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City of Santa Paula

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November 30, 2021

Via Electronic Submission and Regular Mail
Franca Rosengren, Case Planner
Ventura County Resource Management Agency
800 South Victoria Avenue, L# 1740,
Ventura, CA 93009

Subject: **Case No.:** PL15-0106, Request to update and reestablish CUP to operate a wastewater treatment facility
Applicant: Timothy J. Koziol, Ri-Nu Environmental Services, LLC.
Location: 815 Mission Rock Road, unincorporated area of Santa Paula
Assessor's Parcel No.: 099-0-060-565
Parcel Size: 6.56 acres

Dear Ms. Rosengren,

The City of Santa Paula Community and Economic Development Department hereby transmits our official comments on the Draft Initial Study and Draft Mitigated Negative Declaration (MND) for the proposed RI-NU Conditional Use Permit (CUP).

Environmental Impact Report

An Environmental Impact Report (EIR) must be prepared if there is substantial evidence that a project may have a significant effect on the environment as set up in CEQA. Given the impacts that were manifested in the prior operation of the facility and that the type of operation is not to change substantively, there has been a demonstrated potential for significant environmental impacts. A full EIR would inform the public and public agency decision-makers of all significant environmental effects of the proposed project, identify possible ways to minimize those effects, and describe reasonable alternatives for the project.

The methodology for assessing any changes in impacts from the proposed operation have been based on the original CUP and former operator. It should be noted that the facility has been inactive since the incident in 2014 and any review of environmental impacts should take into consideration that the facility has not been in operation for seven years. As a result, the re-initiation of the CUP will create a change in environmental impacts that would be best assessed through an EIR.

Mitigated Negative Declaration

The Agricultural Resources (Land Use incompatibility) - Section 58: There is a requirement to mitigate potential incompatibility between the wastewater treatment facility and the adjacent off-site farmland when the distance setback or buffer, as set forth in the Ventura County Initial Study Assessment Guidelines, topic 5.b. cannot be met.

Although mitigation measures may be implemented a Conditional Use Permit should be denied on the grounds of unsuitable location. Ventura County voters have clearly supported the preservation of agricultural resources and continued operation of an antiquated industrial facility jeopardizes the quality of life and the sustainability of these valuable resources.

Hazardous Materials/Waste (Materials) - Section 20a: To reduce the risk posed by the operation of the wastewater treatment facility to the public and the environment in regard to the storage, handling and transportation of hazardous materials.

The effective management of hazardous and non-hazardous materials on the site is paramount, however the accident that occurred at the facility in 2014 provided a clear baseline of what could occur as a worst-case-scenario. The risk to health and safety is clearly significant.

Flood Hazard

The project site is located in an area identified by the Federal Emergency Management Agency (FEMA) as an area of Special Flood Hazard (SFHA) Zone AE. As such, development on the site will have to be in compliance with the County of Ventura Floodplain Development Ordinance, which provides minimum standards for development within the SFHA. The specific conditions of development will be determined during the floodplain development permit process.

It is premature to assess that the project be deemed less than significant for FEMA-related hydraulic hazards when the specific mitigation measures are yet to be determined. The City has grave concerns about the location of a waste water treatment facility within a one-hundred (100) year flood plain. Expanding infrastructure in an area prone to flooding seems counterintuitive to the goal of ensuring the safe and reliable treatment and disposal of both non-hazardous and hazardous waste material.

Environmental Justice

As an initial matter, the Project Specific Analysis (PSA) defines environmental justice based on the federal U.S. Environmental Protection Agency's definition as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies." The PSA further references the pertinent California code sections defining environmental justice. However, absent from the PSA's explanation of what is required under environmental justice is reference to the May 8, 2012 California Attorney General Report entitled "Environmental Justice at the Local and

Regional Level – Legal Background.” This report elaborates and explains what is required under CEQA’s environmental justice obligations. In pertinent, the report defines fairness¹ to mean:

“The benefits of a healthy environment should be available to everyone, and the burdens of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects.”

It is understood that the County adopted CEQA thresholds do not address environmental justice and the County is mandated to comply with its adopted CEQA thresholds. However, the past history of the facility and the impacts it imposed on the surrounding community raises ethical concerns relative to the impacts to the community regardless of the statutory thresholds.

Aesthetics

As previously stated this facility has also been inoperable for seven years. The Facility is located at the gateway of the Heritage Valley, a modest farming community. Rather than blend in with the surrounding uses, the proposed expansion of the facility and the related activities would substantially degrade the existing visual character of the surrounding farming areas by increasing incompatible heavy industrial uses.

For the above mentioned reasons, addressed in this letter, the City has serious concerns about the proposed intensification of operation and expansion of the Sewage Treatment Facility as the closest urbanized area.

The concerns presented by City staff and community have not been adequately address by the applicant or through the Final Staff Assessment and we do not support the approval of the CUP for the RI-NU Services Wastewater treatment facility as proposed.

Regards,



James Mason
Community and Economic Development Director

cc: Supervisor, Kelly Long
Santa Paula City Council
Dan Singer, City Manager

¹ In the context of California Government Code § 65040.12 which defines environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.”