

PROJECT REPORT

TO: PLANNING COMMISSION

AGENDA DATE February 14, 2024

FROM: PLANNING AND DEVELOPMENT SERVICES

AGENDA TIME 9:00 AM/No. 3

PROJECT TYPE: Burrtec Waste Industries (ICPWD)
Conditional Use Permit #23-0030 SUPERVISOR DIST: #4

LOCATION: 935 W Hwy 86 APN: 017-120-015-000
Salton City, CA 92274 PARCEL SIZE: +/-320 Acres Total

GENERAL PLAN (existing) Special Purpose Facility GENERAL PLAN (proposed) N/A

ZONE (existing) S-2 (Open Space / Preservation) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 02/14/2024

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: NA
INITIAL STUDY: NA

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

| | | | | |
|--------------|-------------------------------------|------|-------------------------------------|----------|
| PUBLIC WORKS | <input checked="" type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| AG | <input checked="" type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| APCD | <input type="checkbox"/> | NONE | <input checked="" type="checkbox"/> | ATTACHED |
| E.H.S. | <input checked="" type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| FIRE / OES | <input checked="" type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| SHERIFF | <input checked="" type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| OTHER | <u>CEO</u> | | | |

REQUESTED ACTION:

STAFF RECOMMENDS THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING, HEAR ALL THE PROPONENTS AND OPPONENTS OF THE PROPOSED PROJECT, AND THEN TAKE THE FOLLOWING ACTIONS:

- FIND THE CONDITIONAL USE PERMIT #23-0030 IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES AND THAT NO FURTHER ENVIRONMENTAL DOCUMENTATION IS NECESSARY; AND**
- APPROVE THE ATTACHED RESOLUTION AND SUPPORTING FINDINGS, FOR CONDITIONAL USE PERMIT (CUP) #23-0030 SUBJECT TO ALL THE CONDITIONS AND AUTHORIZE THE PLANNING & DEVELOPMENT SERVICES DIRECTOR TO SIGN THE CONDITIONAL USE PERMIT UPON RECEIPT FROM THE PERMITTEE.**

STAFF REPORT
Planning Commission Meeting
February 14, 2024

Project Name: **Conditional Use Permit (CUP) #23-0030**

Applicant: **Burrtec Waste Industries (Imperial County Public Works)**

Project Location:

The project site is located at 935 W Hwy 86, Salton City, CA 92274. The project parcel is identified as 007-120-015-000 and is legally described as the North Half of Section 12 Township 11 south Range 9 east 320 Acres.

Project Summary:

The project proposes to supersede the existing water well CUP #09-0010 to increase the maximum water allowance in Condition S-1 from five (5) acre feet per year to 92,000 gallons per day, 365 days a year (105 acre feet) in order to be consistent with the environmentally assessed water use within the EIR and referenced within Section 3.2 “Operational Requirements for Environmental Impact Mitigation” of CUP #10-0002 for the Salton City Landfill Expansion Project.

Background:

CUP #09-0010 received a Negative Declaration by the Environmental Evaluation Committee on August 13, 2009 and was approved on September 23, 2009 by the Planning Commission for a commercial water well to draw 5 acre feet per year.

In 2010, Burrtec Waste Industries, Inc. submitted CUP #10-0002 for the expansion of the existing landfill onsite. As part of this project an Environmental Impact Report (EIR) was prepared in which the daily use of 92,000 gallons of water per day, 365 days a year, from increased pumping of the existing water well (CUP #09-0010) was environmentally assessed and mitigated to a less than significant finding.

On November 07, 2012, the Final Environmental Impact Report, Findings of Fact, Mitigation Monitoring and Reporting Program, Conditional Use Permit #10-0002 and Variance #10-0005 were approved by the Board of Supervisors. Within CUP #10-0002 under “Water Resources” within the “Conditions of Approval” section 3.0 “Operating Conditions” subsection 3.2 “Operational Requirements for Environmental Impact Mitigation”, the usage of water on-site averaging 92,000 gallons per day, per 365 days per year being environmentally assessed by the EIR is acknowledged.

