



## MEMORANDUM

**Date:** March 25, 2024

**To:** Clerk of the Board of Supervisors and Board of Supervisors Agenda Distribution

**From:** Dave Ward, AICP, Director  
Franca A. Rosengren, Case Planner  
Ventura County Planning Division

**Subject:** March 26, 2024, Board of Supervisors Meeting Agenda Item 58

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Please accept the following additional public comments:

- Email from Joy Cummings, dated March 18, 2024
- Letter from RI-NU/Santa Clara Waste Water Coalition, dated March 18, 2024 and attached Analysis of Planning Director's Equivalency Determination by Mary Ann Krause AICP, dated December 10, 2021
- Email from Pamela Strautman, dated March 20, 2024

**From:** Joy Cummings <[jocurr02@yahoo.com](mailto:jocurr02@yahoo.com)>  
**Sent:** Monday, March 18, 2024 11:02 AM  
**To:** ClerkoftheBoard <[ClerkoftheBoard@ventura.org](mailto:ClerkoftheBoard@ventura.org)>  
**Subject:** Santa Clara Waste Water Treatment Plant

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Dear Ventura County Supervisors:

I am writing to ask you to please reject any further permitting of a wastewater treatment plant at the site of the SCWW plant near Santa Paula. This plant and any future such facilities are a threat to the safety of the surrounding community. It appears the county does not have adequate staffing to safely monitor such facilities, which could lead to another dangerous hazardous spill. This is not the type of establishment we desire in our county.

Also, without access to the Oxnard pipeline there is no method to dispose of the processed water. Please do not allow any further permits for any future waste treatment at this site.

Sincerely,

Joy Cummings  
1147 Grant Line Street  
Santa Paula, CA 93060

[jocurr02@yahoo.com](mailto:jocurr02@yahoo.com)

To: Ventura County Board of Supervisors

From: RI-NU/ Santa Clara Waste Water Coalition

Subject: Revocation of Santa Clara Waste Water Coalition

Date: March 18, 2024

Our Coalition consists of organizations and individuals residing in the cities and unincorporated areas around Ventura, Ojai, Santa Paula, Fillmore and Piru. We support the Planning Director recommendation to revoke the CUP for Santa Clara Waste Water, (SCWW) and we have outlined our concerns below. We also recommend that an independent Site Demo & Materials Removal Plan be prepared for this site, and its recommendations fully funded. While an inspection was conducted in 2018 by Ventura County Fire Department, the property owner and others continue to have access to the site, and we have no confidence that the site is currently in a safe condition. Our third recommendation is to rescind the Planning Director's Determination that this use would be equivalent in nature and intensity to a Community Wastewater Treatment Facility, (i.e. sewage treatment plant).

Most cities and counties allow a CUP to remain unused typically from 6 months to 24 months. This CUP has remained unused and in a suspended state for more than 9 years and should be revoked for the reasons that follow.

- 1.) There is no longer a critical need for this waste facility. The primary purpose of the CUP was to permit the treatment of produced water from local (Ventura County) oil wells. As oil production has declined in the county, the need for a dedicated site is greatly reduced. Since closure of the operation subsequent to the November 2014 disaster, former clients of SCWW have found other legal disposal sites, (confirmed by RMA staff in a Dec. 17, 2021 meeting with then County CEO Mike Powers and two members of our coalition) thus eliminating the need for this particular facility. Some of those disposal sites are actually closer to the waste generators' operations, thus reducing vehicle emissions and truck traffic.
- 2.) The terms of the CUP have been violated repeatedly. The County Planning Division published an eye-opening list of the confirmed violations since 1959 by SCWW as a part of the 2021 Initial Study. After the disaster RMA staff and the District Attorney determined that required onsite records of operations and storage had been falsified, which compounded the disaster and misled first responders. Inspectors who were tasked by the County and the State of California with keeping the public and the environment safe had been deliberately misled by SCWW for years about the chemicals stored onsite. Even one year *after* the disaster, SCWW temporarily transferred prohibited chemicals to an offsite storage yard to evade discovery during an announced inspection. SCWW has shown that it will willfully violate the conditions of the CUP.
- 3.) The pipeline from SCWW to the City of Oxnard sewage treatment facility, which was an integral part of the operation, is no longer available to carry the treated water for

further treatment and disposal. The pipeline had been in use since site operation began in 1959, but SCWW repeatedly violated its agreement with the City of Oxnard by dumping highly radioactive material into the pipeline, vastly exceeding the legal limit and risking damage to both public infrastructure and the environment. (“Cease and Desist” and “Permit Suspension” letters from the City of Oxnard on file with RMA.) The City of Oxnard eventually notified SCWW that it may no longer use the pipeline and it must be properly abandoned.

