

**"THE MESA REFINERY WATCH GROUP"**

**NEWSLETTER: October XX, 2014**



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**DON'T HAVE TIME TO READ IT ALL?**

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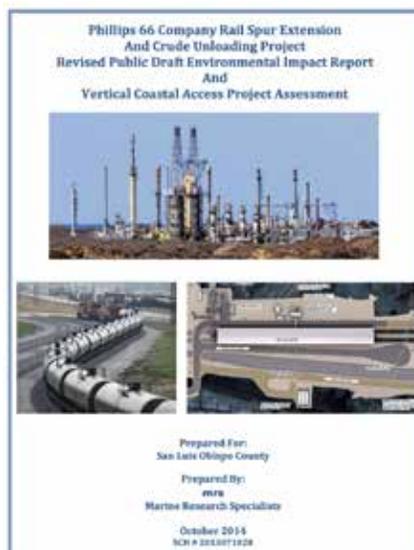
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## A. WHAT'S NEW THAT YOU NEED TO KNOW

**1. The Revised "EIR" - A Spectrum Of Misleading And Missing Information:** Hopefully you've reviewed the "Cliff Notes" we attached to our last newsletter. It details the serious deficiencies the P66 Recirculated Environmental Impact Report (REIR) has relative to the health, safety and quality of life of the citizens and businesses of SLO County. For example ...

- Citizens are given only 45 days to read, digest and react to a highly technical, 889-page report.
- It identifies 5 air quality impacts that are Class I (those that cannot be mitigated to less than significant levels). Yet, it fails to take into account that this pollution would be in addition to air quality that already fails to meet state and federal standards.
- Even though it's likely that "tar sands" will be shipped in by rail, bringing even a greater potential for pollution, the issues of tar sands and "petcoke" are never addressed.
- It minimizes the potential for crude oil train derailments, never recognizing that shipments of crude-by-rail are growing by leaps and bounds; the old "odds" no longer apply.
- The emergency services that would be required are underfunded, undertrained, under-equipped, and unprepared. Yet, a spectrum of nearly impossible-to-implement mitigation measures are suggested in the REIR.
- The visibility of the Rail Terminal as well as its noise levels are drastically misrepresented.
- It fails to address the fact that SLO County approved multiple residential communities on the Nipomo Mesa; an invasive Rail Terminal is totally incompatible with those communities.
- Plus many more deficiencies are pinpointed in the "Summaries & Reactions" document (which is again attached to the email you received).

Here's a link to the actual REIR (it's sectionalized): [http://www.slocounty.ca.gov/planning/environmental/EnvironmentalNoticesPhillips\\_66\\_Company\\_Rail\\_Spur\\_Extension\\_Project.htm](http://www.slocounty.ca.gov/planning/environmental/EnvironmentalNoticesPhillips_66_Company_Rail_Spur_Extension_Project.htm).

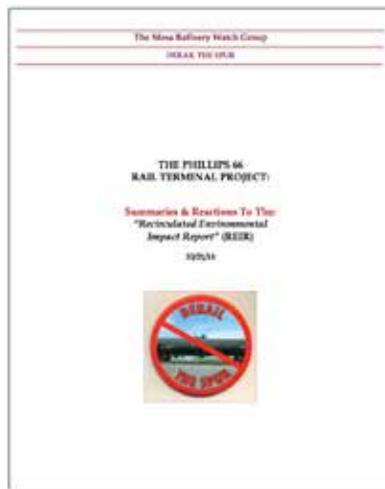


**2. The Clock Is Ticking For You To Notify The County How You Feel:** Each of us has **only until November 24th** to submit our reactions to the SLO County Planning Commission. Your emails and letters will be critical in making our officials aware of the dangers Phillips 66 plans for our County.



Here's the action to take, starting today ...

**a. "Cliff Notes" On The Crude-By-Rail Project:** The "Summaries & Reactions" document that was attached to our last newsletter is attached once again.



**b. Choose Your Topics:** You can use that document to pick different subjects for each of your communications. Try to communicate in your own words. Don't just say you're against the project ... be as specific and as factual as possible.

**Special Note:** Point out why all of SLO County will be affected as opposed to just Mesa residents. Oil trains (1.5 miles long) coming through SLO County is not only a Nipomo Mesa issue.

If you previously sent emails/letters based on the first DEIR and still have them, you can send the same ones again, as long as your points still apply. For example, don't refer to tankers of Bakken crude oil, which we have forced off the table.