While CUP #10-0002 environmentally assessed the increased water extraction for the existing well permitted under CUP #09-0010 as a required need for the water needs for various mitigation measures within CUP #10-0002, CUP #09-0010 was never amended or superseded to modify the increase in water need.

Land Use Analysis:

The proposed project is located on property designated as a “Special Purpose Facility” within the General Plan and zoned “S-2” (Open Space/Preservation) per Imperial County Land Use Ordinance (Title 9). The project is consistent with the General Plan as water wells are an allowed use with an approved Conditional Use Permit per Title 9 Land Use Ordinance Division 21 “Water Well Regulations” Section 92102.00 “Permits Required”.

SURROUNDING LAND USES, ZONING AND GENERAL PLAN DESIGNATIONS:

| DIRECTION | CURRENT LAND USE | ZONING | GENERAL PLAN |
|--------------|------------------|------------------|--------------------------|
| Project Site | Landfill | S-2 | Special Purpose Facility |
| North | Vacant Desert | S-2, State Owned | Recreation/Open Space |
| South | Vacant Desert | S-2, BLM Owned | Recreation/Open Space |
| East | Vacant Desert | S-2, State Owned | Recreation/Open Space |
| West | Vacant Desert | S-2, State Owned | Recreation/Open Space |

Environmental Review:

The increase in pumping from the existing water well permitted under CUP #09-0010 was addressed and environmentally assessed in the EIR (SCH #2010071072) that was prepared for the landfill expansion CUP #10-0002 and approved by the Board of Supervisors on November 07, 2012.

Staff Recommendation:

It is recommended that the Planning Commission conduct a public hearing; that you hear all the opponents and proponents of the proposed project. Staff would then recommend that the Planning Commission approve Conditional Use Permit #23-0030, by taking the following actions:

1. Find the Conditional Use Permit #23-0030 is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines and that no further environmental documentation is necessary; and
2. Approve the attached Resolution and supporting findings, for Conditional Use Permit (CUP) #23-0030 subject to all the conditions and authorize the Planning & Development Services Director to sign the Conditional Use Permit upon receipt from the Permittee.

Prepared By: Derek Newland, Planner III

Sor [Signature]

Reviewed By: Michael Abraham, AICP, ICPDS Assistant Director

[Signature]

