

Board of Supervisors Hearing July 23, 2019

for

Renaissance Petroleum, LLC Naumann Oil and Gas Facility

Case No. PL14-0103

(Minor Modification of CUP 4384)



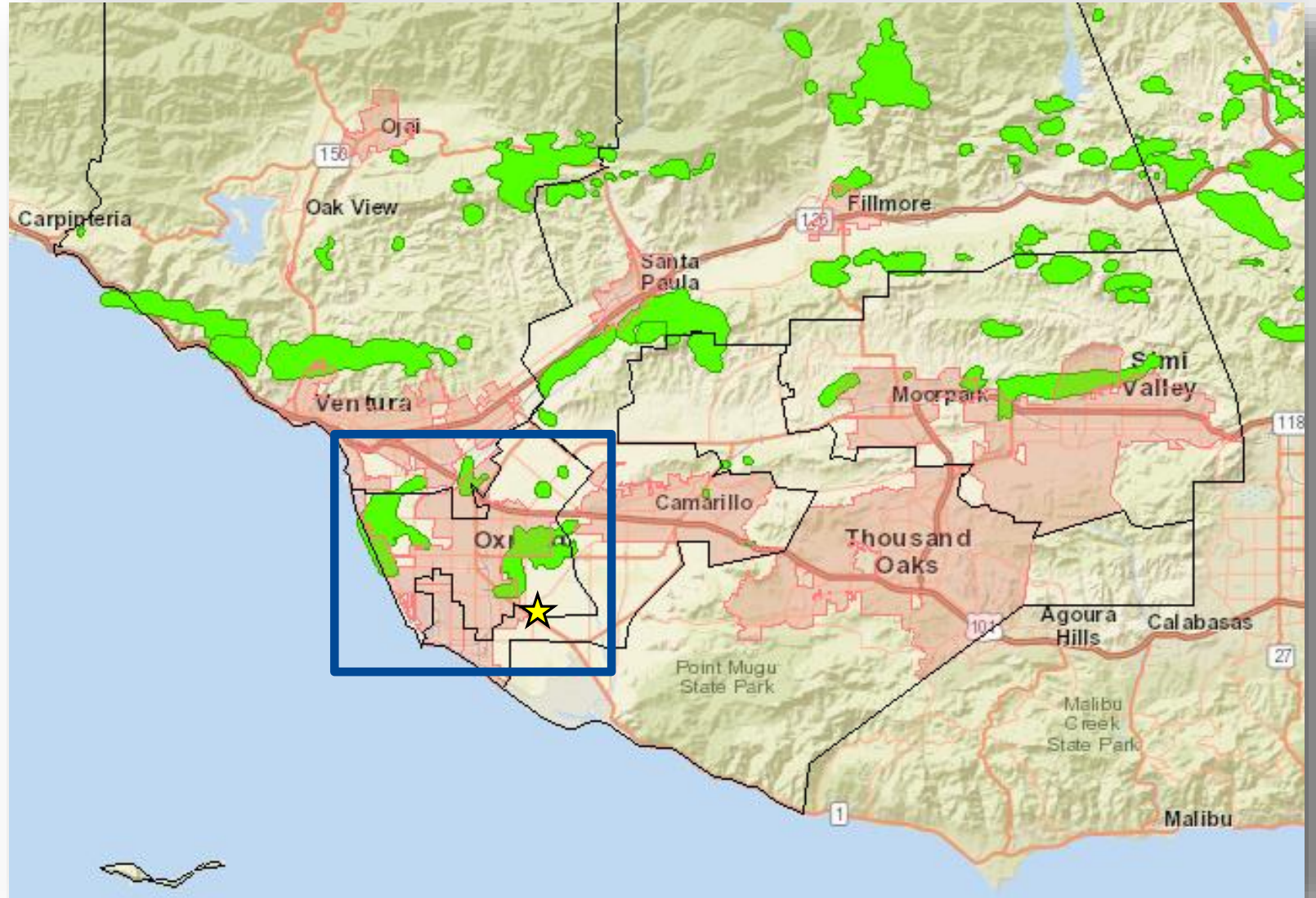
Ventura County Planning Division
Bonnie Luke, Case Planner

Presentation Overview

- 1. Project Context and Description*
- 2. Analysis and Permit Findings*
- 3. Director Decision and Subsequent Appeals*
- 4. Board De Novo Review*

