



## Frequently Asked Questions

### **General Questions Pertaining to Environmental Review and the Public Review Process**

#### **1. What is an Initial Study?**

An Initial Study is a preliminary analysis conducted by the lead agency (here, the County) to determine if a project may have a significant effect on the environment. The Initial Study also aids in determining what type of environmental review determination to make or document to prepare. There are four types of environmental determinations/documents under the California Environmental Quality Act (CEQA): Exemption Determination, Negative Declaration (ND), Mitigated Negative Declaration (MND), and an Environmental Impact Report (EIR).

#### **2. How to decide whether to prepare a Negative Declaration, Mitigated Negative Declaration or EIR?**

If the Initial Study determines there is no substantial evidence that the project may cause a significant effect on the environment, a Negative Declaration shall be prepared.

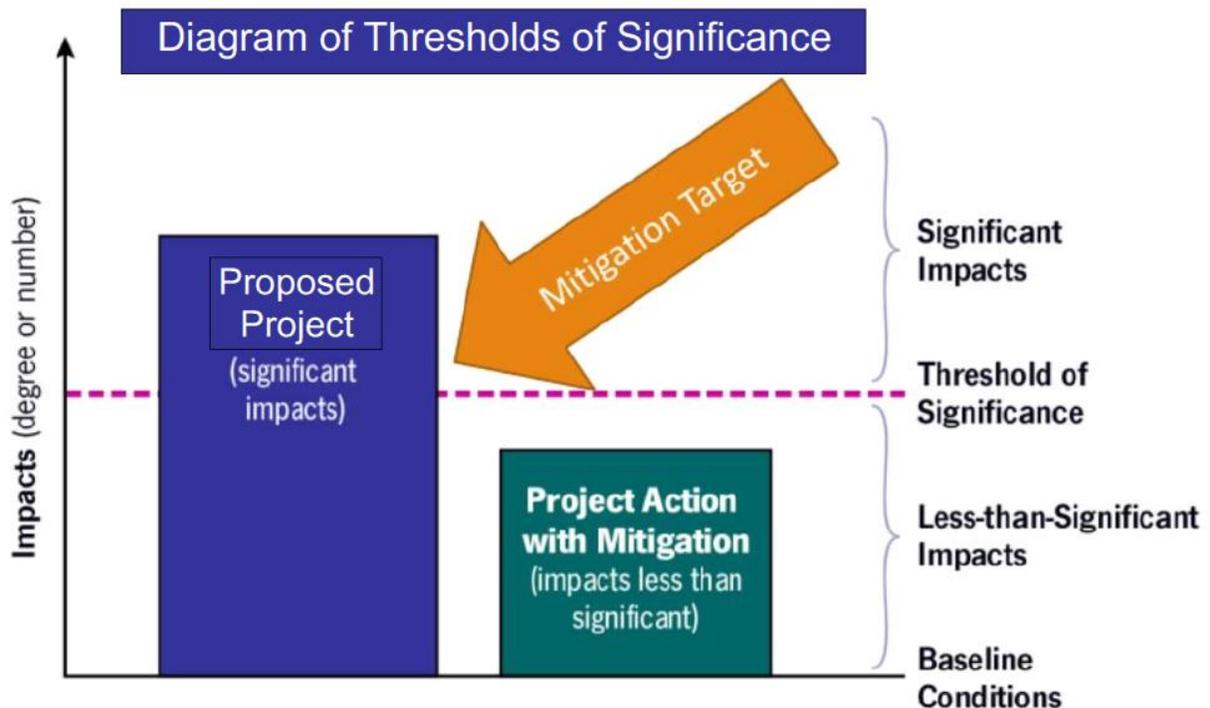
If the Initial Study determines that the proposed project could have a significant impact on the environment, but all identified significant adverse impacts could be avoided or reduced to a level of insignificance through modifications in the project description and/or the adoption of mitigation measures as conditions of approval for the project, a Mitigated Negative Declaration shall be prepared.

