

Cabrillo Oil Field Expansion

PL14-0103, Ventura County Planning Commission

Report submitted by Citizens For Responsible Oil & Gas - CFROG
Project Appeal Hearing, September 7, 2017

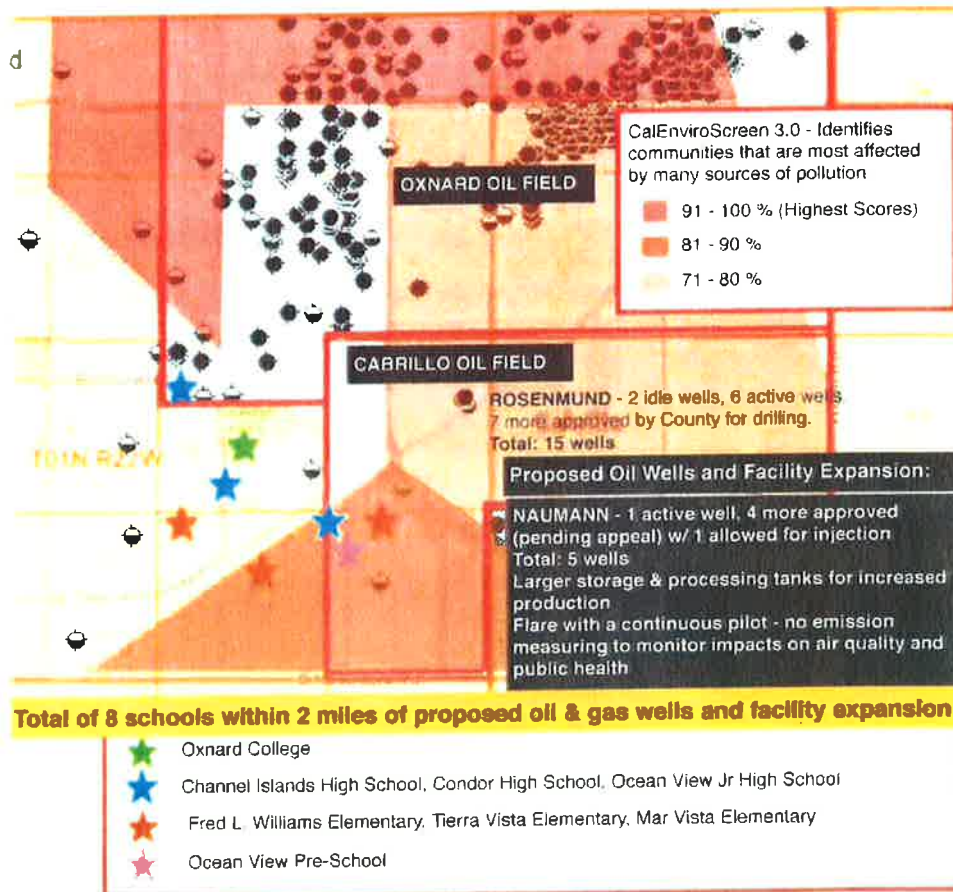


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Executive Summary

This permit modification will increase the number of permitted oil wells on the existing drill pad from 1 to 5 in an area with a recently identified California Disadvantaged Community (CDC), which includes data related to pollution burden and risk of further health impacts all collected using methodology accepted by the state. It also permits the use of the drill pad as the production hub for the newly discovered and designated Cabrillo Oil Field. **Ventura County, as the lead land use agency has the responsibility for protecting public health and determining the cumulative environmental impacts for the development of the Cabrillo Oil field, including considering Environmental Justice issues.** This document presents substantial evidence that there are significant changes in the area of the project and this project has the potential to significantly affect the environment and public health in ways not considered or studied in the initial 1986 Mitigated Negative Declaration (MND).



The CFROG appeal before the Planning Commission points to four different areas of concern, where substantial changes have occurred either in the vicinity of the project, in state law, or in what we know (science/ data), which were not considered in the 1986 MND, which need to be considered today -

1. Environmental Justice
2. Human Health
3. Cumulative Effects
4. Aesthetics

Substantial Changes

California Environmental Quality Act (CEQA) Guidelines require the preparation of an Environmental Impact Report (EIR) or subsequent negative declaration when one of the following conditions is met:

1." Substantial changes are proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects." [§ 15162(a)(r)].

2." Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects." [§15162(a)(2)].

3."New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Planning Director adopted the previous MND, shows any of the following:

a. The project will have one or more significant effects not discussed in the previous MND [S 15162(a)(3)(A)]"

#1 Substantial Changes due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

A. Substantial changes proposed in this project that require major revisions of the initial MND due to new significant environmental effects or an increase in the severity of previously identified effects include:

- A. The baseline setting has changed because the drill pad was initially in a lemon grove that served to mitigate the visual aesthetics both from the nearby residences and the gateway to the City of Oxnard. The lemon grove is now row crops and the drill pad is highly visible.
- B. The drill pad is 1600' from a newly identified California Disadvantaged Community (CDC) that suffers from an exceedingly high pollution burden. Neither the MND nor the Addendum addressed the health affects of additional pollutants combining with existing pollutants to this vulnerable community.
- C. There is a substantial increase in the severity of previously identified significant effects such as the loss of prime farmland due to human error or seismic damage, potential for groundwater pollution, and air emissions due to the three CUP's in the immediate area, with a total of 30 oil wells, that did not exist when the initial MND was conducted. Thus, the need for a cumulative review of the combined potential impacts is clear.
- D. The new condition allowing truck traffic 24/7 will create a nuisance and potential increased environmental stressors to the CDC 1600' to the northwest. Additional drilling increases production and more fluids requiring transport in more trucks.
- E. There is no time limit to the drilling phase of the project. The initial MND was for one exploratory oil well and the drilling phase was tied to the date of use inauguration. The current proposed project has no limit on the drilling phase, which could be the entire life of the permit or 30 years. The impact of the revision to eliminate a drilling phase must be part of this environmental review.

#2 Substantial changes "with respect to the circumstances under which the project is undertaken...due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects."

Several major significant changes have occurred in the circumstances under which this project is undertaken which will require major revisions to the previous MND due to the involvement of new significant environmental effects.

- A. The finding in the staff report is appallingly remiss in its statement, "The character and use of the surrounding agricultural lands have not changed." What about the disadvantaged community clearly visible 1600' up the street from the drill pad?

The community lying 1600' from the drill pad is a California Disadvantaged Community identified as such in 2014 to meet the requirements of SB 535. This community ranks with the highest of all California disadvantaged communities in its exposure to pollution (Pollution Burden), 100%. Likewise, its exposure to impaired water is extremely high, 97%. Thus, the circumstances under which this project is undertaken will require major revisions to the MND in order to determine whether this community can withstand the additional cumulative impacts of new oil wells, air pollution, potential for water pollution, production activities, and gas reinjection. Today, science tells us that certain populations, such as residents of a CDC are more vulnerable to the negative health effects from even low levels of pollution - because of their long term, constant exposure to pollution.

- B. The drill pad now lies in a strawberry field and is highly visible 360° in any direction. When the 1986 MND was written, the drill pad was in a lemon grove and thus substantially obscured from view.
- C. Two additional CUP's (Rosenmund and Daud/Doud) within a mile radius of this CUP have been permitted to to the same operator for this project - Renaissance Petroleum. The total number of oil wells permitted is now 20 and this permit will allow the Naumann drill pad to become a production hub for all three CUP's both current and reasonably foreseeable. *At the third lease site - Daud/Doud the county had previously approved an additional 15 wells, but the drilling timeframe has lapsed. The addition of wells at that site is reasonably foreseeable and should be considered within the context of cumulative impacts.

#3 Substantial changes due to "new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence," when the

previous MND was adopted, "shows any of the following...the project will have one or more significant effects no discussed in the previous MND."

- A. New information of substantial importance that was not known and could not have been known with the exercise of due diligence at the time the MND was adopted is that the CUP lies within a California Disadvantaged Community. This information is relevant and of great importance because the community is under a pollution burden that is currently negatively affecting the health of the residents as determined by 2014 CalEnviroScreen score. Any addition to that pollution burden from oil and gas production could have a further significant effect on the health of the neighbors.
- B. *CalEnviroScreen is a tool developed under direction of the California Environmental Protection Agency (CalEPA) by the state Office of Environmental Health Hazard Assessment. <https://oehha.ca.gov/>
- C. 2. Because the Disadvantaged community has been identified and health impacts that already exist have been quantified, the issue of Environmental Justice comes to the forefront. There must be substantial evidence put forth to explain why this permit, as proposed can be approved while exacerbating an Environmental Justice issue in terms of land use. This project, as proposed is inconsistent with the legal tenets of Environmental Justice in the state of California.

In conclusion, related to substantial changes - there have been changes in the environment, and known data that require the current Addendum must be replaced with a Subsequent EIR to address the significant changes, cumulative effects and new information that are relevant to this permit request.

