According to the NIH - the *"effects of diesel exhaust include lung function, respiratory and inflammatory changes."* The EPA adds *"exposure is likely to pose a lung cancer hazard."*

The area in and around the proposed rail spur already violates the state standard for particulate matter 70 times a year and violated the federal standard three years in a row. The *SLO County APCD Annual Air Quality Report* states ...

- South County has the *"most exceedence of state PM 10 standard ever. It continues to routinely exceed state and federal particulate matter standards."* There is *"no sign of improvement."* They *"expect non-attainment designation for state standard PM 2.5."*

On a regular basis, the APCD and Public Health Department advise Nipomo Mesa citizens who live downwind of the proposed Rail Spur project, that due to the level of fine particulate matter on the Nipomo Mesa, infants, children and adults with respiratory or heart conditions should avoid strenuous outdoor activity. They advise remaining indoors or leaving the area entirely.

Now Phillips, our "good neighbor", is proposing to add more toxic fine particulate matter to our air, specifically toxic diesel exhaust, all in order to bring in crude by rail and increase their profits. Since when does a good neighbor pump additional toxins into your body, then shrug and walk away?

(Hand one copy of your statement & supporting material to each commissioner + three copies to the clerk)

FEIR, 12/15
http://www.ncbi.nlm.nih.gov/pubmed/11401072
http://www.epa.gov/ttnatw01/dieselfinal.pdf
http://m.keyt.com/news/Blowing-Dust-Impacting-Nipomo-Area/32017440

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(Presented by the APCD in Sept., 2014)

2013 ANNUAL AIR QUALITY REPORT

Karl A. Tupper
Compliance and Monitoring Division

SLO COUNTY apcd

#121

BIG PICTURE

(Presented by the APCD in Sept., 2014)

Gases

- Ozone
  - Fewest number of exceedences ever
  - Clear downward trend
- Nitrogen Dioxide
  - As usual, no exceedences
- Sulfur Dioxide
  - First federal exceedence ever
  - Occurred during refinery maintenance
    - Unlikely to reoccur

Particulate Matter

- Higher average levels countywide vs 2012
- South County
  - Most exceedence of state PM_{10} standard ever
  - No improvement
  - Pending non-attainment designation for state $PM_{2.5}$ standard

SUMMARY

(Presented by the APCD in Sept., 2014)

- **East County continues to exceed state & federal ozone standards but shows improvement**
  - Due to transport
  - No exceedences elsewhere
  - Fewest exceedences since monitoring began
- **One exceedence of Federal SO_2 standard**
  - Circumstances associated with exceedence are unlikely to reoccur
- **South County** (Mesa2 & CDF) **continues to routinely exceed state & federal PM standards**
  - No sign of improvement
  - Few exceedences elsewhere
  - Expect non-attainment designation for state standard for $PM_{2.5}$ annual average

Air Quality On The Mesa Is Already At ILLEGAL Levels. Yet, Phillips Plan Will Further Degrade The Air Quality.

- **In March '15 -- the *Air Pollution Control District* (SLO ACPD) and *Public Health Department* advised that due to blowing dust and sand, infants and children, and adults with respiratory or heart conditions, should avoid strenuous outdoor activity and remain indoors.**

Blowing Dust Impacting Nipomo Area

KEYT - KCOY - KKFX Newsroom Staff, KEYT - KCOY - KKFX Newsroom Staff, assignmentdesk@keyt.com

POSTED: 06:20 PM PDT Mar 25, 2015

Print Recommend Share 0 g+1 2 Tweet 6 Pin it A A A

NEWS RELEASE - Source: San Luis Obispo County

The San Luis Obispo (SLO) County Air Pollution Control District (APCD) and County Public Health Department are advising the public of deteriorating air quality in the Oceano Dunes/Nipomo Mesa area due to blowing dust and sand on Wednesday, March 25, 2015. Blowing sand and dust is forecasted to occur from 11 am to 7 pm, with the dust forecasted to peak from 1 pm to 6 pm. Very sensitive individuals such as infants, as well as children and adults with existing respiratory or heart conditions, may experience adverse health effects during blowing dust periods.

County officials recommend that the public reschedule outdoor activities to occur when there is no visible dust. If blowing dust and sand is visible in the air, County officials recommend all adults and children avoid strenuous outdoor activity, remain indoors as much as possible, and set any heating/air conditioning/ventilation systems to recirculation. The public is advised to consult your doctor if you are experiencing health problems in an area with blowing dust and sand. If staying indoors does not provide relief, temporarily leaving the area and going to a location where the sand is not blowing and dust is not visible, is advised.

County officials will continue to closely monitor air pollution levels throughout our region, as forecasts can change. Current air quality conditions and air quality forecasts for San Luis Obispo County are available to the public via the APCD website www.slocleanair.org/air/AirForcasting_map3.php The forecasted AQI is also available to the public via email.

San Luis Obispo County Planning Commission
Public Hearing to Consider the Phillips 66 Proposed Rail Spur Project
Hearing Dates: February 4-5, 2016

Members of the Commission:
My name is Janet Walde. I live in San Jose and am attending these hearings for 2 reasons.

1. I do not want Oil Trains coming through my city. My family is one of millions that will be impacted by these trains if this proposal is approved.
2. I want to leave a better environmental legacy for my children and grandchildren than a world wedded to 20th century energy technology that pollutes the air we breathe and the water we drink.

At the December climate conference in Paris the countries pledging to do their part to reduce carbon emissions made me more hopeful. Canada's new Prime Minister Justin Trudeau announced a ban on oil tanker traffic off the north coast of British Columbia. In remarks made when President Obama rejected the Keystone XL pipeline he said, "If we're going to prevent large parts of this earth from becoming not only inhospitable but uninhabitable in our lifetimes, we're going to have to keep some fossil fuels in the ground".

I have read that in order to keep CO2 levels from increasing too fast, 80% of fossil fuels have to remain in the ground. In the words of the ~~National~~ Natural Resources Defense Council's Director of Programs, "...once our leaders start opposing dirty fuel infrastructure, every decision that follows becomes that much easier".

That decision is before you.

Move the people of San Luis Obispo County away from old energy technologies. Employ the bright minds of institutions like Cal Poly to develop and deploy 21st century energy facilities.

Move us all away from the hazards of this project and the continued reliance on fossil fuels.

Take the bold step forward. We are depending on you.

J. S. Walde
P. O. Box 23608
San Jose, CA
95153-3608

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87. **Quotes From SLO County CalFire Chief Robert Lewin** (2:50):

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Speaker: Jeffrey Burgstahler

Hello, I'm _____ and I live in Nipomo.

Before retiring, CalFire Chief Robert Lewin met with the Mesa Refinery Watch Group and provided insights into Phillips' rail plan. He gave permission to quote him. Here are some of his key points ...

- Regarding the danger of trains coming through SLO County he said -- "We can't do anything about the trains carrying volatile crude. I can't stop it on the rails. We can't touch the railcars. We can't say anything. We're preempted (by the Federal government)."

- Regarding the type of oil Phillips' tankers would contain, Chief Lewin said - "We learned that these crudes (i.e., those involved in recent rail accidents) are different from the ones we know ... this is a different type of material." Tar sands "is so darn thick that they dilute it. We don't want 'Bakken-like' crudes going through this County."

- Regarding the danger of oil tankers that are supposedly empty after offloading, Deputy CalFire Chief Steve Reeder told us - "There's no fuel to burn, but fumes are there (and then) there's an issue. Chief Lewin added - "With empty tank cars it's like a gun and we treat it respectfully. It's still a gun and potentially loaded."

- Regarding training for oil train fires the Chief told us - "We're not yet there. We want more. We're asking for training at (Phillips') expense. We would send Nipomo firefighters to Texas for training on oil train fires."

  In October 2015 CalFire held a training session that included oil train derailments. Chief Lewin was asked if that involved actually fighting an oil train fire or if that was too dangerous. He responded - "No, it was simulated."

- Regarding SLO County's resources and ability to fight a significant oil train fire, he said - "If you have an oil train on fire, you're 'taxed.' SLO is an island. We'd have to call for aid from places like Southern California."

- Regarding whether to try and fight an oil train fire, he responded - "It depends. We're a rural county, and (our fire service is) darn good for a rural county. If it's in a 'nowhere' place (let it burn). If it's threatening people, we'll fight it."

- Regarding CalFire's ability to fight fires in extremely vulnerable locations he said - "The most dangerous places (in California) for rail accidents include the Cuesta Grade. (If it happens there) we'd do what we do. We'll go into action."

- Regarding the safest way to ship crude oil to refineries, the Chief said - "Oil tanker ships are safest. Pipelines are next. Rail is next. Trucks are worst."

(continued)

87. Quotes From SLO County CalFire Chief Robert Lewin, cont.:

What's the takeaway from the Chief's remarks?

It's that the current pipelines are safer than crude-by-rail or truck. It's that CalFire can say nothing about the oil trains and what they carry. They need much more training for oil train disasters. SLO County is a rural island with dangerous locations for fires. Our local teams couldn't fight an oil train fire alone, but help would be a long way off. The takeaway is that permitting Phillips to build an oil train terminal here makes no sense at all.

