

My name is Istar Holliday, I am a resident of the Nipomo Mesa and former Chair of the SCAC Land Use Committee, but am here today to speak for myself out of concern for my neighbors as well as all my fellow citizens within reach of this project.

As Land Use Chair, I have been involved with the examination of the EIRs for this Railroad depot through all its incarnations. From the first, the EIR baldly asserted this project would have *no significant impact on population or housing*, a misstatement on several levels, concrete and moral.

Since, you have received hundreds of personal statements and letters citing the dangers to the health, safety, property, and very lives of everyone within its path and in the range of its sounds, smells, pollution, and blast zone, yet you dismissed them and the carefully researched recommendation of your own Planning Department to deny this project and kept postponing a decision.

On Monday, May 9, we came to hear what was expected to be your reasoned and final decision. Two of you, we were happy to hear, supported the Planning Staff's recommendation to deny the project, Two supported the economic interests of the oil industry and voted to support the project, and the commissioner who was to be the deciding vote elaborated in length on all the "Conditions" that would make the proposal palatable.

It took the lawyer for Phillips 66 to make the case for **denial** when she repeated all the "preemptions" that could (would?) make every "mitigation" of Class One impacts unenforceable by the County and, therefore, meaningless. I remind you, all those "preemptions," giving the Federal and State governments and the railroads the right to ignore those suggested mitigations, were in the EIRs from the outset for all to read and consider just as Phillips' right to "offset" the toxic pollutants were.

I remind you, also, that the Planning Commission is **not** charged with defending the interests of big Commerce and the fossil fuel industry but with evaluating controversial land use projects with the goal of protecting the health, safety, and welfare of the citizens of San Luis Obispo County, those residents, homeowners, and taxpayers who support the County government financially and have to live with its decisions.

Given your mandate, I suggest you support your Planners and your community and **deny this project**.

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Istar Holliday  
577 Stennis Rd  
Arroyo Grande, CA 93420

## 11. Increasing The Buffer Zone By Reducing The Length Of Crude Oil Trains (1:30):

Speaker: \_\_\_\_\_

I'm \_\_\_\_\_ and I live in \_\_\_\_\_.

TEN Class One impacts that cannot be mitigated remain under the three-train alternative. Therefore, there are no acceptable conditions of approval and you must reject the project. Even the condition I'm going to describe does not mitigate the impacts. But I'm stating it for the record.

Each train Phillips would bring into its refinery will have 80 tank cars. A train of that length has a direct bearing on the length of the tracks Phillips requires, and the amount of land that will be taken away from the current buffer zone.

Therefore, as a condition of approval -- any train arriving at Phillips' refinery would be limited to hauling 60, not 80 tankers. This would make the trains 25% shorter, and require less track length. It would thereby increase the amount of the remaining buffer.

Indeed, given that Phillips intends to continue receiving oil by pipeline and use rail for "optionality," this Commission should seriously consider limiting each train to 40, not 80 cars ... i.e., a reduction of 50% in the length of the trains. The Planning Commission should also determine whether moving shorter trains around the refinery will require fewer locomotives, thus decreasing locomotive emissions.

**(Add if you have time ...)**

But I must again state that no set of conditions can mitigate the Class One impacts. The project in its entirety is unacceptable to our citizens and voters.

PLANNING COMMISSION

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I'm Larry Kimmelman, and we've lived in Trilogy since 2010.

Allow me to be direct and straightforward. The facts surrounding this doomed project are clear, plentiful and horrific. Today, however, I have no intent on reiterating the obvious. Bottom line: there is simply no upside — only profound danger to human life and natural resources.

Instead, allow me to simply point out that we rely on the Planning Commission to protect our safety and our environment. We do not expect the Commission to protect the profits of a company that already thrives economically — especially at the expense of our security, our water, our neighborhoods and the air we breath.

Most importantly, we expect the Planning Commission to be one of us, as a parent or grandparent intent on fully protecting our family. It's just that simple. It's just that important.

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**4b. Claimed Overriding Consideration:**

**The Project Will Increase The Quality & Quantity Of Native Habitat At The Refinery**

(1:40)

Speaker: Mona Pastor

I'm Mona and I live in Oceanside 0.7 mi. from tracks  
retired librarian

The outcome of one of Phillips' overriding considerations is that instead of reconfiguring the rail terminal's footprint to avoid disrupting existing native habitat, they'll simply destroy it and attempt to recreate it elsewhere.