If the Initial Study determines that there are potentially significant effects on the environment that cannot be mitigated to a level of less-than-significant, an EIR shall be prepared.

#### **3. How to determine whether the project would cause a significant effect on the environment?**

To determine whether a project could have a significant effect on the environment under CEQA, the Ventura County Board of Supervisors has adopted thresholds of significance for each impact area as set forth in the [Initial Study Assessment Guidelines](#). Thresholds of significance set a level that determines the impact significance of a project. If the impact exceeds the identified threshold, then the impact is considered significant. If the impact is below the threshold, then the impact is considered less than significant.

Thresholds of significance can be either quantitative or qualitative. The diagram below illustrates how thresholds of significance are applied.



**4. How is mitigation used to reduce impact significance to a level of less than significant?**

Mitigation measures can be used to bring a significant impact below the threshold making it a less-than-significant impact. A mitigation measure avoids, minimizes, rectifies, eliminates, or compensates for the impact. A mitigation measure must be feasible, meaning achievable and enforceable.

**5. Can the public participate in the review of an environmental document and the decision-making process of a project?**

Public participation is an essential part of the CEQA environmental review process. The public can make important contributions to this process as well as the decision-making process before and during the public review and comment period on CEQA documents and is afforded the ability to challenge the CEQA determination/document decision. The public review and comment period is the range of time the public has to submit written input on a project for County staff’s consideration and recommendation on both the environmental document and the project, before a County decision-maker makes a final decision. The public has the following opportunities to submit public comments on a project:

- During the required public review and comment period on environmental documents;
- At community scoping meetings; and,
- Before and during public hearings.

## **6. What points should the public consider when commenting on an environmental document?**

When preparing for or providing comments on environmental documents, the public should consider the following:

- Gain familiarity with the *California Environmental Quality Act (CEQA) Guidelines*. A helpful guide for anyone who is just starting to learn about CEQA can find an overview at the Governor's Office of Planning and Research's website at: <https://opr.ca.gov/ceqa/getting-started/>.
- Be aware of the environmental review process and the public review and public comment deadlines.
- Support your comments with facts. This helps to make the comments specific to an environmental impact area.
- Focus comments on the adequacy of the environmental document as opposed to the merits of the project.
- Your questions are encouraged. Contact the County lead case planner on the project for any questions about the project and the discretionary and environmental review processes.
- Written public comments are encouraged. While verbal comments at community scoping meetings and public hearings are accepted, written comments ensure County staff and decision-makers fully understand your comments.

## **Questions Specific to the RI-NU Wastewater Treatment Facility Application**

### **7. What is the land use review process to reinstate the existing Conditional Use Permit (CUP) for the RI-NU Wastewater Treatment Facility?**

The RI-NU application (Case No. PL15-0106) to reinstate and modify the existing Conditional Use Permit to allow the continued operation of the wastewater treatment facility is subject to discretionary review and a final decision by the Ventura County Board of Supervisors. Discretionary review involves the review of the project by the Planning Division as well as other County agencies, such as but not limited to, the Public Works Agency, the Fire Protection District, the Environmental Health Division, the Watershed Protection District, the Air Pollution Control District, and the Agricultural Commissioner's Office.

Discretionary permit decisions require the exercise of judgement, deliberation, and action on the part of the decision-making authority in the process of approving or disapproving a particular activity. The Ventura County Board of

Supervisors will consider and make the final decision regarding the Ri-Nu application at a public hearing after members of the public have provided their comments.

The RI-NU permit application review process involves the following major steps:

- CEQA environmental review and public comment period on the draft CEQA document;
- County staff consideration of public comments and establishing the recommendation;
- Preparation and release of the Planning Commission staff report with recommended action;
- Planning Commission public hearing for a recommendation to the Board of Supervisors; and,
- Board of Supervisors public hearing for final decision.