(Hand one copy of your statement to each commissioner + three copies to the clerk)

Source: Meeting with SLO County CalFire Chief Robert Lewin, Deputy CalFire Chief Steve Reeder, SLO County Supervisor Lynn Compton, and the Mesa Refinery Watch Group Steering Committee -- 12/11/15; Nipomo, CA

20. Phillips Profits From Their Refining Business Continue To Rise Dramatically; Closing The Nipomo Refinery Is An Empty Threat (1:15)

Speaker: DAVID BERNSTEIN

Hello, I'm DAVID BERNSTEIN and I live in NIPOMO.

As reported in the Wall Street Journal in April, 2015 -- Phillips' Chairman Greg Garland discussed his company's profits from their refinery business. He said -- oil "refining market conditions (which of course includes their refinery on the Nipomo Mesa) helped us realize the best margins we've had over the last two years."

He crowed about it to Phillips' stockholders. He stated -- "In the latest quarter, the refining segment recorded earnings growth of 62% ... to $495 million." That's a half-billion dollars in profit in just three months from their refineries.

So, is this a company in trouble? Of course not. This is a company that's looking for every way possible to increase their profits even further. Unfortunately for us, that includes bringing the incredible dangers of crude-by-rail to SLO County and California.

Their refining business is booming! There's no reason why they should close the plant they have here. They already make huge profits from their refining business here and elsewhere.

This is not about protecting local jobs. It's about money, money and more money for Phillips' shareholders. Their chairman is overjoyed. So the last thing he'd do is close the refinery on the Mesa and fire his employees.

(Hand one copy of your statement to each commissioner + three copies to the clerk)

http://www.wsj.com/articles/phillips-66-profit-falls-37-1430398041

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116. Crude Oil Spills - The Events Directly Affect Human Health (1:18):

Speaker: 4P

Hello, I'm CHERYL SMELT and I live in NIPOMO.

Not only do oil spills destroy waterways, wildlife and woodlands, but they take a toll on the public's health as well. Here's an example ...

The Refugio Beach oil spill was finally cleaned up after three months ... but nearby ranchers are convinced they became extremely ill from the fumes they inhaled:

- A husband and wife at nearby *Olivos del Mar Ranch* smelled the oil on their property, then headed to the beach to check it out. The next day, the spill forced them to leave their home and business and check into an emergency room. They had to be treated for chemical pneumonia ... which is an inflammation of lung tissue from poisons or toxins. This Central Coast couple is now worried about the long-term impacts of breathing crude oil fumes.

- And, the owner of the *Orella Ranch*, also near the spill, became sick with severe bronchial asthma. That's a condition where someone's airway narrows, becomes inflamed and produces extra mucus, thereby making it difficult to breathe. And not only was the homeowner taken ill, but the ranch's animals were also sickened.

The trains that Phillips 66 proposes to bring here will carry a half-billion gallons of crude through our towns each year. To be destructive to humans, they don't even have to explode. All they have to do is spill their cargo on our earth, beaches or into our waterways.

Why would we invite this sickening stuff into our towns, where we'd be separated from it only by the walls of failure-prone, rail tank cars?

(Hand one copy of your statement to each commissioner + three copies to the clerk)

http://www.keyt.com/news/residents-experience-health-effects-from-refugio-oil-spill/34990416

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Sherri Stoddard, RN

oil train public comments

Planning Commission, SLO

2/4/2016

My name is Sherri Stoddard. I live in Los Osos, and work in San Luis Obispo at Sierra Vista Hospital. I have been a Registered Nurse for 33 years and am on the Board of Directors of the California Nurses Association.

Over 1500 of our members work at the 5 hospitals in our area.

As RNs, we continually advocate for peoples' health. And because of the serious and unacceptable health and safety implications of the Phillips 66 project, we are urging the Planning Commission to oppose it.

Aside from concerns related to potential derailments and the toxic explosions and fires that would result, there are both immediate and long term health impacts just from the fact that these trains -- with their toxic diesel emissions -- would be traveling through our communities.

I want to be clear that these health impacts are not something that *might* occur-- they *will* occur, if the rail spur is allowed and the oil trains come.

Numerous studies link diesel fuel pollution to increased hospital admissions, emergency room visits, asthma attacks, and to premature deaths among those suffering from respiratory problems. Those at greater risk than the general public include children, because their lungs and respiratory systems are still developing; seniors and those who are immunocompromised; and anyone with preexisting respiratory and cardiovascular diseases, as well as diabetes and cancer.

We are also concerned about the effect diesel pollution has on climate change, because climate change affects the social and environmental determinants of health - including clean air, safe drinking water, sufficient food, and secure shelter.

Nurses understand the link between the continued use of fossil fuel extraction, refining, transportation and consumption, and the dangerous and avoidable impacts upon our environment and on human health.

For these reasons, on behalf of the members of the California Nurses Association, we strongly urge the Planning Commissioners to stand with us, and oppose this project.

Thank you.

108. The Project Has A Myriad Of Impacts On Wildlife, Our Land, Tourism & Residents (2:05):

Speaker: Nancy Kraus

Hello, I'm _____ and I live in _____.

The Final EIR states that "crude oil transportation along the Union Pacific Railroad mainline could result in a crude oil spill that impacts sensitive plant and wildlife species and wetlands."

Here are a few examples of what Phillips' plan would mean to our environment, and therefore to the residents and tourists who cherish it.

- The Union Pacific tracks intersect with natural habitats not now mapped due to private property constraints. But if there were a derailment or oil spill, there would be unavoidable impacts. This includes over 200 sensitive animal species within 300 feet of the rail line. Plus, the negative impacts to wetlands would be substantial.

  Of the 200 sensitive plant and animal species, 69 are on the California endangered or threatened species list. The Final EIR calls it a Class I impact which would be significant and unavoidable.

- Secondly -- our County has at least 76 streams and crossings along the mainline ... any of which could be contaminated by oil trains. Contaminated areas would alienate residents and tourists who come for camping, hiking and our area's natural beauty.

- Next - the rail terminal itself would be adjacent to a sensitive coastal habitat and 500 feet from a tributary to Oso Flaco Creek. The project could affect that area and impact tourism in Oso Flaco and the Guadalupe Dunes.

- One last effect -- as mandated by the County, Trilogy has a protected Monarch Butterfly Habitat. It's an area that walkers, tourists and naturalists are drawn to. And of course there's also the Pismo Beach Monarch Preserve just a few yards from where the locomotives would drive their exhaust into the air..

  However, it's known that Monarchs often don't return to polluted areas - whether it's air, noise, odor or light pollution. No Monarchs, no tourists. And any impact will be meaningful - especially in light of the Fish & Wildlife Service now considering placing the monarchs under federal protection of the Endangered Species Act.

If our officials care at all about our wildlife and our revered land, it's clear that the rail terminal project is a destructive force throughout the County. It should be rejected.

(Hand one copy of your statement to each commissioner + three copies to the clerk)

Source: FEIR, 12/15, Section 4.4
http://www.usatoday.com/story/news/nation/2015/01/07/monarch-butterfly-gets-endangered-species-look/21425653/

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27. The Project Is Well Beyond A "NIMBY" Issue - It Creates Major Countywide Impacts (1:49):

Speaker: J. ROBERT HENCIER

Hello, I'm ROBERT HENCIER and I live in NIPOMO.

Those who support the Phillips rail terminal belittle the opposition by painting them as NIMBY Luddites ... that is, "Not-In-My-Backyard" activists who oppose progress. They say that Nipomo Mesa residents are simply looking to avoid discomfort.

That stereotyping is false and purposely seeks to mislead our County's officials.

The reality is that Phillips is trying to make all of SLO County a HUB for crude-by-rail.

The pain of Phillips rail terminal would be felt countywide. Phillips would have you think their 500, mile-long crude oil trains would magically appear on their Nipomo Mesa refinery ... that there would be no impact on the rest of SLO County. They state in interviews with the media that *"the entire project is on our property*"* ... implying no effects elsewhere!

They'd have you think the consequences of those trains wouldn't be felt by the balance of the County. They totally ignore the fallout of diesel locomotive air pollution, noise pollution, the visual pollution of 500 miles worth of crude oil trains, the potential for derailments, loss of life and property, oil spills, fires, explosions, and toxic smoke pollution ... throughout the County.

There's also the degradation of the County's reputation for agriculture, tourism and a pristine place to live. Plus, there's the impact of such disasters on businesses and the economic well-being of the County.

So when anyone tells you this is a NIMBY or local issue, you know they're either incredibly misinformed, or purposely trying to mislead you. It's up to our officials to protect the well being of all citizens of SLO County, and vote "No Project."

(Hand one copy of your statement to each commissioner + three copies to the clerk)

*http://www.ksby.com/news/phillips-66-santa-maria-refinery-proposes-adding-crude-oil-trains-to-operation/

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101. Phillips May Be Engaged In "Piecemealing", Which Is Illegal Under CEQA (1:22):

Speaker: LEAH HENCIER

Hello, I'm LEAH HENCIER and I live in NIPOMO.

