



Responses to Questions Asked at the November 8, 2021 Community Meeting Regarding CUP Application PL15-0106 RI-NU Wastewater Treatment Facility

This document contains general project-related questions received during the November 8, 2021 community meeting regarding the proposed RI-NU wastewater treatment facility. Written responses were prepared and are shown below.

Please note that written responses to public comments received on the draft environmental document will be provided in a separate document attached to the Planning Commission staff report. The Planning Commission public hearing has yet to be scheduled.

1. Is the proposed project located in SOAR (Save Our Agricultural Resources) designated area?

The proposed project is located within the General Industrial Zone (M-3, 10,000 square feet minimum lot size) and outside of SOAR designated land. SOAR designated land borders the project site to the north and west.

2. Why is Santa Paula the best location for a wastewater treatment facility?

Wastewater treatment facilities are only allowed within the limited (M-2) and general (M-3) industrial zones in the unincorporated areas of the county. The existing wastewater treatment facility is located at 815 Mission Rock Road, unincorporated area of Santa Paula, within the Mission Rock Road community. The Mission Rock Road community is an industrial community that encompasses approximately 99 acres and is one of three unincorporated areas of the county that is zoned M-3, the heaviest manufacturing zone. In accordance with the Ventura County Non-Coastal Zoning Ordinance (NCZO) section 8105-5, the existing wastewater treatment facility is located in an area zoned for this type of use. The other two areas within unincorporated Ventura County that are zoned for wastewater treatment facilities are Saticoy and North Ventura Avenue. The applicant, RI-NU Services, LLC., submitted an application to continue the operation of the wastewater treatment facility at its current location in the Mission Rock Road industrial community, which is allowed with a Board of Supervisors-approved Conditional Use Permit.

3. Did the Planning Division evaluate the court case records of the previous operator? Was the Planning Division involved in the District Attorney's restitution decision?

No. The court case and the pending litigation with the prior operator are neither part of the environmental review of the proposed project nor part of the processing of the permit application. The Planning Division reviews the proposed project for conformance

with the Ventura County General Plan Goals, Plans and Policies as it relates to, but is not limited to, fire hazards, land use, wastewater, air quality, and transportation, as well as the standards for the applicable zoning ordinance and area plan.

The Planning Division was not part of the District Attorney's restitution decision. For information about the criminal court case against the prior operator, please contact the District Attorney's Office at: (805) 662-1750.

4. Would the waste accepted at the wastewater treatment facility only come from inside the county?

There are currently no permit restrictions on the facility for accepting waste generated from only inside the county. The RI-NU application and proposed project do not change this aspect of the operation. No restrictions regarding waste generated from only within the county are currently being proposed by the applicant.

5. What wastes accepted by the wastewater treatment facility are considered "non-hazardous"?

Federal and California rules state that, normally, waste is defined as hazardous if it exhibits one or more of the following characteristics: toxicity, ignitability, corrosivity, and/or reactivity. All of the wastes proposed to be accepted by the RI-NU facility are classified as "non-hazardous" as defined in Title 22 of the California Code of Regulations and Title 40 of the Federal Code of Regulations. Even if the waste proves to be "non-hazardous", if it cannot be treated sufficiently to meet the standards of the off-site disposal receiving facility, RI-NU would not accept the waste.

For a complete list of wastes proposed to be accepted at the RI-NU facility, please refer to the project description in the Initial Study located on the Planning Division website at: <https://vcrma.org/mitigated-negative-declarations> under Case No. PL15-0106.

6. What are oilfield sludge wastes?

Some of the proposed wastes to be accepted by the RI-NU facility would be "E&P Wastes", which is a term used to describe wastes generated by exploration, development, and production activities related to oil production, including the extraction of crude oil from the ground, and subsequent purification processes that take place to remove co-produced excess water and other unwanted wastes into three categories: produced water; drilling wastes; and, associated wastes. Oilfield sludge wastes include drilling muds and tank bottoms. Drilling mud, or drilling fluid, is a heavy, sticky fluid mixture that is used in oil and gas drilling operations to carry rock cuttings to the surface and also to lubricate and cool the drill bit. Drilling muds are traditionally based on water, either fresh water, seawater, naturally occurring brines, or prepared brines. Tank bottoms are the settlings (sediment, dirt, oil emulsified with water and free water) that accumulate in the bottom of storage tanks.

Some "E&P Wastes" are exempt from hazardous waste rules in California. California rules state that if an oil and gas waste only exhibits toxicity as defined in federal regulation,

then it is exempt. However, if it meets any of the other three characteristics (i.e., ignitability, reactivity, and/or corrosivity), or if it meets a toxicity standard other than federal standard, then it is not exempt from California hazardous waste rules.

The United States Environmental Protection Agency (U.S. EPA) published lists of exempt and non-exempt E&P Wastes, which include, but are not limited to, the following:

- Produced water
- Drilling muds or fluids
- Drill cuttings
- Basic sediment, water, and other tank bottoms from storage facilities that hold product and exempt waste
- Produced sand
- Packing fluids

7. What metals/contaminants will be removed from the wastes at the facility?

The RI-NU facility would treat wastes to a discharge level acceptable by the off-site disposal-receiving facilities. It is important to note that none of the waste streams to be treated at the RI-NU facility will contain contaminants/metals at a level that would cause them to be classified as “hazardous waste.” Incoming contaminant levels will be very low, in the parts per million level, before treatment.