History of The Cabrillo Oil Field and Surrounding Area

The Pacific View Mobile Home Estates was built in 1972, just off of Highway 1 in the Oxnard Plain surrounded by lemon groves. It has since grown to accommodate about 1400 residents. In 1989, Cities Service Oil and Gas Corporation was granted a CUP in the same lemon grove about 1600' from the Estates to drill and produce one exploratory oil well. The land upon which the drill pad was located was classified as prime farmland, so, as a mitigation measure, the size of the drill pad was limited.

In a 1986 comment letter to Ventura County regarding the loss of prime farmland to explore for oil, the City of Oxnard expressed the following concern about the growth in the number of proposals bordering the city:

"It seems timely to state that we are becoming concerned about the total number of proposals for the area surrounding the City of Oxnard. I would like to take the opportunity to highlight our concerns and ask that you apply them to CUP 4384, as well as other applications as appropriate." 1986 MND

The one exploratory well on Naumann CUP 4384 was subsequently acquired by Renaissance Petroleum (RenPet). In 2007, RenPet applied for and was granted one additional oil well and permission to approximately double the size of the drill pad. The environmental review document was a CEQA exemption.

Meanwhile, since the initial exploratory oil was successful, RenPet applied for and received a separate CUP on the opposite side of the Mobile Home Estates in 2002. The Rosenmund CUP permitted the drilling of one exploratory well and four more wells if that first well was successful. That CUP was modified in 2008, LU08-0117, to allow a total of 10 wells all on that one drill pad in prime farmland.

In 2005, RenPet applied for and was granted a third CUP, LU05-0096 known as Daud, which was within ½ mile of the other two CUP's. This CUP allowed 15 oil and gas wells to be drilled in a four-phase project in prime farmland. The CEQA review document for this project was a negative declaration because no mitigation measures were deemed necessary. The CUP was never inaugurated for use, though RenPet was issued a one-year extension in 2010.

Ventura County never considered cumulative impacts
during the processing or approval of those three CUP's -
Naumann, Rosenmund and Daud.

In 2007, the oil reservoir underlying the RenPet CUP's was designated and mapped by the California Division of Oil, Gas and Geothermal Resources (DOGGR) as the newly discovered Cabrillo Oil Field.

Remarkably, the development of this oil field has never been cumulatively reviewed under CEQA. Rather, each CUP within the oil field was granted as though the other CUP's simply didn't exist. That is, the county has segmented its' environmental review of the projects without considering the cumulative impacts of the other CUPs as required by CEQA.

In 2016, RenPet submitted an application to DOGGR to create a wastewater injection well on the Rosenmund drill pad that would service the entire Cabrillo Oil Field. In that application RenPet wrote: "it has identified a site for oil and gas development on the Oxnard Plain." (application to DOGGR for wastewater disposal well.) This is evidence that the operator has always considered the Cabrillo Oil Field as one project with three separate drill pads. As such, CEQA requires that any modification to one of Cabrillo Oil Field CUPs must include and must consider the cumulative impacts to the environment of all of the other Cabrillo Oil Field CUPs.

The Current Project -

This current RenPet application seeks a 30-year extension of the initial CUP 4384, permission to drill 4 new oil wells on the Naumann drill pad resulting in a total of 5 wells and permits the Naumann drill pad to be the production hub for the Cabrillo Oil Field.

The total of all oil and gas wells approved for these three CUP's is 35. While the Daud CUP has expired, it is reasonably foreseeable that RenPet could reapply to the county to seek authorization to drill those 15 wells originally permitted in 2005. It is also likely that the county would reauthorize that permit, since it already has approved the permit in the recent past and it found no significant effects to the environment. For purposes of CEQA review, the Daud CUP must be "reasonably foreseeable". There is no doubt it meets that test.

Consider the legal precedent of, Friends of College of San Mateo Gardens v. San Mateo County Community College Dist. (2016) 1 Cal.5th 937, 953 (San Mateo Gardens).)

This Supreme Court decision was handed down in 2016 and it affects the analysis and standard of review for proposed projects that were initially studied and granted with a Mitigated Negative Declaration, as in this instance.

The initial decision in determining which type of CEQA document to use for a modification is to examine whether the initial MND retains some informational value. In this case the agency has determined that it still has relevant informational value. The next decision is to determine which CEQA review type is appropriate for this project. The county, in this case, has chosen an addendum because it determined that only minor changes to the initial MND are required for this modification.

However, the Supreme Court in the San Mateo Gardens case held :

“where a project is originally approved through a negative declaration, “agencies [cannot] evade their obligation to prepare an EIR based on the more demanding ‘fair argument’ standard, so long as the potential environmental effects of the project are caused by changes in the project after a negative declaration has been approved.” (Id. at p. 958.)

In sum, “an agency [must] prepare an EIR whenever there is substantial evidence that the changes to a project for which a negative declaration was previously approved might have a significant environmental impact not previously considered in connection with the project as originally approved, and courts must enforce that standard.” (Id. at p. 959.)

Environmental Justice

The entire Cabrillo Oil Field lies within the geographic limits of a California Disadvantaged Community. In order to identify which communities in California are disadvantaged, the California Environmental Protection Agency (CalEPA) developed a screening tool that identifies communities that are exposed to high burdens of pollution and other factors making them especially vulnerable to health hazards from various types of land use and development. The communities that scored highest on this tool are considered to be Disadvantaged Communities. The nexus between Disadvantaged Communities and Environmental Justice is land use planning.

The California General Plan Guidelines of 2003 provided specific guidelines for exposing and addressing instances of environmental justice.

The Governor's Environmental Goals and Policy Report of 2003 defines the issue this way:

"The primary purpose of land use planning, and the source of government authority to engage in planning, is to protect the public health, safety, and welfare. Incompatible land uses are uses or facilities that may create health, safety, and welfare issues for a community. Environmental inequities occur when incompatible land uses disproportionately affect a particular socioeconomic segment of the community."

In November of 2016, the California Legislature passed SB 1000, which is designed to require land use governing agencies to include an Environmental Justice element in their land use planning, specifically in their General Plans. The law identified and addresses this problem: "Throughout California, disadvantaged communities bear a disproportionate burden of pollution and environmental hazards. Furthermore, inappropriate land use remains a leading cause of environmental inequities, from the lack of basic infrastructure in rural areas to the exposure of residential and other sensitive land uses to toxins from industrial facilities. Consequently, residents in these communities often suffer higher rates of asthma, birth defects and cancer. While the 2003 updated version of the General Plan Guidelines provided guidance for integrating EJ into city and county development, local governments and disadvantaged communities would be better served by a more comprehensive approach to planning for and addressing environmental justice issues." (Senate Bill 1000 Leyva, fact sheet)

Here we have a potential environmental inequity that has been created by incompatible land uses that expose the community surrounding the Cabrillo Oil Field to toxins from industrial facilities combined with the use of pesticides to grow strawberries. These land use activities may exceed the cumulative pollution impacts that are acceptable within the vicinity of this project in Oxnard.

Essentially, a community that is disadvantaged is subject to the cumulative impacts of land use planning decisions.

Because of SB 535, we have current, applicable, substantial and reliable data gathered from both national and state sources to evaluate the pollution burdens on each identified community in California. This data is also used to rank the communities among each other so that decision makers can understand the level of the intensity of each community's burden. In order to compare and rank communities the CalEnviroScore authors developed a formula.

“The formula is based on 19 pollutant and socioeconomic indicators, which are analyzed by census tract. Indicators include a wide scope of data from drinking water contaminants and asthma rates to language isolation and educational attainment. The census tracts are ranked, and the highest (worst) scoring 25% of tracts are considered “disadvantaged”.” (M-Group blog 8/2/2016, Emily Foley)

Within that worst scoring disadvantaged 25%, each community received a comparative percentile score to demonstrate the severity of the specific burden as compared to other identified Disadvantaged Communities.

The Cabrillo Oil Field and extensive agricultural activity (strawberries, lettuce etc.) in the Oxnard Plain all lie within a California ARB Identified Disadvantaged Community defined as census tract #6111004704. This designation means that the community falls in the top 25% of all communities scored on the CalEnviroScreen Tool. SB 535 defines these communities in part as:

“ Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation. Areas with concentrations of people that are of low-income, high unemployment, low levels of home ownership, high rent burden, sensitive populations, or low levels of educational attainment.”

“The CalEnviroScreen methodology is based on several scientific principles including:

1. Scientific Literature: Existing research on environmental pollutants has identified socioeconomic and other sensitivity factors as “effect modifiers” that can increase health risk by factors ranging from 3-fold to 10-fold or greater, depending on the combination of pollutants and underlying susceptibilities.
2. Risk Assessment Principles: Some people (such as those with underlying health conditions) may be 10 times more sensitive to some chemical exposures than others. Risk assessments, using principles first advanced by the National Academy of Sciences, apply numerical factors or multipliers to account for potential human sensitivity (as well as other factors such as data gaps) in deriving acceptable exposure levels.