Phillips' Santa Maria Refinery and its Bay Area Rodeo* Refinery are without question connected. They are, in fact, literally connected by a 200-mile pipeline. Semi-refined crude from Santa Maria is piped to Rodeo for further processing. Phillips own website describes the two to be a single refinery.

Phillips has filed for major changes at both ends of that pipeline. But instead of filing a joint EIR for their single refinery, they've filed two different ones -- one for Santa Maria and one for Rodeo. And neither EIR discusses the joint impact of the two projects ... either on citizens at each location, nor on those living in-between. Phillips now acts as if the sister relationship of locations does not exist.

Yet, CEQA forbids "piecemeal" review of significant environmental impacts of a project ... you cannot avoid linking different projects when there's actually a meaningful overlap.

In this case, the two projects could be considered to be a unified, interconnected project. And, in doing so, it may be shown that the cumulative impact of both projects is far more damaging to our safety, health and environment than each one alone.

This was stated in different words by a citizen writing in the SLO Tribune ...

> "Phillips 66 is violating the intent of the EIR process in both instances, and breaking the law. It is called 'piece-mealing' in the trade. The true nature of these projects needs to be revealed and either fully mitigated or stopped."

In fact, lawsuits have been brought against Phillips and Contra Costa County on this matter. The courts are now determining whether such violations are occurring. If they are, that becomes yet another serious reason to reject the rail terminal project.

(Hand one copy of your statement to each commissioner + three copies to the clerk)

SLO Tribune (11/15/14)
http://www.contracostatimes.com/contra-costa-times/ci_27642221/rodeo-refinery-project-subject-legal-challenge
*
Pronounced "row-day-oh."

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Pronounced "row-day-oh."

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11. Existing/Additional Sources Of CA Crude For P66's Santa Maria Refinery, As Per The FEIR (2:35):

Speaker: _____

Hello, I'm JACK MOYER and I live in N/POTRO.

The Final EIR confirms that not only does Phillips have sufficient current supplies of California crude for its Santa Maria Refinery, but that other sources are coming online and/or already proposed.

First the FEIR clearly states ... *"There is adequate crude supply for the Santa Maria Refinery even without the Rail Spur Project."* Then it goes on to point out ...

"(There are) other relevant local projects in the vicinity of the Santa Maria Refinery (that) were identified using information from the San Luis Obispo Planning Departments. There are a number of oil development projects in Santa Barbara County that plan to move oil to the Phillips 66 refinery." The FEIR says these include ...

- The Phillips 66 five-mile pipeline project between the Arroyo Grande Field and the refinery.
- The Freeport-McMoran Oil & Gas field expansion on Price Canyon Rd. in the Arroyo Grande Oil Field.
- The Aera Energy East Canyon Oil Field redevelopment project in Cat Canyon.
- The ERG Operating Company west Cat Canyon oil field development and pipeline projects.
- The Pacific Coast Energy Company's Orcutt oil field expansion project.
- The Santa Maria Energy Orcutt oil field expansion project.
- And the PetroRock Cat Canyon oil field development project.

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The FEIR states that "If these projects are approved about 23,000 barrels per day of new crude oil could be available for processing at the refinery."

In fact, the FEIR tells us that if Phillips is granted rail delivery of crude, there would then be an excess of California crude that would head elsewhere instead of to the Santa Maria Refinery.

It states -- "Depending upon the volume of crude oil received by rail, (California) oil could be displaced and might (be shipped) to other refinery destinations. Displaced crude oil would likely be sold to refineries in the Los Angeles basin. It is possible that the Outer Continental Shelf oil delivered to the Santa Maria Refinery could be displaced. (And) if the crude was displaced, local producers (could) ship their crude via pipeline to Los Angeles."

Therefore, Phillips' desire for crude-by-rail is simply a way to avoid paying higher prices for California crude, and instead access cheaper crude from elsewhere, including importing it into the U.S. from Canada. It's about increased profits for Phillips, generated on the backs of the people of SLO County and California. It has nothing to do with protecting jobs, oil independence, or any other imaginary excuse Phillips has promoted to the public.

(Hand one copy of your statement to each commissioner + three copies to the clerk)

48. Railroads Get Their Wish; Positive Train Control Now Delayed For Years (1:40):

Speaker: STEVE RUBIN

Hello, I'm _____ and I live in _____.

U.S. railroads have had eight years, since 2008, to install new safety technology on their trains. It's called "positive train control." The deadline was December, 2015.

The Benicia Independent reported that one railroad was working to meet the deadline. They said - "The BNSF Railway has made substantial progress."

But they also said -- "According to an August (2015) Federal Railroad Administration report, the "Union Pacific (hadn't) fully equipped any of its 6,532 locomotives. Said one federal official - 'Union Pacific is pretending [the deadline] is not happening'."

Well, at the last minute, in October 2015, the railroad industry unfortunately got their wish. Due to the industry's lobbying, the government delayed implementation of the technology for three more years, until 2018. And only three months later, in December 2015, their lobbying efforts paid off yet again, extending the deadline to December 2020, 17 years after the regulations were written.

Sen. Barbara Boxer said of the delay -- "People are dying, they're being injured because we don't have positive train control."

And Senator Richard Blumenthal stated - "This five-year extension of lifesaving technology is way too long, with way too little guarantee that positive train control will get done."

So that's how the railroad and oil industries work -- they do whatever they can to avoid investing in anything that doesn't generate more profits. And positive train control doesn't generate any profits.

Therefore, bringing more crude oil trains through SLO County and California would be dangerous and irresponsible. Please reject the rail terminal.

(Hand one copy of your statement to each commissioner + three copies to the clerk)

http://www.usnews.com/news/business/articles/2015/10/28/congress-delays-train-safety-technology-mandate-3-to-5-years
http://beniciaindependent.com/deadline-for-train-safety-technology-undercut-by-industry-lobbying/
http://www.nj.com/politics/index.ssf/2015/10/obama_signs_bill_extending_railroad_speed_control.html
http://thehill.com/policy/transportation/257566-agreement-reached-on-automated-train-extension
http://www.nytimes.com/2015/12/31/us/politics/rail-industry-again-given-more-time-to-install-safety-system.html?_r=0

PLANNING COMMISSION

AGENDA ITEM: 3
DATE: 2/4/16

DO NOT REMOVE FROM FILE

113. Who Pays When Phillips Crude-By-Rail Plan Goes Wrong? (1:40):

Speaker: Susan Ratty-Seeman

Hello, I'm _____ and I live in _____.

I'd like to ask a question that has a not-so-welcome answer. "Who will pay?" Who will pay for the extraordinary costs incurred to satisfy Phillips' desire to profit from crude-by-rail? Who will pay for the ...

- Salaries for additional emergency services personnel that will be required?
- Training for those personnel to handle hazmat spills, fires and explosions?
- New equipment to handle hazmat emergencies ... fire apparatus, oil spill containment materials, etc.?
- Long-term cleanups & monitoring required when oil spills into our fields and streams?
- An emergency notification system for South County, in anticipation of a major accident there?
- Additional County staff to monitor the new rail operations, making sure Phillips complies with new, complex mitigation measures?
- Evacuations of places like hospitals, schools and hotels?

Who will pay for ...

- The loss of revenue to construction workers when fewer homes are built because people don't want to live next to tracks or a rail terminal.
- The loss of revenue to tradesmen, retailers and others when fewer homes are built?
- The loss of property taxes when fewer homes are built and home values decline.
- The revenues lost when businesses shut down due to evacuations after accidents.
- The taxes paid by those businesses when they shut down?
- The loss of revenues and sales taxes from tourists, when far fewer travel to SLO County?

Our County's future revenues and well being are tied far more to enabling businesses to thrive, not suffer by bringing crude-by-rail here.

Our future is tied to vineyards, strawberry fields, beach communities, tourism, lodging, a growing technology base, and construction.

If you vote No Project, the refinery will continue to operate and pay taxes. But if you vote to build a rail terminal, you must also answer the question -- who will pay?

(Hand one copy of your statement to each commissioner + three copies to the clerk)

PLANNING COMMISSION

AGENDA ITEM: 3
DATE: 2/4/16

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92. Emergency Response Services - Underfunded, Undertrained, Under-equipped, Unprepared, Preempted (1:33):

PLANNING COMMISSION

Speaker: KATHLEEN JUVET

AGENDA ITEM: 3
DATE: 2/4/16

Hello, I'm _____ and I live in NIPOMO.

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Phillips' rail project brings the potential for hazmat fires, explosions, toxic smoke and oil spills to SLO County. This entire burden would be placed on the shoulders of our emergency services.

But the Final EIR states -- "a significant event could overwhelm first responders."

Our situation is not unique. Recently the NTSB ran a meeting on crude oil transportation. Fire chiefs and emergency managers stated that derailments of crude oil trains were "way beyond our capabilities."

