



September 9, 2019

**VIA ELECTRONIC MAIL**

**Ms. Rosa Gonzalez**  
**Chief Deputy Clerk of the Board**  
County Government Center  
800 South Victoria Avenue  
Ventura, CA 93009  
E-Mail: [Clerkoftheboard@ventura.org](mailto:Clerkoftheboard@ventura.org)

RE: General Plan Update Item #312

Chair Bennett & Members of the Board of Supervisors:

Please accept this letter and attached Exhibit 1 as a response to the Board of Supervisors work session summary for August 6, 2019, Draft 2040 General Plan recommended revisions.

Upon review of the redlined document with the recommended revisions from the August 6 meeting, we note that there were a number of revisions included that occurred after public comment was closed. Because of the lack of public engagement, we were unable to provide comment during the meeting. We have significant concerns with the implementation of these and other items because of their ambiguity and potential fiscal impacts not only to our industry but to the County and its residents.

In the inclusive and public spirit in which the general plan process was developed, we request that you further consider our Exhibit 1 revisions before you authorize the start of the next phase of the update process.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Spear', is written over a horizontal line.

William Spear  
Manager of Operations

WS:mln

Cc: Susan Curtis, VC Planning- [Susan.Curtis@ventura.org](mailto:Susan.Curtis@ventura.org)

Land Use and Community Character Element (LU)				
Line #	Reference	Icon(s)	Proposed Revisions	Notes
12	LU-17.4		<p><b>New Incompatible Land Uses</b></p> <p>The County shall prohibit the introduction of new incompatible land uses and environmental hazards that would have health implications into or abutting existing residential areas, in particular within designated disadvantaged communities. (RDR, MPSP, PSR)  <i>[Source: New Policy]</i></p>	<p>Oil and gas production activities have been occurring along Ventura Avenue in West Ventura for more than 100 years and there are vested rights to continue these operations. In many instances, residential neighborhoods grew up in and around these very operations based upon the County permitting such land use activities after vested rights were in place for oil and gas production operations. The potential for incompatible uses and/or land use conflict is more a result of permitting residential neighborhoods where open and notorious oil and gas production activities were and continue to occur. Nevertheless we take significant steps to minimize any impacts to neighbors and the environment and are transparent about our work and continually educate neighbors about our operations.</p>

Conservation and Open Space Element (COS)			
Line #	Reference	Icon(s)	Proposed Revisions
44	COS-1.6		<p><b>Discretionary Development on Hillsides and Slopes</b></p> <p>The County shall require discretionary development on hillsides and slopes, which have an average natural slope of 20 percent or greater in the area where the proposed development would occur, to be sited and designed in a manner that will minimize grading, alteration of natural land forms, and vegetation removal to avoid significant impacts to sensitive biological resources to the extent feasible. (RDR, MPSP) [Source: New Policy]</p>
45	COS - 1.10		<p><b>Evaluation of Potential Impacts of Discretionary Development on Wetlands</b></p> <p>The County shall require discretionary development that is proposed to be located within 300 feet of a wetland to be evaluated by a County-approved biologist for potential impacts on the wetland and its associated habitats pursuant to the applicable provisions of the County's Initial Study Assessment Guidelines. (RDR) [Source: Existing GPP Policy 1.5.2.3 modified]</p>
46	COS-1.11		<p><b>Discretionary Development Sited Near Wetlands</b></p> <p>The County shall require discretionary development to be sited 100 feet from wetland habitats, except as provided below. The 100-foot setback may be increased or decreased based upon an evaluation and</p>
			<p>Notes</p> <p>What is the definition of "development" in the context of this Policy? As currently written, it appears to be driven by typical development impacts associated with mass grading and the clearance of land, in conjunction with residential development and not to the type of operations associated with oil and gas production activities. Our operations have a number of existing tanks, facilities, pumping units and infrastructure on hillsides in and around the leased property. In any event, the maintenance of existing facilities and infrastructure such as emergency access roads should not be considered to be "development" for which discretionary permits would be required under this policy.</p> <p>The policy does not clearly state who or how they would determine what is a wetland. This should be a defined term. It should also be made clear that this policy does not apply to or be applied in a manner inconsistent with applicable state and federal regulations.</p> <p>The use of the term "wetland habitats" is ambiguous in this context. Is it intended to reference habitat located within regulated</p>