3. Established Risk Scoring Systems: Priority-rankings done by various emergency response organizations to score threats have used scoring systems with the formula: Risk = Threat × Vulnerability.”

(<https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-version-20>)

The Oxnard Pacific Mobile Home Estates within 1600’ of the Naumann drill pad was built in 1972 and contains 267 sites. Oxnard Pacific has a population of about 1400 people, but it is just one of several mobile home parks within the census tract. CalEnviroScreen scores of this census tract are shown below in percentiles as compared to other disadvantaged communities. Here are the existing scores as compiled in 2014. (0-100%, 100% being the worst)

These percentiles are derived by comparing all communities within the top 25% of the most disadvantaged communities in California.

76-80% Percentile Total

91% Pollution Burden

55% Population Characteristics

40% Ozone

41% PM 2.5 (airborne particulate matter)

36% Diesel

100% Pesticides*

49% Toxic Releases

32% Traffic

87% Drinking Water

39% Cleanups

68% Groundwater Threats

72% Hazardous Waste

97% Impaired Water*

68% Solid Waste

Health Consequences:

Asthma 31% (based on emergency room visits)

Low Birth Weight 45%

Cardiovascular Rate 28% (based on emergency room visits)

For more specific information as to how these percentiles were determined and specifically what they mean go to: <https://oehha.ca.gov/calenviroscreen/maps-data>.

*It should be noted and treated with great significance that the CalEPAEnviroScore for pesticides for this CDC is 100%. That means that of all of the CDCs studied in California, this community scored the absolute highest. The exposure to pesticides is extreme. The other exposure of extremely high concern is to impaired water where the score is 97%. Finally, among all other disadvantaged communities, this community has an existing pollution burden of 91%.

As your Commission considers the importance of a thorough environmental review of this project, you must keep in mind the facts. This community is already at the highest extremes of pollution through its air, soil and water. **Those facts, coupled with the low socio-economic level are alarming and thus the county is required to proceed with extreme caution and thoroughness as it conducts its environmental impact review of this project on public health.**

It is highly unusual to have this much relevant, scientifically based substantial information on a specific community that is close to the NCZO setback requirements of 800' for an oil and gas facility from sensitive uses or residences. **The very existence of a setback requirement in the NCZO is evidence that oil and gas facilities have an impact on their neighbors.** The information derived from the CalEnviroScreen assessment is a loud clarion call that this expanded project and production facility may have a significant effect on the environment that was not previously considered in connection with the project as originally approved. It is the County's highest calling to protect the health and welfare of its citizens and the place from which its police powers are derived. The original MND did not respond to the potential environmental impact to human health or environmental justice. Neither did the Addendum.

Given the short distance of 1600' from the Naumann drill pad and production facility to this pollution-burdened community, this CEQA review must answer all questions that arise regarding health, welfare, air pollution amounting to at least 60 lbs ROC/NOx emissions from 30 total permitted and highly foreseeable oil wells, hazard potential, types and quantities

of chemicals that will be present, truck and diesel exhaust originating at the drill pad, water contamination and potential pollution from accidental spills and other issues that may arise during the study.

What are the potential risks to human health of underground gas reinjection at the Naumann drill pad which is part of this permit, but is not normally allowed without comprehensive review of the potential risks?

The County, in this Addendum, fails to consider an important Court holding that “the greater the existing environmental problems are, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant.” (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120.)

Other potential environmental consequences of this project to the health of the sensitive populace include:

- The potential impacts of oil and gas spills from pipeline breaks.
- The potential impacts of a pipeline break or well bore failure that might occur during liquefaction in an earthquake.
- The high groundwater table in this area of the Oxnard Plain and the potential further impacts from this project that could impair the groundwater.
- The impacts of injecting natural gas into one or more of the wells that might at some future time escape through well bore failure or other possible leak mechanisms.
- The impacts of loud noise during the drilling and testing phases of the project.
- The cumulative air quality impacts of a total of 60 pounds of ROC/NO_x per day on the quality of air in the immediate area of the Cabrillo Oil Field.
- The impacts of a pilot flare that is always burning gas and emitting pollutants.
- The unlimited “emergency” flaring of gas that will be significantly increased if gas for all 30 oil wells is processed at the Naumann site.

The CEQA review for this project must comprehensively evaluate the health impacts and environmental justice issues that are compounded by this oil and gas expansion and production facility.

Flare

According to the operator, the existing flare is a pilot flare that is continuously burning. The emissions from the pilot are not tracked or considered in the Air Pollution Control District permit or emission reduction program. CFROG's air quality expert (see attachment) has advised us that this continuous pilot flame should be replaced with a relatively inexpensive on demand electronic ignition device similar to the igniter on a residential gas stove. The continuous pilot flare burns gas and is highly visible throughout the region, particularly at night.

The Ventura County zoning ordinance regarding produced gas states, "Sec. 8107-5.5.7 Gas from wells should be piped to centralized collection and processing facilities, rather than being flared, to preserve energy resources and air quality, and to reduce fire hazards and light sources."

While most of the produced gas is piped to the local gas line, there is a fair amount of gas that is simply burned in the "pilot flare."

Production Hub

The staff report states that "the Naumann drill pad will serve as the production hub for the Cabrillo Oil Field." The establishment of a hub for production for the Cabrillo Oil Field is a new project that may have a substantial impact on the environment that was not previously studied or evaluated in the initial MND or any other subsequent document.

This project, LU14-0103, contains the first clarity in any CEQA review document prepared for all three CUP's regarding what may be shipped, where, and how, throughout this oil field. All crude oil produced at the Rosenmund CUP will be shipped to the Naumann CUP drill pad for processing into separated oil, water and gas. Thus, this permit doubles the storage capacity at the Naumann drill pad. Secondly, produced, separated wastewater from both the Naumann CUP and the Rosenmund CUP will be piped back to the Rosenmund CUP for injection into an injection well approved by DOGGR in 2017. The expired Daud CUP refers to the Naumann drill site as the location where gas will be shipped beginning in Phase 2.

A new production hub for an oil field that is still under development and growing was created in a CEQA vacuum with absolutely no environmental review of the potential impacts

of that activity. The area in which the project is located is environmentally sensitive because it is in very close proximity to an identified disadvantaged community and is in prime agriculture land that is zoned for Agriculture Exclusive Use. Thus, the magnitude of the environmental impacts of this new production hub may be increased.

For example, the plan to pipe produced fluids for separation, treatment, and injection to different CUP's across prime agricultural lands may have a significant impact on the environment which has not been previously studied. This CUP is located in an area of the Oxnard Plain that has a very high water table and is subject to significant ground shaking and liquefaction during an earthquake. The 1973 Pt. Mugu earthquake damage reports reference damage to infrastructure and buildings in this general area of the plain. (further info on this earthquake on page 21)

The production hub is only a hub if it processes fluids from one or more additional locations. In this case, it will process fluids and gas from two additional existing or foreseeable CUP's. The production hub is a new land use that is a significant increase from the initial MND which permitted production facilities for one exploratory oil well. The magnitude of this increase has not been quantified or evaluated for its potential effects on the environment.

While CFROG fully understands that the Non Coastal Zoning Ordinances (NCZO) for oil and gas development includes a guideline that suggests consolidation of facilities, this does not substitute for environmental review under CEQA. The existence of oil and gas development guidelines in the NCZO is not a substitute for CEQA analysis of the potential environmental impacts from this project.

Air Quality Impacts

Due to the existing significant toxic pollutants and emissions already cited surrounding this disadvantaged community, regardless of source, any addition of NOx or ROC emissions should be considered cumulatively significant. (Kings County Farm Bureau vs. City of Hanford (1990), 221 Cal.App.3d 692, 718; Los Angeles Unified School Dist. v. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1026.)

In the past, the County has been remiss for failing to consider cumulative air quality impacts. (Whitman v. Board of Supervisors (1979), 88 Cal.App.3d at 410; Citizens to Preserve the Ojai

v. County of Ventura (1985) 176 Cal.App.3d 421, 429–30.) “A cumulative impact analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decision-maker’s perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval.” (Id., 430)

In this instance, the County once again failed to identify sources of cumulative air pollutant emissions and evaluate the impact of those emissions with all sources of emissions both from this project and those already in high concentrations in the immediate area.

The Addendum produced for this project did not consider the cumulative air quality impacts of oil well drilling and operations from existing and reasonably foreseeable projects, including the Rosenmund CUP drill pad where 10 wells are permitted and the Daud CUP where 15 additional wells are approved and at the least can be considered as reasonably foreseeable. As with the project level emissions, the Addendum ignores the cumulative ozone-causing emissions from oil drilling and oil well operations. Excluding consideration of the cumulative emissions from nearby oil wells “prevented the severity and significance of the cumulative impacts from being accurately reflected” in the Addendum. (Bakersfield Citizens for Local Control vs. City of Bakersfield (2004), 124 Cal.App.4th 1184, 1215.)