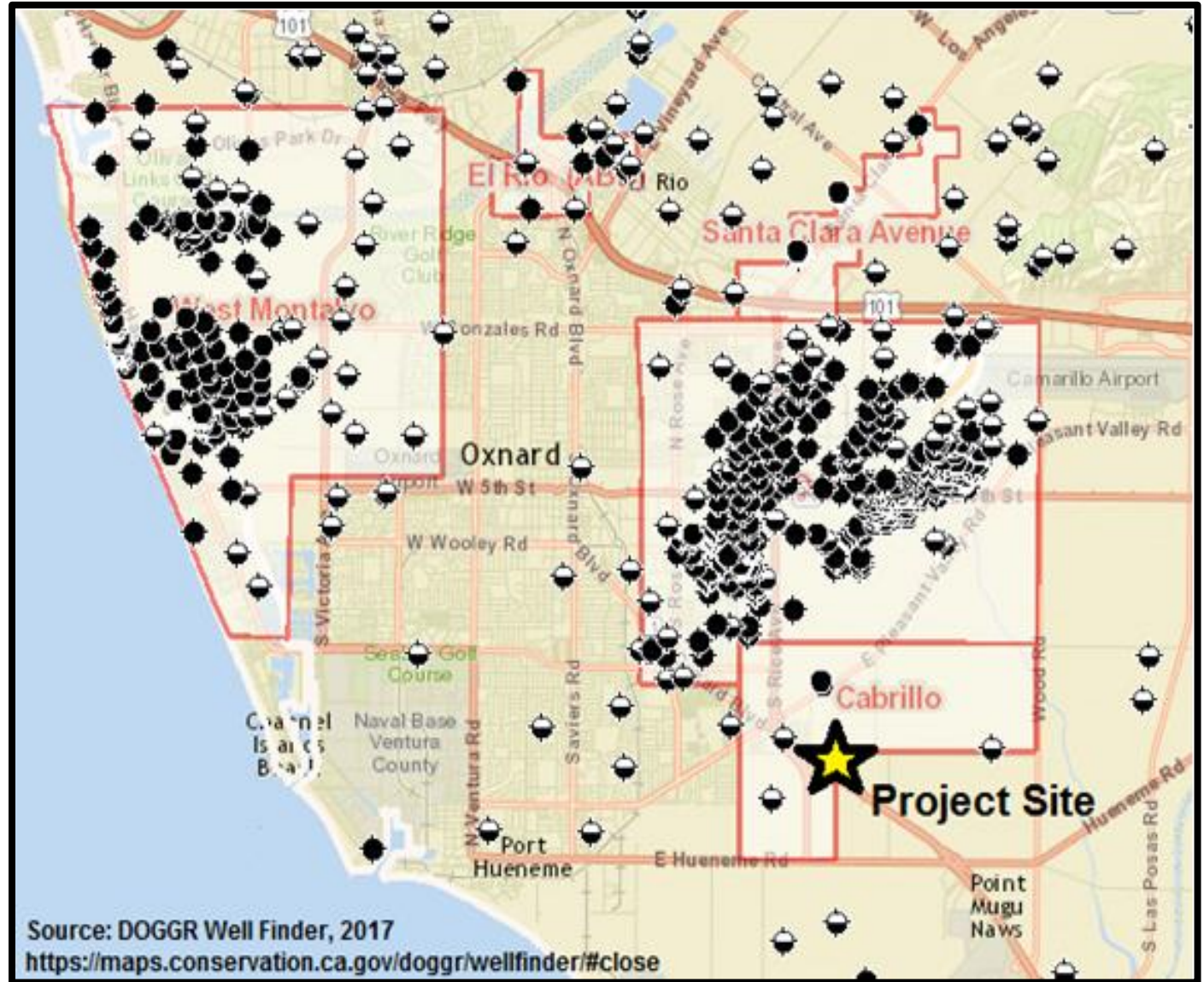
Project Location

3214 Etting Road, Oxnard,
CA 93033



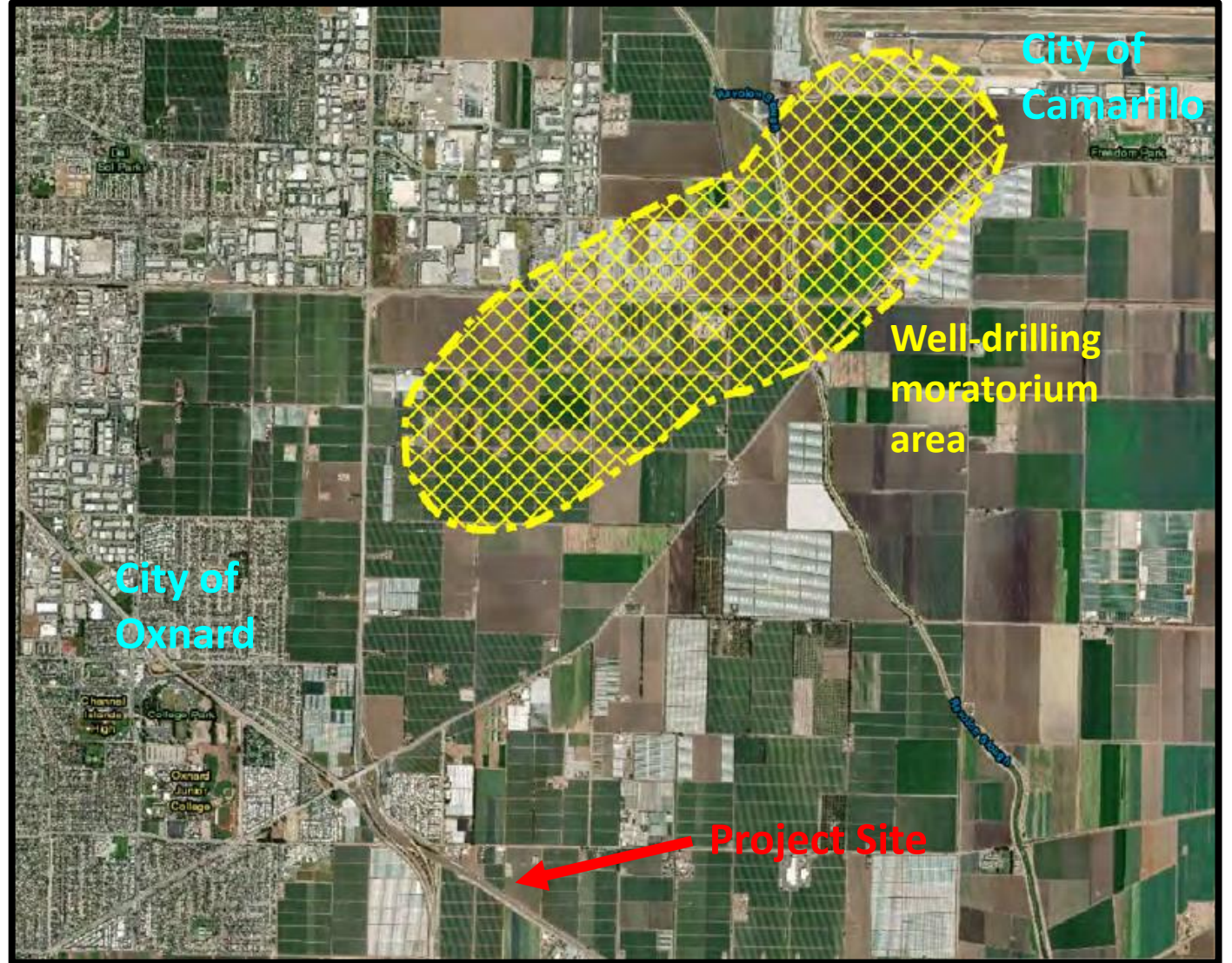
Cabrillo Oil Field

- One of 5 known oil fields on Oxnard Plain
- Produces both oil and gas in commercial quantities
- Currently being produced from depths below 5500 feet



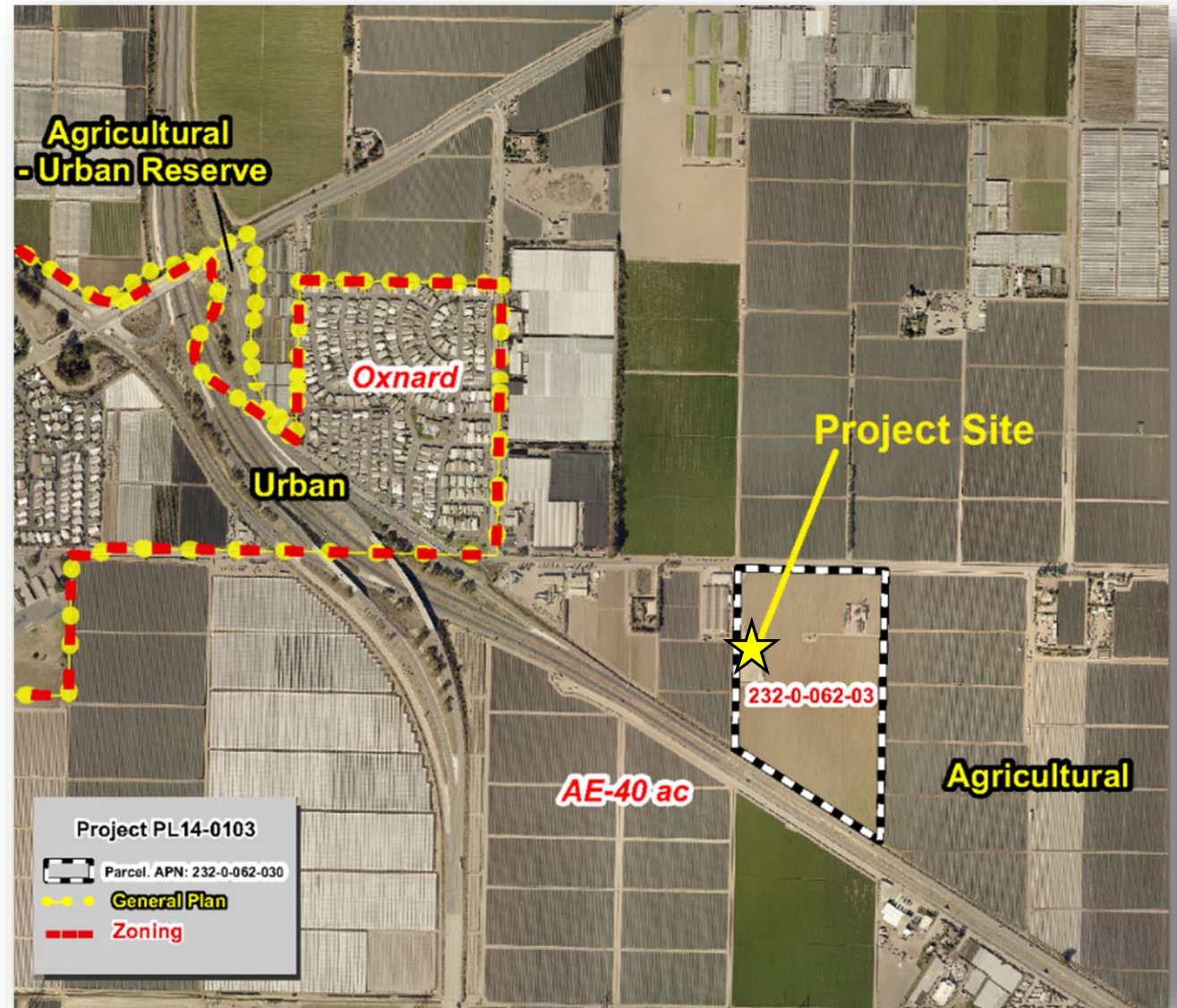
Relative Location

- >0.3 miles (1600 feet) east of City of Oxnard
- >1 mile from schools
- >1 mile south of the well-drilling moratorium area (Urgency Ordinance 4542)



