

From: [Arne Petersen](#)
To: [Ford, John](#); [Lazar, Steve](#); humcofair@frontiernet.net; [Caroline Titus](#)
Subject: Before any Hearing
Date: Tuesday, April 05, 2022 12:45:16 PM

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Mr. Ford,

Without a legitimate/equivalent substitute mitigation method a hearing is pointless and the permit is invalid. Hay bales don't cut it. Besides you can't change a condition of approval (Raising dB limit) because it will clearly have "a significant effect on the environment." The following is from the 2022 CEQA Guidelines. The permit is invalid and the modification is not possible.

-Arne R.W. Petersen

Mechanical Engineer, MBA

Chapter 2.6: General

§ 21080. DIVISION APPLICATION TO DISCRETIONARY PROJECTS; NONAPPLICATION;
NEGATIVE DECLARATIONS; ENVIRONMENTAL IMPACT REPORT PREPARATION

(g) Nothing in this section shall preclude a project applicant or any other person from challenging, in an administrative or judicial proceeding, the legality of a condition of project approval imposed by the lead agency. If, however, any condition of project approval set aside by either an administrative body or court was necessary to avoid or lessen the likelihood of the occurrence of a significant effect on the environment, the lead agency's approval of the negative declaration and project shall be invalid and a new environmental review process shall be conducted before the project can be reapproved, unless the lead agency substitutes a new condition that the lead agency finds, after holding a public hearing on the matter, is equivalent to, or more effective in, lessening or avoiding significant effects on the environment and that does not cause any potentially significant effect on the environment.