The total undisputed emissions from 30 oil wells on the three CUP’s is 60 lbs of ROC/NOx emissions per day. 60 lbs far exceeds the 25 lbs/day limit that creates a significant impact on the environment under Ventura County General Plan Policy.

“The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.” (CEQA Guidelines, § 15355, subd. (b).)

The County was fully aware of the Rosenmund CUP and the Daud CUP when it prepared this Addendum since the Addendum references the Rosenmund project, and because the Addendum was prepared within 6 years of the filing of the application and extension of time for the Daud permit. Thus, the continued development of this oil field is both past, present and reasonably foreseeable. (Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 870 [project that had begun federal environmental review process was a

reasonably foreseeable project for cumulative impact analysis]; San Franciscans for Reasonable Growth v. City and County of San Francisco,(1984), 151 Cal.App.3d 61, 75 [projects under environmental review had progressed far enough to be considered in a cumulative impacts analysis].)

The county has included a memo from the Air Pollution Control District on "Health Risk" - this is not a Health Impact Assessment and is not site specific. In order to understand the potential health impact from emissions we must know the actual and true emissions from the site, including the pilot flare and flare and potential emissions when infrastructure is operating at less than ideal levels meaning when a leak is occurring. VOC perimeter monitors should be used as well as flow monitors to capture accurate emission data.

Noise

The substantial changes on the Naumann drill pad including an increase from 4 to 16 truck trips per day and drilling which could go on for months, or over a period of many years as there is no time limit on the drilling, will create more noise. According to the initial MND, the site is located about 500 feet north of Highway 1. Traffic on this highway contributes to the ambient noise in the area. The proposed additional oil and gas activities would significantly increase the noise that is generated on the drill pad. According to the staff report,

"The proposed activities will generate noise during construction (well and ancillary facility installation), operation of pumping units, and truck traffic. The well drilling activities are temporary and would involve only a few months of the 30-year lifespan of the project. The pumping units are electrically powered and do not generate substantial noise. In any case, the nearest noise sensitive uses are single-family residences located approximately 500 feet to the west of the proposed project site (approximately 250' north of Highway 1)"

The increase in noise generated by the increase in oil and gas activities may create an unstudied significant environmental impact upon these residences. The conditions of PL14-0103 include a quote from the NCZO that eliminates automatic noise mitigations if the nearest sensitive receptor is 1600' away. CFROG believes that both the initial MND and the Addendum are incorrect regarding the distance from the Pacific View Mobile Home Estates. The distance from the drill pad to the Estates is approximately 1650' according to CFROG's mapping consultant. The applicant has submitted measurements of 1680'. In either case, the

distance may be over the 1600' distance that automatically triggers sound mitigation requirements. However, CFROG asserts that 50' of distance in open space agricultural land will not make any difference in level of the offending sound and suggests that mitigation measures should be necessary during the drilling phases of this permit. Therefore, the applicant must submit a sound study that demonstrates that the drilling phase of this permit will not exceed noise standards established in NCZO §8107-5.6.13 Noise Standard for oil and gas drilling, maintenance, or production activities at the closest sensitive uses.

County staff have asserted that Highway 1 is closer to the Mobile Estates Park than the drill pad and creates more noise. Perhaps so, but since the Estates already suffers from significant noise impacts, this is all the more reason that there should be some mitigations to dampen the cumulative noise impacts.

PL14-0103 contains no information regarding the drilling phase of this permit. Therefore, we don't know the length of drilling time for each well or the time frame for drilling which could be compact or spread out over the entire length of the permit. There is no limit on the drilling hours within this permit. The noise study recommended by CFROG should determine if the level of sound produced by nighttime drilling is acceptable at the nearest sensitive receptor.

There is good reason to eliminate nighttime drilling because the drilling phase creates a significant amount of noise. In most oil and gas permits we have read throughout the county, drilling at night is prohibited, or at least mitigated, if there are residences nearby. In this instance, it seems imperative that night drilling be studied and monitored since this community is already the subject of significant disruptors due to traffic, noise, and pollution according to the CalEPAEnviroScore report. (page 9 - 10 of this document)

The Addendum has no information regarding Pollutants and Chemicals at the Naumann Drill Pad

The current pollutants listed on the APCD permit for the Naumann drill pad do not reflect additional releases from pending permitted growth to 5 oil wells (or cumulatively, 30) since the permit lists just one well. The listed pollutants on the current APCD permit are reactive organics, nitrogen oxides, particulate matter (which does not reflect the truck traffic

on the dirt access road), sulfur oxides, and carbon monoxide. The ATSDR Public Health Statements for nitrogen oxides, sulfur oxides, and carbon monoxide are attached to this document. Each of the statements includes harm to lungs and airways, most particularly in people who are already asthmatic. Given the high levels of asthma of the adjacent neighbors as identified in the CalEnviroScore assessment, it seems prudent to take exact measurements with the pilot flare running of each of these pollutants from the operation of just one well instead of relying on theoretical emission factors. Then, the emissions can be evaluated for the potential harm from 5 oil wells and production equipment and activities for a total of 30 oil wells. Additionally, the EIR should include the emission increases when the emergency flare is in operation. The Addendum also fails to adequately address emission of toxic and cancer-causing emissions (e.g., benzene and 1,3 butadiene) that are emitted by combustion flares and vapor leaks. Adjacent neighbors may be subjected to 'hot spot' concentrations of these and other air toxics.

The chemicals and pollutants used in the drilling process are not described or contained anywhere in any CEQA document prepared for any CUP in the Cabrillo Oil Field. There is no list of chemicals used in the drilling and testing phases of the project. There is an information deficit caused by the omission of substantive details regarding the drilling and testing of new oil wells.

CFROG understands from general information regarding the drilling of oil wells that there will be toxic chemicals present during the drilling and testing periods for each of the four new oil wells. There is a fair argument that these unknown and unnamed chemicals could present a significant risk to the health of the California Disadvantaged Community and risk to prime agricultural land were there to be an accidental spill or mishandling due to human error. Therefore, there must be an EIR to address the information deficit in this Addendum.

LACK OF PUBLIC PARTICIPATION

The 2002 California Governors Goals and Policy Report calls for meaningful public participation. There was no notice to the residents of the Oxnard Pacific Mobile Estates of this project. "Meaningful public participation in decisions that affect our communities and our lives is critical to achieving true environmental justice. This is especially relevant for the minority and low-income populations of the State, specifically referenced in California's enabling EJ legislation, SB 115. It is essential for all public agencies to carefully review their

decision-making processes to ensure that all affected segments of the community have an opportunity to participate in decisions that impact their lives. Knowing our state's communities—who they are and what their needs are—is critical if public agencies are to work toward a common goal of serving the people of this State and meeting their diverse needs." (Policy Report, 2002)

CFROG and Food & Water Watch were very concerned to learn that not one of the residents of Oxnard Pacific Mobile Home Estates and most of the residents of surrounding communities had no knowledge of the pending project. When they were informed, the vast majority of those residents signed a petition (included in this document) against the permit because they understand the health impacts they endure today and are opposed to any increase in that burden.

Inexplicably, the Addendum file contains only about 30 identical form letters of support of the project; nearly all from mineral rights owners, berry farm owners, and those in the industry who will financially profit from the project.

SHARING FACILITIES

Ventura County NCZO Oil and Gas Guidelines: "Sec. 8107-5.5.4 Permittees and operators should share facilities such as, but not limited to, permit areas, drill sites, access roads, storage, production and processing facilities and pipelines."

The County cites this section of the VCNCZO to justify its decision to permit pipelines to various locations through prime agricultural lands for the purposes of production and processing. CFROG does not object to the broader purpose of this guideline as it condenses facility sizes. However, we note with interest that the ordinance regarding flaring gas has been selectively ignored by the County, while this ordinance suggesting sharing facilities is both cited and defended.

Moreover, the mere fact of the existence of an Oil and Gas Guideline in the NCZO does not eliminate or substitute for the need for CEQA review of the environmental consequences of following this guideline.

This also raises another unresolved and significant issue. What is the definition of a commercial disposal well which the Board of Supervisors determined has no place operating in an agricultural exclusive zone in its unanimous decision to close the Anterra disposal site? The definition of non-commercial is a wastewater well that injects produced water onsite. The Rosenmund injection well is located on one CUP. The Nauman CUP is approximately one mile via pipeline away. Is that onsite? If not, is it commercial? CFROG has been told that it is OK for an operator to use an injection well “down the road” if it is owned and operated by the same operator. What if RenPet sells one of the CUP’s in the future? There is no consideration given to what would happen to the wastewater from the Daud and Naumann drill sites in that instance. If the conditions of the CUP are transferable, would this new operator then have the right to dispose of the produced water at the Rosenmund drill site? Would that make the Rosenmund injection well commercial? If not, then what is the definition of a commercial wastewater injection well?