- 4.) Portions of the site are now within the FEMA 100-year floodplain of the Santa Clara River and there is no flood protection, such as a levee. The SCWW operation is not appropriate for a floodplain location where hazardous materials stored and used onsite could be swept downstream, contaminating agricultural lands and the aquifers that provide drinking water for hundreds of thousands of people in the West County. Several nonprofits are working together with local landowners to reestablish the functioning of the historic floodplain to prevent major downstream flooding and allow the floodwaters to feed underground aquifers. The re-establishment of the SCWW operation would be a threat to that progress.
- 5.) The County operates the Todd Road Jail  $\frac{3}{4}$  of a mile west of this site, and recently expanded the facility’s footprint and number of beds. Should a similar disaster occur at this site the County would have even more inmates and staff to protect than there were in 2014. The County might have very little time to determine whether it was safe to shelter in place, or whether an evacuation would be necessary. Sheltering in place would only be possible if all mechanical systems are working optimally, but evacuation would be time consuming and potentially very dangerous. The County took on significant responsibility and added risk when it chose to site and later expand this locked residential facility next to a heavy industrial area. It is not in the County’s interest for this type of waste treatment facility to be operated in close proximity to the jail.

We recommend that a **Site Demo & Materials Removal Plan** be required. The owner (or their consultant) would prepare this plan and have the county staff review, comment and approve, after consultation with interested parties (our Coalition, City of Santa Paula, City of Ventura, East Ventura Community Council, CFROG, Santa Paula Latino Town Hall, Santa Clara Valley Together and other parties that commented on the Initial Study and Mitigated Negative Declaration for the RI-NU application to re-open the operation in 2021). The process would be similar to the process for underground tank removal work, as done in the past. The plan would include, for example:

- The Agency or Agencies responsible for oversight of the work, along with contact information
- Hours work is allowed; dates the work will take place; schedule of actions during work including equipment to be used
- Amount, types and characteristics of material being demoed/removed

- Identify approved waste receipt locations for all types of waste expected (or possible)
- Oversight requirements, when/who must be present; equipment for oversight required (e.g. wind meter, Geiger counter, etc.)
- Containment measures required in rain or windy conditions
- Testing of site upon removal of material for absence of contamination
- Conditions for Release of owner's responsibility (base on site testing)
- Penalties for schedule overrun, incomplete removal

It is critically important to ensure that in the future any run-off or wind-blown materials from the site will not contaminate other properties, the aquifer, or the Santa Clara River, or negatively impact the health of people living, working, or studying within the area of influence of the site. It is also critically important that the disposal of building materials, stored materials or soil from the site not contribute to future soil or groundwater contamination or lead to new health-related concerns. Creation of the plan and faithful execution and monitoring of the plan will help ensure that the hazards associated with the site are mitigated.

We believe that the Planning Director erred when determining whether the SCWW operation could reopen under current zoning, “Centralized Waste Treatment Facility” (CWT) is the State classification that County Environmental Health assigned the SCWW operation for purposes of inspection and compliance with State regulations. CWT is not listed as a permitted use anywhere in the County’s Non-Coastal Zoning Code, so the Planning Director went through an “Equivalency Determination” to decide whether CWT was equivalent to a use that was permitted by zoning. The Planning Director made the finding that a CWT is equivalent in nature and intensity to a “Community Wastewater Treatment Facility”, often referred to as a sewage treatment plant. We believe that this determination is technically incorrect, as it does not adequately consider the differences between the two types of facilities. First, a sewage treatment plant receives all or the vast majority of its waste for treatment via pipeline, and any treated water left after processing is generally discharged into settling ponds or into a waterway. There is very little truck traffic involved. This varies greatly from the reality of the SCWW operation where hundreds of trucks per week would bring in material for treatment, and after closure of the pipeline to Oxnard, a hundred or more trucks would be needed to remove treated water. Additionally, a sewage treatment plant receives only locally produced waste, but SCWW was receiving waste trucked from all over California, as well as waste brought by Navy ship from Antarctica, making it much harder to ensure regulatory compliance; [Ventura County waste is growing business for Santa Paula treatment facility \(vcstar.com\)](http://vcstar.com), and [The Antarctic Sun: News about Antarctica - Port Hueneme \(page 2\) \(usap.gov\)](http://usap.gov) We believe that “CWT” and “Community Wastewater Treatment Facility” are not

the same in nature or intensity, and that the Planning Director's Equivalency Determination should be rescinded. (See full analysis, attached.)

In summary, we ask that the Board of Supervisors revoke the CUP, require the preparation of a Site Demo & Materials Removal Plan, and rescind the Planning Director's Determination.