Conservation and Open Space Element (COS)			
Line #	Reference	Icon(s)	Proposed Revisions
			<p>recommendation by a qualified biologist and approval by the decision-making body based on factors that include, but may not be limited to soil type, slope stability, drainage patterns, the potential for discharges that may impair water quality, presence or absence of endangered, threatened or rare plants or animals, direct and indirect effects to wildlife movement, and compatibility of the proposed development with use of the wetland habitat area by wildlife. Discretionary development that would have a significant impact on a wetland habitat shall be prohibited unless mitigation measures are approved that would reduce the impact to a less than significant level. Notwithstanding the foregoing, discretionary development that would have a significant impact on a wetland habitat on land within a designated Existing community may be approved in conjunction with the adoption of a statement of overriding considerations by the decision-making body. (RDR) [Source: Existing GPP Policy 1.5.2.3 and 1.5.2.4, modified]</p>
			<p>wetland areas or would it apply to habitat outside of these areas? The application of this policy should not conflict with or be inconsistent with applicable state or federal regulations.</p>

Conservation and Open Space Element (COS)			
Line #	Reference	Icon(s)	Proposed Revisions
51	COS-7.3	CAP	<p><b>Electrically-Powered Equipment for Oil and Gas Exploration and Production</b></p> <p>The County shall require discretionary development for oil and gas exploration and production to use electrically-powered equipment from 100 percent renewable sources and cogeneration, where practical feasible, to alleviate reduce air pollution and greenhouse gas emissions from internal combustion engines and equipment. (RDR) [Source: Existing Ojai Valley Area Plan Policy 1.3.2.3 and Piru Area Plan Policy 1.2.2.3, modified]</p>
			<p>This requirement is contrary to Ventura County APCD Rule 74.16 which requires that all drilling operations be powered by grid power <b>unless exempted</b>. If, grid power is unavailable or infeasible operations must petition the APCD for the use alternative power sources and ask them for an exemption from Subsection 74.16 B.1.</p> <p>Additionally, under contracts with Southern California Edison who provides power to oil and gas</p>

Conservation and Open Space Element (COS)	Line #	Reference	Icon(s)	Proposed Revisions	Notes
	52	COS-7 X New Policy	CAP	<p><b>Gas Collection, Use, and Disposal</b></p> <p>The County shall require that gases emitted from all new <u>discretionary</u> oil and gas wells shall be collected and used or removed for sale or proper disposal, if feasible. Flaring or venting shall <del>should</del> only be allowed in cases of emergency or for testing purposes. [Source: Existing Ojai Valley Policy 1.3.2.2]</p>	<p>operations, the County's mandate to use 100 percent renewable sources would be dependent on the utility to source their power from renewable or non-renewable sources. We cannot control the utilities' sources of power.</p>
					<p>Aera's oil and gas operations operate under a Federal Title V air permit (Clean Air Act), which specifically allows for flaring for both emergency and planned flaring events. Emergency use is defined as the disposal of process gases in the event of unavoidable process upsets. Planned flaring events include not just testing but also <u>maintenance</u> on wells, equipment, or pipelines to proactively maintain safety and reliability of these facilities. Maintenance events can be initiated proactively by our company or can be initiated by the utility companies with whom we have contractual relationships. The Clean Air Act preempts local regulation and this policy would be inconsistent with Title V of the Clean Air Act. The policy fails to account for flaring during routine maintenance.</p>



Conservation and Open Space Element (COS)				
Line #	Reference	Icon(s)	Proposed Revisions	Notes
53	COS-7X New Policy	CAP	<b>Conveyance for Oil and Produced Water</b> New discretionary oil wells shall use pipelines to convey oil and produced water; oil and produced water shall not be trucked.	A clear definition of what the County means by "trucked" is necessary. Typically, oil and produced water is conveyed via pipelines throughout the lease site and distributed for processing and separation. However, there are instances when product must be transported by truck due to planned maintenance work by the pipeline company or other unforeseen circumstances. These instances, while rare, are overseen by the local APCD via compliance documentation or requested via a variance. Additionally, oil/water is occasionally moved within the lease site by trucks during times of maintenance or safety related activities. We would respectfully request that these activities not be considered as part of this line item for the safety of personnel and the environment.
54	COS-7X New Policy	CAP	<b>Oil Well Distance Criteria</b> New discretionary oil wells shall be located a minimum of 1,500 feet from residential dwellings and 2,500 from any school.	The term "new discretionary wells" should be defined more accurately and only include wells for which discretionary permits are required. We respectfully recommend that this policy be made consistent with

Conservation and Open Space Element (COS)				
Line #	Reference	Icon(s)	Proposed Revisions	Notes
55	COS-7.X New Policy		<b>Oil and Gas Well Stimulation Treatment</b>  The County shall require proposed projects that include fracking, well stimulation treatment, cyclic steaming, and steam flooding be evaluated for potential effects on ground water contamination, exacerbation of seismic activity, water use, greenhouse gas (GHG) emissions, and other impacts. (New Policy)	This policy is in conflict with existing state DOGGR permitting processes and regulations (SB4/underground injection control). State regulations will preempt because the county does not have any oversight authority with respect to well permitting activity in an approved oil and gas project.