But here's the reality, as stated at these hearings. It was discussed that during the EIR process, an unmapped Environmentally Sensitive Habitat Area, or ESHA, was discovered exactly where Phillips wants to build their rail terminal.

\* The Planning Commission staff stated that, according to California Coastal Commission regulations, a project such as the rail terminal cannot be built on land containing sensitive species of plants and vegetation. They said the terminal, not the habitat, would have to be moved elsewhere on the property.

The ONLY caveat that would leave the site as is, is whether the project falls under "Coastal Dependent Use" ... that is, that for the project to succeed it must be near the ocean. County Counsel replied, quote - "finding the project to be coastal dependent would be difficult to prove." End quote.

The California Coastal Commission's staff also weighed in. After studying the rail terminal project they concluded, quote -- "Based on the unavoidable adverse impacts to Environmentally Sensitive Habitat Areas and dune vegetation, as well as other Local Coastal Program policy inconsistencies, we strongly agree with and support your staff's recommendation that the project's coastal development permit application be denied." End quote.

Therefore, the overriding consideration to destroy and relocate ESHA, is unacceptable to experts from both the Planning Commission and California Coastal Commission. And it should be unacceptable to you as well, our commissioners.

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**24. Phillips Must Pay To Train Teachers About Response To Crude Oil Train Derailments (1:30):**

Speaker: Dr. Cynthia Lewis

I'm Dr. Cynthia Lewis and I live in Templeton, CA.

TEN Class One impacts that cannot be mitigated remain under the three-train alternative. Therefore, there are no acceptable conditions of approval and you must reject the project. Even the condition I'm going to describe does not mitigate the impacts. But I'm stating it for the record.

Teachers have consistently complained that they have no skills or training in how to respond to a crude oil train derailment near their schools ... including impact from the trains into school buildings, oil spills, fires, explosions, smoke, etc.

Therefore as a condition of approval -- Phillips will pay for the training of all teachers in SLO County to be able to respond to oil train derailments. Each year, all teachers who are new to the County will also undergo the training.

In addition, Phillips will provide a grant to SLO County Schools to develop annual student training and a simulated drill regarding student safety in the event of an oil train disaster. This grant must include hiring an expert with experience in this type of training, who will either conduct the training or teach others to do so. The County Planning Department will determine the appropriate amount of this grant.

But I must again state that no set of conditions can mitigate the Class One impacts. The project in its entirety is unacceptable to our citizens and voters.

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**8. The Fence Line Around The Rail Terminal And Refinery Must Meet EPA Monitoring Standards (1:50):**

**Speaker:** John Hall \_\_\_\_\_

I'm John Hall and I live in Nipomo, Monarch Dunes \_\_\_\_\_.

TEN Class One impacts that cannot be mitigated remain under the three-train alternative. Therefore, there are no acceptable conditions of approval and you must reject the project. Even the condition I'm going to describe does not mitigate the impacts. But I'm stating it for the record.

Phillips' plan generates an entirely new set of air pollutants ... stemming from diesel exhaust, tar sands refining, and petroleum coke dust.

Therefore, as a condition of approval -- Phillips must submit a site-specific fence line monitoring and emergency response plan to SLO County APCD for approval.

The plan must comply with Federal EPA and State Air Resources Board Standards of Performance and Emission Standards for refineries shown in the Code of Federal Regulation Title 40, and California Code of Regulations Title 17.

This includes monitoring, performance testing, record-keeping, and reporting of refinery emissions, including fugitive particulate matter, carbon monoxide, sulfur oxides, benzene, propane, butane and other volatile organic compounds and greenhouse gases.

The plan must include installing state-of-the-art fence line monitoring equipment that generates publicly accessible fence line data, similar to that used at the Phillips Rodeo refinery. It must also include a training program for refinery personnel, and a protocol for rapid response when fence line monitoring detects fugitive gas and particulate aberrations.

**(Add if you have time ...)**

But I must again state that no set of conditions can mitigate the Class One impacts. The project in its entirety is unacceptable to our citizens and voters.