Land Use and Zoning

- 1-acre site on 26-acre parcel
- General Plan: Agricultural
- Zoning: AE-40 ac



Naumann Drill Site



Fire water storage tank

Existing well

Storage tanks

Emergency gas
flare



Naumann Facility

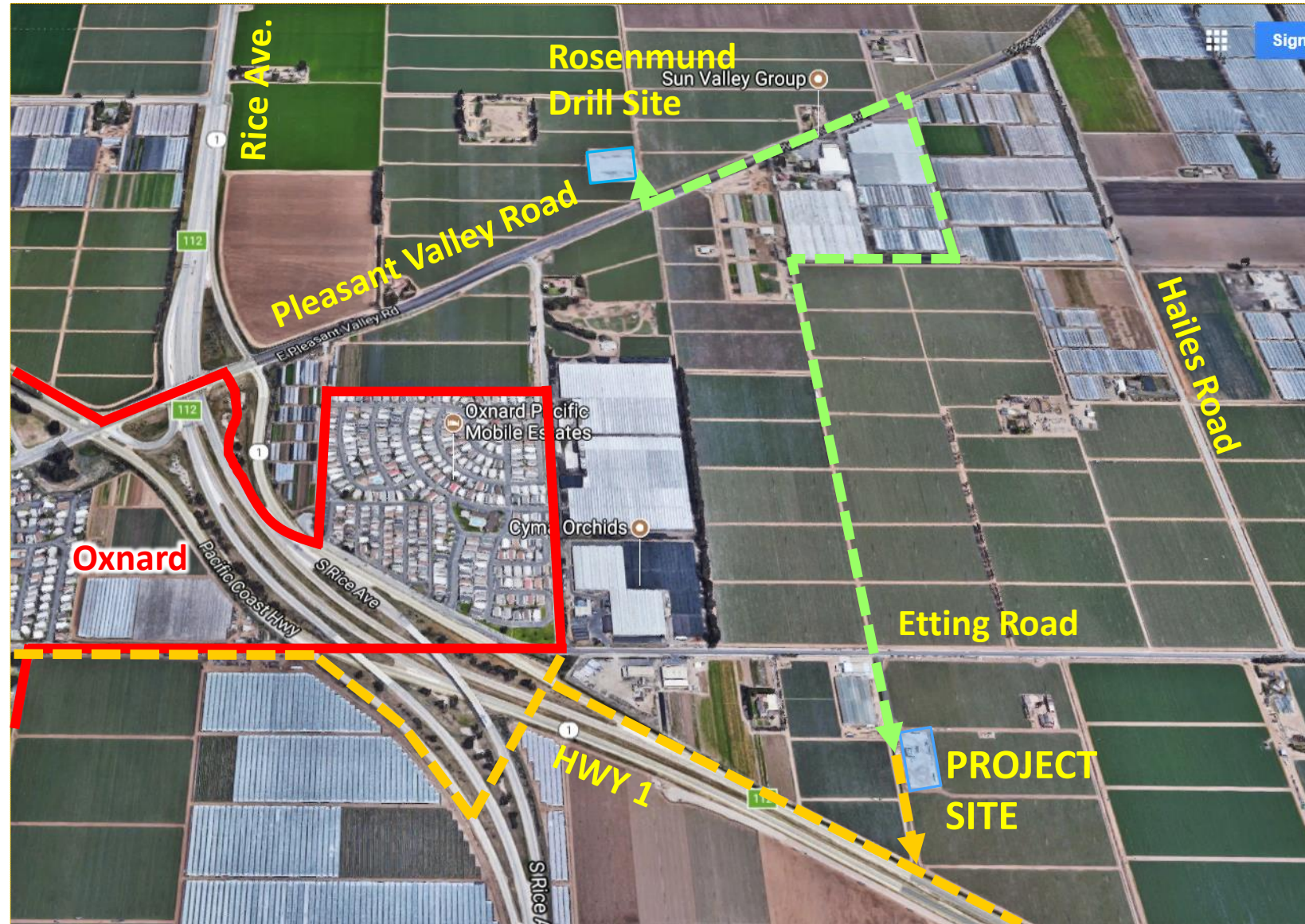
Project History

Action	Description	CEQA	Date
Planning Director grants CUP 4384	<i>One exploratory oil well and associated facilities</i>	<i>MND adopted</i>	December 19, 1986
Planning Director grants Adjustment to CUP 4384	<i>Redrilling of existing well; two additional exploratory wells</i>	<i>Categorically exempt from CEQA.</i>	February 22, 1989
Planning Director grants Modified CUP (Case No. LU05-0086)	<i>One additional well and gathering pipelines</i>	<i>Categorically exempt from CEQA.</i>	May 21, 2007

Existing Pipelines & Facilities

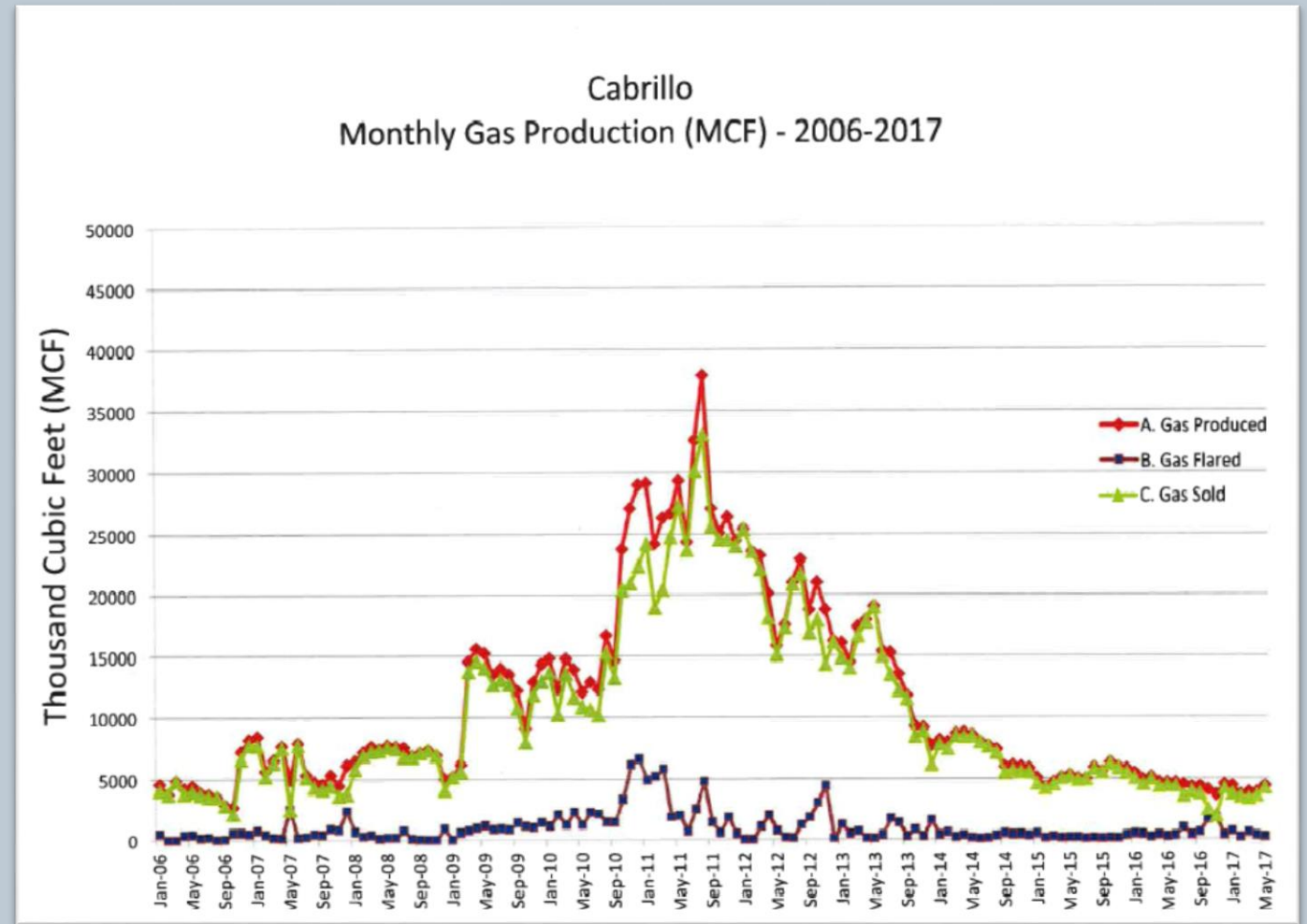
---Gathering Pipeline Route (carrying oil, gas, and water)