For general information on the County's discretionary permit process, please see the Discretionary Permit Process brochure at:  
[https://docs.vcrma.org/images/pdf/planning/brochures/Discretionary\\_Permit\\_Process.pdf](https://docs.vcrma.org/images/pdf/planning/brochures/Discretionary_Permit_Process.pdf).

### **8. How and when does the public submit public comments for the RI-NU application?**

The opportunities to submit public comments are during the following phases of the permit application review process:

- The 45-day public review phase (from October 14, 2021 to November 30, 2021) of the CEQA environmental document;
- The release of the Planning Commission staff report and exhibits; and,
- The release of the Board of Supervisors letter and exhibits.

If you wish to provide public comments during any of these phases, please provide your written comments to the case planner, Franca Rosengren. The public comment period for the CEQA document review is from October 14, 2021 to November 30, 2021. Please submit your written comments for the environmental review period no later than 5 p.m. on November 30, 2021, to [Franca.Rosengren@ventura.org](mailto:Franca.Rosengren@ventura.org) or by mail at: County of Ventura, RMA, Planning Division, Attn: Franca A. Rosengren, 800 S. Victoria Avenue, L#1740, Ventura, CA 93009.

## **9. Why isn't an Environmental Impact Report (EIR) prepared for the RI-NU application?**

The Initial Study prepared by the County Planning Division in consultation with other County agency technicians and experts in specific topic areas, including a comprehensive review by an outside environmental consultant, identified the following two potentially significant impacts on the environment: (1) the project's potential negative impacts on adjacent agricultural operations, and (2) the project's potential risk to and negative impacts on human health and safety associated with the storage and handling of hazardous materials (chemicals) during the treatment process of wastewater.

However, the County Planning Division has drafted feasible (achievable and enforceable) mitigation measures that staff believes would avoid and/or reduce these impacts to a level of less-than-significant. The applicant has agreed to implement these drafted mitigation measures. For these reasons the County Planning Division has prepared a draft Mitigated Negative Declaration (MND) as the project's CEQA document. Because the project's potential significant environmental impacts could be mitigated to a level of less-than-significant and the applicant has agreed to implement them, an EIR is *not recommended* by County staff at this time. An EIR, however, would need to be prepared if the County receives public comments raising a fair argument, supported by "substantial evidence," that the project may have a significant environmental impact despite mitigation measures. In this context, "substantial evidence" includes facts, reasonable assumptions based on facts, and expert opinion supported by facts.

The draft MND will be circulated for public review and comment starting October 14, 2021 through November 30, 2021. If you wish to submit written comments on the CEQA document, please follow the instructions outlined in FAQ No. 8, above.

## **10. Under today's requirements, would an entirely new wastewater treatment facility be allowed in this location?**

The existing wastewater treatment facility is located at 815 Mission Rock Road, in the unincorporated area of Santa Paula. The property has a zoning designation of General Industrial ("M-3, 10,000-sq. ft. minimum lot size") and a General Plan Land Use Designation of Industrial. The M-3 Zone is considered the heaviest manufacturing zone and is intended to provide for uses involving a broad range of general manufacturing, processing and fabrication activities. The Non-Coastal Zoning Ordinance (Section 8105-5) allows a "Community Wastewater Treatment Facility" in the M-3 Zone if approved by the Board of Supervisors at a public hearing. Therefore, a Board-approved Conditional Use Permit (CUP) is required to operate a wastewater treatment facility at this location. This is the same requirement for the RI-NU permit application to reinstate and modify the existing CUP to continue operating the existing wastewater treatment facility.

**11. How can I be updated on the RI-NU project?**

If you would like to be notified of updates on the RI-NU project and have not already subscribed to the mailing list, please subscribe to the mailing list at: <https://vcrma.org/ri-nu-wastewater-treatment-facility>. You may also contact the case planner, Franca Rosengren, directly by phone at (805) 654-2045 or by email at [Franca.Rosengren@ventura.org](mailto:Franca.Rosengren@ventura.org).