Thank you for your consideration. Should you have questions, please contact one of us directly.

Jim Procter, Esq., Interim Coordinator, 805-340-6963, [jim@proctershyster.com](mailto:jim@proctershyster.com)

Mary Ann Krause AICP, Coordinator, 805-415-0187, [makrause1@msn.com](mailto:makrause1@msn.com)

**Organizational Members of Coalition:**

Santa Clara Valley Together, Mary Ann Krause, Chair

Santa Paula Latino Town Hall. Laura Flores Espinosa, President

Climate First: Replacing Oil & Gas (CFROG), Haley Ehlers, Executive Director

Sierra Club-Ventura Network, Los Padres Chapter; Julie Henszey, President

Friends of the Santa Clara River; James Danza, President

CAUSE; Lucas Zucker and Hazel Davalos Co-Executive Directors

Santa Clara Valley Democratic Club, Janey Brunton-Munoz, President

Santa Paula Ministerial Association; Glen Pace, President

First Amendment Foundation of Ventura County; John Brooks

**66 Individual Members**

Full list attached

**Signatures for the March 18,2024 Letter to the VC BOS re Revocation of CUP for SCWW**

John T. Procter, former Santa Paula Mayor  
Mary Ann Krause, former Santa Paula Mayor  
Lynn Edmonds, former Fillmore Mayor  
Carlos Juarez  
Christina Villasenor  
Logan Hardison, Rancher and Engineer  
Richard Tate, President, J. M. Sharp Co.  
Gail Pidduck, Rancher  
Ellen Brokaw, Rancher  
Rev. Maddie Sifantus  
Kay Wilson-Bolton  
Mary Beth East  
Mike Sparkuhl  
D. Craig Rudolph, PhD  
Karl E. Krause  
Joe L. Piros  
Gena Mathwin  
Dr. Maria Munguia, MSW  
Lenore Carleton  
Leslie Nichols  
Kim Stephenson  
Bonnie Smith  
Karen Heath Karayan  
Stephen Guthrie  
Sharon L. Mittelholtz  
Helen Perri  
Gary Metelak  
Joy Cummings

Ginger Gherardi, former Santa Paula Mayor  
Laura Espinosa, former S.P. Councilmember  
Jenny Crosswhite  
Andy Sobel  
Susan Kulwieg  
Carol Hardison, Rancher  
Sheila Tate, Board Member, J.M. Sharp Co.  
Nate Pidduck, Rancher  
Pamela K. Murphy, 3<sup>rd</sup> Gen. Santa Paulan  
Rev. Dr. Audrey Wise Vincent  
Robert M. Ornstein, Esq.  
Pam Kennedy-Luna  
Debbe Sparkuhl  
Constance Leshin  
Janey Brunton-Munoz  
Carol Sue Piros  
Richard Rudman  
Nicole Dryden  
Susan E. Alvarez  
John Nichols  
David Stephenson  
John Brooks  
Michael Karayan  
Sue Yamamoto  
Jerry E. Mittelholtz  
Ralph Perri  
Cathy Metelak  
Connie Tushla

Charles J. Spink

Jesse P. Luna, SCV Democratic Club Treasurer

Julie White

Lorenzo Moraza

Chip Frazer

Linda P. Spink

James. N. Procter

Haley Ehlers

Connie Moraza

Pamela Fuller



## Analysis of Planning Director's Equivalency Determination

Mary Ann Krause AICP

December 10, 2021

For purposes of applying the appropriate Federal Regulations, Ventura County Environmental Health Division of the Resource Management Agency (RMA) has found that the use operated by Santa Clara Waste Water and subject to CUP 960 is classified as a Centralized Waste Treatment Facility. Under CFR section 437.2, "**Centralized waste treatment (CWT) facility** means any facility that treats (for disposal, recycling or recovery of material) any hazardous or non-hazardous industrial wastes, hazardous or non-hazardous industrial wastewater, and/or used material received from off-site. "CWT facility" includes both a facility that treats waste received exclusively from off-site and a facility that treats wastes generated on-site as well as waste received from off-site. For example, an organic chemical manufacturing plant may, in certain circumstances, be a CWT facility if it treats industrial wastes received from offsite as well as industrial waste generated at the organic chemical manufacturing plant. CWT facilities may also include re-refiners and may be owned by the federal government." We agree with this decision by the Environmental Health Division.