---Southern California Gas Company (SCGC) Distribution Line



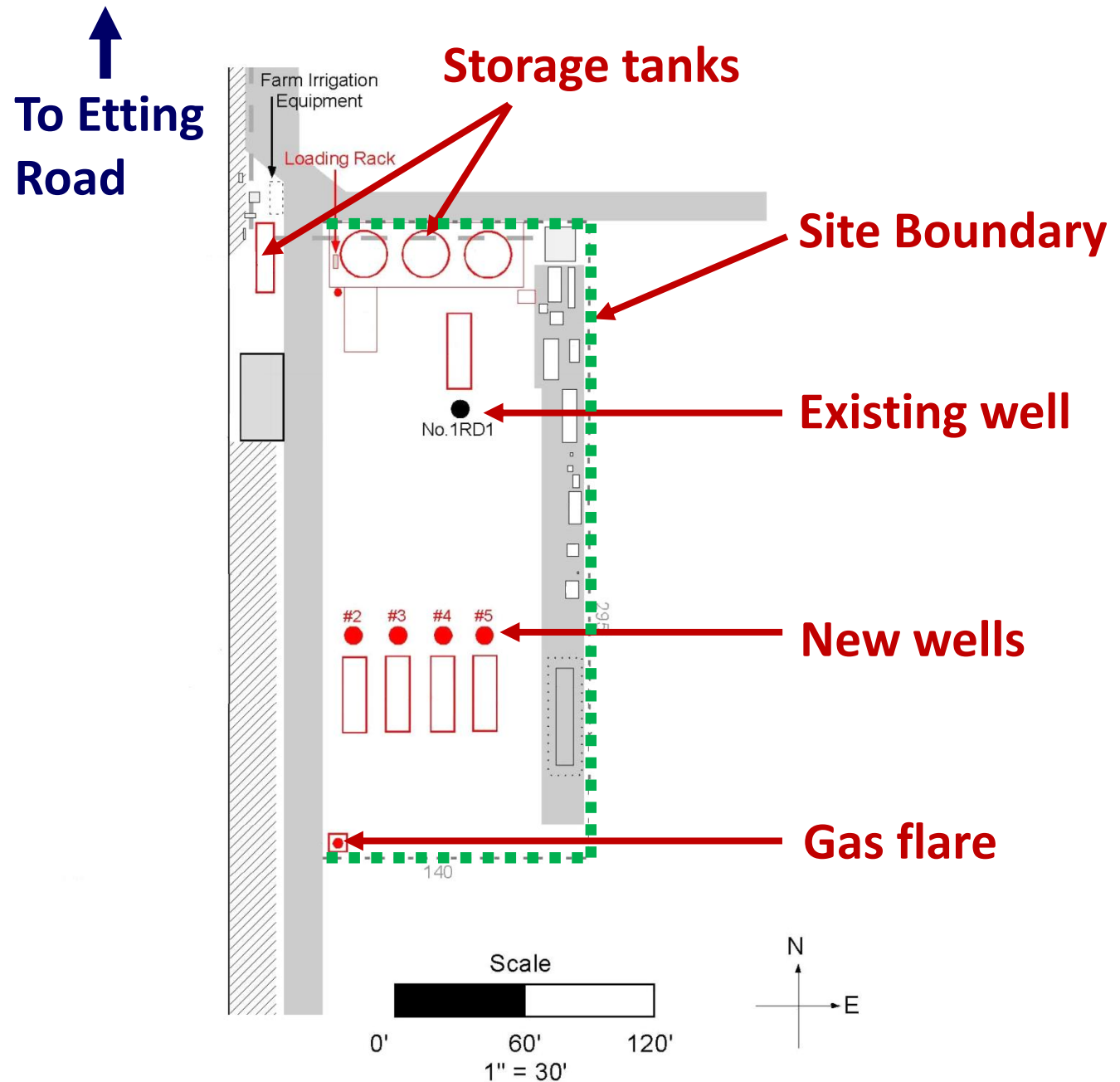
Gas Sales

- 90% of gas produced is sold directly to SoCal Gas
- Flare



Proposed Facility Modifications

- Installation of 4 new oil and gas wells
- Modifications to existing equipment
 - ✓ Relocate gas flare
 - ✓ Relocate fire water storage tank
 - ✓ Replace produced water and oil storage tanks



Proposed Operational Modifications

- Amend time limit on drilling phase
- Extend permit term to year 2049
- Limit daily tanker truck traffic
 - ✓ 10 truckloads/day
 - ✓ 3 truckloads/hour
 - ✓ 2 truckloads/hour during peak traffic periods
- Allow trucking to occur 24/7