**c. Send Multiple Communications:** It's essential that you send multiple communications to the Planning Commission and Supervisors. We ask that each person in your household send **at least one email or letter each week** between now and November 24th ... more if you can. If possible, different people should communicate via different email addresses.

(continued)

**d. Sending Your Emails/Letters:** Comments must be sent in writing by Nov. 24th at 4:30 PM (but please start sending them now). Send them via email and/or U.S. Mail ...

- **Emails:** Address them to “Mr. Murry (no “a” in Murry) Wilson, SLO County Planning Department.” Please send your email to ...

- **p66-railspur-comments@co.slo.ca.us** (main address for the P66 issue)

- **Then please include all the following email addresses in the “bcc” box (“blind carbon copy”):**

- jim@jimirving.com (Planning Commissioner)
- ktopping@calpoly.edu (Planning Commissioner)
- frenchbicycles@gmail.com (Planning Commissioner)
- elcarroll@co.slo.ca.us (Planning Coordinator)
- rhedges@co.slo.ca.us (Planning Assistant)
- cray@co.slo.ca.us (Supervisor)
- bgibson@co.slo.ca.us (Supervisor)
- ahill@co.slo.ca.us (Supervisor)
- darnold@co.slo.ca.us (Supervisor)
- fmecham@co.slo.ca.us (Supervisor)
- boardofsups@co.slo.ca.us (Board of Supervisors, general address)
- lreynolds151@gmail.com



- **Letters Via U.S. Mail:** Send to Murry Wilson, SLO County Dept. of Planning and Building - 976 Osos St., Room 200, San Luis Obispo, 93408.

**3. Please Try To Attend These Three Meetings:** It's essential that we show the scope of our commitment by attending key events in person. Please have as many people as possible in your household attend these meetings ...



**a. Public Workshop:** SLO County staff and their EIR consultant will be available for our questions and comments about the REIR and the Public Hearing process (see "c" below). Representatives from Phillips 66 will also attend.

- Wed., Nov. 5, 2014 • 6 - 9PM • Mesa Middle School - 2555 Halcyon Rd., Arroyo Grande.

**b. "P66 Citizens' Action Meeting":** Members of the Mesa Refinery Watch Group Steering Committee will meet with all of our members. We'll review the key issues and impacts with you, review the actions that need to be taken, answer your questions and look forward to your comments.

- Tuesday, Nov. 11, 2014 • 4 - 6PM • Avila Room, Monarch Club, Trilogy.

**c. Public Hearing Before The SLO Planning Commission (Tentatively Scheduled):** This is where each citizen has the opportunity to briefly speak before the Planning Commissioners, who will decide the fate of the Rail Terminal project. Not only is it vital for us to voice our views, but it's just as vital for all of those in opposition to show support and solidarity.

- Tentative - Thursday, Jan. 29, 2015 • Time TBD • Board of Supervisors Chambers, County Government Center; 1055 Monterey Street, San Luis Obispo

- 4. Local Government Officials Recognize That The Rail Terminal Will Damage Our County:** On October 28th members of the *South County Advisory Council (SCAC)* heard from both Phillips 66 and local residents regarding the proposed Rail Terminal. After the two sides had their say, Council members stated their views. Across the board, they believe that despite Phillips' needs, the project is fundamentally wrong for residents ... and that the residents' health and safety is the foremost issue.



Members specifically voiced concern for ...

- The additional damage the project will do to the air quality on the Nipomo Mesa.
- The dramatic misuse of land -- destroying the buffer between the refinery and residents.
- How a Rail Terminal will invade residences with visual, noise and light pollution.
- The lack of emergency preparedness -- funding, training, equipment, staffing, etc., for derailments, oil spills, fires and explosions.

All of these are justifiable reasons for County planners and supervisors to reject the project.

- 5. Phillips 66 Comes Clean - The Motivation Behind Its Proposal:** When Phillips made its original proposal, it clearly stated why it needed to build a Rail Terminal -- "Oil production in California has diminished" (Phillip's flyer, January '14). They implied that because they were running out of California crude for the Nipomo refinery via pipeline, they needed to bring it in from out-of-state via rail.

Yet at the above SCAC meeting, the refinery's superintendent admitted that California is awash in crude oil for the taking ... and it could take years or decades to run out. But -- Phillips doesn't want to pay the asking price. It prefers to bring in far cheaper crude by rail from places like Canada. (And, with that move, the refinery would fall in line with corporate dictates for companywide crude-by-rail operations.)