Approved By: Jim Minnick, Planning & Development Services Director

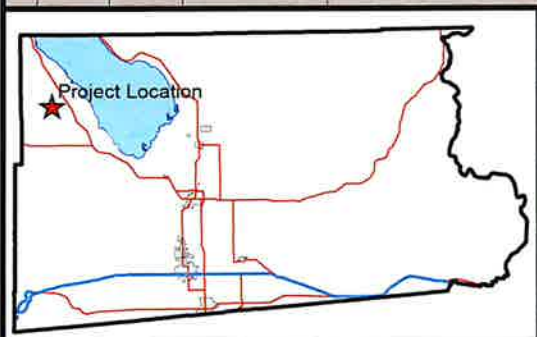
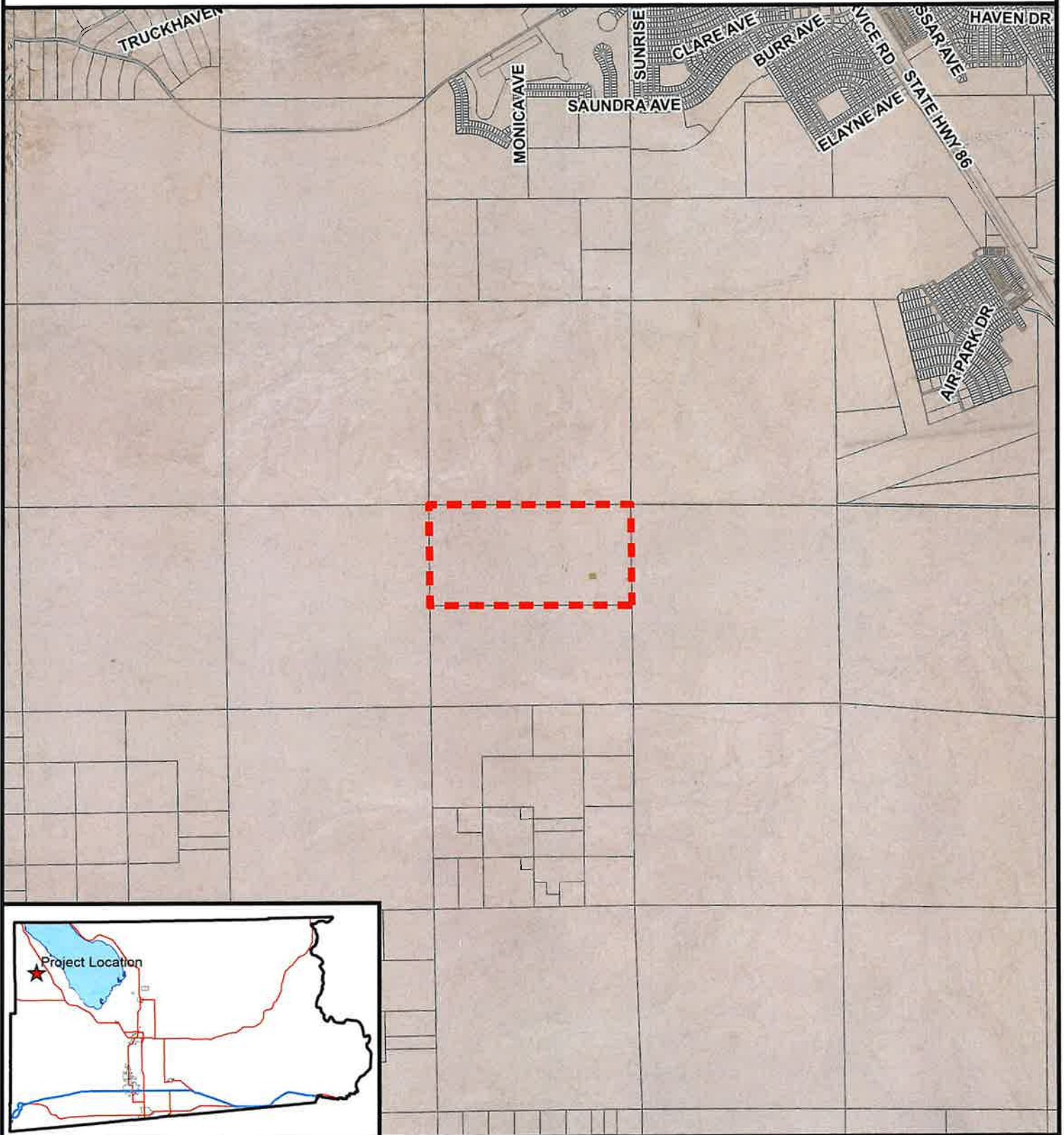
Sor [Signature]

Attachments:




- A. Vicinity Map
- B. Site Plan
- C. Planning Commission Resolution
- D. Conditional Use Permit #23-0030 Agreement
- E. Previously approved CUP #09-0010
- F. CUP #23-0030 Application
- G. Comment Letters