Project Summary

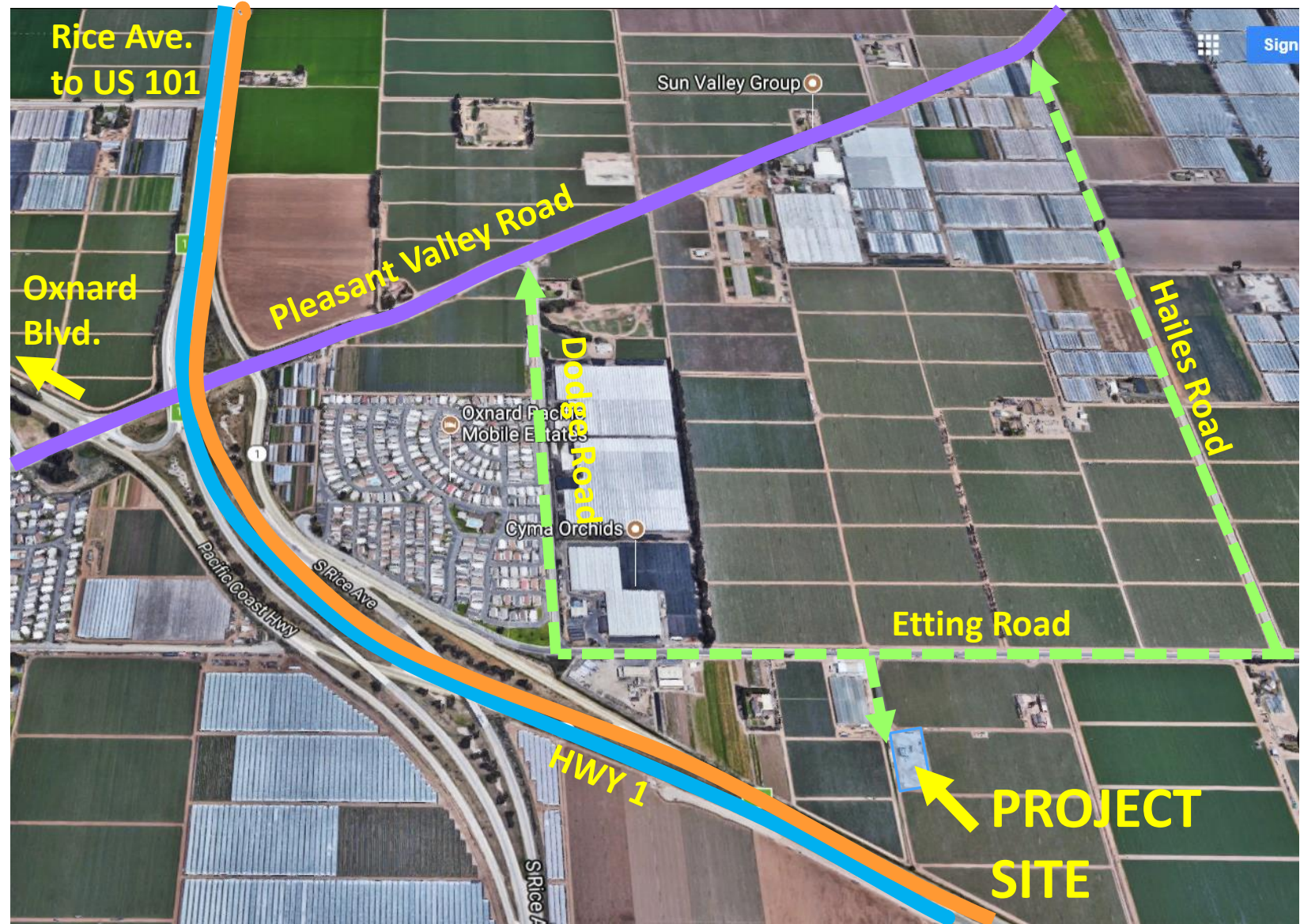
Currently Authorized		Proposed
Total # of Wells	1	5
Days of Operation	7 days/week	No change
Hours of Operation (maintenance; non-emergency)	7AM – 7PM	No change
Trucking Days	6 days/week; (Monday – Saturday)	7 days/week
Trucking Hours	7:30AM – 6:30PM	24 hours/day
Daily Truck Trip Limits	No Limits	10 truckloads/day 3 truckloads/hour 2 truckloads/hour (peak traffic periods)
<i>Permit Term</i>	<i>Term ending 2037</i>	<i>Term ending 2049</i>

Permit Findings and Analysis

- *7 general permit approval standards*
- *3 additional AE Zone findings*

Site Access

- Etting Road
- Dodge or Hailes Roads
- Pleasant Valley Road
- HWY 1 (SR 1)/Rice Ave.



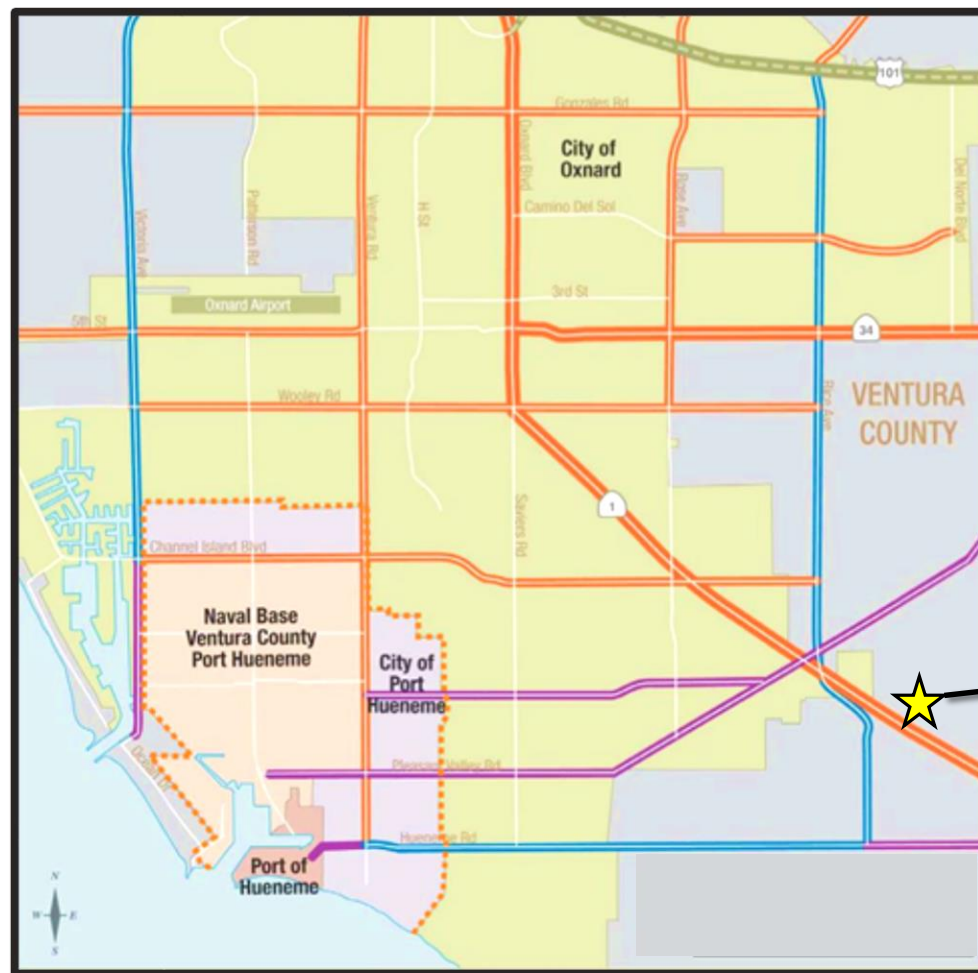
Dodge Road vs. Hailes Road



Signalized intersection with dedicated turn lane



Stop sign; no dedicated turn lanes.
Cross-traffic does not stop.