The EIR details how our emergency services also cannot deal with these threats. It contains a long list of mitigations ... but there's no practical way to turn them all into reality.

Finally, there's the 800-pound gorilla in the room ... the issue of who would pay for the laundry list of mitigation measures.

One of our supervisors stated it bluntly. She said - "We have to deal with emergency preparation including funding for decision making we don't make here in the County. We have to make sure our local tax payers don't get stuck with the bill for the rail."

- A few examples - do we have funds for a vast increase in personnel and equipment?
- Can we afford to pay for the ongoing training of our own certified hazmat team?
- Can we fund the cleanup of major oil spills?
- Do we have funds to create an emergency notification system for South County?

We think not. Helping Phillips increase their profits should not be paid for by SLO County's government. Our responders are underfunded, undertrained, under-equipped and unprepared for crude-by-rail. This project is unfair to them and to all of our citizens.

(Hand one copy of your statement to each commissioner + three copies to the clerk)

http://m.startribune.com/business/282785701.html
http://www.ntsb.gov/news/events/2014/railsafetyforum/
http://www.ntsb.gov/news/events/Pages/2014_Crude_Oil_Ethanol_FRM.aspx
Final EIR - 12/15

33. Phillips' Plan Puts Tens Of Thousands Of School Children In Danger (1:54):

Speaker: _____

Hello, I'm _____ and I live in _____.

We all recognize that children are our most valuable asset. They need to be protected and kept out of harm's way. Yet, Phillips' intentions puts tens of thousands of elementary, middle and high school students in the path of potential disaster.

If you think this is hyperbole, listen to the vehement letters of protest sent to SLO County's officials by school administrators.

- The Ventura Unified School District wrote - "Oil trains (would be) right next to dozens of schools. This project creates unacceptable risks for our students, teachers, and staff. (We) strongly oppose this project. We encourage you to advocate for people (who are) expressing grave concerns."

- The Oakland Unified School District wrote - "The Board is concerned with the risk to students and families in our schools along the rail route. At least a dozen schools are within the one-mile DOT Potential Impact Zone (for) an oil train derailment or fire."

- The San Leandro Unified School District wrote that they're "concerned with the increase in oil-train traffic through densely populated areas, and the risk it poses to our schools. More than ten schools are within the one-mile Impact Zone. Our rail system is designed to connect residents with destinations, not to move large quantities of hazardous materials like crude oil."

- The Hayward Unified School District wrote that there are "more than 36 schools in Hayward within the one-mile DOT impact zone in the case of a derailment. This project would directly compromise the health and safety of our school communities."

- And the Pleasant Valley School District in Camarillo wrote - "Eight of our facilities are within one mile of the tracks. The diesel emissions would generate toxic emissions increasing the risk of cancer, heart disease and respiratory disease, especially in the very young. "

That's more than 86 schools at risk in those districts alone. The same is true of schools right here ... including Santa Margarita's elementary school, the Los Ranchos Elementary School in SLO, and Lopez H.S. in Arroyo Grande ... all only hundreds of feet from oil trains.

And let's not forget Cal Poly, with trains virtually on campus. Campus security is of paramount concern. But Phillips' plan makes Cal Poly far less secure ... and therefore far less desirable as a place to go to college.

Let's not voluntarily put California's children in harm's way.

For the record, I'd like to submit the letters I mentioned.

(Hand one copy of your statement/supporting material to each commissioner + the Planning Commission clerk)

PLANNING COMMISSION

AGENDA ITEM: 3
DATE: 2/4/16

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NATIONAL EDUCATION ASSOCIATION
nea.org
Great Public Schools for Every Student

1201 16th Street, NW | Washington, DC 20036 | Phone: 202-833-4000

(National Education Assn.)

Lily Eskelsen García
President

Rebecca S. Pringle
Vice President

Princess R. Moss
Secretary-Treasurer

John C. Stocks
Executive Director

July 13, 2015

Ms. Debbie Arnold, Chair
Board of Supervisors, San Luis Obispo County
1055 Monterey Street, Room D-170
San Luis Obispo, California 93408

Mr. Murray Wilson
Department of Planning and Building, San Luis Obispo County
976 Osos Street, Room 300
San Luis Obispo, California 93408

Dear Ms. Arnold and Mr. Wilson:

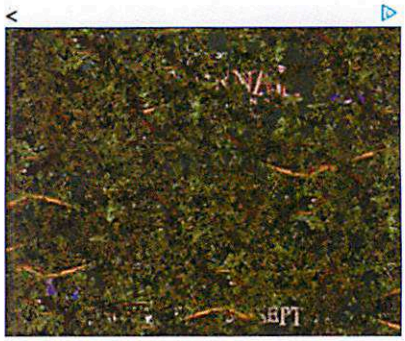
I am writing to urge you to reject the proposed extension of the rail spur to Phillips 66's Santa Maria Refinery, which would bring mile-long trains carrying 2.5 million gallons of crude oil through San Luis Obispo County nearly every day. At least 29 schools are within a mile of the potential "blast zone" and could suffer catastrophic consequences in the event of a train derailment or oil spill.

U.S. Department of Transportation data show that as the number of tank cars carrying crude oil has increased—from 9,500 to more than 490,000 just since 20008—so has the incidence of derailments and spills. In 2013, trains spilled more crude oil than in the previous 38 years combined. Toxic emissions from the diesel fuel burned by the trains further jeopardize the health and well-being of students and educators alike.

Please put student safety first. On behalf of NEA's three million members and the students they serve, I implore you to reject the proposed expansion of the rail spur to the Santa Maria Refinery.

Sincerely,

Lily Eskelsen García
NEA President



Lucia Mar teachers union to urge denial of Phillips 66 rail project

BY CYNTHIA LAMBERT
clambert@thetribunenews.com June 9, 2015

(Lucia Mar Unified Teachers Assn.)

The Lucia Mar Unified Teachers Association has voted to urge San Luis Obispo County planners to deny a proposed rail project at a Nipomo Mesa refinery.

The union's representative council unanimously voted May 27 to request the San Luis Obispo County Planning Commission reject a proposal from Phillips 66 Co. to upgrade its refinery to allow it to receive crude oil for processing by rail.

The end of the current stretch of rail line at the Phillips 66 refinery on the Nipomo Mesa.
JOE JOHNSTON — jjohnston@thetribunenews.com Buy Photo

"As educators and advocates for the students of south San Luis Obispo County, we are particularly concerned with the risks this project would pose to Lucia Mar schools and student populations along the rail line," Donna Kandel, president of the teacher's association, wrote to planning commissioners.

Through county planners have received numerous comments from school districts and teachers associations in other parts of California, the Lucia Mar teachers association is the first teacher's union in San Luis Obispo County to take a position. Many of the letters were sent after the comment period on the project's revised environmental impact report had ended.

"Seven Lucia Mar schools — Lopez High School, Mesa and Judkins Middle Schools, and Fairgrove, Grover Beach, Grover Heights, and Oceano Elementary Schools — along with 22 other schools in San Luis Obispo County, are within a mile of the 'blast zone' and could suffer catastrophic consequences in the event of a derailment," Kandel wrote.

The union is also concerned about health risks from diesel emissions.

"The facility expansion would not bring long-term benefits to our community, but will certainly result in long-term risk to our students and their communities," Kandel wrote.

Phillips 66 now receives crude oil by pipeline and has applied to San Luis Obispo County for permits to build a 1.3-mile spur connecting to the main rail line, so the refinery can get crude by rail.

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anti-war
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drug war
education
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immigrant
media
labor
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California | Santa Cruz Indymedia | Environment & Forest Defense | Health, Housing, and Public Services | Labor & Workers

California Nurses, Teachers Oppose Phillips 66 Oil Train Project

by via California Nurses Association
Friday Jun 19th, 2015 5:08 PM

The 120,000-member California Federation of Teachers voted to add their voice to the growing community of nurses and teachers opposed to the Phillips 66 oil train project.

pismo_beach_city_hall_oil...

"What should be the top priority, student and school staff safety, or oil company profits? We hope that the elected officials of San Luis Obispo County believe that their first responsibility is to the health and well-being of students and families that go to school and live near the railroad tracks," said Joshua Pechthalt, president of the California Federation of Teachers.

The CFT vote followed last weekend's decision by the 325,000-member California Teachers Association to oppose the Phillips 66 oil train project.

"Educators are very concerned about dangerous oil trains running past California schools. Hundreds of California schools are located near current and future oil train routes," said CTA President Dean E. Vogel. "Educators and parents can help stop these Phillips 66 oil trains by encouraging local officials in San Luis Obispo County to put student and community safety first and not issue Phillips 66 a permit for their oil train project."

The 85,000-member California Nurses Association, which sent a letter to the San Luis Obispo County Planning Commission and Board of Supervisors opposing the Phillips 66 oil train project last November, is pleased to join forces with the teaching profession in California on this important health and safety issue.

"Nurses are thrilled to know that teachers also are strongly opposed to the Phillips 66 oil train project. The Phillip 66 oil trains present significant and unacceptable risks to the health and safety of our communities throughout California and beyond, due to toxic emissions and the potential for a catastrophic derailment, spill, explosion and fire," stated Amber Wiehl, RN at Sierra Vista Regional Medical Center in San Luis Obispo.