How can the effort to consolidate facilities be reconciled with the proper use of prime farmland zoned for agricultural exclusive use? The plan to create one wastewater injection well to serve the entirety of the oil field may be inconsistent with the intent of Agricultural Exclusive zoning.

CEQA requires an EIR to discuss “any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans.” (CEQA Guidelines, § 15125, subd. (d).) Additionally, CEQA Guidelines Appendix G section IX, subdivision (b) requires an agency’s environmental review document to determine whether a project would “[c]onflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project ... adopted for the purpose of avoiding or mitigating an environmental impact.”

Thus, the reviewing document must discuss the inconsistencies between the proposed project and the NCZO guideline regarding consolidation of oil and gas facilities in this particular instance where the consolidation will take place in an environmentally sensitive location that may affect prime farmland and human health. It must also discuss the inconsistency of a relatively large capacity injection well with the goals of agriculture exclusive zoning.

PIPELINES HAD NO CEQA REVIEW

In 2006, the Planning Director asked RenPet to include the company's plan to build two pipelines to the Naumann drill site from the Rosenmund drill site in its project application. This note is in the CUP file:

There was never any public review of the plan to determine if two gathering pipelines through prime agricultural land in the Oxnard Plain would be a cause for environmental alarm because the approval of the pipelines was granted as part of a CEQA Exemption which modified the original permit. If the permit was approved by an exemption, then it was not reviewed under the provisions of CEQA because the planning department incorrectly determined that pipelines through prime farmland presented no possible consequence to the environment. The pipeline route was not reviewed under CEQA.

County has failed to consider cumulative impacts of expanding oil field

This project must be considered in its totality. It is a *"mandate of CEQA that environmental considerations do not become submerged by chopping a large project into many little ones - each with a minimal potential impact on the environment - which cumulatively may have disastrous consequences."* (Bozung vs. Local Agency Formation Com.(1975) 13 Cal.3d at 283-84.)

This permit allows the Naumann drill pad to become "the production hub for the Cabrillo Oil Field." **This action inextricably ties the three CUP's together and is further evidence of the need for a cumulative effects review.**

DOGGR just granted the applicant an aquifer exemption and permission to develop an injection well on the Rosenmund drill pad. This will serve as the injection well for all wastewater from the Cabrillo Oil Field. The extent of the oil contained in the field and the quantity of the accompanying wastewater is relatively unknown. Given the fact that the Cabrillo Oil Field has only been mapped and designated for 10 years, the applicant may have future plans for additional drill pads and expansion beyond the three CUP's already granted. Whether or not this is the case, the Naumann, Rosenmund, and Daud drill pads are directly linked to the current application that includes the transfer of wastewater to the Rosenmund drill pad from the Naumann drill pad and the transfer of crude oil from the Rosenmund drill pad to the Naumann pad one mile away. The Daud CUP authorized gas to be piped from the site to the Naumann drill pad in phase 2.

Therefore, CEQA requires the environmental review of the subject application to include a cumulative impact analysis of all three CUPS. The time for CEQA review of the production hub for the Cabrillo Oil Field and other potential cumulative effects to the environment is now while the CUP for the production site is under environmental review.

PL14-0103 Expansion of Naumann Permit

This project includes the addition of 4 new oil wells and the creation of a production hub for the Cabrillo Oil Field. These modifications to the original permit constitute a modified project subject to the subsequent review provisions of §21166 and §15162 of the CEQA guidelines. The production hub includes the processing, separation, and shipping of oil from a potential total of 30 previously permitted oil wells. The initial Naumann drill site and CUP allowed one oil well and production facilities for that one well. These project modifications constitute substantial changes to the initial 1986 CUP and require substantial changes to the initial MND review document.

CEQA allows the reviewing agency to prepare an addendum rather than a subsequent EIR or negative declaration, if only “minor technical or additions are necessary or none of the conditions described in the [CEQA Guidelines] Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred [CEQA Guidelines §15164 sub (b)].”

In San Mateo Gardens, (Ibid) clarifications of CEQA law clearly require the county to prepare an EIR rather than an Addendum. Among other significant impacts, the EIR should include for the first time, a comprehensive analysis of the cumulative impacts of the current and reasonably foreseeable development of the Cabrillo Oil Field that is owned and operated by one entity within a one-mile radius. As previously discussed, the development of the Cabrillo Oil Field has been incrementally permitted as though each project on discrete drill pads within less than a one-mile radius was created in a vacuum. **The eventual size and scope of the Cabrillo Oil Field has never been defined or evaluated for potential environmental consequences.**

These three CUP's cumulatively will create an adverse impact on the environment because collectively they exceed the level of significance for air pollutants, significantly increase the ambient noise levels, increase the oil tanker truck traffic from 4 – 16 truck trips per day, allow

a change in the truck operational time to 24 hours per day seven days per week, create more light from flares, and are all highly visible from Highway 1.

The cumulative air emissions, increased noise, and chemical emissions from a production hub may potentially affect the health of the residents in the immediate area. For these reasons and others, there must be a cumulative effects study as part of this permit.

The following information presents a fair argument of several unstudied significant environmental impacts that also trigger the preparation of an EIR.

This project may have a substantial effect on the environment for the following reasons not reviewed in the initial MND:

The following is a discussion and substantial evidence of the changes to the initial project and the circumstances under which the project will take place that may have a significant environmental impact not previously considered in connection with the project as originally approved.

Visual Aesthetics

The increased size of storage tanks, the increase in the number of oil wells, and the drilling phase, all will have an impact on visual aesthetics. The 1986 City of Oxnard's letter to Ventura County regarding the initial proposal for one exploratory oil well expressed the following concerns regarding visual impacts:

"Visual Impacts – The city has several principal entranceways and many that might seem minor now, but will have greater importance in the future. Visual separation and screening of entranceways should be provided whenever possible by requiring that the actual drilling site be located as far as possible from the entranceway road and that existing or added plant material be used to as great an extent as practical to either screen the drilling equipment or interrupt its rectilinear profile. In addition, use of low-profile equipment instead of high profile equipment, would be preferable."

At the time of the initial MND the new drill pad was surrounded by a lemon orchard. Thus, the 1986 MND determined: *"Visual Effects – Due to the surrounding orchard, the only phase of the*

project to be visible from public roads or neighboring property will be the drilling rig mast. This mast will be approximately 160' high and will be in place 30-35 days. This impact is deemed to be insignificant due to its temporary nature."

Because the drill mast was the only feature visible to neighbors or visitors and residents from public roads, the visual impacts of the project were deemed to be less than significant and no mitigation measures were required. **However, the entire orchard has now been removed and replaced with row crops which is a major change in the baseline conditions of this permit.** Thus, the drill pad is now completely exposed visually to visitors and surrounding residents entering Oxnard on Highway 1.

Today, the fully exposed drill pad will house 5 oil wells and 2 large storage tanks which will create an eyesore in this agricultural community.

The significance of an environmental impact is not based on its size but is instead "measured in light of the context of where it occurs." (San Francisco Beautiful v. City and County of San Francisco (2014) 226 Cal. App. 4th 1012, 1026; see also CEQA Guidelines, §15064, subd. (b) ["An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting."]

While the drilling period of time for the additional four wells is temporary, the drill mast will be extremely high and brightly lit which will create a significant eyesore in the midst of the vast strawberry fields.

Cumulatively, the three RenPet CUP's, all visually connected, will have a significant impact on the aesthetics of the community and create visual eyesores in the midst of the strawberry and lettuce fields.

Health Impacts

The initial MND failed to mention or respond to the issue of Human Health. The 1986 MND has a line item entitled Human Health. That line item simply refers the reader to number 14 in the MND, "risk of upset." Number 14 states that because the County has zoning ordinances and provisions of hazardous materials, there is "no risk of upset."

The issue of human health was never addressed in the initial MND thus the environmental consequences of this project must be part of a new EIR.

Human Health must be also evaluated as part of this CEQA review because there is new information that could not have been known when the initial MND was prepared. Today, the drill pads for all three of the RenPet CUP's lie within a California Disadvantaged Community (CDC), so designated in 2014. The development of the Cabrillo Oil Field and the increase in oil wells and production activity at the Naumann drill pad may create an environmental inequity through incompatible land uses that exceeds the cumulative pollution impacts that are acceptable within the vicinity of this project in Oxnard. In large part, this is because the primary use of the land within this CDC is the agricultural act of growing strawberries. This activity uses a large quantity of pesticides on a regular basis.