- City of Oxnard Commercial Vehicle Route
- City of Port Hueneme Commercial Vehicle Route
- Other Truck Route

PROJECT SITE

Source: Cities of Port Hueneme and
Oxnard Truck Traffic Study, 2008

Area Trucking Routes

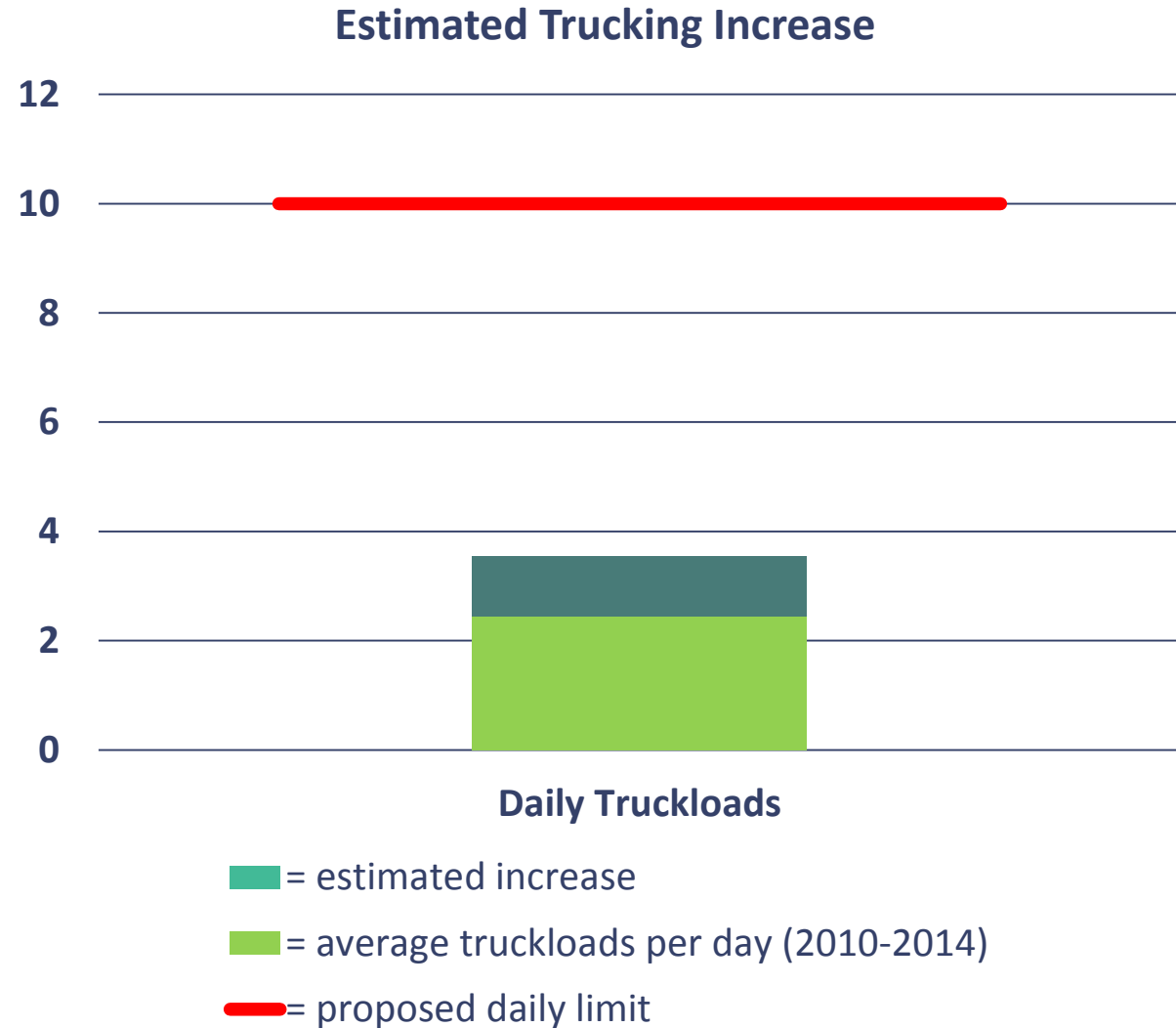
2015 Traffic Data

(Vehicles Per Day)

Road	Location	Vehicles per Day (VPD)
Rice Avenue	s/o E. Fifth Street (SR 34)	31,700 (~2,000 trucks)
Pleasant Valley Road	s/o E. Fifth Street (SR 34)	15,900
Etting Road	e/o Dodge Road	2,700
Laguna Road	e/o Pleasant Valley Road	2,200
Wood Road	s/o E. Fifth Street (SR 34)	1,200

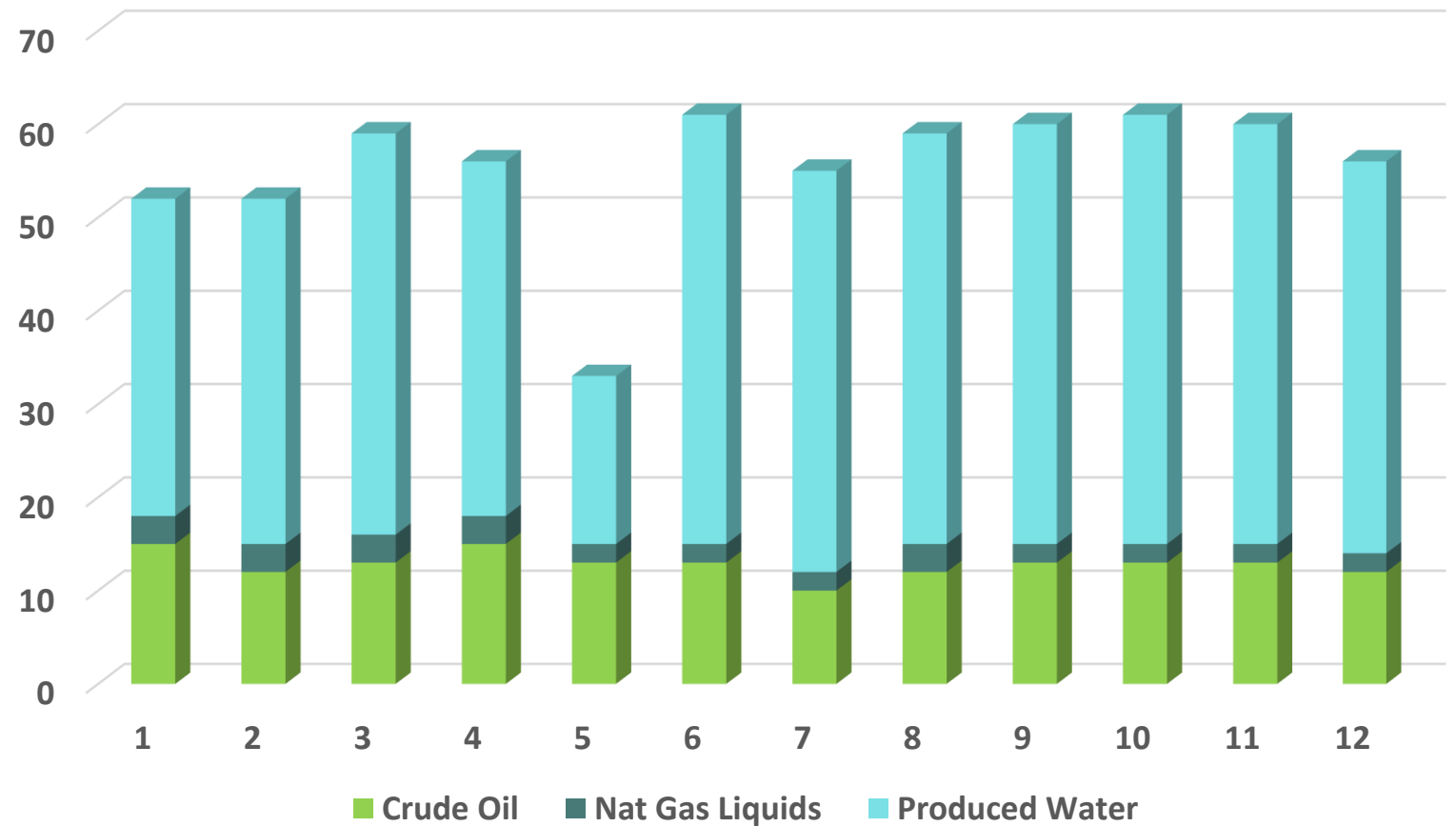
Estimated Increase in Daily Trucking

- Existing Average: 2.45 truckloads/day
- Project Average: +1.1 truckloads/day**
- New Est. Average: 3.55 truckloads/day



