

MITIGATION MEASURES CONSENT AGREEMENT

Modification of Conditional Use Permit (CUP) 960, as modified by LU06-0011

Case No.: PL15-0106

Assessor's Parcel No.: 099-0-060-565

Ri-Nu Wastewater Treatment Facility

Assessor's Parcel Number (APN):099-0-060-565

In accordance with §15063 of the California Environmental Quality Act (CEQA) Guidelines, the Ventura County Planning Division, in consultation with other appropriate public agencies, prepared an Initial Study and has determined that the proposed project referenced above could have significant environmental impacts with respect to agricultural resources and hazardous materials. However, the Initial Study identified mitigation measures that could reduce the impacts to a less-than-significant level. Provided that you accept the mitigation measures, the Planning Division may prepare a Mitigated Negative Declaration (MND) for the proposed project [CEQA Guidelines, §15070(b)(1) and -(2)].

The following list includes a summary of the potentially significant environmental impacts of the proposed project and the mitigation measures necessary to reduce the impacts to a less-than-significant level, which were identified in the Initial Study:

1. Agricultural Resources (Land Use Incompatibility) – Section 5B

Agricultural Resources – Land Use Incompatibility Mitigation Measure (M-1)

Purpose: To mitigate the non-agricultural operation's potentially significant impacts on agricultural operations that are located closer than the distances set forth in Section 5B of the Initial Study Assessment Guidelines.

Requirement: The Permittee shall retain a landscape architect to prepare a landscape plan that complies with the requirements of this condition, the "Ventura County Landscape Design Criteria" (1992), the state Model Water Efficiency Landscape Ordinance (MWELo), and the Ventura County Agricultural/Urban Buffer Policy.

Landscape Objectives: The Permittee must install and maintain a landscape buffer and vegetative screening that serves the following functions:

- a. Provides additional separation between the wastewater treatment facility and the agricultural operations;
- b. Assists in minimizing fugitive dust from traveling onto or off the project site; and,



- c. Assists in minimizing fugitive pesticide spray from traveling onto the project site from the adjacent agricultural fields.

Landscape Design: The Permittee shall install a tree row along the northern and western boundaries of the project site which are adjacent to agricultural operations, that meets the minimum standards for vegetative screening as specified in the Agricultural Commissioner's Agricultural/Urban Buffer Policy standards. The tree row shall consist of:

- a. Two staggered rows of trees and shrubs characterized by evergreen foliage that extends from the base of the plant to the crown;
- b. Trees and shrubs that are vigorous, drought tolerant and at least six feet in height at the time of installation;
- c. Plants that have 50% to 70% porosity;
- d. Plant height that varies to capture pesticide drift within four feet of ground applications. A mature height of 15 feet or more is required for trees;
- e. Adequate coverage, including two staggered rows located five feet apart, 10 feet on center; and,
- f. The following recommended plants: Toyon (*Heteromeles arbutifolia*), Sugarbush (*Rhus ovata*), Laurel Sumac (*Malosma laurina*) and Italian Cypress (*Cupressus sempervirens*).

Documentation: The Permittee shall submit three sets of a landscape plan to the Planning Division for review and approval, in consultation with the Agricultural Commissioner's Office. A California registered landscape architect (or other qualified individual as approved by the Planning Director) shall prepare the landscape plan, demonstrating compliance with the requirements set forth in this condition (above), the Ventura County Landscape Design Criteria, and the Agricultural Commissioner's Agricultural/Urban Buffer Policy. The landscape architect responsible for the work shall stamp the plan. After landscape installation, the Permittee shall submit to Planning Division staff a statement from the project landscape architect that the Permittee installed all landscaping as shown on the approved landscape plan. Prior to installation of the landscaping, the Permittee must obtain a Building Permit for the proposed landscaping. Any changes to the landscape plans that affect the character or quantity of the plant material or irrigation system design shall be approved by the Planning Director.