"Our most vulnerable populations are particularly at risk," said Wiehl. "Children and infants are at greater risk due to their still-developing lungs and respiratory systems. The elderly and people with pre-existing respiratory and cardiovascular diseases, diabetes, and cancer all face greater risks than the general public. As the mother of a child who has been hospitalized with respiratory issues, these concerns hit especially close to home.

"To protect our children and our communities, we must stop the oil trains, " added Wiehl.

Phillips 66 wants to begin running mile-long oil trains five days each week carrying tar sands oil from Canada to its refinery in southern San Luis Obispo County. Phillips 66 needs a building permit from San Luis Obispo County officials to build a rail yard at the refinery to accept these trains.

Nurses, teachers, and other California residents oppose the project and the issuance of a building permit by SLO County both for increased asthma risks from diesel train air pollution but also because of the risk of a catastrophic derailment, spill, explosion and fire from this hazardous cargo.

The Department of Transportation estimates that there will be ten oil train derailments each year based on the increasing number of crude oil trains in the United States and Canada. July 6 is the two-year anniversary of the catastrophic derailment in Quebec that leveled the downtown of Lac-Megantic and killed 47 people.

So far 13 California city councils, 12 school boards, 5 counties and one fire district in the potential blast zone of the Phillips 66 oil train route have written letters to the San Luis Obispo County Planning Commission and Board of Supervisors opposing the oil train project. The term "blast zone" refers to the two-mile-wide area along an oil train route corresponding to the Department of Transportation's potential evacuation zone and area of concern for crude oil train derailments.

In San Luis Obispo County, both the city council of San Luis Obispo and the Lucia Mar teachers association have written letters opposing the project.

The Final Environmental Impact Report is expected in the coming months, followed by a vote of the County Planning Commission, then a vote of the County Board of Supervisors. More than 20,000 public comments from individuals and organizations throughout California have been received by the SLO County Planning Commission opposing the Phillips 66 oil train project.

California Nurses Association Press Release, 6/15/15
http://www.nationalnursesunited.org/press/entry/california-nurses-teachers-oppose-phillips-66-oil-train-project/

National Nurses United
http://www.nationalnursesunited.org/

Add Your Comments

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(California Federation Of Teachers)

Pleasant Valley School District

Office of the Superintendent

600 Temple Ave. Camarillo, CA 93010
Phone: (805) 445-8600 FAX: (805) 987-5511
www.pvsd.k12.ca.us

RaeAnne Michael, Superintendent

February 11, 2015

(Pleasant Valley School District; Camarillo)

Mr. Murray Wilson
Department of Planning and Building
San Luis Obispo County
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Dear Planning Commissioners:

The Pleasant Valley School District Board of Trustees would like to state our concerns regarding the Phillips 66 oil train offloading facility expansion in San Luis Obispo County. Our District is located in Ventura County in the city of Camarillo. The Board is particularly concerned with the increase in oil-train traffic generated by this project through the many densely populated areas of our city.

We believe there is risk to the schools along the rail route. The train tracks in Camarillo literally divide our City with four of our schools being on one side of the tracks and the remainder on the other. Eight of our District facilities housing children are within one mile of the train tracks. Also, many of our District families reside very close to the tracks.

The Board has been informed the most significant impact identified in the Revised Draft Environmental Impact Report (RDEIR) is accidents on the main rail line that could result in oil spills, fires, and explosions near populated areas. It is believed our current rail system is not designed to move large quantities of hazardous materials like crude oil. Additionally, the RDEIR did not evaluate the air quality or greenhouse gas emissions for the entire project area which include oil transport through our city. The diesel emissions from operational activities of trains along the route would generate toxic pollutant emissions that exceed thresholds, increasing the risk of cancer, heart disease, and respiratory disease, especially in the very young. There is already a high incidence of childhood asthma and allergies in Ventura County, and the Board believes this project would directly compromise the health and safety of our school communities along the rail route.

It is the Pleasant Valley Board of Trustees intention to put forth a resolution to request the San Luis Obispo Planning Commission vote to deny this project.

Sincerely,

RaeAnne Michael

RaeAnne Michael
Superintendent

**(Ventura
Unified School District)**

VENTURA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
RESOLUTION #15-05
Regarding Santa Maria Phillips 66 Rail Refinery Project

WHEREAS, school district governing boards have the obligation to provide a safe and healthy learning environment for all students and to urge the San Luis Obispo County Planning Commission and Board of Supervisors to reject the Santa Maria Phillips 66 Rail Refinery Project. As representatives of schools located along the proposed rail route, we would be directly impacted by these oil trains, and do not support the project for reasons outlined below.

WHEREAS, The Phillips 66 oil train project would bring mile-long oil trains right through many California communities and next to dozens of schools. School employees are state-mandated disaster workers while on the job, and we are not at all equipped to deal with the dangers posed by this project or to adequately protect the lives and the wellbeing of our students. This project creates unacceptable risks for our students, teachers, and staff.

WHEREAS, The draft Environmental Impact Report (EIR) does not adequately assess the risks of an oil train disaster; the draft only evaluates rail-accident rates from 2003 to 2012 and spill rates between 2005 and 2009, omitting crucial data about accident frequency and magnitude in 2013 and 2014. This is troubling because we know that more crude spilled from trains in 2013 than during the past four decades combined. The EIR must look at recent data, which reflects the increased quantities of crude being transported in old and unsafe tank cars. The draft EIR uses outdated data that drastically underestimates the danger of a derailment or spill, which could put our school communities and children at severe risk. While school employees are state-mandated disaster workers while on the job, we are not at all prepared for the accidents that could happen from these heavy, dangerous trains containing hazardous oil.

WHEREAS, The EIR's worst-case scenario estimates a spill of 180,000 gallons, or roughly six tank cars of crude. This is most definitely a miscalculation because crude trains have 100 or more tank cars, carrying millions of gallons. Such a spill would certainly be more than 180,000 gallons. In fact, the oil trains in this project would be carrying almost 3 million gallons each. A spill would devastate our schools, scarce water resources, sensitive ecosystems, homes and local economies.

WHEREAS, The toxic air emissions that will accompany this project pose an unacceptable risk to public health. In its latest environmental review Phillips 66 admits that its proposed oil train facility will create "significant and unavoidable" levels of air pollution along the rail route, with sulfur dioxide and other toxic chemicals leaked that increase risk of cancer, heart disease, respiratory disease and premature death. This is unacceptable risk to the health of school children and educators close to the tracks.

San Leandro Unified School District

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Board of Education

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Human Resources

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Assistant Superintendent
Business & Operations

Mr. Murray Wilson
Department of Planning and Building
San Luis Obispo County
976 Osos Street, Room 300
San Luis Obispo, CA 93408

(San Leandro Unified School District)

RE: Phillips 66 Rail Spur Project

Dear Planning Commissioners,

The San Leandro Unified School District Board would like to state our concerns regarding the Phillips 66 oil train offloading facility expansion in San Luis Obispo County. The Board is particularly concerned with the increase in oil-train traffic generated by this project through many densely populated areas, including San Leandro, and the risk it poses to our schools along the rail route.

The most significant impact identified in the Revised Draft Environmental Impact Report (RDEIR) is accidents on the main rail line that could result in oil spills, fires, and explosions near populated areas. Our current rail system is designed to connect residents to their destinations throughout the entire Bay Area, not to move large quantities of hazardous materials like crude oil. Additionally, more than ten schools in the City of San Leandro, and the San Leandro Unified School District Board building, are within the one-mile US Department of Transportation Potential Impact Zone in the case of an oil train derailment or fire.

The RDEIR also did not evaluate the relative air quality or greenhouse gas emissions for the entire project area, which includes oil transport through San Leandro from Canada to the San Luis Obispo County facility. The diesel emissions from operational activities of trains along the route would generate toxic pollutant emissions that exceed thresholds, increasing the risk of cancer, heart disease, and respiratory disease, especially in the very young. There is already a high incidence of childhood asthma in San Leandro - asthma hospitalization rate in Alameda County has twice the state average and is the third-highest in California. Therefore, this project would directly compromise the health and safety our school communities along the rail route in San Leandro.

On February 10, 2015, the San Leandro Unified School District Board voted to respectfully request that the San Luis Obispo Planning Commission vote to deny the project.

