

TO: Lin Koester, CAO

DATE: August 28, 1997

FROM: Thomas Berg, Director *Tom*

SUBJECT: FOLLOW-UP RESPONSE TO THE  
1996-97 FINAL GRAND JURY REPORT

Two of the Grand Jury Report recommendations directed to the Public Works Agency address issues which involve RMA. Those recommendations are in the chapter entitled "Nitrate Contamination in the Oxnard Plain Groundwater" on page 77.

**Recommendation No. 4:** *The County must aggressively enforce provisions of current and future Conditional Use Permits issued to firms engaged in operations which could have an adverse effect on groundwater quality.*

**RMA Response:** We agree. Both the State Surface Mining and Reclamation Act (SMARA) and the County's General Plan contain specific requirements or policies for the protection of groundwater quality and quantity. In approving CUPs, the County must make a finding of consistency with those provisions. Also, CUPs are subject to the environmental review process where specific mitigation measures are identified to prevent adverse impact. CUPs are now required to deposit sufficient funds to pay for staff costs to monitor permit conditions.

**Recommendation No. 11:** *The County must make every effort to take monthly samples and tests of the groundwater contained in the pits at S.P. Milling mining site.*

**RMA Response:** We disagree. This recommendation cannot be implemented because the existing CUP for the SP Milling excavation pits does not give the County of Ventura the authority to mandate regular groundwater testing as proposed by the Grand Jury. However, historically SP Milling has voluntarily cooperated in testing programs by public agencies to test the groundwater, and has voluntarily agreed to a proposed program by the United Water Conservation District (UWCD) to conduct biological and chemical tests of the groundwater in the pits on a quarterly basis. In addition, a joint, multiple agency review of all of the issues related to the SP Milling excavation pits and processing plants is currently under development. This review would include consideration of the need for additional groundwater testing. As such, absent additional data, an attempt to mandate a greater frequency of testing is not recommended at this time.