Timing: The Permittee shall submit the landscape plan to the Planning Division for review and approval, in consultation with the Agricultural Commissioner's Office, prior to

issuance of a Zoning Clearance for Construction. After the issuance of a Zoning Clearance, the Permittee shall obtain a Building Permit for the proposed landscaping. All landscaping shall be installed prior to the issuance of a Zoning Clearance for Use Inauguration and a Certificate of Occupancy.

Monitoring and Reporting: Landscaping approval/installation verification, monitoring activities, and enforcement activities shall occur according to the procedures set forth in the "Ventura County Landscape Design Criteria" (§§ F and G). The Planning Division maintains the landscape plans and statement by the landscape architect in the Project file. The Planning Division and the Agricultural Commissioner's Office have the authority to conduct site inspections to ensure that the Permittee installs and maintains the landscaping in accordance with the approved landscape plan consistent with the requirements of the Ventura County Landscape Design Criteria, MWEL0, and the Agricultural/Urban Buffer Policy consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

2. Hazardous Materials/Waste (Materials) – Section 20a

Risk Management Plan – Mitigation Measure (M-2)

Purpose: The purpose of the Risk Management (RM) Plan is to reduce the risk posed by the operation of the wastewater treatment facility to the public and the environment as identified in the Risk Management Analysis prepared by Ensafe, Inc., dated January 4, 2019 and Dr. Daniel Tormey's September 6, 2018 Technical Memorandum.

Requirement: The Permittee shall prepare and submit a RM Plan to supplement the January 2017 Operations and Maintenance (O&M) Manual to the Planning Division for review and approval. The O&M Manual focuses on the treatment system. The RM Plan shall consider facility operations as a whole. The following elements shall be included in the RM Plan, which are the same elements required for those facilities (regulated by the EPA) that use certain hazardous substances, pursuant to the 1990 Clean Air Act (CAA, § 112 (r)):

1. Results of the design optimization of the chemical feed areas will become standard operating procedures to minimize opportunities for onsite vehicle collisions. The procedures shall include elements considered in the design optimization, how these elements were addressed in the modified design, and identification of controls (e.g. signs, barricades, other controls). In addition to these written procedures, a site plan shall be included in the Plan to show the modified design with controls.
2. Design and construct a hazardous material storage building compliant with local and state chemical storage and fire protection standards. The design shall incorporate these regulatory standards and include a description of how the storage building will comply with these standards.

3. Establish onsite designated paths to the hazardous materials storage building for delivery trucks. A site plan shall be included in the Plan to show the designated paths, as well as controls to assure compliance (e.g., signs, barricades, and other controls).
4. Post appropriate hazard warning signage at the hazardous materials storage building. The signage shall be identified as part of the design and construction of the hazardous materials storage building.
5. Post appropriate informational signage at the truck unloading area to identify unloading valves and piping. The Plan shall provide a map of valves and piping at the truck unloading area to minimize the potential for unloading to the incorrect valve or pipeline.
6. Use of double-walled tubing for chemical transfers. The Plan shall include a modified site plan identifying those chemical transfer areas that will have double-walled tubing.
7. Identify and track the potential for chemical incompatibilities. The RM Plan shall identify a clear protocol for identifying the potential for chemical incompatibilities in any chemical accepted, used or handled at the facility. The protocol shall include requirements for the following:
 - a. Profile chemicals accepted, used, or handled at the facility. The profiling shall include both accepted waste streams, and any other treatment chemicals stored or used at the facility. Profiling shall include identification of chemicals that otherwise may only be indicated by a trade name by the chemical supplier.
 - b. Use of chemical incompatibility charts and references to identify the potential adverse effects from mixing of chemicals on the facility.
 - c. For those chemical incompatibilities that may lead to adverse effects, the Plan shall identify a hierarchy of controls to ensure incompatible chemicals are not mixed.

