



CAL FIRE/San Luis Obispo County Fire Department Summary of Information and Actions Phillips 66 Refinery Rail Spur Project

Executive Summary

CAL FIRE/San Luis Obispo County Fire Department is the Authority Having Jurisdiction (AHJ) for providing development conditions to the currently proposed rail spur project with an 80 rail car manifest unloading and conveyance facility at the Santa Maria oil refinery on the Nipomo Mesa. Our overall position is that we are conditioning the project to prevent an incident, and if one occurs to prevent the loss of life, and minimize the damage to the environment. We are doing this through requirements for on-site inspection programs, signed operational agreements, pre fire plans, refinery fire brigade standards and training, facility code compliance, off site responder training; including our interagency Haz Mat Team, US&R team, Emergency Operations Centers, other response agencies. Training will be scenario based with comprehensive exercises, involving all impacted jurisdictions.

We continue to look at issues associated with crude oil transported by rail, and are now moving forward on a new condition for the project. We are developing a condition that light crude similar to Bakken Oil, also known as sweet crude, regardless of where it comes from shall not be allowed to unload at the Santa Maria Refinery. The concern is that these types of crude have a known higher flammability, toxicity, volatility, corrosivity, hydrogen sulfide content and the composition or concentration of entrained gases inside the contents.

Facts we have compiled:

- 1) San Luis Obispo County is currently impacted with crude by rail, regardless of this project approval; as crude oil transport is currently occurring on the rail line that transverses the County.
- 2) Regulations on crude traveling by rail is preempted by the Federal Government. Local government may not institute local regulations on railroads. The conditions we have requested have a direct nexus to the Phillips 66 project to avoid preemption.
 - a. Under the Commerce Clause of the United States Constitution, no state or local government may impose laws or regulations that unduly burden interstate commerce.
 - b. County has no authority to impose any mitigation on the railroad once a train has left the oil field or the Refinery.
 - c. Railroad funded crude by rail training is being provided to impacted jurisdictions, although enrollment is limited due to national demand. County fire has sent 4 personnel. Two from the Regional Haz Mat Team and two from the Mesa Fire Station 22 located next to the refinery. We intend to send more to this specific training.
- 3) There are three options that US Department of Transportation is considering for rail tank car design parameters as part of the new rule making in order to have safer tank cars. USDOT is not



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considering the CPC-1232 design, the type that exploded in West Virginia. The Revised Draft EIR recommends Option 1: PHMSA and FRA Designed Tank Car (new DOT 117) as a mitigation measure, which is the strongest tank car design.

- 4) SLO County is identified as a “high risk” of derailment in the OES document.
<http://www.caloes.ca.gov/HazardousMaterials/Pages/Oil-By-Rail.aspx>
- 5) Voluntary compliance measures for the railroad are not required in our county - SLO is not a “high threat urban area”.
<https://www.aar.org/newsandevents/Press-Releases/Pages/Freight-Railroads-Join-U-S-Transportation-Secretary-Foxx-in-Announcing-Industry-Crude-By-Rail-Safety-Initiative.aspx>

Below is a list of the voluntary compliance measures for high threat urban areas, they are **not** applied in San Luis Obispo County:

- a. Trains with 20 or more tank cars carrying crude that include at least one older DOT-111 car will travel no faster than 40 mph in 46 federally designated high-threat urban areas.
 - b. The industry currently voluntarily restricts speeds of trains with 20 or more carloads of hazardous materials, including crude oil, to 50 mph.
 - c. Railroads will also begin using the Rail Corridor Risk Management System to determine the safest routes for trains with 20 or more cars of crude. RCRMS, developed with the US Homeland Security Department and other federal agencies, is currently used for the routing of security-sensitive materials.
- 6) County Fire requested notification of railcar hazardous commodity flow in March 2014 and to date none have been received.
 - 7) County Fire has requested mitigations on behalf of adjacent impacted jurisdictions for additional training.
 - 8) The approved Phillips 66 through-put increase within existing infrastructure project has not yet met all conditions for final. We continue to work with Phillips 66 to ensure all the conditions are met prior to granting a final for that project. Many safety and training requirements were conditioned as part of that project.
 - 9) Continual facility code compliance is occurring. A reputable third party licensed fire protection engineer is conducting a hazard analysis of the facility in the following areas:
 - a. Fire Brigade training, equipment and staffing
 - b. Fire Protection Systems
 - c. Pre-fire plans to identify all the systems at the facility
 - d. Cooperative Operating Plan between County Fire and Phillips 66 during an emergency
 - 10) Phillips 66 Rodeo Refinery in Hercules and the Phillips 66 Nipomo Refinery are dependent facilities linked via pipeline.



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11) The Draft Revised EIR states on page ES-5 that the refinery feed stock definition excludes Bakken crude oil. We are aware crude with similar characteristics are extracted from numerous foreign and domestic sources and are not excluded in the EIR.

- a. Light crude, also known as sweet crude, has a known higher flammability, toxicity volatility, corrosivity, hydrogen sulfide content and the composition or concentration of entrained gases inside the contents.
- b. U.S. Pipeline and Hazardous Materials Safety Administration (PHMSA) is reinforcing the requirement to properly test, characterize, classify, and, where appropriate, sufficiently degasify hazardous materials prior to and during transportation.

<https://www.hsd.org/?view&did=751042>

CAL FIRE/COUNTY FIRE requested mitigations:

Class I Impact HM.2

The potential for a crude oil unit train derailment would increase the risk to the public in the vicinity of the UPRR right-of-way.

1. *HM-2a Only rail cars designed to FRA, July 23, 2014 Proposed Rulemaking Option 1: PHMSA and FRA Designed Tank Car as listed in Table 4.7.8, shall be allowed to unload crude oil at the Santa Maria Refinery.*
2. *HM-2b For crude oil shipments via rail to the SMR a rail transportation route analysis shall be conducted annually. The rail transportation route analysis shall be prepared following the requirements in 49 CFR 172.820. The route with the lowest level of safety and security risk shall be used to transport the crude oil to the Santa Maria Refinery.*
3. *HM-2c The Applicant's contract with UPRR, shall include a provision to require that Positive Train Control (PTC) be in place for all mainline rail routes in California that could be used for transporting crude oil to the SMR.*

Class I Impact PS.4

Operations of the crude oil train on the mainline UPRR tracks would increase demand for fire protection and emergency response services along the rail routes.

1. *PS-4a As part of the Applicant's contract with UPRR, it shall require that quarterly hazardous commodity flow information documents are provided to all first response agencies along the mainline rail routes within California that could be used by trains carrying crude oil to the Santa Maria Refinery for the life of the project. Only first response agencies that are able to receive security sensitive information as identified pursuant to Section 15.5 of Part 15 of Title 49 of the Code of Federal Regulations, shall be provided this information. This contract provision shall be in place and verified by the County Department of Planning and Building prior to delivery of crude by rail to the Santa Maria Refinery.*



