



April 5, 2024

Ventura County Board of Supervisors  
Sent via email [clerkoftheboard@ventura.org](mailto:clerkoftheboard@ventura.org)

Re: Agenda Item 54

Dear Supervisors,

Climate First: Replacing Oil & Gas (CFROG) is a grassroots environmental nonprofit dedicated to combating the climate crisis by working to shape the transition away from fossil fuels to a carbon-free economy in Ventura County. During the last multi-year General Plan Update process, CFROG worked with community members to advocate for bold climate action and ensure community voices were being heard and reflected in the plan that would guide our community for the next 20 years. We are proud, and hope you are too, that this led to a precedent-setting General Plan, including some of the first policies to protect community health and safety from oil drilling in the nation.

**As you consider amendments to weaken these policies as a result of a settlement between the County of Ventura and the oil industry, we urge you to (1) recognize the full environmental impacts, (2) clarify the operator's burden of proof to claim infeasibility with documentation, and (3) endorse the limits on economic infeasibility when any new permit is being considered.**

***The Staff Report and CEQA Addendum downplay the environmental impacts of the amendments.*** The original environmental impact report (EIR) for the General Plan determined that the benefits to human health and the environment from adopting the trucking<sup>1</sup> and flaring<sup>2</sup> policies without weakening them via a feasibility exception outweighed any effects on mineral and petroleum resources, especially benefits related to air quality, greenhouse gas emissions reduction, vehicle miles traveled, and traffic safety. We are disappointed that the Staff Report and CEQA Addendum now conclude that “the potential economic, environmental and other implications of the proposed General Plan amendments would be speculative and marginal at most” because the trucking and flaring policies only apply to new discretionary wells. The fact that new discretionary wells are a subset of all wells drilled and operated in the County does not change the original EIR's conclusion that when such wells are drilled, their impacts to human health and the environment will be substantial. Even *one new well* where the operator successfully claims a feasibility exemption will have *negative impacts on the surrounding community*.

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<sup>1</sup> Policy COS-7.7, in an effort to breakdown jargon that is often inaccessible for the general public, throughout this letter we will refer to this policy as the “trucking” policy

<sup>2</sup> Policy COS-7.8, in an effort to breakdown jargon that is often inaccessible for the general public, throughout this letter we will refer to this policy as the “flaring” policy

Part C of the Staff Report, on General Plan consistency, properly recognizes that the feasibility exception could reduce the attainment of principles and policies concerning –

1. the minimization of health and safety impacts to residents, businesses and, visitors from human-cause hazards;
2. the reduction of greenhouse gas emissions; and
3. environmental justice – defined 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, protect disadvantaged communities from a disproportionate burden posed by toxic exposure and risk.”

Several studies<sup>3</sup> demonstrate that flaring produces carbon monoxide, nitrogen oxides, particulate matter, and volatile organic compounds; these are all pollutants that have an unambiguously negative impact on human health. The communities most impacted by oil and gas drilling in Ventura County are low-income and communities of color and these negative health impacts are a case of environmental racism. For example, active flares on the Oxnard Plain are located near Oxnard Pacific Mobile Homes and Nyland Acres, with pollution burdens 94 and 78 percent higher than the rest of CA.<sup>4</sup>

Community members across Oxnard have been fighting for clean air for years and are overburdened with large diesel trucks polluting their neighborhoods. The tiny particles of pollution in diesel exhaust, which often include toxic metals and chemicals, can lodge deep in the lungs and cause irritation.<sup>5</sup> In addition to causing short-term problems like coughing, headaches, and nausea, breaking diesel exhaust can damage both the lungs and the heart, and has been linked to very serious health problems.

***The County must acknowledge and clarify the operator’s burden of proof.*** We appreciate that the feasibility exception will only be allowed “if the proponent demonstrates” infeasibility to the County’s satisfaction. This wording properly places the burden of proof on operators to provide evidence of infeasibility rather than allowing oil companies to rely on unsupported claims.



Image 1 - Jesus Vazquez, in front of a polluting flare near Oxnard Pacific Mobile Estates, shares his story of growing up here and developing asthma as a result of pollution



Image 2 - CAUSE members carry out a truck count on Hueneme Road in South Oxnard (CAUSE)

<sup>3</sup> Wesley Blundell, Anatolii Kokoza, Natural gas flaring, respiratory health, and distributional effects, Journal of Public Economics, Volume 208, 2022.

<sup>4</sup> CalEnviroScreen 4.0

<sup>5</sup> How Diesel Pollution Affects Your Health, Moms Clean Air Force.

<https://www.momscleanairforce.org/resources/how-diesel-pollution-affects-your-health/>

We expect the County to thoroughly vet infeasibility claims on a case-by-case basis, based on the particular facts and circumstances of each site, rather than rubber-stamping permit applications. The County should **explicitly require operators to submit written materials sufficient to prove any claims of infeasibility**. The County must critically assess the evidence provided through an open and public process that enables independent experts to review and evaluate any such claims.

In the June 1, 2023, Planning Commission hearing, during a conversation about building electrification ordinances, Commissioner Sandlin stated:

“I’d love to see some analysis of what’s feasible and what’s not feasible, as you mentioned, by putting the word [feasible] in there, it does give an out. [...] If there is “feasible” language in there, it looks like there would be an out to getting things done.”<sup>6</sup>

With this sound logic, Ventura County is providing “an out” to oil companies to continue polluting our communities. The County should follow Commissioner Sandlin’s sound logic by ensuring that each claim of infeasibility is analyzed and includes written documentation.

***The County must endorse the limits on claims of economic infeasibility.*** We note that the General Plan’s definition of feasibility is identical to the definition in section 15364 of the CEQA Guidelines. When making a case-by-base determination on feasibility, our expectation is that the County will follow feasibility principles from CEQA case law, including the following three limits:

1. First, the fact that piping oil or containing gases “may be more expensive or less profitable” than trucking/flaring should be insufficient to show that compliance is financially infeasible. Instead, the County should require “evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.” *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181.
2. Second, the County should apply an objective test to evaluate claims that compliance with limitations on trucking, flaring, or venting is “infeasible.” Under this test, the County should consider whether the marginal costs of compliance “are so great that a reasonably prudent [person] would not proceed” with the extraction activities if required to comply. *Sustainability, Parks, Recycling & Wildlife Legal Defense Fund v. San Francisco Bay Conservation & Development Com.* (2014) 226 Cal.App.4th 905, 918, as modified (June 25, 2014).
3. Third, feasibility decisions should be made without regard to an operator’s individual financial status. *Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 599–600.

Community members across Ventura County are disappointed, saddened, and frustrated that the progress we made together to protect community health and climate has been dampened by oil and gas industry tactics – from multiple lawsuits, a settlement, and a 7 million

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<sup>6</sup> County of Ventura Planning Commission Hearing, June 1, 2023.  
<https://www.youtube.com/live/BvFqA7PvHgQ?si=tut9UvAhnJqEcRa&t=3282>

dollar referendum campaign. The County of Ventura must do better to protect our community, especially those most vulnerable, and our future.

With urgency,

A handwritten signature in black ink, appearing to read "Haley Ehlers", with a stylized flourish at the end.

Haley Ehlers, Executive Director