Sincerely,

Mike McLaughlin, Ed.D.
Superintendent

835 E. 14th Street, Suite 200, San Leandro, CA 94577
***Tel:** 510-667-3522* *www.slusd.us* ***Fax:** 510-667-6234*

(Oakland Unified School District)

OFFICE OF THE BOARD OF EDUCATION
1000 Broadway, Suite 680
Oakland, CA 94607-4099
510.879.8199 w • 510.879.2299 f • 510.879.2300 TTY / TDD
www.ousd.k12.ca.us
e-mail: boe@ousd.k12.ca.us

OAKLAND UNIFIED SCHOOL DISTRICT

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Aimee.Eng@ousd.k12.ca.us

Jumoke Hinton Hodge, District 3
Jumoke.Hodge@ousd.k12.ca.us

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Nina.Senn@ousd.k12.ca.us

Roseann Torres, District 5
Roseann.Torres@ousd.k12.ca.us

Shanthi Gonzales, District 6
Shanthi.Gonzales@ousd.k12.ca.us

February 25, 2015

File ID Number: 15-0409
Introduction Date: 2/25/15
Enactment Number: 15-0272
Enactment Date: 2/25/15
By: [illegible]

Mr. Ken Topping, Chair
County of San Luis Obispo
Planning Commission
976 Osos Street, Room 300
San Luis Obispo, California 93408

RE: Phillips 66 Rail Spur Expansion

Dear Chairperson Topping and Members of the Planning Commission:

The Oakland Unified School District Board of Education wishes to convey to you its concerns regarding the Phillips 66 oil train offloading facility expansion in San Luis Obispo County. The Board is particularly concerned with the increase in oil-train traffic that will be generated by this project through many densely populated areas, including Oakland, and the risk it poses to the students and families in our schools along the rail route.

The most significant impact identified in the Revised Draft Environmental Impact Report ("RDEIR") is accidents on the main rail line that could result in oil spills, fires, and explosions near populated areas. Our current rail system is designed to connect residents to their destinations throughout the entire Bay Area and beyond, not to move large quantities of hazardous materials like crude oil. Additionally, at least a dozen schools in the City of Oakland, as well as the Oakland Unified School District Administration headquarters, are within the one-mile U.S. Department of Transportation Potential Impact Zone in the case of an oil train derailment or fire.

The RDEIR also did not evaluate the relative air quality or greenhouse gas emissions for the entire project area, which includes oil transport through San Leandro from Canada to the San Luis Obispo County facility. The diesel emissions from operational activities of trains along the route would generate toxic pollutant emissions that exceed thresholds, increasing the risk of cancer, heart disease, and respiratory disease among the entire population, especially in the very young. Residents in these same neighborhoods have been documented by the Alameda County Department of Public Health to have lower life expectancies than residents in other parts of our city in part because of the environmental hazards of living near a train line. There are dozens of schools and 20,000 students within one mile of train tracks in our District. There is already a high incidence of childhood asthma in the neighborhoods of Oakland along the train route – asthma hospitalization in Alameda County has twice the state average and is the third highest in California. Therefore, this project would directly the health and safety of our school communities along the rail route in Oakland.

Made in Hayward

HAYWARD UNIFIED SCHOOL DISTRICT

Building a Culture of Success

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Superintendent CEO

Mr. Murray Wilson
Department of Planning and Building
San Luis Obispo County
976 Osos Street, Room 300
San Luis Obispo, CA 93408

(Hayward Unified School District)

RE: Phillips 66 Rail Spur Project

Dear Planning Commissioners,

The Hayward Unified School District Board would like to state our concerns regarding the Phillips 66 oil train offloading facility expansion in San Luis Obispo County. The Board is particularly concerned with the increase in oil-train traffic generated by this project through many densely populated areas, including Hayward, and the risk it poses to our schools along the rail route.

The most significant impact identified in the Revised Draft Environmental Impact Report (RDEIR) is accidents on the main rail line that could result in oil spills, fires, and explosions near populated areas. Our current rail system is designed to connect residents to their destinations throughout the entire Bay Area, not to move large quantities of hazardous materials like crude oil. Additionally, more than thirty-six HUSD schools and facilities in the City of Hayward are within the one-mile US Department of Transportation Potential Impact Zone in the case of an oil train derailment or fire.

The RDEIR also did not evaluate the relative air quality or greenhouse gas emissions for the entire project area, which includes oil transport through Hayward from Canada to the San Luis Obispo County facility. The diesel emissions from operational activities of trains along the route would generate toxic pollutant emissions that exceed thresholds, increasing the risk of cancer, heart disease, and respiratory disease, especially in the very young. There is already a high incidence of childhood asthma in Hayward - asthma hospitalization rate in Alameda County has twice the state average and is the third-highest in California.

Therefore, this project would directly compromise the health and safety our school communities along the rail route in Hayward.

On April 22, 2015, the Hayward Unified School District Board voted to respectfully request that the San Luis Obispo Planning Commission vote to deny the project.

Sincerely,

John Taylor
Board President
Hayward Unified School District

24411 Amador Street •Post Office Box 5000, Hayward, California 94540-5000 • Telephone (510) 784-2600
www.husd.k12.ca.us

142. Phillips Is Not The Only "Good Neighbor";
Regardless, Being A "Good Neighbor" Doesn't Count In This Situation (2:00):

Speaker: _____

Hello, I'm _____ and I live in _____.

Phillips has gone overboard to let everyone know they've been "good neighbors", and therefore deserve to have their crude oil trains come here. Well, Phillips is not the only good neighbor. And regardless of status, being a good neighbor shouldn't count in this situation.

For the record, Nipomo Mesa residents are just as conscious about the need to give back to the County. And their efforts go far beyond handing out of money. They invest their time and energy to improve people's lives. Yet, because they don't seek constant coverage in the press, they don't get the publicity they deserve.

Let's take one example -- the Trilogy Service Club -- 70 men and women who work to meet the needs of nonprofits. Here are a few examples from the last two years ...

- The Denim and Lace Ball supported the South County Youth Coalition of Arroyo Grande.
- Fashion Shows benefited "Captive Hearts of Grover Beach", "The Rancho Nipomo Dana Adobe Children's Program", and "Relay For Life."
- The Harvesting Hope Festival has benefited the "Five Cities Homeless Coalition" and the "Nipomo Food Bank"for the past five years. In 2015 alone a total of $43,000 was donated.
- The Black & White Ball has helped support the "SLO Noor Foundation" and "Domestic Violence Solutions."

In 2015 the Service Club set a new record of donating $83,000 in proceeds to local charities. And from 2011 through 2015, the cumulative Trilogy Service Club fundraising to date was $222,000! And every dime was raised through thousands of hours of moral commitment, skill and sweat by Club members.

What does this good will, or that earned by Phillips, have to do with your decision about the rail terminal project? Honestly, being a good neighbor should have absolutely nothing to do with it ... it shouldn't be part of the equation.

The decision should be based only on the health, safety and well being of our citizens ... all of which will be put at serious risk by the rail project. Being a good neighbor simply doesn't count here. The issue is too important.

(Hand one copy of your statement to each commissioner + three copies to the clerk)

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127. Tar Sands Drives Global Warming Which Can Drive CA's Droughts & Wildfires (1:50):

Speaker: Dr. Cynthia Lewis

Hello, I'm Dr. Cynthia Lewis and I live in Templeton in the Evacuation Zone.

Recent research shows that extracting and refining tar sands generates approximately 20% more greenhouse pollution than the extraction and refining of conventional crude oil. And tar sands is the crude that Phillips wants to purchase in Canada and refine in SLO County.

That fact is even more important to know in light of additional, new research findings.

- Scientists at the American Geophysical Union just reported that California's drought is being worsened by 15% to 20% due to global warming ... and future droughts will be similarly intensified. They're getting worse due to warmer temperatures. They explained that the added heat draws moisture from soil and plants, accelerating the dryness.

- In addition, the SLO Tribune recently discussed global warming's impact on droughts and wildfires. They wrote -- "Not only will the atmosphere get warmer, but droughts may be longer. This year's record heat has dramatically lowered the moisture content of vegetation, allowing (fires) to burn easier and hotter."

- The Tribune also interviewed former CalFire Chief Robert Lewin in 2015. It reported that "During his nearly four decades as a firefighter, Lewin has seen wildfires get bigger, more intense and more complicated to fight. He attributes the greater intensity to effects of climate change, which have left thousands of dead trees.

  Chief Lewin said - "We used to have a major fire once a year in the state. Now, we typically have five of those every season."

  So, there's a direct, linear connection. The extraction and refining of Canadian tar sands contributes to additional global warming. Global warming intensifies droughts in our region ... which in turn worsens wildfires.

This is yet another, science-based, valid reason to reject Phillips' tar-sands-by-rail project.

(Hand one copy of your statement to each commissioner + three copies to the clerk)

http://summitcountyvoice.com/2015/06/28/environment-tar-sands-oil-releases-20-percent-more-greenhouse-gas-pollution-than-conventional-crude-oil/
http://pubs.acs.org/doi/abs/10.1021/acs.est.5b01255
http://www.thetimesgazette.com/california-drought-is-worsened-by-at-least-25-due-to-global-warming/6467/
http://news.agu.org/press-release/global-warming-is-intensifying-the-california-drought/
http://www.sanluisobispo.com/2015/08/29/3783698_this-years-bad-wildfire-season.html?rh=1
http://www.sanluisobispo.com/news/local/article50577295.html

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Statement of Richard B Kuprewicz, resident of SLO County, CA

A search of the internet will demonstrate that I have over 40 years experience in oil and gas operations, especially transportation, including emergency response, incident investigation, and development of safety regulations at the federal, state, and local government levels. For example, I currently serve as a representative of the public on the Technical Hazardous Liquid Pipeline Safety Standards Committee, a position appointed by the Secretary of Transportation to advise the Pipeline and Hazardous Materials Safety Administration, or PHMSA, on liquid pipeline safety standards.