**(Attachment, next page; hand speech and attachment to the clerk.)**

<http://www.enveraconsulting.com/petroleum-refinery-fenceline-monitoring/>  
<http://www.envstd.com/us-epa-proposal-requires-oil-refinery-fenceline-benzene-monitoring/>  
<http://www.fenceline.org/rodeo/data.php>  
40 CFR Part 60 Subpart J  
40 CFR Part 60 Subpart Ja  
43 CFR Part 63 Subpart CC  
43 CFR Part 63 Subpart UUU  
CCR Title 17 Sections 95100-95158

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**22. An Enforcement Fund And Random Inspections By The County  
To Ensure Compliance With Conditions Of Approval (1:50):**

PLANNING COMMISSION

Speaker: \_\_\_\_\_

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I'm \_\_\_\_\_ and I live in \_\_\_\_\_.

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TEN Class One impacts that cannot be mitigated remain under the three-train alternative. Therefore, there are no acceptable conditions of approval and you must reject the project. Even the condition I'm going to describe does not mitigate the impacts. But I'm stating it for the record.

Phillips has shown they will attempt to get away with whatever they can. For example, first they wanted to leave the door open for rail delivery of Bakken crude to the refinery. Then they wanted to bring in five trains per week to the facility. Only citizens' objections caused them to back down from those plans.

So, as Commissioner Ken Topping stated -- "I don't see how you could avoid funding a permanent monitoring program that maintains vigilance." In other words, we cannot rely on Phillips to be its own policeman regarding ongoing implementation of the imposed conditions.

Therefore as a condition of approval -- an annual enforcement fund must be established, paid for by Phillips. The County will use that fund for personnel, equipment and systems to monitor the rail operations on a permanent basis, both with regular reporting and with random, unannounced inspections. The fund would be required to expand if the monitoring needs changes over time or if costs increase.

Where circumstances warrant, the County will refer issues or violations to other counties or federal agencies for action. Related costs will be assessed to Phillips.

**(Add if you have time ...)**

But I must again state that no set of conditions can mitigate the Class One impacts. The project in its entirety is unacceptable to our citizens and voters.

**Subject: STB Ruling; Benicia City Denial Of Valero Project**

I'm \_\_\_\_\_ and I live in \_\_\_\_\_.

You now have even more evidence and precedence giving you the right to protect SLO County's citizens from the onslaught of Phillips flammable crude oil trains.

- First - Valero Refining had asked the federal Surface Transportation Board to prevent the city of Benicia from denying the company's request to build a rail transfer station ... saying that federal regulations preempt cities from deciding on rail-related projects.

Instead, the STB denied Valero's request, pointing out that Valero is not a railroad company, so it could not claim federal pre-emption protection for its transfer station project.

- Second - Benicia city council members were waiting for the STB ruling before deciding on the Valero issue. But immediately following that timely ruling, the council voted unanimously to reject Valero's plan to introduce crude oil trains to the town.

So the STB and the Benicia City Council have successfully prepared the ground for SLO's Planning Commissioners. The decision-making dynamics have now changed. You, our commissioners, now have both federal and California foundations upon which to reject Phillips' crude-by-rail plan.

Additionally -- Benicia's council members instructed their staff to write a list of findings to support their denial, and to base it on the health and safety concerns at the proposed rail terminal site, rather than mainline concerns.

In SLO County, the Planning Commission's staff has already recommended denial of the Phillips project and prepared a list of findings to support the denial -- all based on issues at the refinery, not on the mainline. So the reasons for denial already exist. Please use the STB and Benicia actions, as well as your staff's expert opinions, to reject this project.

[http://www.slocounty.ca.gov/Assets/PL/Santa+Maria+Refinery+Rail+Project+Comments+2+\(PostEIR\)/Post+EIR+Comments/Surface+Transportation+Board+Decision+letter+9\\_20\\_2016.pdf](http://www.slocounty.ca.gov/Assets/PL/Santa+Maria+Refinery+Rail+Project+Comments+2+(PostEIR)/Post+EIR+Comments/Surface+Transportation+Board+Decision+letter+9_20_2016.pdf)

<http://www.sacbee.com/news/local/article103108307.html>

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## 2a. Claimed Overriding Consideration: Economic Benefits To SLO County (1:50)

**Speaker:** Kay Gore

I'm Kay Gore and I live in Arroyo Grande.

Phillips claims their refinery contributes to our County's economy, and that alone is an overriding consideration.

This implies that if the terminal is not approved, the refinery will close and the County harmed. And that's based entirely on the premise of insufficient California crude available via pipeline, with rail being the solution.