The Oxnard Pacific Mobile Home Estates and the surrounding area are currently exposed to the some of following pesticides as compiled from CalEPA regarding pesticide use in agricultural fields in Ventura County in 2015:

In 2015, 7.3 million pounds of pesticide active ingredients were applied in Ventura County, California. Ventura County ranked 9th out of California's 58 counties for the total amount applied.

Many of these pesticides are toxic air pollutants. People living near Ventura County agricultural fields may be exposed to 1,3-Dichloropropene, an ingredient in soil fumigants. 1,3-dichloropropene is a probable human carcinogen and can cause respiratory and neurotoxic effects. Ventura communities may also be exposed to captan, a fungicide that is also a probable human carcinogen.

The EPA list of pesticide active ingredients used in Ventura County agriculture must be incorporated into a larger study of the cumulative impacts of the presence of these chemicals combined with the chemicals that will be part of the further oil and gas production activities at the Naumann drill pad and throughout the Cabrillo Oil Field within a disadvantaged community.

Essentially, a community that is disadvantaged is the subject of the cumulative impacts of land use planning. CalEPA adopted the following working definition of cumulative impacts in 2005: *“Cumulative impacts means exposures, public health or environmental effects from the combined emissions and discharges, in a geographic area, including environmental pollution from all sources, whether single or multi-media, routinely, accidentally, or otherwise released. Impacts will take into account sensitive populations and socioeconomic factors, where applicable and to the extent data are available.”*(CalEnviro Screen Model)

This affected community was identified and mapped according to the methodology created by CalEPA to identify California Disadvantaged Communities to meet the requirements of SB 535, enacted in 2014. The selected methodology uses the 8000 already existing California census tracts in order to de-emphasize the importance of city or county boundary lines.

It is important to note that census tracts are not the way CEQA is implemented to evaluate potential environmental impacts because CEQA is project based. Nor is the methodology used to identify California Disadvantaged Communities which includes population characteristics exactly like the methodology called for under CEQA. However, the use of health and pollution-burden data that is relevant to a CEQA review which has been carefully compiled by the tool developed to comply with SB 535 can and should be used in a CEQA analysis of the cumulative health impacts of a proposed project.

The CalEPAEnviroScore authors explained its application to CEQA this way: “To ensure proper use and understanding we explained that the tool is not a substitute for a cumulative impacts analysis under the CEQA. Nor is the intent to restrict the authority of government agencies in permit and land-use decisions.” (CalEPAEnviroScore)

SB 535 mandated the development of CalEnviroScore to identify pollution and population burdens on communities in the state that are exposed to significant toxicity. (more specific information on CalEnviroScore and this community’s scores in each health and pollution component studied can be found in the next section on Environmental Justice). Because of SB 535 and CalEnviroScore, there is current, applicable, substantial and reliable data that should be used to evaluate the cumulative health risks to the residents of Oxnard Pacific Mobile Home Estates and other residents living in the immediate area of this project. It can be reasonably concluded that this data constitutes substantial evidence that an EIR must be

conducted in order to understand and mitigate the significant potential health effects of one more source of pollution upon this CDC.

Scientific Literature cited by the CalEnviroScreen authors states that disadvantaged communities like the Oxnard Pacific Mobile Home Estates are 3-10 times more vulnerable than other populations to increased pollutant factors because they are already sensitive, suffer from health challenges, and experience high pollutant exposure. (Approaches to Identifying Disadvantaged Communities, CalEPA OEHHHA, August, 2014.)

Remedy and Relief

CFROG asks the Planning Commission to take a long-view look at this project in the context of the whole environment of the Oxnard Plain. Land use decisions and Conditional Use Permits are not made and granted in a vacuum. The Plain has some of the richest agricultural land in the nation. The land has been recognized as exceptional and the Board of Supervisors zoned it exclusively for agriculture. The project site is also embedded in a disadvantaged community where the health and welfare of the citizens are already compromised.

What is the best use of this land and what are the desired outcomes for these residents?

Why is that important?

How can we achieve these outcomes in the best way
considering the needs and investments of all involved parties?

Based upon reactions from the local residents and the Ocean View School District, risks to the health and welfare of the community members and the potential risks due to accidental spills, increased air pollution, increased trucking, and a large continuous pilot flare near residences of a sensitive community, CFROG suggests (in the absence of any alternatives proposed by county planning staff) an alternative to the proposed project, which would keep the Naumann drill site as it currently is built, one well and production facilities for that one well. The opposition to this permit from local residents is evidence of piling on, or cumulative effects. This is exactly what occurs when permits are issued in a vacuum via addendums (this permit), negative declarations (Daud CUP), and mitigated negative declarations (Rosenmund CUP) where cumulative effects are not considered because this one permit - on its own - appears insignificant. Taken collectively, the impacts of both

agricultural pesticides and oil and gas production from three separate permits are significantly increased.

It is established fact that land use which is incompatible with residential use causes the closest residents to suffer health consequences. Ventura County cannot put on blinders and see this permit as simply 4 new oil wells and a couple of storage tanks. The broader context of the existing activities in the area and reasonable foreseeable future activities must be considered collectively in a comprehensive environmental impact report that studies the impacts of producing the oil in the Cabrillo Oil Field.

The permit for the Naumann drill site is under review and you have the legal authority to make any changes to the permit that you find necessary. The Daud CUP has had one use inauguration time extension which is expired, and to date, it has not been legally inaugurated. The Rosenmund CUP has 15 oil wells and a multi-purpose processing facility.

While the current operator of the Cabrillo Oil Field may tell us that there are no plans to resubmit the Daud CUP, the facts and our past experience do not support this statement. RenPet submitted the Daud application in 2007 and the CUP was granted for 15 new oil and gas wells. That demonstrates intent. A one-year extension of the use inauguration of the permit was applied for in 2010 and granted. Any citizen, or business has the right to petition their government at any time. This permit can be resubmitted at any time and since it has already been evaluated and approved, it can be reasonably assumed that it will be permitted again. CFROG has seen this scenario happen before when the public was promised that an entire upper portion of a CUP would be abandoned if 9 additional wells were granted for the lower portion. Once the 9 wells were granted, the applicant submitted a new proposal to "restart the wells" that were never abandoned on the upper portion. The permit to restart the wells was granted.

County planning staff did not consider any alternatives to the project in any of the three previously granted CUP's for the Cabrillo Oil Field.

CEQA was written into law in large part to provide information to the public, full disclosure of the impacts of a new project, and answers to the questions posed in this comment letter in a comprehensive manner so that the environment can be protected to the fullest extent. The

CEQA document used to grant this permit must include sufficient information such that the public can connect the dots between the findings and the facts in the record. This project requires the maximum CEQA review possible in order to answer the fundamental questions raised by the public, CFROG, and FWW.

“An environmental impact report is an informational document” the purpose of which “is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; ...” (Pub. Resources Code § 21061)

If you, as Planning Commissioners, are unable to connect the dots between just one of the CEQA findings and the facts provided, leaving questions remaining that could support a fair argument that this project may create a significant effect to the environment, then you should call for an EIR. **An EIR will not stop the project or eliminate jobs.** An EIR is an informational document that will allow the county and the applicant to develop appropriate mitigations or alternative plans that will protect the environment and public health to the maximum extent possible.

Therefore, we request that you grant the appeal filed by Citizens for Responsible Oil and Gas and Food and Water Watch, refund the appeal fees, and remand the project to the planning division for a subsequent environmental impact report that will address the concerns and answer the questions outlined in this document.

Citations:

California Environmental Protection Agency, Department of Pesticide Regulation. “Summary of Pesticide Use Report Data 2015, Indexed by Chemical.” April 2017 at Table 1 on pg. 13; United States Census. “Guide to 2010 Census State and Local Geography – California.” Accessed April 28, 2017 at https://www.census.gov/geo/reference/guidestloc/st06_ca.html.

California Environmental Protection Agency, Air Resources Board. “Toxic Air Contaminant Identification List.” July 18, 2011. Accessed April 28, 2017 at <https://www.arb.ca.gov/toxics/id/taclist.htm>; California Environmental Protection Agency, Department of Pesticide Regulation. California Pesticide Information Portal. Query Pesticide Use Report. Query run on April 28, 2017.

United States Environmental Protection Agency. [Health Effects Fact Sheet.] “1,3-Dichloropropene.” January 2000 at 1 to 2; California Environmental Protection Agency,

Department of Pesticide Regulation. California Pesticide Information Portal. Query Pesticide Use Report. Query run on April 28, 2017.

United States Environmental Protection Agency. [Health Effects Fact Sheet.] "Captan." January 2000 at 1; California Environmental Protection Agency, Department of Pesticide Regulation. California Pesticide Information Portal. Query Pesticide Use Report. Query run on April 28, 2017.

Appendix

Cabrillo Oil Field Expansion

PL14-0103, Ventura County Planning Commission

Submitted by Citizens For Responsible Oil and Gas (CFROG),
Project Appeal Hearing, September 7, 2017

LACK OF SUFFICIENT INFORMATION

The Addendum lacks sufficient information to allow the public to have a full understanding of the environmental issues surrounding this permit.