So - anytime you hear that Phillips is running out of crude for its pipeline, remember that the real issue is their desire for lower cost crude and higher profits, not the lack of California oil.

- 6. Other Communities - Taking Notice Of Our Fight To Keep SLO County Safe:** The Sacramento Bee recently reported on the REIR just issued in SLO County. They point out how P66's original DEIR found no major safety concerns. However, after it was forced back for revisions, the new report *"came to the conclusion that the risk of oil spills and fires is real."*

The article points out what we've said all along -- *"The dramatic increase in the last few years of crude oil shipments around the United States and Canada, often on 100-car trains, has led to major derailments and fires ... prompting evacuations of residential areas."*



The article also sheds light on a questionable, supposedly independent source used in the REIR - *"Notably, both Benicia and San Luis Obispo based a portion of their reports on analysis by an Illinois professor, Christopher Barkan, who also does work for a major rail industry lobbying group. Barkan's methods of determining the potential frequency of oil spills have been questioned by state safety officials. Barkan has declined to speak to The Bee."* <http://www.sacbee.com/news/local/transportation/article3337650.html>

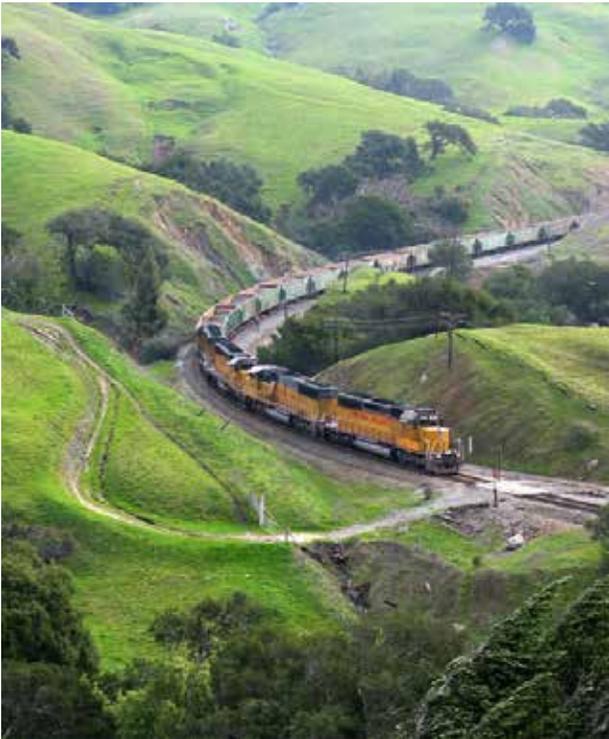
- 7. Crude-By-Rail Can Be Stopped:** It takes an enormous amount of hard work, but California communities and their colleagues can put serious roadblocks in front of crude-by-rail. *"EarthJustice, a San Francisco-based environmental group, won its battle to halt crude oil train operations as InterState Oil Co., a Sacramento fuel distributor, agreed to stop unloading train shipments of crude oil next month at the former McClellan Air Force Base (in Sacramento County)."*

*"A managing attorney of EarthJustice said the decision sounded 'a wake-up call' for permitting authorities to consider community input. 'We have been seeing local authorities blindly approve crude-by-rail projects without being open with the public and without considering the full effects,' she said."* [http://www.sanluisobispo.com/2014/10/23/3310918\\_facing-lawsuit-california-oil.html?rh=1](http://www.sanluisobispo.com/2014/10/23/3310918_facing-lawsuit-california-oil.html?rh=1)

- 8. Reminder - It's Critical That You Vote For County Supervisor On November 4th:** The person who sits in the 4th district supervisor's seat is important to our future. Be sure to vote. The candidates - Supervisor Caren Ray versus Lynn Compton.

**9. Union Pacific - Suddenly Concerned About Trains On The Cuesta Grade:** From the beginning of our fight to stop crude-by-rail in SLO County, we pointed out the dangers of oil tankers coming down the steep, curving Cuesta Grade. Finally, *“faced with public concern about the risks of crude oil shipments, the Union Pacific railroad last month boosted its rail inspection program on mountain passes. The inspection vehicles will patrol UP’s looping line on the Cuesta grade in San Luis Obispo County.”* We wonder what caused them to take this action after all these years? Very likely, they hope to ward off rejection of new crude-by-rail initiatives.