But here's the reality ... Phillips' annual report states that the entire firm's new direction is "crude-by-rail" ... that is, they want to import cheaper crude via rail to increase profits. So their SMR application is driven by a companywide dictate, not local conditions and a lack of California crude.

This commission's staff confirmed that this is a drive for greater profits. Quote - "The objective of the Project is to increase the Applicant's ability to access more economically priced crude. There are insufficient overriding economic, legal, social, technological benefits that outweigh the significant effects on the environment." End quote.

At these hearings, Phillips produced no evidence showing a lack of California crude ... specifically from sources on the Central Coast. That's because there are current and future supplies to access via pipeline. The Final EIR\* states this. Quote ...

"There is adequate crude for the SMR even without the project. It would be speculative to estimate when the local supply would not be sufficient to support further operation." End quote.

Their supporting data shows there's sufficient local crude currently, and even more based on new projects underway.

So the FEIR concludes, quote - "All of these sources of could be available to the SMR. Whether Phillips is willing to pay the needed price to obtain these crudes, is unknown." End quote.

Therefore, there is sufficient local crude, Phillips will not close the plant, and SLO's economy is not in danger. Simply put, this overriding consideration is an empty threat.

\* REIR issued 12/2015: Page ES-26 and Section 3.2 page 3-3; FEIR; 12/15; pages 53, 782, 165; Table 3.1

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**16. A Berm That Is Far Higher Than Indicated In The Final EIR (1:20)**

I'm Janice Schmidt and I live in Nipomo, CA.

TEN Class One impacts that cannot be mitigated remain under the three-train alternative. Therefore, there are no acceptable conditions of approval and you must reject the project. Even the condition I'm going to describe does not mitigate the impacts. But I'm stating it for the record.

As testified at these hearings -- there was inadequate testing during the EIR process to determine the rail operations' visual impact on neighbors. Even though Trilogy's roads are public roads at a high elevation, they were not taken into account regarding visual impacts. This was confirmed by County staff. So measuring the impact only from Highway 1, a far lower location, erroneously calculates the impacts for residents.

Therefore, as a condition of approval -- new visual tests must be done from the proper elevations and public roads. Then, the 20-foot high berm that Phillips proposes must be specified to be at a far greater height. Only then might we begin to mitigate the noise and incredibly ugly visual impacts that come with a crude oil rail terminal.

(Add if you have time ...)

But I must again state that no set of conditions can mitigate the Class One impacts. The project in its entirety is unacceptable to our citizens and voters.

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**4. Onsite At The Refinery -- Phillips Must Own And Operate The Least Polluting Locomotives (1:45):**

Speaker: Sandra Tiffany

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I'm \_\_\_\_\_ and I live in MD Townhomes

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TEN Class One impacts that cannot be mitigated remain under the three-train alternative. Therefore, there are no acceptable conditions of approval and you must reject the project. Even the condition I'm going to describe does not mitigate the impacts. But I'm stating it for the record.

During these hearings, evidence was submitted regarding how harmful diesel emissions are to citizens' health - no-one disputes it. Yet, each train entering, exiting and moving around the Nipomo refinery will be pulled by three locomotives, each spewing toxic diesel emissions.

Therefore, as a condition of approval -- the locomotives operating at the refinery must be owned by Phillips and operated by its employees. This will eliminate any issues of federal preemption regarding who is in control of the trains -- it would be an oil company responsible for controlling the on-site emissions, not a railroad.

Additionally, these locomotives must be the latest available, state-of-the-art, least polluting yard engines available at the time. Whether they be the model Tier 4 engines, hybrid yard engines, or any that ultimately supersede Tier 4 and current hybrid engines at a later date ... those are the locomotives which must always be in operation for train movements during unloading operations.

All locomotives not owned and operated by Phillips must shut down immediately upon entering the refinery's grounds. The movement of trains and their impact on the community must be Phillips' responsibility.

**(Add if you have time ...)**

But I must again state that no set of conditions can mitigate the Class One impacts. The project in its entirety is unacceptable to our citizens and voters.

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Statement of Jack Moyer, resident of Nipomo  
San Luis Obispo County Planning Commission  
September 22, 2016

The primary duty of the Board of Supervisors and planning commissioners is to protect the health and welfare of its constituency. The issue before us clearly calls on the planning commission, and hence the board of supervisors to respect this primary duty.