In reviewing whether the agency proceeded in the manner required by CEQA, courts must determine whether the EIR is sufficient as an informational document. (Dry Creek Citizens Coalition vs. County of Tulare (1999) 70 Cal.App.4th 20, 26.) Depriving the public of a full understanding of environmental issues is a prejudicial informational defect, requiring reversal of an agency's approval of a project.

The Planning Commission needs to make a decision about whether or not this review comprehensively addresses the concerns of the community through the surprising lack of environmental information presented in this Addendum. The Cabrillo Oil field in the Oxnard Plain in the middle of agriculture exclusive land is being produced with 35 previously permitted oil wells within a short time period. What are the cumulative effects of this project and the effects to the health of the residents and how will these affect the sensitive environment within which it lies? The answers to those questions should be part of the CEQA review and there must be substantial evidence provided to support the answers.

ABUSE OF DISCRETION

"Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence." (Pub. Resources Code §21168.5)

The Ventura County Planning Department abused its discretion because it prepared an addendum with unsubstantiated conclusions regarding environmental impacts. While it is

arguable that the initial MND still has “some” informational value, there are several potential impacts from this modification that were not considered in the MND.

An expansion of the drill pad and one additional well were approved by CEQA Exemption in 2007, but the well was not drilled and the permit for that well has expired. This new permit allows an additional four oil on the same drill pad. In addition, this permit allows the transfer of all production from a total of 35 previously permitted oil wells to this drill pad in order to access a processing hub for the Cabrillo Oil Field. These substantial changes to the permit create a new project under substantially changed circumstances. The project description has significantly changed from the prior project description and the baseline conditions have changed, thus several follow-up discretionary actions are necessary in order for this new, significantly modified permit to be issued. For all of these reasons, under CEQA PRC 21166 (a) and (b), an SEIR must occur.

Ventura County Planning Department has further abused its discretion because it has failed to meet the informational requirements of CEQA and thus has failed to proceed in a manner required by law. The Addendum has failed to meet the informational requirements of CEQA because it has omitted essential information necessary to identify the project’s significant impacts. For example, there is no mention of LU05-0096 in the addendum prepared for this permit, yet this permit has shifted all of the production fluids from the Daud drill site (LU05-0096) to the Naumann drill pad by declaring that the Naumann drill pad is the “production hub for the Cabrillo Oil Field.” This omission includes important information such as pipeline routes, projected amounts of production at full build-out of all phases of development, and any kind of assessment as to the risks of spills, earthquake damage, air pollution, or pipeline breaks in prime agricultural land. The county has suggested that if the Daud production (or any other additional production wells) were to be added to the production hub at the Naumann pad it would require further review. However, the production fluid from the Rosenmund drill pad was authorized to be piped to the Naumann drill pad during a review of the Rosenmund CUP only. There was no review of the potential impacts of this shift of production fluids onto the Naumann CUP. The two pipelines running from the Rosenmund drill pad to the Naumann drill pad were approved under a CEQA Exemption that exempted the modification from CEQA. In other words, there was no review of the environmental impacts of creating a production facility that would combine the fluids from the production of the Cabrillo Oil Field at the Naumann facility.

The county has not provided sufficient information about the totality of the development of the Cabrillo Oil Field. The CEQA analysis for this project has been segmented into three separate CUP approvals. For purposes of permitting new oil wells, each drill pad has been evaluated separately. However, for purposes of production and waste disposal, the three drill pads are combined into one master set of facilities for the newly discovered Cabrillo Oil

Field. None of the CEQA documents for any of the three drill pads considers the environmental impacts of the entire project which is the oil production of the Cabrillo Oil Field.

Now that the number of permitted CUP's that have derived from CUP 4383 and its one exploratory well has grown to three, and the number of permitted wells has grown to 35, clearly there is a significant need for a cumulative effects review of the totality of this project.

INCONSISTENCY WITH GENERAL PLAN POLICY

The project is inconsistent with Ventura County General Plan policy in several ways discussed below.

WATER RESOURCE INCONSISTENCY

"Resources Policy 1.3.2-4: Discretionary development shall not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins."

The groundwater basin under the Naumann drill site is very shallow, at times less than 20' deep when rain is plentiful. The only evidence to support staff's conclusion that the proposed project is consistent with Resources Policy 1.3.2-4 is a reference to a consultation with the Public Works Agency and a reference to DOGGR. Neither of these suggestions of consultation are documented or included in the Addendum. These references include briefly summarized conclusions and do not constitute substantial evidence. Most importantly though, there is no evaluation of the potential harm of gas reinjection in prime agricultural land and under a very shallow ground water basin. As the "production hub of the Cabrillo Oil Field", the subject permit allows at least 30 currently permitted oil wells to centralize their production fluids on this relatively small drill pad. Again, the Addendum lacks any evidence regarding the potential harm to the environment from this activity. Rather, there is simply a passing reference to 2 gathering pipelines.

The DOGGR has just approved an application for an injection well project on the Rosenmund drill site also owned and operated by Ren Pet, approximately ¾ mile from the Naumann drill pad. This permit allows the production wastewater from the 5 Naumann wells to be sent via 4" pipe across the strawberry fields to the Rosenmund drill pad for disposal into the injection well. CFROG has already presented evidence from Dr. Brad Newton that some groundwater in the Oxnard Plain has been polluted by activities surrounding the Anterra wastewater disposal well in prime agricultural land. (see attached report by Dr. Newton). No answers have been provided as to whether the water well contamination was the result of a spill, careless transfer of fluids, overuse, pipeline break or other activity. However, prior to permitting a new wastewater disposal well that will receive fluids from distant locations via

pipelines across the strawberry fields the county must assess the risks of groundwater pollution from this proposed plan. There must be an environmental review of the potential impacts of the total production of 30 currently permitted oil wells (with more wells possible in the future) on the groundwater of the Oxnard Plain as well as the nearby Fox Canyon Aquifer.

“Ground-water hydrology of the Oxnard Plain is summarized in reports by the California Department of Water Resources (1971), Turner (1975), Turner and Mukae (1975), and Densmore (1996). Near-surface ground water in the Oxnard Plain is associated with an unconfined aquifer extending from the surface to a depth of about 75 feet. This upper semi-perched ground-water zone is separated from deeper aquifers by clay-rich zone that averages over 80 feet in thickness. Borehole logs collected for this study indicate that the Oxnard Plain is marked by relatively consistent historical ground-water depths that range from 25 feet or more in the north central margin of the quadrangle to 0 feet along the coastline (Plate 1.2). Depth to ground water over most of the area covered by the Oxnard Quadrangle averages about 6 feet. Ground-water recharge in the Oxnard Plain originates mainly from surface and near-surface water flow of the Santa Clara River.” (California Geology Report, Oxnard Quadrangle, 2002)

The high ground water level creates a significant risk of liquefaction and ground shaking during earthquakes.

“Localities most susceptible to liquefaction-induced damage are underlain by loose, watersaturated, granular sediment within 40 feet of the ground surface. These geological and ground-water conditions exist in parts of southern California, most notably in some densely populated valley regions and alluviated floodplains. In addition, the opportunity for strong earthquake ground shaking is high because of the many nearby active faults. The combination of these factors constitutes a significant seismic hazard in the southern California region, including the Oxnard Quadrangle.”(Liquefaction Evaluation Report, Oxnard Plain, 2002)

The CEQA review document for this proposed project must provide an assessment of the risks of liquefaction induced damage to these pipelines. The assessment should include information regarding the type of pipeline that will be used and its ability to withstand substantial shaking and potential displacement during an earthquake event. This permit merits heightened review standards for two important reasons:

1. The disadvantaged community already has a score of 97% for impaired water
2. The pipelines are in prime farmland in an agriculture exclusive zone. A major pipeline spill would create irreparable harm to that rich farmland.

PRIME FARMLAND

“Resources Policy 1.6.2-1: Discretionary development located on land designated as Agricultural (see Land Use Chapter) and identified as Prime Farmland or Farmland of Statewide Importance on the State’s Important Farmland Inventory, shall be planned and designed to remove as little land as possible from potential agricultural production and to minimize impacts on topsoil.”

The proposed project is inconsistent with the policy that discretionary development located on land designated as Prime Farmland shall be planned and designed to minimize impacts on topsoil. There is no substantial evidence in the staff report or Addendum to allow the public to understand how the topsoil will be protected from the impacts of the expanded oil production activities permitted by this project.

“Resources Policy 1.6.2-6: Discretionary development adjacent to Agricultural designated lands shall not conflict with agricultural use of those lands.”