There are different metals and contaminants in different wastes that must be removed during the treatment process. For metal bearing waste, the potential metals are listed in the federal regulations (40 CFR Part 437). Those could include, but are not limited to:

- Antimony
- Arsenic
- Cadmium
- Copper
- Nickel
- Silver
- Tin
- Zinc
- Lead
- Mercury

For oily waste, the contaminants would primarily be crude oil that is removed and recycled from oilfield waste waters or tank bottoms. For other organic waste streams, contaminants removed could include ethyl alcohol from winery waste waters, gasoline or diesel from contaminated groundwater (gas station releases), and solvents from process waste waters.

8. Did the Planning Division “vet” the applicant for this project? In other words, does the Planning Division investigate applicants during the application review process?

No. The Planning Division does not conduct investigations on any applicants, including the applicant of the RI-NU application. The Planning Division accepts and processes applications pursuant to the requirements of the Ventura County Zoning Ordinances (NCZO §8111-2 and Coastal Zoning Ordinance (CZO) §8181-5).

9. Why was an Environmental Impact Report (EIR) not prepared for this project? Why is there no project alternative?

The initial study prepared by the Planning Division in consultation with other County agency technicians and experts in specific topic areas, including a comprehensive review by an outside environmental consultant, identified the following two potentially significant impacts on the environment: (1) the project’s potential negative impacts on adjacent agricultural operations, and (2) the project’s potential risk to and negative impacts on human health and safety associated with the storage and handling of hazardous materials (chemicals) during the treatment process of wastewater. However, the County Planning Division has drafted feasible (achievable and enforceable) mitigation measures that staff believes would avoid and/or reduce these impacts to a level of less-than-significant. The applicant has agreed to implement these drafted mitigation measures. For these reasons the County Planning Division has prepared a draft Mitigated Negative Declaration (MND) as the project’s California Environmental Quality Act (CEQA) document. Because the project’s potential significant environmental impacts could be mitigated to a level of less-than-significant and the applicant has agreed to implement them, an EIR is not recommended by County staff at this time. An EIR, however, would need to be prepared if the County receives public comments raising a fair argument, supported by “substantial evidence,” that the project may have a significant environmental impact despite mitigation measures. In this context, “substantial evidence” includes facts, reasonable assumptions based on facts, and expert opinion supported by facts.

Governmental agencies are required under CEQA to consider alternatives (i.e., alternative analysis) to proposed actions affecting the environment for projects involving the preparation of an EIR (PRC Section 21001(g)). The purpose of an alternative analysis is to look at ways to avoid or reduce the potentially significant environmental impacts of a project. Because feasible mitigation measures can be adopted to reduce all significant impacts to a less-than-significant level, a Mitigated Negative Declaration was prepared for this project and therefore, under CEQA, no analysis of alternatives is required in a Mitigated Negative Declaration.

10. Why was environmental justice not analyzed in the draft environmental document?

There are currently no formal requirements or procedures to evaluate potential environmental justice (EJ) impacts under the California Environmental Quality Act (CEQA). The draft environmental document prepared for the RI-NU application does not explicitly include an analysis on EJ impacts, but addresses EJ concerns through the analysis of other topic issues such as, but not limited to, pollution exposure (i.e., air quality, water quality, and land use compatibility), traffic, fire hazards, and public health.

EJ communities are identified as disadvantaged communities. Disadvantaged communities are defined as low-income areas disproportionately affected by environmental pollution and other hazards that can lead to negative health effects through adverse environmental living conditions. The closest disadvantaged community within the unincorporated area of the county to the proposed RI-NU facility is Saticoy, which is approximately 3.5 miles southwest of the project site. Additionally, the City of Santa Paula's recently adopted 2040 general plan does not identify any disadvantaged communities within its city boundaries.

11. Why were there only two impact areas identified in the draft environmental document?

Planning Division staff as well as County agency technicians and topic area experts evaluated 36 impact areas to determine whether the project could have a significant effect on the environment under the California Environmental Quality Act (CEQA). To determine whether a project could have a significant impact on the environment, the Ventura County Board of Supervisors adopted thresholds of significance for each impact area as set forth in the *Initial Study Assessment Guidelines*. The *Initial Study Assessment Guidelines* can be viewed on the Planning Division's website at: https://docs.vcrma.org/images/pdf/planning/ceqa/current_ISAG.pdf.

Thresholds of significance set a level that determines the impact significance of a project. If the impact exceeds the identified threshold, then the impact is considered significant. If the impact is below the threshold, then the impact is considered less than significant. Based on the environmental analysis of the RI-NU application, there were two impact areas that exceeded the thresholds and would be a significant impact on the environment. These potentially significant impacts are: (1) the project's incompatibility with adjacent agricultural operations; and, (2) the storage and handling of hazardous materials. Feasible measures (conditions) have been identified that would reduce these potentially significant impacts to a level of less-than-significant. The other topic areas were either identified as having no impact or the potential impacts were less-than-significant.