Having attended numerous meetings, read countless articles and listened to the comments of citizens both for and against the proposal, I find the proposal totally lacking in merit.

- The County permitted and approved the Trilogy development years ago; it is a fact that the community exists and the construction of the offloading facility will have a negative impact (noise, air and light pollution) on its residents. The argument brought forth by a Commissioner that "People who move next to the refinery should know the refinery is there. The project was there before the people were there" is wrong. The refinery was, and still is, is a passive refinery where crude is brought in via pipeline. The current refinery is much more benign and far different from the refinery proposed by Phillips.
- As we purchased our homes we were fully aware of the facility and its history. There was no mention of plans to significantly modify its operational methodology and footprint. I have no objection to the continued operation of the refinery in its present state. If there's a pipeline issue; fix the pipeline don't move to trains or trucks.
- The impact of flammable oil trains through our communities cannot be swept away for the good of commerce as was stated by a Commissioner. He said "bringing trains is just commerce. Bringing in other topics doesn't count". The Mosier derailment is a precursor to what can happen in SLO County. The impact of an accident is severe and long lasting; it would take decades to recover. Another Commissioner stated, "From 2001 to 2015 there were 22 train derailments in which people were killed. We must assume those risks". This statement is insensitive and void of logic; for virtually no net gain to SLO County these commissioners are willing to risk the lives and well-being of hundreds of thousands of local residents. Effectively selling us out for nothing.
- Ten Class I impacts remain unabated under Phillips revised proposals. These alone support disapproval of the Phillips proposal.
- The negative impact of the offloading facility on the community is not worth the 12 full time refinery jobs it would create.

I ask that you uphold your sworn duty and deny Phillips.

**Phillips Must Post A Bond To Address The Issue Of Potential Damage  
To Residents, Property And The Environment:**

PLANNING COMMISSION

**Speaker:** David Bernstein

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I'm David Bernstein and I live in Nipomo.

TEN Class One impacts - impacts that cannot be mitigated - remain under the three-train alternative. Therefore, there are no acceptable conditions of approval, and you must reject the project. Even the following condition that I'm going to describe does not mitigate the impacts, but I'm stating it for the record.

Many times, Phillips and their public relations staff have told us they would not be responsible if their tankers derail and cause damage and injuries along the mainline. They would point the finger at Union Pacific and tell us to call the railroad.

But what happens if Phillips' rail facilities or tankers that contain flammable crude oil on refinery property cause injuries or death to members of the public, or damage other peoples' property or the environment? This could include damage from fire, smoke, oil spills or other destruction. Who are we going to call and who pays for it all?

Therefore, as a condition of approval -- Phillips must bear financial responsibility for all injuries and damages stemming from the onsite trains, rail terminal, and flammable crude oil, and for remedying these damages to residents' satisfaction. To ensure this occurs, Phillips must post a bond of substantial size. The County Planning Department will determine the size of the bond.

That said, I must again state that no set of conditions can mitigate the Class One impacts that remain under the three-train alternative. The project in its entirety is unacceptable to our citizens and voters.

**29. An Array Of Conditions Must Be Imposed During Construction Of The Rail Terminal (1:45):**

Speaker: #22

I'm \_\_\_\_\_ and I live in \_\_\_\_\_.

TEN Class One impacts that cannot be mitigated remain under the three-train alternative. Therefore, there are no acceptable conditions of approval and you must reject the project. Even the condition I'm going to describe does not mitigate the impacts. But I'm stating it for the record.

If this project ever enters the construction stage, it will cause six months of havoc and danger for citizens on the Mesa. They will be faced with truck traffic, noise from the construction of both the tracks and unloading facility, additional air pollution from construction vehicles, and visual and light pollution from a glaring construction site.

Therefore, as a condition of approval -- stringent conditions for the project's construction stage must be imposed, helping limit impacts to local residents.

This would include, but not be limited to restricting the days and hours of construction, limiting the light and noise coming from the site, monitoring air pollution, and, prior to construction -- planting trees and shrubbery and building an extremely high berm to help block some of the noise and visual pollution of the construction site.

Plus, random inspections by County personnel must be made to be sure that all conditions are being adhered to during the construction phase.

**(Add if you have time ...)**

But I must again state that no set of conditions can mitigate the Class One impacts. The project in its entirety is unacceptable to our citizens and voters.