ATTACHMENT "A"
Vicinity Map

PROJECT LOCATION MAP

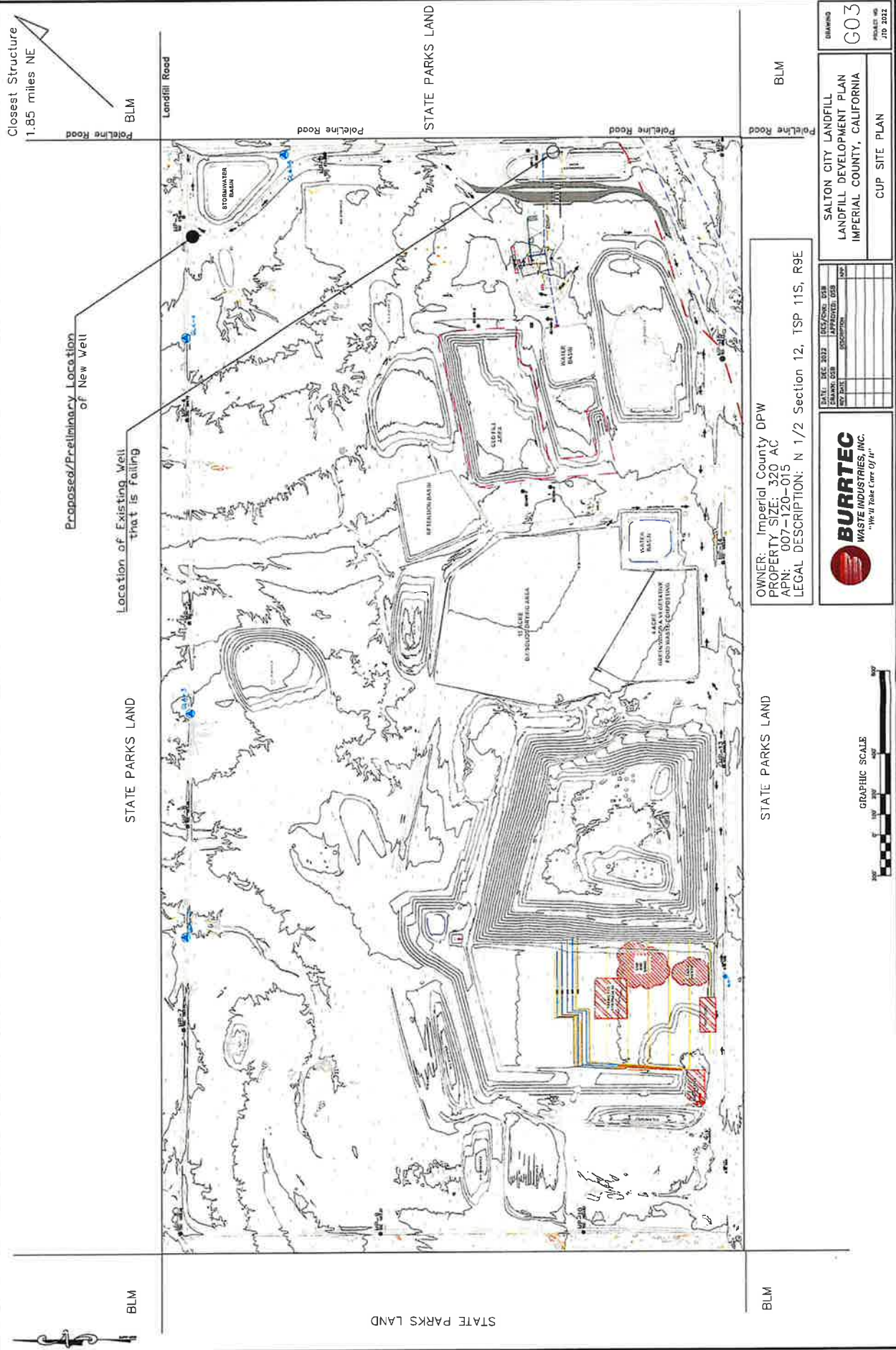


**BURRTEC (IC PUBLIC WORKS)
CUP #23-0030
APN 007-120-015-000**

-  Project Location
-  Centerline
-  Parcels



ATTACHMENT "B"
Site Plan



Closest Structure
1.85 miles NE

Proposed/Preliminary Location
of New Well

Location of Existing Well
that is failing

STATE PARKS LAND

BLM

STATE PARKS LAND

STATE PARKS LAND

STATE PARKS LAND

BLM

OWNER: Imperial County DPW
PROPERTY SIZE: 320 AC
APN: 007-120-015
LEGAL DESCRIPTION: N 1/2 Section 12, TSP 11S, R9E

BLM

| DATE | REV | DESCRIPTION |
|----------|-----|-----------------------|
| 05/20/22 | 01 | ISSUED FOR PERMITTING |
| 05/20/22 | 02 | REVISED PER COMMENTS |
| 05/20/22 | 03 | REVISED PER COMMENTS |
| 05/20/22 | 04 | REVISED PER COMMENTS |
| 05/20/22 | 05 | REVISED PER COMMENTS |
| 05/20/22 | 06 | REVISED PER COMMENTS |
| 05/20/22 | 07 | REVISED PER COMMENTS |
| 05/20/22 | 08 | REVISED PER COMMENTS |
| 05/20/22 | 09 | REVISED PER COMMENTS |
| 05/20/22 | 10 | REVISED PER COMMENTS |



GRAPHIC SCALE



DRAWING
G03
SALTON CITY LANDFILL
LANDFILL DEVELOPMENT PLAN
IMPERIAL COUNTY, CALIFORNIA
CUP SITE PLAN
PROJECT #
JTD 2022

ATTACHMENT "C"
Planning Commission Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING “CONDITIONAL USE PERMIT #23-0030” FOR BURRTEC WASTE INDUSTRIES.