Total Truckloads

August 2013-July 2014



Director Decision and Appeals

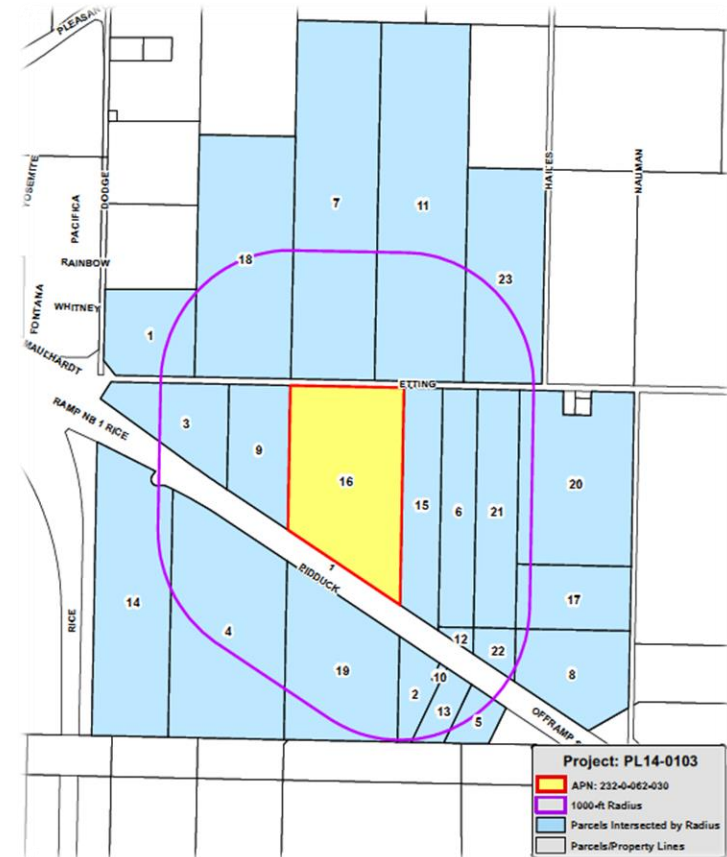
Action		Description	CEQA	Date
Planning Director	grants Modified CUP (Case No. PL14-0103)**	Four additional wells and extension of permit time limit	MND Addendum	April 3, 2017
Planning Commission				September 7, 2017
**Both decisions appealed by CFROG/FWW				

Grounds of Appeal of Planning Director Decision

- 1. The Decision violated CEQA*
- 2. The Decision violated State Environmental Justice Statutes*
- 3. The Decision violated the Non-Coastal Zoning Ordinance*
- 4. The Decision violated other regulations, policies, and procedures*
- 5. The County failed to provide due process of law*

Public Noticing and Due Process

- County noticed property owners within 1000 feet of project site
 - *State requirement is 300 feet*
- Additional noticing sent to:
 - cities of Oxnard and Camarillo
 - other interested parties
- Advertisement placed in local newspaper
- Public hearings provide due process



CEQA Compliance

- The “whole of the action” under review is the 4 new wells at the Naumann facility
- There is no substantial evidence of a significant impact
- The MND addendum is the appropriate document
 - Traffic, Air Quality, Health Risk evaluated
- An EIR is not required because:
 - criteria specified in CEQA Section 15162 not met
 - no adopted threshold of significance has been exceeded
- No change in the Rosenmund facility is proposed

CEQA Substantial Evidence Requirement

Section 15064(f)(4): *The existence of **public controversy** over the environmental effects of a project will not require preparation of an EIR if there is no **substantial evidence** before the agency that the project may have a significant effect on the environment.*

What is Substantial Evidence?

Section 15064(f)(5): *Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence.*

Substantial evidence shall include facts, reasonable assumptions predicated on facts, and expert opinion supported by facts.

What is Environmental Justice?

Environmental Justice : *“The fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws regulations, and policies.”* (Gov Code, section 65040.12)

Environmental Justice:

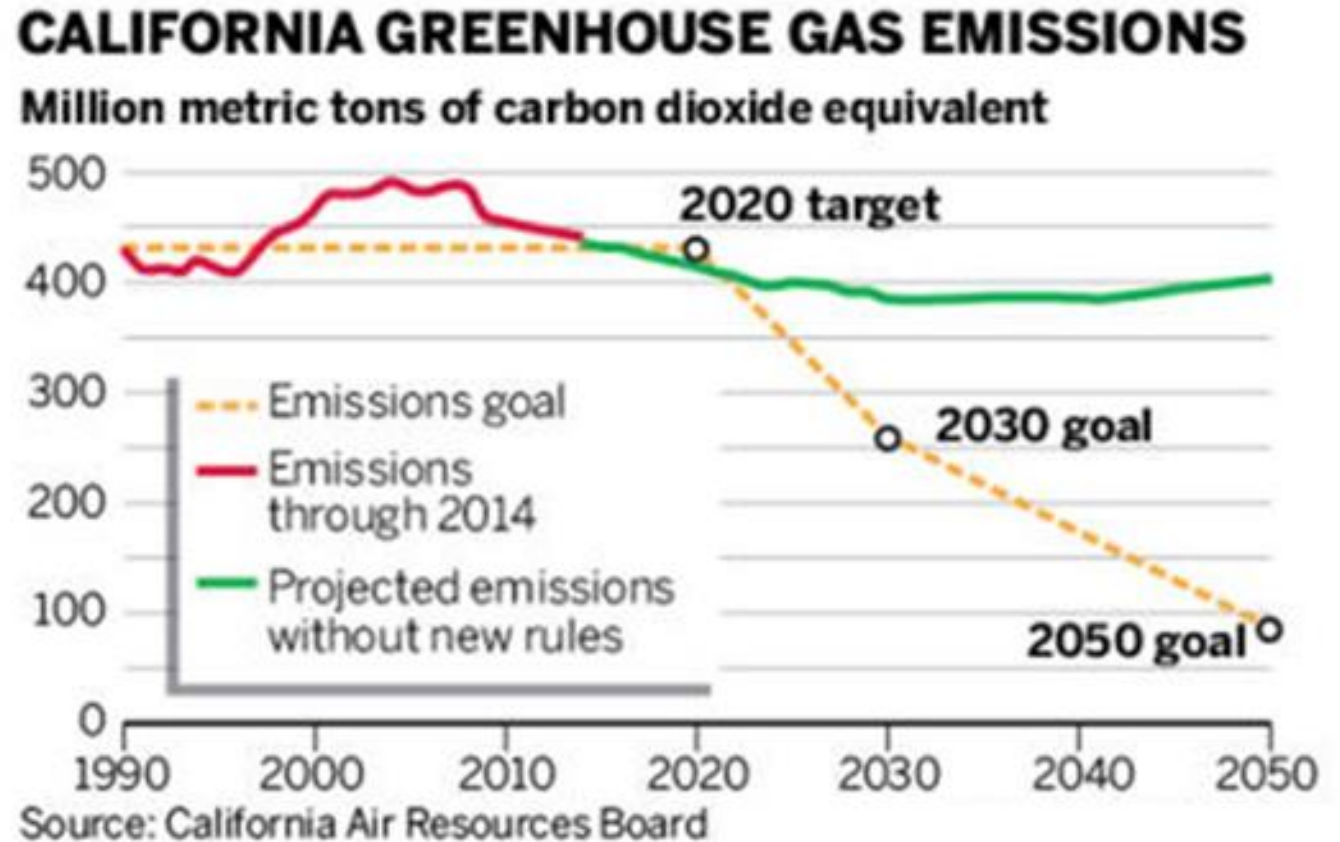
- Ensuring a healthy environment for everyone is an inherent purpose of CEQA
- The County did not discriminate in its action:
 - Oil is a site-specific resource
 - Oil fields are located throughout the County
 - Oil resources in the Oxnard Plain have been continuously developed since the 1920s
- The Appellants misapplied the CalEnviroScreen tool