Water Resources Element (WR)				
Line #	Reference	Icon(s)	Proposed Revisions	Notes
101	Section 9.X New Section, Goal, and Policies  New Policy		<p><b>Section 9.X Water Quality</b></p> <p><b>WR-X.1 Identify and Eliminate Sources of Water Pollution</b>  The County shall cooperate with federal, state and local agencies in identifying and eliminating or minimizing all sources of existing and potential point and non-point sources of pollution to ground and surface waters, including leaking fuel tanks, discharges from storm drains, dump sites, sanitary waste systems, parking lots, roadways, and mining operations. (IGC) [Source: New Policy]</p>	<p><b>WR-X.1 – Identify and Eliminate Sources of Water Pollution</b> - The substance of this policy is currently subject to comprehensive state legislation regulation. We currently are permitted under the Construction General Permit (CGP), it includes a technology-based numeric action level (NAL) of 250 nephelometric turbidity units (NTU). The statewide turbidity NAL has been set at 250 NTU and indicates whether Best Management Practices are working as intended. This level is regulated by the State Water Resources Control Board and implemented by the Regional Water Quality Control Board. The allowance NAL for turbidity determined and set by those regulatory agencies and would supersede any policies at the city or county level. This policy should not be applied in a manner inconsistent with or duplicative of</p>



Water Resources Element (WR)			
Line #	Reference	Icon(s)	Proposed Revisions
	New Policy		<p><b>WR-X.2 Water Quality Protection for Discretionary Development</b></p> <p>The County shall evaluate the potential for discretionary development to cause deposition and discharge of sediment, debris, waste, and other contaminants into surface runoff, drainage systems, surface water bodies, and groundwater. In addition, the County shall evaluate the potential for discretionary development to limit or otherwise impair later reuse or reclamation of wastewater or stormwater. The County shall require discretionary development to minimize potential deposition and discharge through point source controls, storm water treatment, runoff reduction measures, best management practices, and low impact development. (RDR)</p> <p>[Source: New Policy]</p>
			<p>the current comprehensive regulatory environment.</p> <p><b>WR-X.2 – Water Quality Protection for Discretionary Development</b> - Same comment as with respect to Policy 101. The numeric action level (NAL) of discharge is regulated by the State Water Resources Control Board and in some cases the Regional Water Quality Control Board. The allowance limit of nephelometric turbidity units NTU is determined and set by those regulatory agencies and would supersede any policies at the city or county level.</p>

Appendix B. Climate Change			
Line #	Reference	Icon(s)	Proposed Revisions
155	COS-Program X New Program	CAP	<p>Planning Commission agreed to add a program to evaluate the feasibility of establishing a tax on new oil and gas development but did not recommend exact wording.</p> <p><b>Planning Division Recommended Revision</b></p> <p>The County shall evaluate the feasibility of establishing a local tax on oil and gas operations located in the unincorporated County. [Source: New Program]</p>
			<p>A local tax would have significant impacts on the community far beyond the oilfields. It is important that the Board of Supervisors understand that a local tax on oil and gas production would result in a loss of local property taxes due to the lowered value of oil produced in California. This loss could result in</p>

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			<p><b>Implements Policy: COS-8.1 Reduce Reliance on Fossil Fuels</b></p> <p>The County shall promote the development and use of renewable energy resources (e.g., solar, thermal, wind, tidal, bioenergy) to reduce dependency on petroleum-based energy sources. (IGC, RDR) [Source: New Policy]</p> <p><b>Responsible Department:</b> County Executive Office</p> <p><b>Timeframe:</b> 2020-2025</p>	<p>declining revenue currently earmarked for local schools and districts.</p> <p>Additionally, a local tax could result in further impacts to state and local economies through reduced economic activity and job losses due to the increased costs of production.</p> <p>Lastly, royalty owners with mineral rights, many of whom are on fixed incomes, would find their income significantly reduced due to the lower value of oil produced in California.</p>