The article also pointed out - *“Over the last five years, UP has suffered about 180 derailments in California, according to the federal government’s rail incident database.”* Somehow, that statistic flies in the face of what Phillips experts have been telling us regarding the odds of derailments. <http://www.sacbee.com/news/local/transportation/article3076881.html>



**10. Factoid - What’s 102 Times More Dangerous Than Normal?:** Our last newsletter reported on how California’s Attorney General Kamala Harris has taken the position that crude-by-rail has far more impacts than its supporters are claiming. Her “comment letter” contained an enlightening (frightening?) factoid about “tar sands”, which will likely be shipped by rail to P66’s SLO County refinery ...

- *“Tar sands bitumens contains 102 times more copper, 21 times more vanadium, 11 times more sulfur, six times more nitrogen, 11 times more nickel, and 5 times more lead than conventional heavy crude oil. These pollutants contribute to smog, soot, acid rain, and odors that affect residents nearby.”* Of course, they also contribute to very serious health issues.

(R.F. Meyer, E.D. Attanasi, and P.A. Freeman, "Heavy Oil and Natural Bitumen Resources in Geological Basins of the World," U.S. Geological Survey Open-File Report 2007-1084 - 2007 - p.14, Table 1 - available at: <http://pubs.usgs.gov/of/2007/1084/>)\.)

**11. Hey Phillips 66! How Much You Donate To Charity Isn't The Issue!:** It's interesting that whenever there's a need to persuade SLO County about their desires, Phillips 66 conveniently puts out a newsletter telling us how much they just donated to local causes.

Well, there they go again with their Fall 2014 flyer ... promoting a \$25K donation to the Dunes Center, plus a scholarship award. Honestly, we say "good job" P66 ... you're to be applauded.

But -- being a good neighbor doesn't matter when it comes to the Rail Terminal project. Consider this about citizens on the Nipomo Mesa ...

- Three weeks ago, residents attended an auction in a couple's home and raised \$27K for three local charities - "Womenade", "Nipomo Food Bank", and "The Five Cities Homeless Coalition."
- This past Sunday's "Harvesting Hope" raised many thousands of dollars for the "Five Cities Homeless Coalition", and the "Nipomo Food Bank."
- This past spring, the Trilogy "Fashion Show" raised \$14K for "Captive Hearts."
- And that includes only a very few of the Nipomo Mesa residents' "good works."



All of these "good works" **MEAN NOTHING** in terms of whether SLO County should approve the Rail Terminal project. Being "good neighbors" and raising money for our community isn't relevant.

However -- introducing into our community, for the first time, 520, 1.5 mile-long crude oil trains per year, with the threat of oil spills, fires, explosions, and a dramatic change in the quality of life for SLO County citizens, trumps Phillips' need to increase profits via crude-by-rail. That's the issue.

Good works are not part of the equation.

## B. WHY YOU SHOULD CARE ABOUT WHAT PHILLIPS 66 INTENDS FOR SLO COUNTY

- **History:** Hundreds of Nipomo Mesa residents attended a meeting at Trilogy's Monarch Club on January 8, 2014 to discuss the proposed Phillips 66 refinery Rail Terminal project. Based on that meeting, citizens joined together as the *Mesa Refinery Watch Group* to oppose what will surely have a significantly negative and potentially disastrous impact on the Mesa and throughout SLO County.
- **Phillips' Proposal:** Phillips' refinery currently receives crude oil only by pipeline ... not one drop by rail. If their proposal is approved, Phillips, for the first time will be allowed to bring in 20,800 rail tankers per year, fully loaded with crude oil. Each year, 260 trains that are each a mile-long would traverse the county to the refinery, and then the same 260 mile-long trains would depart (520 trains in total).

Along with the arrival of loaded tankers, would come, for the first time, the construction of a "railcar unloading facility", a pumping station, and a new pipeline to move the crude within the refinery. This would be accompanied by trucks and other vehicles to service the facility.

- **The Negative Impacts Of Conducting Business In An Entirely New Way:** This represents an entirely new business model for Phillips - it's a dramatic transformation in the way they operate in SLO County. This is not a benign, unobtrusive "rail spur." The issue is the new intensity of their operations and what they intend to bring in on those rails -- a half-billion gallons of crude oil (561,800,000) transiting through SLO County by rail each year, forever.

Not only will the 520 trains and new rail terminal be highly invasive to SLO County, and not only will they bring significant pollution and the potential of major oil spills, but the types of crude likely to be delivered are highly dangerous to both the health and safety of our citizens.