Documentation: The Permittee shall submit three copies of the RM Plan to the Planning Division for review and approval by the Planning Division, EHD, and Fire Prevention District, if necessary. The RM Plan shall be prepared by a qualified firm, as determined by the Planning Division in consultation with EHD and VCFPD, as needed. If the Permittee proposes to modify the RM Plan, or a change is dictated by a local, state, or federal regulatory agency, the Permittee shall first contact the Planning Division to determine the appropriate authorization required to allow for this modification. Depending on the extent of the change to the RM Plan, the Planning Division's authorization for any modifications to the RM Plan may require a discretionary

modification to the CUP. The appropriate authorization will be subject to determination by the Planning Division. Modifications to the RM Plan shall not be implemented by the Permittee until such modification has been reviewed and approved by the Planning Division.

A tracking sheet shall be required to be inserted at the front of the RM Plan for the Permittee to document changes to the Plan, identify the reason for the change, section(s) modified, and authorized approval.

Timing: The Permittee shall submit three copies of the RM Plan to the Planning Division for review and approval to verify the requirements of this condition have been met prior to the issuance of a Zoning Clearance for Construction. The approved RM Plan shall be implemented for the life of the permit.

Monitoring and Reporting: The Planning Division will maintain a copy of the approved RM Plan in the Project file. As part of the standard tri-annual Condition Compliance review, the tracking sheet shall be reviewed by the Planning Division and compared to the approved permits for the facility. The Planning Division and EHD have the authority to conduct site inspections to ensure that the Permittee complies with this condition for the life of the permit, consistent with the requirements of NCZO section 8114-3.

Chemical Incompatibility Plan – Mitigation Measure (M-3)

Purpose: The purpose of the Chemical Incompatibility (CI) Plan is to reduce the risk of human error related to the storage and handling of onsite chemicals and subsequent potential risk to the public and the environment as identified in the Risk Management Analysis prepared by Ensafe, Inc., dated January 4, 2019 and Dr. Daniel Tormey's September 6, 2018 Technical Memorandum.

Requirement: The Permittee shall prepare and submit a CI Training Plan to supplement the Facility's Safety Handbook to the Planning Division for review and approval. The following elements shall be included in the Plan:

1. Establish policies that (1) prohibit receipt of wastes in totes or drums and (2) prohibit pumping of drums or totes (either waste totes/drums or product totes/drums) into any vacuum truck. Employee training shall include procedures for identification of improper containers and specific procedures to ensure that material in totes or drums is not introduced into vacuum trucks.
2. Implement a new chemical introduction and procurement policy a new chemical is brought onsite for modifying the chemical compositions of acceptable waste streams. The policy shall, at a minimum, include the elements described in Item 7 of the Risk Management Plan ("Consistent identification and tracking of the potential for chemical incompatibilities"). The policies, procedures, and controls for consistent identification and tracking of the potential for chemical incompatibilities shall be clearly and thoroughly described in the Training Plan.

Documentation: The Permittee shall submit three copies of the CI Plan to the Planning Division for review and approval to verify that the requirements for this condition have been met. The CI Plan shall be prepared by a qualified firm, as determined by the Planning Division in consultation with EHD and VCFPD, as needed. If the Permittee proposes to modify the CI Plan, or a change is dictated by a local, state, or federal regulatory agency, the Permittee shall first contact the Planning Division to determine the appropriate authorization required to allow for this modification. Depending on the extent of the change to the CI Plan, the Planning Division's authorization for any modifications to the CI Plan may require a discretionary modification to the CUP. The appropriate authorization will be subject to determination by the Planning Division. Modifications to the CI Plan shall not be implemented by the Permittee until such modification has been reviewed and approved by the Planning Division.

A tracking sheet shall be required to be inserted at the front of the CI Plan for the Permittee to document changes to the Plan, identify the reason for the change, section(s) modified, and authorized approval.