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2. *PS-4b Only rail cars designed to FRA, July 23, 2014 Proposed Rulemaking Option 1: PHMSA and FRA Designed Tank Car shall be allowed to unload crude oil at the Santa Maria Refinery. PS-4c As part of the Applicant's contract with UPRR, it shall require annual funding for first response agencies along the mainline rail routes within California that could be used by the trains carrying crude oil to the Santa Maria Refinery to attend certified offsite training for emergency responders to railcar emergencies, such as the 40 hour course offered by Security and Emergency Response Training Center Railroad Incident Coordination and Safety (RICS) meeting Department of Homeland security, NIIMS, OSHA 29CFR 1910.120 compliance. The contract shall require funding of a minimum of 20 annual slots per year for the life of the project. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery.*
3. *PS-4d As part of the Applicant's contract with UPRR, it shall require annual emergency responses scenario/field based training including Emergency Operations Center Training activations with local emergency response agencies along the mainline rail routes within California that could be used by the crude oil trains traveling to the Santa Maria Refinery for the life of the project. A total of four training sessions shall be conducted per year at various locations along the rail routes. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery.*
4. *PS-4e As part of the Applicant's contract with UPRR, it shall require that all first response agencies along the mainline rail routes within California that could be used by trains carrying crude oil traveling to the Santa Maria Refinery be provided with a contact number that can provide realtime information in the event of an oil train derailment or accident. The information that would need to be provided would include, but not be limited to crude oil shipping papers that detail the type of crude oil, and information that can assist in the safe containment and removal of any crude oil spill. This contract provision shall be in place and verified by the Cal Fire/County Fire prior to delivery of crude by rail to the Santa Maria Refinery.*

Class II Impact PS.3

The Rail Spur Project would increase demand for fire protection and emergency response services at the SMR.

1. *PS-3A Prior to issuance of construction permits, the Applicant shall submit to Cal Fire/County Fire for review and approval a final Fire Protection Plan for the Rail Spur Project that meets all the applicable requirements of API, NFPA, UFC, and Cal Fire/County Fire.*
2. *PS-3b Prior to notice to proceed for the rail unloading facility, the Applicant shall update the SMR Emergency Response Plan to include the rail unloading facilities and operations.*
3. *PS-3c Prior to notice to proceed for the rail unloading facility, the Applicant shall update the existing SMR Spill Prevention Control and countermeasure Plan to include the rail unloading facilities and operations.*



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4. *PS-3d Prior to notice to proceed for the rail unloading facilities, the Applicant shall assure that the existing SMR fire brigade meets all the requirements outlined in Occupational Safety and Health Administration 29 CFR 1910.156, and NFPA 600 & 1081.*
5. *PS-3e Prior to issuance of grading permits, the Applicant shall have an executed operational Memorandum of Understanding (MOU) with Cal Fire/County Fire that includes fire brigade staffing/training requirements and Cal Fire/County Fire funding requirements. This MOU shall be reviewed and updated annually by Cal Fire and the Applicant.*
6. *PS-3f Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for time spent by a qualified fire inspector to conduct the annual fire inspections at the SMR including all structures, and support facilities consistent with Cal Fire/County Fire's authority and jurisdiction. The Applicant shall reimburse all costs associated with travel time, inspections, inspection training, and documentation completion. The reimbursement rate shall be according to the most recent fee schedule adopted by the San Luis County Board of Supervisors.*
7. *PS-3g Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for offsite training for emergency responders to railcar emergencies, such as the 40 hour course offered by Security and Emergency Response Training Center Railroad Incident Coordination and Safety (RICS) meeting Department of Homeland security, NIIMS, OSHA 29CFR 1910.120 compliance. Initial training shall be two members of the Interagency Hazardous materials Response Team, two members of the interagency Urban Search and Rescue Team, and two members annually from Cal Fire/County Fire or fire districts in San Luis Obispo that have automatic aid agreements with Cal Fire/County Fire for a total of six slots per year for the life of the project.*
8. *PS-3h Prior to issuance of grading permits, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for Fire Chief Officer attendance such as the 40 hour course offered by Security and Emergency Response Training Center; Leadership & Management of Surface Transportation Incidents. Funding shall be for two Fire Chief Officers annually for the life of the project.*
9. *PS-3i Prior to issuance of grading permits, the Applicant shall have an agreement with Cal Fire/County Fire to conduct annual emergency response scenario/field based training including Emergency Operations Center Training activations with the Applicant, Cal Fire/County Fire, UPRR, and other San Luis Obispo County First response agencies that have mutual aid agreements with Cal Fire/County Fire. These annual emergency response drills shall occur for the life of the project.*