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4a. Claimed Overriding Consideration:

The Project Will Increase The Quality & Quantity Of Native Habitat At The Refinery

(1:45)

Speaker: # 25

I'm \_\_\_\_\_ and I live in \_\_\_\_\_.

One of Phillips' overriding considerations is that the company will compensate for the loss of native habitat that shouldn't be destroyed, by creating new native habitat.

Here's the reality. This Planning Commission staff's report on the project stated, and I quote:

"The (rail spur) area contains sensitive plant and animal species needing protection, including plants, sensitive communities, burrowing owls, and coast horn lizard.

"The proposed uses would significantly disrupt the habitat because development would remove approximately 20 acres of area containing listed "rare" or "1B" species by the California Department of Fish and Wildlife and the California Native Plant Society.

"There does not appear to be an alternative design or Project configuration that would avoid disturbance and removal of this habitat."

The staff goes on to say, quote -- "This is in direct conflict with (the County's General Plan which says) - 'All development shall be designed and located in a manner which avoids any significant disruption or degradation of habitat values.'" End quote.

The language is clear -- allow no development that disrupts or degrades the habitat. It doesn't say that just because you don't think the habitat is pretty enough, go ahead and destroy it. Therefore, Phillips' overriding consideration that it's okay to relocate habitat that's in their way, is not acceptable.

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**18. Odors From The Crude Oil Unloading Facility Must Be Monitored And Contained (2:00):**

Speaker: #24

I'm \_\_\_\_\_ and I live in \_\_\_\_\_.

TEN Class One impacts that cannot be mitigated remain under the three-train alternative. Therefore, there are no acceptable conditions of approval and you must reject the project. Even the condition I'm going to describe does not mitigate the impacts. But I'm stating it for the record.

Exposed crude oil has a distinctly noxious smell. With crude arriving by pipeline, there is no exposed crude oil at Phillips' refinery.

However, with their proposal, oil will be exposed as it's transferred from rail tankers to storage facilities. In fact, now that Phillips is transferring oil out of trucks, residents have noticed far greater odor pollution. And with far greater quantities of oil pumped out of rail tankers, there would be substantial odors escaping and carried by onshore winds into local communities.

Therefore, as conditions of approval:

1. Research must be conducted to determine the type and strength of the odors that would emanate from tar sands during the unloading and refining processes, and from the resulting petcoke.
2. Research must be conducted to determine the maximum allowable odor for the rail terminal.
3. A monitoring system must be put in place to measure odors on an ongoing basis, with penalties put in place for violations.
4. Monitoring of odors based on a change in crude oil slate, must be conducted by an independent third party, retained by SLO County and funded by Phillips, with results posted on a website for the general public. The monitoring must be an ongoing operation throughout each year.
5. And, a vapor recovery system must be installed, to reduce the odors.

**(Add if you have time ...)**

But I must again state that no set of conditions can mitigate the Class One impacts. The project in its entirety is unacceptable to our citizens and voters.

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**1. Exact Conditions Of Operation Must Be Specified (1:20):**

Speaker: THOMAS RYAN #23

I'm TOM RYAN and I live in SAN LUIS OBISPO COUNTY.

TEN Class One impacts that cannot be mitigated remain under the three-train alternative. Therefore, there are no acceptable conditions of approval and you must reject the project. Even the condition I'm going to describe does not mitigate the impacts. But I'm stating it for the record.

SLO County has never before been home to a crude oil rail terminal. It has never had to understand and regulate how such a terminal operates, its impact on citizens, and what's required to protect the environment and health and safety of the public.

Therefore, as a condition of approval -- a highly detailed document must be developed which explains and regulates, regarding Phillips' property, where trains will move, how locomotives will uncouple and couple, how long each operation will take, other vehicles and machinery that will be required, the type of personnel involved, what their activities will be, and so forth.

As Commissioner Jim Irving stated -- these details "must be nailed down rock solid." As the document is developed, special attention must be paid to specifications for limiting the impacts on the neighboring communities.

**(Add if you have time ...)**

But I must again state that no set of conditions can mitigate the Class One impacts. The project in its entirety is unacceptable to our citizens and voters.

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To the SLO County Planning Commission,

The eminent domain of public safety and security is paramount and demands complete information.