Key Environmental Justice Legislation

- Assembly Bill 32
- Senate Bill 244
- Senate Bill 535
- Assembly Bill 1550
- Senate Bill 1000

Assembly Bill 32: The California Global Warming Solutions Act of 2006

- Requires California to reduce GHG emissions to 1990 levels by 2020
- Cap-and-Trade Program was designed to achieve reduction goals
- Additional reduction targets for 2030 and 2050



Senate Bill 1000

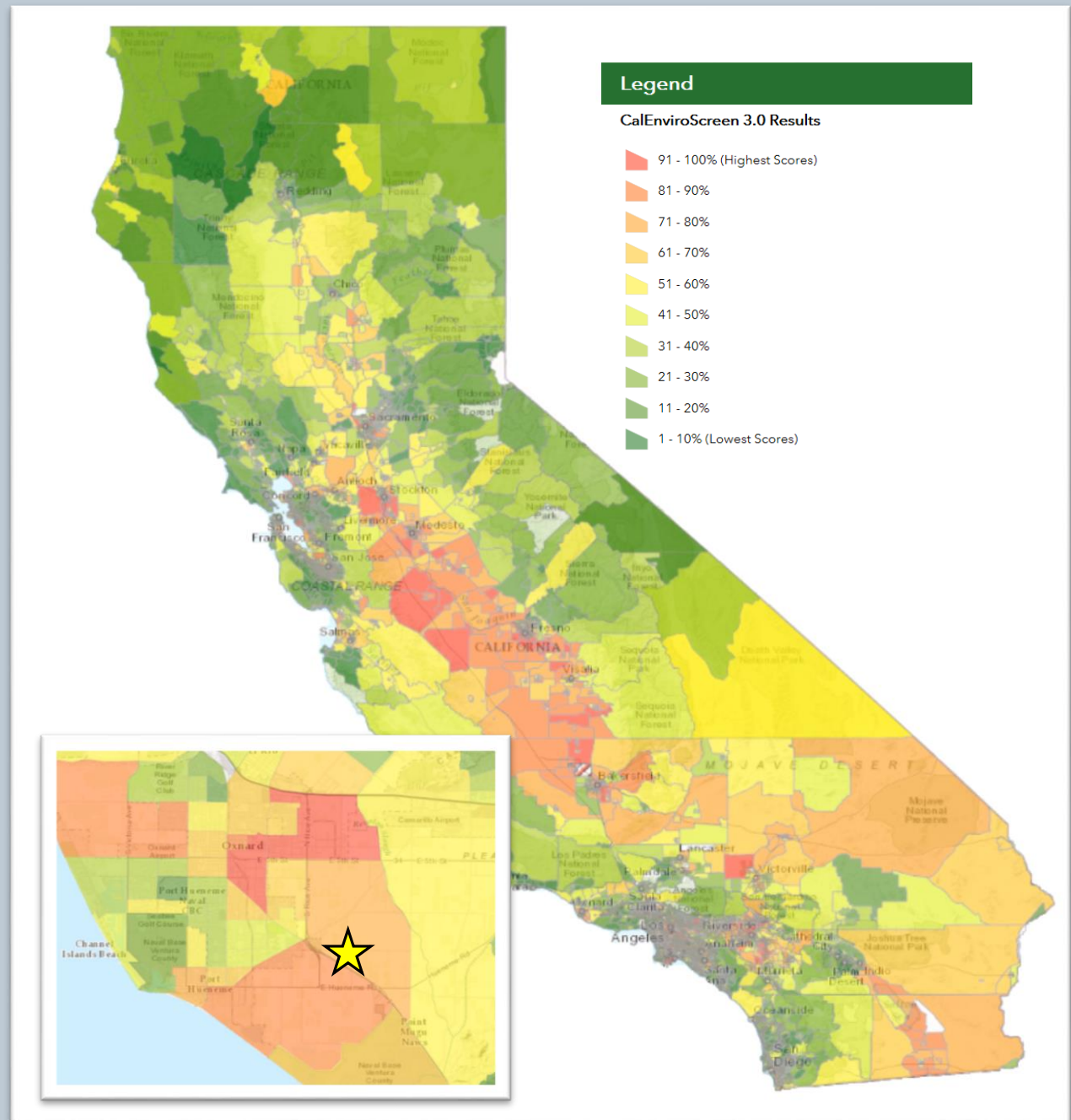
Requires cities and counties to incorporate an Environmental Justice element or related elements into their General Plan if they have a 'disadvantaged community' within their jurisdiction.

➤ Elements of the Draft 2040 General Plan will incorporate Goals and Policies addressing Environmental Justice:

- | | |
|---|--|
| • Agriculture | • Land Use and Community Character |
| • Circulation, Transportation, and Mobility | • Public Facilities, Services and Infrastructure |
| • Conservation and OpenSpace | • Water Resources |
| • Housing | • Hazards and Safety |
| • Economic Vitality | |

CalEnviroScreen Mapping Tool

- Intended to help agencies identify communities for GHG funding opportunities
- Identifies 25% of state census tracts as “disadvantaged communities”



CalEnviroScreen Caveats

- *Is not a substitute for cumulative impacts analysis under the CEQA.*
- *Is not intended to restrict the authority of government agencies in permit and land use decisions.*
- *Is not the appropriate tool to guide all public policy decisions.*

Source:

CalEnviroScreen 2.0: Guidance and Screening Tool, August 2014

Updates to MND addendum

- Health Risk Assessment
- Injection well approval effects on trucking
- Noise
- Subsidence

Board De Novo Review Scope of Hearing

There are two primary decisions before the Board:

1. Decide whether to approve the MND Addendum as satisfying the environmental review requirements of CEQA.
2. Decide whether the request for the modified CUP should be granted, granted with conditions, or denied.

Appellants

- CFROG
- Food and Water Watch

**Appeal filed September 15, 2017*

Grounds of Appeal of Planning Commission Decision

- 1. The Planning Commission used an incorrect standard of review in finding that the project does not require an EIR.*
- 2. The correct “fair argument” CEQA standard of review requires the County [to] prepare an EIR for the project.*

Staff Response

- There is no substantial evidence in support of a “fair argument” that the project will result in a significant impact
- The MND addendum is the appropriate CEQA document
 - Traffic, Air Quality, Health Risk evaluated
- An EIR is not required because:
 - criteria specified in CEQA Section 15162 are not met
 - no adopted threshold of significance has been exceeded

The grounds of appeal are without merit.

Appellants' Recommended Action

The Appellants request that your Board take the following actions:

- **Grant the Appeal**
- **Deny the Project**
- **Require an EIR**

Staff Recommended Actions



1. **CERTIFY** that the Board of Supervisors has reviewed and considered the staff report and all exhibits thereto, including the proposed MND Addendum (Exhibit 22), and has considered all comments received during the public comment process;
2. **FIND** that none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent MND have occurred;
3. **APPROVE** the MND Addendum (Exhibit 22) as satisfying the environmental review requirements of CEQA;
4. **MAKE** the required findings to grant the requested modified CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of the staff report for the September 7, 2017 Planning Commission hearing, and the entire record;
5. **GRANT** modified CUP PL14-0103, subject to the revised conditions of approval (Exhibit 23).
6. **DENY** the appeal in its entirety and decline to refund any appeal fees;
7. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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