Since my time is limited today, I will make only three key observations concerning serious deficiencies in the Final Environmental Impact Report, or "Report," for the Phillips 66 Company Oil-Rail-Proposal.

1) **Inferences that railroad interstate commerce usurps state, county, or local government safety concerns are misleading.**
   Such warnings made throughout the Report fail to convey that it is the states, counties, and local governments, and their first responders, who will have to deal with oil train derailments, containment failure, and associated tragedies. Clearly, loss of rail oil tank car containment has impacts that leave the railroad right-of ways, and have consequences that seriously affect local governments and their citizens, as well as sensitive waters and ecological systems.

2) **Effective tank car safety is still not here, nor expected for quite some time, if ever.**
   The implication that the current improvements in regulations pertaining to tank car proposed changes are sufficient to deal with an oil train derailment and loss of containment of these sensitive hydrocarbons are highly misleading, disingenuous, and dangerous. The NTSB has made it clear in issuing their 2016 most wanted list of transportation safety improvements on January 13, 2016, that railroad plans to replace DOT-111 tank cars with a safer generation of tankers by 2025 was "much too long" to wait. The NTSB goes on to further say: "Until these tank cars are removed from service, people, their towns, and the environment surrounding the rail system remain at risk."

3) **The Report is clear that the oil tank cars can ship a wide range of "crude oils" including Dilbits and Bakken oils**
   Crude oil is a generic term covering a wide range of oils. No limits are placed on the type of oils that can be received by oil train. The Report's portrayal of

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dilbits is also highly incomplete. Dilbits or diluted bitumen, are a wide range of varying types of Canadian tar sand oils, or bitumen, mixed with solvents to reduce bitumen's viscosity. The solvent oils are usually much lighter and volatile materials such as naphtha's, condensates, natural gas liquids, or other lighter hydrocarbons. I invite you to study the recent National Academy of Science Report related to dilbit oil spills issued in December, 2015. Many complications are introduced when emergency and oil spill response is not rapid, or effective, and oil spill response plans are not appropriate. Treating dilbit releases just like other more conventional crude oils releases is not appropriate. This is especially true when dilbits hit sensitive waters, such as that which occurred in the pipeline ruptures in Marshall, Michigan and Mayflower, Arkansas.

While recent regulatory efforts have attempted to reduce the volatility of various crude oils or place such higher volatile oils in special rail tankers by "packing group," the fact remains such attempts do not prevent another Lac-Megantic from occurring again. This project is being proposed before properly designed tank cars or prudent safety regulations can be properly implemented. Claims that emergency or spill response plans are sufficient to deal with such oil tank car failures are a deception.

The Report is incomplete and I urge you to follow the recommendation of your planning staff and reject this oil-by-rail proposal.

Thank you,

Richard B. Kuprewicz

149. About Phillips Plan To Switch From 500 To 300 Trains Per Year (2:50):

Speaker: Martin Akel

I'm Martin Akel, a business consultant living and working in Nipomo.

Phillips' new plan, introduced just 48 hours prior to these Hearings, is one that still permits the large majority of its trains to come, and spits in the face of the citizens and officials of SLO County.

After more than two years of telling us one thing, at the very last moment they drop a strategic bomb, hoping to save the day.

Has Phillips given citizens the proper time to digest their new plan? Did they give the Planning Commission staff the proper respect and tell them this was truly their intention? Did they alert the Commissioners and Supervisors? Of course not. They delivered their bomb just as the Hearings were to start.

So, how should you, our officials now feel? You should feel indignant at the chutzpah and audacity of Phillips. At how Phillips is attempting to blindside you. Attempting to steamroller you with a slick, legal shell game of "now you see it" and "now you don't." Is this a good neighbor acting in good faith?

How long do you think Phillips knew that reducing the quantity of trains was their true intention? There's no way they changed their mind just prior to the Hearings. Their lawyer wrote 39 detailed pages, yet waited until February 2nd to submit it. We must assume it was pre-determined to mislead the staff ... first fighting to haul 500 trains in and out of the County each year, only then reducing it to 300 at the last minute when the staff couldn't respond properly.

Phillips wants us to think they'll make us only a little rail pregnant ... that they'll promise to never, ever ask for more delivery by rail. But I believe you're far smarter ... you won't buy that.

But even if they make us only a little rail pregnant, what will disappear?

- Will citizens not be breathing diesel exhaust from 900 locomotives in and out of our County?
- Do the dangers of hauling and refining tar sands disappear?
- Does the threat of exploding trains disappear? Do the actual disasters in Lac Megantic, in Lynchburg, in Casselton, no longer foretell dangers for us?
- Does the threat of tar sands oil spills, which can cost governments billions of dollars, disappear?
- And are our emergency services now magically ready to deal with oil train disasters?

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149. About Phillips Plan To Switch From 500 To 300 Trains Per Year (2:55):

Phillips' original plan was incredibly dangerous ... yet they tried to shove it down our throats for two years. And now, instead of endangering us with 500 trains, they'll do it with only 300. And even though they know how onerous it will still be ... they're saying our County can do nothing about it ... we're preempted. They're thumbing their noses at us and likely laughing behind our backs.

Today, your citizens are standing up to Phillips and saying -- keep your trains out of our communities. We hope you, our officials, also stand up, be unafraid, and find the legal rationale to reject Phillips' plan. Even if they want only one train to arrive here, you must vote No rail terminal.

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To:

Commissioners

San Luis Obispo County Planning Commission Hearing

Public Hearing on the Phillips 66 Proposed Rail Spur Through the Bay Area

San Luis Obispo County Board of Supervisors Chambers

Thursday, Feb. 4, 2016

We are opposed to the proposed project:

1. The project should be canceled. There are less populous areas and alternate routes outside of the Silicon Valley. Refer to Figure 2-8 Main UPRR Rail Routes in the United States and the routes into southern California.

2. The 80-rail car trains would run on a single track in and beyond south San Jose. The single track is also utilized by the Caltrain carrying hundreds of passengers daily to work throughout Silicon Valley. The area is densely packed with housing being built. Five times a day of trains of 80 oil-carrying cars is unacceptable.

3. There are not firefighting resources enough to fight accidents in these populated areas.

4. Officials should approve a much less congested route through those parts of the state of California that are less populated.

5. Many technology enterprise companies would be placed at risk.

6. In addition, several new buildings for technology and business are being built and established in downtown San Jose and to the south through which the trains would pass on a single rail.

7. The Bay Area Rapid Transit (BART) train extension is underway in San Jose. The proposed trains place these enterprises at risk.

8. City Councils from Richmond and Berkeley south, including San Jose, have vetoed this project.

9. The oil-train proposal through the Bay Area is unwise.

Submitted by
Carolyn A. Straub
439 Chateau La Salle Dr.
San Jose, CA 95111

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Steve McHenry
439 Chateau La Salle Dr.
San Jose, CA 95111

Re: Comments on the Phillips 66 oil train project, February 4, 2016

My name is Steve McHenry and I live within the "blast zone," less than a half-mile from railroad tracks that would carry these oil trains.

There are more than 400 residences in the manufactured-home community in which I live, with a population of well more than 1,000 people. There are also large condo and apartment complexes next to us, with many more thousands of residents.

The planning department staff report lays out, in fine detail, the many legal reasons why this project must be denied. You will have read that report so I don't need to get into that here.

What I want to do is be the face of one of the people who would be impacted if you did approve the project. Me, and many thousands of others just like me, would be in danger for our lives should one of these mile-long trains derail and explode.

Should such a disaster happen, our homes would be damaged, our jobs disrupted, our lives turned upside down, if not lost.

But even if a train never derailed, they would still create significant harm to those living near the tracks. They would be noisy. They would block traffic at street crossings for long periods. They would spew volatile organic chemicals that are known to cause cancer, and that the winds would bring into our neighborhoods.

There can be no justification for running such large oil trains through populated areas, on aging tracks that were never designed to handle such loads.

Jobs at the refinery? A handful of jobs do not outweigh multi-thousands of lives of people living close to these tracks. A handful of jobs do not outweigh the environmental destruction that would happen with this project.

As a society, we need to be weaning ourselves off of oil, not drilling more and adding to the cycle of climate change that is warming our planet.

For all these reasons, I strongly urge you to accept the staff recommendation and reject this project.

Thank you.

REJECT THE PHILLIPS 66 PROJECT – THE RISKS FAR OUTWEIGH THE BENEFIT

Arlene Versaw, arleneversaw@gmal.com

There are so many reasons to oppose this project, I hardly know where to start. Rejection of this project should be a no-brainer on so many levels. But as a co-founder of Concerned Citizens for Clean Air fighting to cure the dangerous dust pollution that affects the residents of the Nipomo Mesa, I will focus on the rail spur project air quality impacts and leave the myriad other issues to other speakers.