Timing: The Permittee shall submit three copies of the CI Plan prior to the issuance of a Zoning Clearance for Construction. The approved CI Plan shall be implemented for the life of the permit.

Monitoring and Reporting: The Planning Division will maintain a copy of the approved CI Plan in the Project file. As part of the standard tri-annual Condition Compliance review, the tracking sheet shall be reviewed by the Planning Division and compared to the approved permits for the facility. The Planning Division and EHD have the authority to conduct site inspections to ensure that the Permittee complies with this condition for the life of the permit, consistent with the requirements of NCZO section 8114-3.

Tabletop Response Drill – Mitigation Measure (M-4)

Purpose: The purpose of the Tabletop Response Drill is to reduce the risk posed by the operations of the wastewater treatment facility to the public by adequately apprising first responders about the risks posed by the onsite chemical storage, chemical handling procedures, onsite equipment, and the processes required to abate hazardous conditions as identified in the Risk Management Analysis prepared by Ensafe, Inc., dated January 4, 2019 and Dr. Daniel Tormey's September 6, 2018 Technical Memorandum.

Requirement: The Permittee shall hold an annual Tabletop Response Drill at the facility for first responders with participation by facility employees and contractors. The drill shall be conducted onsite and consider situations requiring emergency response. The drill shall identify the roles and responsibilities of facility personnel, emergency response personnel, and identify an Incident Command Structure. The situations to be tested by the drill shall be reviewed and approved by the Planning Division, EHD, and the VCFPD.

Documentation: The Permittee shall submit a framework for the drill that covers realistic scenarios to the Planning Division, CUPA-EHD, and the VCFPD for review and approval prior to implementation of each annual drill. If the Permittee proposes to modify any aspect of the approved drill framework and scenario, or a change is dictated by a local, state, or federal regulatory agency, the Permittee shall first contact the Planning Division to determine the appropriate authorization required to allow for this modification. Depending on the extent of the change to the drill framework and scenario, the Planning Division's authorization for any modifications may require a discretionary modification to the CUP. The appropriate authorization will be subject to determination by the Planning Division. Modifications to the framework and scenario shall not be implemented by the Permittee until such modification has been reviewed and approved by the Planning Division.

A tracking sheet shall be required to be inserted at the front of the drill framework and scenario for the Permittee to document changes, identify the reason for the change, section(s) modified, and authorized approval.

Timing: The Permittee shall submit a framework for the drill to the Planning Division, EHD, and the VCFPD for review and approval prior to implementation of the annual drill and prior to the issuance of the Zoning Clearance for Use Inauguration. Annual tabletop drills shall be implemented for the life of the permit.

Monitoring and Reporting: The Planning Division will maintain a copy of the approved drill framework and scenario in the Project file. As part of the standard tri-annual Condition Compliance review, the tracking sheet shall be reviewed by the Planning Division and compared to the approved permits for the facility. The Planning Division and EHD have the authority to conduct site inspections to ensure that the Permittee complies with this condition for the life of the permit, consistent with the requirements of NCZO section 8114-3.

I, Timothy J. Koziol, Manager for RI-NU Services, LLC., the applicant for Case No. PL15-0106 (modification of CUP-960) hereby agree to implement the mitigation measures described above, which have been developed in conjunction with the preparation of a Mitigated Negative Declaration for Case No. PL15-0106 (modification of CUP-960). I understand that these mitigation measures or substantially similar mitigation measures must be adopted as conditions of approval for CUP PL15-0106 in order to reduce the environmental impacts to a less-than-significant level.



Timothy J. Koziol, Manager
RI-NU Services, LLC., Applicant

April 23, 2019

Date

I, George Flack (Santa Clara Waste Water Company), the property owner of the land on which the proposed project will be located, hereby agree to ensure that the mitigation measures described above will be implemented in the event that the applicant fails to implement them.



George Flack, Chief Financial Officer
Santa Clara Waste Water Company



Date