This very likely includes the pollution-intensive "tar sands" (which has been called "*one of the world's dirtiest and most environmentally destructive sources of fuel*"). Previously, Phillips attempted to gain approval for the highly explosive Bakken crude, but the outcry of SLO citizens forced the company to reverse course and finally say "*no Bakken.*"

- **What SLO County Officials Must Do:** Given the continued, extreme opportunity for disastrous derailments, along with air, odor, noise, motion, visual and light pollution, as well as potential oil spills anywhere in the County, we are seeking to have the SLO Planning Commission reject Phillips' proposal.
- **What We Suggest You Do:** Our efforts to convince County officials to reject Phillips' plan requires a great deal of ongoing work. We have a Steering Committee that shoulders the majority of that work ... but your time and efforts are critical as well. Please contact any Steering Committee member listed on the next page. They'll describe what we need done at any given time, and point you in the right direction.

Truly, what Phillips proposes is a serious threat to our health, safety and way of life. Responding to it is a community task and responsibility -- and we need your help if we're to protect our community.

## C. RECENT VIDEOS & NEWS ARTICLES; ADDITIONAL EDUCATION

### 1. Recent Videos & Articles In The News (Discussed In Previous Newsletters):

- **KSBY TV Interviews Nipomo Mesa Residents About P66:** <http://www.ksby.com/news/phillips-66-santa-maria-refinery-proposes-adding-crude-oil-trains-to-operation/>
- **California Attorney General Challenges The Use Of Crude-By-Rail:** <http://beniciaindependent.com/sacramento-bee-attorney-general-challenges-benicia-oil-train-analysis/>
- **Residents Sue Kern County Supervisors Over Crude-By-Rail:** <http://www.allgov.com/usa/ca/news/top-stories/lawsuit-filed-to-block-giant-bakersfield-crude-by-rail-facility-141014?news=854523>
- **Railroads Sue California, Saying Their Trains Are Already Safe:** [http://www.sanluisobispo.com/2014/10/08/3285627\\_railroads-sue-california-over.html?rh=1](http://www.sanluisobispo.com/2014/10/08/3285627_railroads-sue-california-over.html?rh=1)
- **How Far Would SLO County Have To Evacuate?:** <http://explosive-crude-by-rail.org>
- **New Report - Governor's Task Force On The Risks Of Crude-By-Rail In SLO County:** <http://www.caloes.ca.gov/HazardousMaterials/Pages/Oil-By-Rail.aspx>
- **Feds Turn Thumbs Down On DOT-111 Tankers; But Phillips Recently Purchased Them!:** [http://www.nytimes.com/2014/07/24/business/government-proposes-faster-changes-in-rail-tank-cars.html?\\_r=0](http://www.nytimes.com/2014/07/24/business/government-proposes-faster-changes-in-rail-tank-cars.html?_r=0)
- **Even More City Governments Are Declaring "We're Not Going To Take It Any More!":** <http://www.npr.org/2014/07/22/334074055/maine-city-council-votes-to-keep-tar-sands-out-of-its-port>; <http://earthfix.opb.org/communities/article/vancouver-city-council/>
- **Phillips' Refinery Flares Yet Again:** <http://www.sanluisobispo.com/2014/07/16/3155643/flaring-at-phillips-66-oil-refinery.html>
- **Pipeline Delivery Of Crude - Documented As Safer Than Crude-By-Rail:** [http://www.nytimes.com/2014/06/07/us/report-finds-higher-risks-if-oil-line-is-not-built.html?module=Search&mabReward=relbias%3Aw&\\_r=0](http://www.nytimes.com/2014/06/07/us/report-finds-higher-risks-if-oil-line-is-not-built.html?module=Search&mabReward=relbias%3Aw&_r=0)
- **The Need For An "Oil Projects Cumulative Impact Analysis":** <http://santalucia.sierraclub.org/lucian/2014/0708JulAug.pdf>
- **Contra Costa County Stands Up To Threat From Phillips 66:** [http://www.contracostatimes.com/News/ci\\_25929974/Contra-Costa-County:-Supervisors-order-recirculation](http://www.contracostatimes.com/News/ci_25929974/Contra-Costa-County:-Supervisors-order-recirculation)
- **The California Legislature -- Addressing Safety Of Crude-By-Rail:** [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB1319](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1319)