My particular concern is the safety of the Stenner Creek Railroad Bridge. The bridge was built approximately 130 years ago. It is located next to, and above the City of San Luis Obispo Water Treatment Plant at the paved end of Stenner Creek Road. The Nacimiento Pipeline enters the plant at this location.

The bridge is over 100 feet high at its center span. If for any reason, the bridge or its tracts were to fail, the massive tanker cars would fall 100 feet, and would cause an explosion that would be CATASTROPHIC. In my opinion, it would kill many people, and likely destroy the City's water treatment plant. This plant serves many thousands of people.

Phillips 66 and Union Pacific Railroad must submit documents to the County of San Luis Obispo for review by independent engineers. These documents would include:

- As built drawings.
- Specifications of materials used.
- Loads (weights) used for cars and engines.
- Design calculations with factors of safety used.
- All inspection and maintenance reports.

If for any reason Union Pacific and Phillips declines the submittal, then I would recommend rejection of the proposal, because the bridge cannot be independently evaluated

John W. Edmisten C.E.  
Emeritus Professor  
Cal Poly, San Luis Obispo, CA

 9-27-16

**19. Onsite At The Refinery -- Utilization Of Only State-Of-The-Art Crude Oil Tankers (1:45):**

Speaker: Cynthia Alvarez #29 Green

I'm \_\_\_\_\_ and I live in Nipomo California.

TEN Class One impacts that cannot be mitigated remain under the three-train alternative. Therefore, there are no acceptable conditions of approval and you must reject the project. Even the condition I'm going to describe does not mitigate the impacts. But I'm stating it for the record.

Evidence has been presented here about how even the latest crude oil tankers cannot prevent rupture and spills during derailments. Even the latest DOT-117 cars are vulnerable to rupture when traveling at any significant speed. And, they cannot remain intact beyond fires of 1.5 hours -- but most crude oil fires burn far longer.

Therefore, as a condition of approval -- only state-of-the-art crude oil tankers will be allowed on the refinery's grounds. This will be the case whether the cars are DOT-117 models or whatever the safest cars are specified by the federal government at any given time.

The cars must include the latest available technology. As per Commissioner Jim Irving -- "The cars must have all the 'bells and whistles'."

Even if federal regulations give companies additional years to implement state-of-the-art tankers, Phillips must not delay to that date. They must immediately purchase or lease those model cars or retrofit existing cars to meet the highest-known standards, regardless of cost and the future deadlines for implementing new tanker models.

**(Add if you have time ...)**

But I must again state that no set of conditions can mitigate the Class One impacts. The project in its entirety is unacceptable to our citizens and voters.

PLANNING COMMISSION

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**28. Phillips Must Post A Bond To Address The Issue Of Potential Damage To Residents, Property And The Environment (1:35):**

Speaker: Rick Greenz #29

I'm Rick Greenz and I live in Nipomo.

TEN Class One impacts that cannot be mitigated remain under the three-train alternative. Therefore, there are no acceptable conditions of approval and you must reject the project. Even the condition I'm going to describe does not mitigate the impacts. But I'm stating it for the record.

Many times, Phillips and their public relations staff have told us they would not be responsible if their tankers derail and cause damage and injuries along the mainline. They would point the finger at Union Pacific and tell us to call the railroad.

But what happens if Phillips' rail facilities or tankers that contain flammable crude oil on refinery property cause injuries or death to members of the public, or damage other peoples' property or the environment? This could include fire, smoke, oil spills or other destruction. Who are we going to call and who pays for it all?

Therefore, as a condition of approval -- Phillips must bear financial responsibility for all injuries and damages stemming from the onsite trains, rail terminal and flammable crude oil, and for remedying it to residents' satisfaction. To ensure this occurs, Phillips must post a bond of substantial size. The County Planning Department will determine the size of the bond.

**(Add if you have time ...)**

But I must again state that no set of conditions can mitigate the Class One impacts. The project in its entirety is unacceptable to our citizens and voters.

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## 15. Installation Of Landscape Screening (1:45):

Speaker: #30 Deborah Art

PLANNING COMMISSION

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I'm \_\_\_\_\_ and I live in \_\_\_\_\_

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TEN Class One impacts that cannot be mitigated remain under the three-train alternative. Therefore, there are no acceptable conditions of approval and you must reject the project. Even the condition I'm going to describe does not mitigate the impacts. But I'm stating it for the record.

