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April 23, 2019

Board of Supervisors  
County of Ventura  
800 South Victoria Avenue  
Ventura, California 93009

**SUBJECT:** Board of Supervisors–Initiated Interim Urgency Ordinance Pursuant to Government Code Section 65858 to Temporarily Prohibit County Approval of New Wells, and Re-Drilling of Existing Wells, for Oil Production that Will Utilize Steam Injection in the Vicinity of Potable Groundwater Aquifers While the County Studies Potential Regulations for This Land Use; Determination of Urgency; and Determination of Exemption from the California Environmental Quality Act; All Supervisorial Districts (Recommendation No. 3 Requires 4/5ths Vote)

### **Recommendations<sup>1</sup>:**

It is recommended that your Board:

1. **CERTIFY** that your Board has reviewed and considered this Board letter and all exhibits hereto and has considered all comments received during the public hearing process;
2. **FIND** on the basis of the entire record that the proposed ordinance is: (a) exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines

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<sup>1</sup> The County Counsel’s office does not take a position on the policy issue of whether your Board should or should not adopt the proposed interim urgency ordinance. The recommendations set forth the actions necessary for your Board to adopt the proposed ordinance, should that be your Board’s decision.

sections 15061(b)(3) (no possibility of significant effect) and 15378 (not a project); and (b) categorically exempt from CEQA pursuant to CEQA Guidelines sections 15307 and 15308 (actions by regulatory agencies to protect the environment and natural resources);

3. **ADOPT** by 4/5ths vote the proposed interim urgency ordinance, including the legislative findings and determination regarding the existence of a current and immediate threat to the public health, safety and welfare set forth in section 5 therein (Exhibit 1); and

4. **SPECIFY** the Clerk of the Board of Supervisors at 800 South Victoria Avenue, Ventura, California 93009 as the location and custodian of the documents and materials that constitute the record of proceedings upon which this decision is based.

**Fiscal/Mandates Impacts:** None.

**Discussion:**

On April 9, 2019, Supervisor Bennett placed an item on the Board of Supervisors agenda (Item # 46) recommending that an interim urgency ordinance be prepared and brought to your Board for consideration which, if adopted, would temporarily prohibit County approval of new oil wells and the re-drilling of existing wells that would utilize steam injection in the vicinity of potable groundwater aquifers. The item was prepared in response to a recent study and report from the United States Geological Survey (“USGS”) of aquifer water quality east of the City of Oxnard in an area of steam injection oil production.<sup>2</sup> The USGS found indications that thermogenic petroleum-related gases are migrating into the potable water aquifers of the Fox Canyon aquifer system in the vicinity of steam injection and wastewater disposal wells. The study suggests that oil production involving steam injection may be causing or contributing to the migration of petroleum-related gases to, and the contamination of, the potable water aquifers. The USGS has indicated that additional study and assessment are needed regarding the issue.

Your Board unanimously directed that an interim urgency ordinance be prepared by County Counsel and presented to the Board for its consideration on April 23, 2019. We have prepared the proposed interim urgency ordinance (Exhibit 1) with the assistance of the Resource Management Agency, Planning Division (“Planning Division”).

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<sup>2</sup> The USGS presentation can be viewed at:  
[https://www.youtube.com/watch?v=Hi5Mb\\_6CFWI&feature=youtu.be&t=5019](https://www.youtube.com/watch?v=Hi5Mb_6CFWI&feature=youtu.be&t=5019).

The features of the proposed interim urgency ordinance are:


1. The ordinance will apply only in the area of the unincorporated county identified in the maps attached as Exhibit A to the proposed ordinance.
2. The ordinance will be in effect for an initial 45-day period after which it will expire unless extended by a 4/5ths vote of your Board pursuant to Government Code section 65858.
3. The ordinance will temporarily prohibit the County's issuance of land use permits, zoning clearances, building permits, and other land use entitlements approving new oil wells and the re-drilling of existing wells for oil production utilizing steam injection in the specified area.
4. The ordinance directs the Planning Division to assess the need for new County land use regulations to safeguard potable groundwater aquifers from potential groundwater contamination caused by steam injection oil extraction methods based on the USGS study, and directs the Ventura County Counsel's Office to study the scope of the County's authority to regulate the surface aspects of oil production uses and structures associated with steam injection in the vicinity of potable groundwater aquifers.
5. The ordinance contains findings and a determination of a current and immediate threat to health, safety and welfare based on the critical importance of uncontaminated groundwater supplies and the contamination threat identified in the USGS study and report. Specifically, adoption of the proposed ordinance would promote the health, safety and welfare of the citizens of Ventura County by protecting potable water aquifers pending a study of the need for and scope of permanent regulation, as reflected in section 5 (Determination of Current and Immediate Threat) of the proposed ordinance.
6. Violations of the ordinance are subject to enforcement under the County's Non-Coastal Zoning Ordinance.

The adoption of the proposed interim urgency ordinance is not subject to CEQA pursuant to CEQA Guidelines sections 15061(b)(3) (no possibility of significant effect) and 15378 (not a project) and, alternatively, is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15307 and 15308 (actions by regulatory agencies to protect the environment and natural resources).

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This board item has been reviewed by the County Executive Office, the Auditor-Controller's Office and the Resource Management Agency Planning Division. If you have any questions, please call me at (805) 654-2581.

Very truly yours,



LEROY SMITH  
County Counsel

Attachment:

Exhibit 1: Proposed Interim Urgency Ordinance