- **Phillips 66's Bakken Strategy Forced Off The Tracks:** <http://www.sanluisobispo.com/2014/04/25/3037503/no-bakken-crude-planned-for-nipomo.html?sp=/99/100/&ihp=1>
- **NTSB - The Perilous State Of "Crude-By-Rail:** <http://www.bloomberg.com/news/2014-04-22/communities-not-prepared-for-worst-case-rail-accidents-ntsb.html>  
 - <http://www.thewire.com/national/2014/04/why-explosive-and-deadly-oil-train-accidents-will-keep-happening/361148/>
- **Video - Listen To A Survivor Of The Lac-Mégantic Oil Train Disaster:** <http://sanfrancisco.cbslocal.com/2014/03/06/explosion-survivor-warns-of-fracked-oil-trains-newer-safety-regulations-delayed/>
- **Video - What Oil Trains Would Look & Sound Like In SLO County:** <http://www.youtube.com/watch?v=11DTf6CYzHM&index=47&list=PL7A2C41AC7F231BD4>
- **Our Group's Opinion Article Carried On CalCoastNews:** <http://calcoastnews.com/2014/03/phillips-66-rail-project-explosive-risks-far-outweigh-benefits/>
- **"Berkeley City Council Votes To Oppose Crude By Rail Plan" -** <http://sanfrancisco.cbslocal.com/2014/03/26/berkeley-city-council-votes-to-oppose-crude-by-rail-plan/>
- **"Richmond Calls On Congress To Halt Crude Oil Transport Through Bay Area" -** [http://www.mercurynews.com/breaking-news/ci\\_25421666/richmond-calls-congress-halt-crude-oil-transport-through?source=pkg](http://www.mercurynews.com/breaking-news/ci_25421666/richmond-calls-congress-halt-crude-oil-transport-through?source=pkg)
- **Video - How Oil Trains Put Communities At Risk:** <http://daily.sightline.org/2014/02/10/video-how-oil-trains-put-the-northwest-at-risk/>
- **Phillips 66 And Air Pollution:** <http://www.ksby.com/news/phillips-66-fined-230k-for-sf-bay-air-violations/>
- **Rail Cars And Tracks Continue To Be Proven As Unsafe:** <http://www.nytimes.com/2014/03/01/business/rail-inspections-ramp-up-in-albany-and-buffalo.html>

## D. HOW TO REGISTER COMPLAINTS AGAINST PHILLIPS 66

If you have a complaint to lodge about Phillips 66 incidents regarding odor, flaring, noise, etc., here's how to register your complaints ...

**a. Registering Complaints Directly With Phillips 66:** Telephone the Santa Maria facility at (805) 343-1776. You may get a recording asking you to leave your comment. Regardless, ask them to get back to you with a "Log-In #", so you'll have confirmation that your complaint was received.

**b. Registering Complaints With SLO County (3 Different Ways):**

- **Call SLO County's Air Pollution Control Division (ACPD):** 805-781-5912 (leave a message after hours).
- **Send An Email To The ACPD:** [complaint@slocleanair.org](mailto:complaint@slocleanair.org).
- **Send A Compliant Form To SLO County Environmental Health Services:** <http://www.slocounty.ca.gov/Page12285.aspx>.

## E. STEERING COMMITTEE MEMBERS; LOGISTICS OF THIS NEWSLETTER

**1. Steering Committee:** Contact one or more of our members with your comments or to learn about upcoming committee meetings.

- Linda Reynolds (Chairperson): [lreynolds151@gmail.com](mailto:lreynolds151@gmail.com)
- Sam Saltoun: [ssaltoun@verizon.net](mailto:ssaltoun@verizon.net)
- Kevin Beauchamp: [Kevin.Beauchamp@kw.co](mailto:Kevin.Beauchamp@kw.co)
- Laurance Shinderman: [lshinderman@sbcglobal.net](mailto:lshinderman@sbcglobal.net)
- Lee Edmonson: [edmondson60@gmail.com](mailto:edmondson60@gmail.com)
- Gary McKible: [gary@mckible.com](mailto:gary@mckible.com)
- Martin Akel: [akelassoc@earthlink.net](mailto:akelassoc@earthlink.net)
- John Anderson: [johnanderson33@hotmail.com](mailto:johnanderson33@hotmail.com)
- Tom Ryan: [whitneyhiker888@yahoo.com](mailto:whitneyhiker888@yahoo.com)
- Mike Nelson: [miken0105@gmail.com](mailto:miken0105@gmail.com)

**2. List Coordinator/Newsletter Distributor:** If you would like to add names for receipt of this newsletter, or if you would like to stop receiving it, kindly contact Steve Dubow -- [sfdubow@attglobal.net](mailto:sfdubow@attglobal.net).