“Land Use Policy 3.2.2-4: Agricultural:

(1) The Agricultural land use designation shall primarily include lands which are designated as Prime Farmlands, Farmlands of Statewide Importance or Unique Farmlands in the State’s Important Farmland Inventory (IFI), although land may not be designated Agricultural if small areas of agricultural land are isolated from larger blocks of farming land (in such cases, the agricultural land is assigned to the Open Space or Rural designation of the surrounding properties).

(2) The smallest minimum parcel size consistent with the Agricultural land use designation is 40 acres. Subzones may require larger minimum parcel sizes,

(3) Agricultural land shall be utilized for the production of food, fiber and ornamentals; animal husbandry and care; uses accessory to agriculture and limited temporary or public uses which are consistent with agricultural or agriculturally related uses.”.

There is a lack of substantial evidence that demonstrates that the many expansions in this permit will not be in conflict with the agricultural uses of adjacent land. The permit allows the following expansion:

Doubling the size of the permitted crude oil storage

Doubling the size of the produced water storage

Four new oil wells

This permit also allows the use of one of the wells as an injection well for the injection of gas for vague and unknown reasons. Will the permit simply allow gas storage? How much gas? How will the gas injection be regulated? Will the surrounding topsoil or residences be at risk

from this gas injection? What are the potential environmental consequences of gas storage in this location and in this geologic formation?

FINDINGS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE

The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [§ 8111-1.2.1.1.c].

“No substantial adverse effect on neighboring property or uses has been identified that would result from the proposed project. Given the location of the existing oil and gas facilities, and the conditions of approval, no obnoxious or harmful effect on sensitive residential uses or people are anticipated to result from the continued and expanded oil and gas activities. The use of the surrounding agricultural lands would also not be affected or impaired. Based on the above discussion, this finding can be made.”

This finding cannot be made based upon the evidence presented because it omits information of major importance to the environment. The staff report and the Addendum ignore the existence of a community of approximately 1400 people living about 1600' from the project location. The county has not presented substantial evidence to support this omission. The referenced community has a score of 76-80% on the CalEnviro Screening Tool. This means that compared to all other communities that were given the screening tool, this community scored at 76-80% on a scale of 1-100 (100 being the worst). Asthma and low birth weights were identified as significant health issues. Given this current evidence of health concerns for the closest residents, the number of residents involved, and the severity of the concern, this finding cannot be made without substantial evidence, supported by facts, that “no harmful effects on sensitive residential uses” will occur.

“The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [§ 811 1-1.2.1.1.d].

The proposed project involves the drilling of four additional wells at an existing oil and gas facility. No substantial adverse effect on public health, safety, convenience or welfare has been identified that would result from implementation of the proposed project. In addition to County regulation under the requested modified CUP, the facility will be subject to permit requirements and ongoing monitoring by the California Division of Oil and Gas and Geothermal Resources (DOGGR), and the Ventura County Air Pollution Control District. In addition, the facility will be subject to regulation by the Regional Water Quality Control Board. The project will be subject to conditions of approval (Exhibit 5) to require that oil and gas operations be conducted in compliance with County and State regulations. Based on the above discussion, this finding can be made.” (Staff report)

As stated above, the closest residential community is already a disadvantaged community with low birth rates, high incidences of asthma, extremely high exposure to toxic chemicals, and high exposure to polluted water. (CalEnviroScore) The County cannot make this finding based upon deferrals to future safety regulations that may or may not be effective in mitigating the increased risks to air, water, and general health to this community. There is no way the public can understand whether or not the referenced agencies and their regulations apply to the specific pollutants that will occur and be emitted from this project because there is no discussion of what the specific pollutants might be during the various stages of the project. The public can not have confidence that the health of the nearby and thus affected communities are protected from further environmental pollution just because of the existence of these agencies and their regulations. We have no information about the combined affects of high amounts of agricultural pesticides with oil and gas production emissions or how the use of the project site for gas reinjection may affect the health and welfare of the community.

“The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located. [§8111-1.2.1.1.d].

The proposed oil and gas facilities is allowed in the Agricultural Exclusive Zone with the granting of a Conditional Use Permit. This facility occupies only one acre of a large agricultural property and will continue to be compatible with the surrounding agricultural uses. The portion of the project parcel dedicated to oil and gas production is not proposed to expand. Given the prime agricultural soils in the area and the General Plan designation of Agriculture, a change in the land use designation, zoning or land use of the area is not foreseeable at this time. Based on the above discussion, this finding can be made.” (Staff report)

This finding cannot be made based upon this information. While the size of this singular project is not large and may not significantly impact the agricultural uses by the removal of one acre of land, there is no substantial evidence presented that accidental spills of crude oil, produced water, and other toxic materials will have no effect on surrounding agricultural land.

As stated above, existing and potential land uses in the general area include a disadvantaged community in very close proximity, Oxnard College within one mile, and other communities within ½ mile of the proposed project. The County must include substantial evidence as to why this project which will serve as the production hub for the newly discovered Cabrillo Oil Field, with 35 permitted oil wells, will not impact the surrounding land uses.

"The establishment or maintenance of this use will not significantly reduce, restrict or adversely affect agricultural resources or the viability of agricultural operations in the area" [Section 8111-1.2.1.2.a].

"The project site is located on land designated as Agricultural in the County of Ventura General Plan and identified as Prime Farmland in the State's Important Farmland Inventory. The project site has been previously disturbed for the construction of the existing oil and gas facility. The proposed project does not involve any expansion of the oil and gas facility footprint or removal of Prime Farmland. Additionally, no operational aspects of the project, including maintenance, would restrict or adversely affect agricultural resources or the viability of agricultural operations in the area. The project site's utilization as an oil and gas production site is compatible with agricultural uses and allowed by the NCZO. Additionally, Conditions of Approval Nos. 59 and 60 will minimize any potential minor conflicts between the project site and adjacent agricultural uses. Based on the discussion above, this finding can be made." (Staff Report)

The parcel of land adjacent to the Naumann drill pad on the east bears a sign that says it grows organic strawberries. The effect of a processing and production facility for 35 oil wells within feet of this organic strawberry field must be analyzed and explained so that the consumers of those strawberries understand the potential chemical exposure from an oil and gas production facility within a few feet of the growing plants.
(picture of organic strawberry sign)

This statement does not provide substantial evidence as to why this project will not adversely affect the surrounding farm land. The risks of an oil spill, pipeline break, or spill during loading of production materials for 10 truckloads per day, 24 hours a day, 7 days a week, and the risks of the injection of wastewater and natural gas into the formation are real and must be analyzed and weighed in the CEQA review in order to make this finding.

Other potential risks to farmland include the possibility of a major spill of crude oil or wastewater from an earthquake. There will be 1 -1000 barrel crude oil tank and 1-1000 barrel waste water tank at the Naumann drill pad. This area of the Oxnard Plain is highly susceptible to liquefaction, in part due to the high groundwater table, during an earthquake which causes extreme ground shaking.

There is a reasonable likelihood of a significant earthquake in the immediate area of these oil and gas wells sometime during the lifetime of the wells. This particular region is extremely susceptible to liquefaction. "Liquefaction-induced ground failure has historically been a major cause of earthquake damage in southern California. During the 1971 San Fernando and 1994 Northridge earthquakes, significant damage to roads, utility pipelines, buildings, and

other structures in the Los Angeles area was caused by liquefaction-induced ground displacement.” (California Geology Report, Oxnard Quadrangle)

“In the Point Mugu Quadrangle liquefaction effects such as sand boils and mud “volcanoes” developed during the 5.9 magnitude 1973 Point Mugu earthquake. Essentially, the entire lowland portion of the quadrangle as well as the bottom of Big Sycamore Canyon and the beaches are within the liquefaction zone of required investigation.” (Point Hueneme Hazards Report) “Several hundred lurch cracks and sand-boil craters were reported and photographed in the bed of Calleguas Creek and Mugu Lagoon following the offshore February, 1973 Point Mugu earthquake of magnitude 5.9 (California Division of Mines and Geology, 1976; Morton and Campbell, 1973). The approximate locations of these observed features are shown on Plate 1.2. It is probable that widespread damage to buildings and other structures in Oxnard and the Point Mugu Naval Station caused by the 1973 earthquake were due in part to liquefaction and associated unstable soil conditions.” (Ibid)

Heavy liquids slosh at a very high and prolonged rate during shaking. Thus, the environmental report for this permit must include specific information developed by a civil engineer about the requirements which will be necessary to ensure the liquids do not escape their tanks during a likely earthquake.

What is the cleanup plan for crude oil and/or brine water leaking onto prime agricultural land? Well #36 in Upper Ojai that ruptured during a small earthquake in 2008 leaked brine water for weeks into the surrounding land. Portions of that land closest to the well bore are still fallow despite extensive clean-up efforts. The CEQA analysis must include an evaluation of the risks of a major spill and consider the consequences such that the public will understand that whatever the risk, the project is worthy of approval. (picture of bare land in Upper Ojai damaged by the well bore failure)