Commissioners have been shown visuals of what other rail terminals look like ... with mile-long crude oil trains, crisscrossing tracks, offloading facilities, attending vehicles, etc. Approval of this project will result in similar visual destruction of the current scenic vista.

The public must be compensated for this destruction, and the destruction minimized.

Therefore, as a condition of approval -- prior to construction, Phillips must plant an extensive number of trees and shrubs along the fenced perimeter of Highway 1, as well as within other areas of the terminal ... wherever there will be visual impacts. The trees must be fully-grown and tall ... not saplings that take a decade or more to grow to acceptable height. All trees and shrubs must be evergreen.

Phillips must be responsible for proper landscape maintenance and replacements of trees and shrubs as long as the terminal exists. A plan for landscape installation and maintenance must be approved by the County Planning Department.

The department must identify enforcement standards for this condition and assign penalties for noncompliance.

**(Add if you have time ...)**

But I must again state that no set of conditions can mitigate the Class One impacts. The project in its entirety is unacceptable to our citizens and voters.



## PLANNING COMMISSION

The San Luis Obispo County Planning Commission Welcomes  
Your Comments for the Phillips 66 Rail Spur Hearing  
September 22, 2016

September 22, 2016

Commissioners:

1. The points made in the September 19, 2016 Environmental Defense Center letter (sent to all of you) appear to be valid and significant.
2. The findings and conditions of approval (proposed) you have been given by staff DO NOT include findings and conditions relating to many plans, policies and General Plan elements identified in the February staff report. You may not be able to make a decision - especially a decision of approval - without addressing these missing findings.
3. You should specifically address the comments in the EDC (9/19/16) letter regarding unmapped ESHA.

You have the right and responsibility to DENY this project based on inconsistencies with MANY plans, policies, goals and General Plan Elements. This is about Land use decision-making

PLANNING COMMISSION you do have control.

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Michael Normoyle  
Nipomo, CA.

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I was present to observe what happened and what happened was decided in Benicia. There was no hesitancy on the part of the Council to do what was right for their entire community. Key were health, safety and risk management. They knew that full and proper mitigation would be impossible, and that was not acceptable.



## PLANNING COMMISSION

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Your Comments for the Phillips 66 Rail Spur Hearing  
September 22, 2016

- I DO NOT WANT EVEN 1 OIL TRAIN  
PER WEEK / month / year DUE TO  
1. POSSIBLE DERAILMENT - EXPLOSION OR  
FIRE  
2. INCREASED AIR POLLUTION - FROM POSSIBLE LEAKAGE  
3. INCREASED WATER POLLUTION - FROM POSSIBLE LEAKAGE  
4. INCREASED FIRE PROTECTION + EMERGENCY  
SERVICES

LAWRENCE SCARPACE  
GOLETA CALIFORNIA

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## PLANNING COMMISSION

The San Luis Obispo County Planning Commission Welcomes  
Your Comments for the Phillips 66 Rail Spur Hearing  
September 22, 2016

To the Commissioners,

Please reject this railroad project. Safety of our community needs to be a priority. The trains travel through the University, close to each hospital in the city of SLO, next to the high school & intersect many residential neighborhoods. An accident would be catastrophic. My husband work for the RR for many years. They are often not on top of rail safety for tracks etc. I believe it is naive to think an accident could not happen.

Jeri Jew, SLO

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## PLANNING COMMISSION

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To the comment by Commissioner Campbell re: this issue being manipulated by outside parties, I assume he doesn't have a property located nearby the rail line. I have two within the "blast zone." Accidents on these lines have occurred - this is a fact. If one occurs here I and my family could literally be wiped out. Both physically and financially. Therefore, I suggest we stick to the hard reality and facts in considering the implications of this decision.

Furthermore, if this economic activity we're supporting by way of an approval to go forward were benign in it's impact on the environment, perhaps one could justify supporting it. However, what's clear to anyone examining the externalized impacts of this industry in terms risk to our and our planet's health, this is an industry whose time has past. Wall St. knows this. The writing is all over the place. This industry is akin to the pharmaceutical business - it's about pure exploitation of the defenseless.

It's time to protect our citizens from this unjustifiable risk to harm and financial loss. It's time to look to the future and oppose dirty, dangerous industries that have no place in our community.

Patrick Kerans  
1107 Fuller Rd  
SLO, CA 93403  
408-806-2015 (M)

PLANNING COMMISSION

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