However, CWT is not a listed in the Non-Coastal Zoning Code as a permitted use in any zone, consequently Planning Director Dave Ward AICP consulted the following sections of the Non-Coastal Zoning Code:

" Sec. 8105-2 - Equivalent Uses Not Listed Where a proposed land use is not identified in this Article, the Planning Director shall review the proposed use when requested to do so by letter and, based upon the characteristics of the use, determine which of the uses listed in this Article, if any, is equivalent to that proposed. (AM. ORD. 4092 - 6/27/95) Sec. 8105-2.1 Upon a written determination by the Planning Director that a proposed unlisted use is equivalent in its nature and intensity to a listed use, the proposed use shall be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what standards affect its establishment. Sec. 8105-2.2 Determinations that specific unlisted uses are equivalent to listed uses shall be recorded by the Planning Department and shall be considered for incorporation into the Zoning Ordinance in the next scheduled ordinance amendment. (ADD. ORD. 3749 - 10/29/85; AM. ORD. 3810 - 5/5/87)"

Pursuant to the preceding section, on March 17, 2021 Planning Director Ward issued an Equivalency Determination for a Private Off-site Wastewater Treatment Facility known as Santa Clara Waste Water Treatment Facility located at 815 Mission Rock Road, unincorporated area of Santa Paula (Non-Coastal Zoning Ordinance Section 8105-5, Use Matrix, finding that CWT is equivalent in nature and intensity to the listed use Community Wastewater Treatment Facility, which is defined as: "A wastewater treatment plant that treats liquid waste which is received from off of the plant site. Such facilities include public agency-owned plants and privately owned plants and may include accessory biosolids composting operations."

We believe this equivalency finding to be in error. The CWT by its definition is primarily operating as an industrial waste processing facility, capable of handling hazardous or non-hazardous waste. A Community Waste Water Treatment Facility handles primarily domestic waste from a given community,

thus the term “community”. The Santa Clara Waste Water CWT handled waste from throughout California, and from as far away as Antarctica: [Ventura County waste is growing business for Santa Paula treatment facility \(vcstar.com\)](#) and [The Antarctic Sun: News about Antarctica - Port Hueneme \(page 2\) \(usap.gov\)](#). And while the waste handled at the CWT was classified as non-hazardous, some of the oil drilling waste was, in fact radioactive, which is harmful to human health and to the environment, and absolutely cannot be handled by a community wastewater treatment facility.

We note the Non-Coastal Zoning Code appears to lack provisions that other community zoning codes include, such as an appeal procedure if someone believes the Planning Director’s equivalency finding is in error, or an alternate procedure when the Planning Director finds that subject use has no equivalent, either in the applicable zone or in any zone. We believe that in this case the proper method of appeal is through the CUP process. We further believe that the proper Planning Director finding was that Centralized Waste Treatment Facility was similar but not equivalent to a Community Waste Water Treatment Facility, and that there is no equivalent use in the Non-Coastal Zoning Code. In that case, most zoning codes require the Planning Department/Division to go through a use listing process with approval of the Planning Commission, which is what we believe to be the proper procedure in this case. The listing process requires the Planning Division to recommend a finding as to the appropriate zone for a Centralized WWTF, if any, and identify the appropriate type of permit. While the location currently proposed is in the M-3 zone, (the heaviest use zone found in the zoning code), this M-3 zoned location has been identified as being in the flood plain, and therefore should be considered an inappropriate location for this use.

**From:** Pam <lublockers@gmail.com>

**Sent:** Wednesday, March 20, 2024 12:27 PM

**To:** Long, Kelly <Kelly.Long@ventura.org>; Lopez, Vianey <Vianey.Lopez@ventura.org>; Supervisor Parvin <Supervisor.Parvin@ventura.org>; supervisor gorelli <supervisorgorelli@ventura.org>; LaVere, Matt <Matt.LaVere@ventura.org>; ClerkoftheBoard <ClerkoftheBoard@ventura.org>; Ward, Dave <Dave.Ward@ventura.org>; Prillhart, Kim <Kim.Prillhart@ventura.org>; Johnson, Sevet <Sevet.Johnson@ventura.org>

**Subject:** SCWW CUP - March 26 Agenda

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To Ventura Board of Supervisors

Pursuant to your upcoming agenda item on March 26<sup>th</sup>, please consider the health and welfare of your constituents and revoke the 65-year old Conditional Use Permit on the former SCWW site near Santa Paula. This type of land use so near a populated area is a clear risk as has already been demonstrated by the catastrophic explosion in 2014 and the subsequent designation of the SCWW parcel or parcels as a Superfund site. Until the CUP is finally revoked, Santa Paula residents will remain in danger. Any reuse of the site must be subject to present day environmental standards and regulations that are strictly enforced by the County.

Santa Paula residents are counting on you! |

Pamela Strautman

1327 Manzanita Drive, Santa Paula, CA