OK, so the EIR says operational pollutant emissions are a Class I impact – significant and unavoidable – since emissions will exceed the Air Pollution Control District thresholds – which by the way, are STATE mandated thresholds designed to protect public health. We already have a serious air pollution problem on the Mesa – one that seriously threatens the health of Mesa residents. And yet, Phillips 66 has the audacity to propose using emission reduction CREDITS to reduce the level to a level of less than significant. Really? Just how does the use of credits protect our health? While legal, the use of credits should never be allowed when the public's health is affected. In addition, despite the use of such credits, one of the pollutants -DPM - would still remain significant! Why even HAVE rules to protect public health when they can be undermined through some deal-making "sleight of hand?"

Other EIR statements refer to the County being "preempted" from requiring health safety measures by federal law. Forgive me, but aren't all of our government agencies *by* the people and *for* the people? Hey, we ARE the people that you are sworn to protect. Why on earth would you approve a project that benefits a single, multinational corporate entity over the well-being of the general public?? Nothing "pre-empts" the County from doing the right thing and denying this project.

Your conscience should be your guide. I ask you to look inside yourselves and ask if you lived on the Mesa and the health of your family were being threatened by the rail spur project, would that affect your vote? If the answer is "yes," you should stop this project "in its tracks".

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Dr. Richard P. Wishner
Nipomo, CA

Phillips is requesting an enormous expansion of the use of crude oil rail cars in SLO County. Phillips claims their main reason for this greater than 10x increase is saving jobs and avoiding a plant closing. That's hogwash. Profit is their motivation.

The truth -- the jobs and plant's viability are safe. There's plenty of California crude for Phillips to process. If the Santa Maria plant were unprofitable, Phillips would have closed it some time ago. Do you really think they would close a profitable plant? What is important to Phillips is finding new ways to increase profits by rail transport. Oil industry experts know this and Phillips knows this.

I am a former CEO, have sat on 10 public and private company BODs and still sit on two company BODs. I typically would support a company like Phillips quest to increase profits, even in the case were sales were increased by exporting to Asian consumers. But not this time!

There are 11 Class 1, significant and unavoidable impacts described in the final EIR. Their impacts would damage the economy and the attractiveness of our community and to different extents; damage all of the citizens of SLO County. A rail spill would be a disaster. Even if there is no spill the negative environmental impact is severe. I already suffer from occasional obnoxious odors and other air pollutants from the Phillips plant. Enough is enough.

Is boosting the profits of a Texas company above the 4.2B$ they earned in the down oil market in 2015 at our expense, worth it? No! Let's keep SLO *"the happiest place to live."*

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1. www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/north-dakotas-explosive-bakken-oil-the-story-behind-a-troubling-crude/article16157981/
2. http://finance.yahoo.com/q/is?s=PSX+Income+Statement&annual

Gmail by Google

Gary McKible <gary@mckible.com>

STATEMENT FOR THE SLO PLANNING COMMISSION HEARING

1 message

Gary McKible <gary@mckible.com> Wed, Feb 3, 2016 at 7:55 PM
To: Gary McKible <gary@mckible.com>

Hello...My name is Gary McKible. I retired to the Central Coast after practicing law for 33 years in New Hampshire. I live on the Nipomo Mesa across from the refinery. I am also a proud member of the Mesa Refinery Watch Group.

Over the past two years, our group has gone head to head with supporters of this project. At city council meetings, and at other venues, we have given detailed, well-researched and well-documented reasons why decision-makers should reject this project. We have sat through countless hours of public hearings listening to the unfounded claims made by proponents of this project.

Even at these very hearings, project supporters continue to claim that the supply of local crude is inadequate and that jobs would be lost and the plant would be forced to close if this project were not approved. In fact, reporter David Minsky, wrote in the December 29th issue of the *Santa Maria Sun* ... "if there is no spur, then the refinery is at risk of shutting down, and if that happened, then it's [*sic*] 135 good-paying jobs would go bye-bye".

Our group has presented at a few city councils that appeared unable to comprehend the magnitude of the health and safety risks associated with this project even though their **own** communities are within the DOT Evacuation and DOT Potential Impact Zones. They decided not to submit letters of opposition. They preferred to wait until the release of the Final EIR before weighing in. As we all know, the Planning Staff has recommended denial of this project. It is not too late for those city councils to now submit their own letters of opposition to this project.

On the other hand, the majority of public officials and community leaders we appeared before recognized that Phillips' claims were based upon fear, not facts. They understood the very real hazards associated with this project and they felt compelled to send in letters of opposition. To those public officials, I say "booya".

Which leads me to this...Phillip's campaign of fear-mongering has succeeded...but only to scare its own employees. Why else would they be wearing those green "Protect Jobs" t-shirts and carrying "Protect Jobs" signs? Which only begs the question...*protect jobs from whom and protect jobs from what*? Their jobs need no protection, but all along, Phillips has been using one simple word to strike fear into the hearts of its employees, and that word is "viable", as in, "we need this project to remain viable". Yes, refinery workers **do** perceive a threat to their jobs, but the threat is not coming from those opposed to the project. It is coming from the management of Phillips, itself.

Despite what Phillips has been claiming all along, it does not NEED this project to remain..."viable"...Phillips simply WANTS this project to increase its profits.

It is more than obvious that the public's **Need** for safety far outweighs Phillips' **Want** of more profit.

There is no merit to approving this project other than to enrich Phillips 66.

THEREFORE, I URGE THIS COMMISSION TO ACCEPT ITS STAFF RECOMMENDATION AND DENY THIS PROJECT.

Thank you.

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for days or weeks, as our lives and livelihood go up in toxic smoke. And for what? Petroleum products that will never benefit us!

I urge you, the commissioners, to consider the ripple effect of approving this proposal. An effect that reaches far beyond this county. An effect that travels through California's rural and urban areas spreading environmental damage, economic hardship and human health dangers.

Please accept the staff recommendation and vote unanimously to deny the Phillips 66 proposal. Leave the oil in Canada and in the ground!

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Phillips 66 and Oil-Trains
Statement To The SLOCo Planning Commission
February 2016

Thank you Planning Commissioners for this opportunity to speak on this dangerous and far reaching proposal.

My name is Jack Sardegna. My wife, Jill, and I travelled here from San Jose to speak at this public hearing. The importance of this issue is just too great to sit at home and hope for a positive outcome.

San Jose is home to one million people and is about 25-miles end-to-end. If you approve the Phillips 66 refinery expansion, oil-trains will operate through the length of San Jose. These trains will pass through densely populated housing tracts, condominiums, apartments and the very heart of the city itself. In total 100,000 people, and increasing, live and conduct their daily activities within one-mile of the tracks.

These citizens and my family will twice daily be subjected to the pollution spewed from the three Diesel engines. We will breath the carcinogenic fumes. We will feel the impact of mile-long trains traversing the tenth most populous city in the country. We will be devastated when there is an oil spill, explosion and fire. We will (if we're lucky) stand at the safe-perimeter and watch,

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Rabbi Linda Bertenthal
3921 Carissa Court
San Luis Obispo

Thank you for the opportunity to share a Jewish perspective. My name is Rabbi Linda Bertenthal, and I live and work here in SLO.

A centuries old story sums up the Jewish view of our responsibility to the environment: When God created the first human, God led the human round all the trees of the Garden of Eden and said, "Consider My works, how beautiful and praiseworthy they are! All that I have created, for your sake I created it. Pay heed that you do not corrupt and destroy My world; for if you corrupt it, there will be no one to repair it after you." And Judaism also teaches that saving one human life is like saving an entire world.

At stake here is whether or not we will ensure that our beautiful corner of the world is not corrupted or destroyed and that lives are not put at unnecessary risk.

• The trains will degrade air quality, emitting pollutants that exceed safe thresholds, creating higher risks of respiratory disease, cancer, heart disease and premature death.

• If a train carrying the volatile, toxic diluted tar sands derails anywhere in SLO County – and there's nothing we can do to prevent this risk – it would be a disaster that would likely take human lives and irreparably damage our environment. The increase in rail transportation of crude oil in the past ten years has greatly increased the number of train accidents involving oil spills, fire and explosions, so the huge increase in oil trains here will clearly increase our risk of such accidents.

I had to be here today, not only because of my Jewish duty to protect the world and human life, but also because if you make the wrong decision here, and I have to bury, God forbid, someone killed due to a derailment, or a child who got cancer because of the proximity of his school to the railroad and these pollutants, or someone who died because an oil train slowed their ambulance too much, I have to be able to say to their family that I did all that was in my power to prevent it. Ask yourselves: What will you say to such a family?

All these environmental and health impacts and risks affect not only us but many communities, all along the railway. We are the only community with the opportunity to prevent this corruption of our environment and to save lives. With opportunity comes responsibility, even moral imperative. Please, safeguard our world. If you don't, and an explosion of diluted tar sands destroys our corner of the world, or any corner, there will be no one after us to repair it.