WHEREAS, Burrtec Waste Industries has submitted an application for Conditional Use Permit #23-0030 to supersede Conditional Use Permit #09-0010 for an existing water well to increase the maximum water usage to 92,000 gallons per day, 365 days per year; and,

WHEREAS, the existing water well was previously approved under Conditional Use Permit #09-0010; and,

WHEREAS, the project is categorically exempt in accordance with section 15301 of the requirements of the California Environmental Quality Act, the State Guidelines, and the County’s “Rules and Regulations to Implement CEQA as Amended”; and,

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of approvals, adoptions and certifications; and,

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on February 14, 2024.

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered the proposed Conditional Use Permit #23-0030 prior to approval. The Planning Commission finds and determines that the Conditional Use Permit is adequately prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance, and the California Environmental Quality Act (CEQA) which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning laws and the County of Imperial regulations, the following findings for approving Conditional Use Permit #23-0030 have been made as follows:

A. The proposed use is consistent with goals and policies of the adopted County General Plan.

The General Plan designates the subject site as “Special Purpose Facility” and is zoned “S-2” per Imperial County Land Use Ordinance. The project is found consistent with the

goals and policies of the Imperial County General Plan Land Use Element and, therefore, consistent with the County's General Plan.

B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be used.

The purpose of the project is to increase the water allotment for the existing water well as was environmentally assessed by an EIR prepared for CUP #10-0002 for the expansion of the existing landfill. Water wells are an allowed use with an approved Conditional Use Permit and therefore is consistent with purpose of the zone.

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed or similar conditional use according to the procedures of Section 90203.00.

Water wells are an allowed use with an approved CUP per the Imperial County Land Use Ordinance, Section 92102.00.

D. The proposed use meets the minimum requirements of Title 9 applicable to the use and complies with all applicable laws, ordinances and regulation of the County of Imperial and the State of California.

The Project complies with the minimum requirements of Title 9 by obtaining a CUP pursuant to Title 9, Division 21, and Section 92102.00. The Conditions of Approval will continue to ensure that the project complies with all applicable regulations of the County of Imperial and the State of California.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

The project location designated a "Special Purpose Facility" per the Imperial County General Plan. The surrounding areas are zoned S-2 (Open Space Preservation) and are owned by BLM and the State of California and consist of vacant desert land. Therefore, the continued use of the existing water well and increased allowed water extraction as was environmentally assessed by the approved EIR for CUP #10-0002 for the purpose of complying with mitigation measures would not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

F. The proposed use does not violate any other law or ordinance.

The project will continue to be subject to the Conditional Use Permit and current Federal, State, and Local regulations. The project use does not violate any law or ordinance.

G. The proposed use is not granting a special privilege.

The project is a permitted use subject to approval of a Conditional Use Permit #23-0030 under Land Use Ordinance, Section 92102.00 *et. seq.* and will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the County of Imperial Planning Commission **DOES HEREBY APPROVE** Conditional Use Permit #23-0030, subject to the attached Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on February 14, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning & Development Services
Secretary to the Planning Commission

ATTACHMENT "D"
Conditional Use Permit
#23-0030 Agreement

Recorded Requested by and
When Recorded Return To:

Imperial County Planning & Development
Services Department
801 Main Street
El Centro, California 92243

**AGREEMENT FOR CONDITIONAL USE PERMIT #23-0030
WATER WELL (BURRTEC WASTE INDUSTRIES)
Planning Commission Approved Conditions (XX/XX/XXXX)
Effective Date (XX/XX/XXXX)**

Conditional Use Permit #23-0030 was approved by the Imperial County Planning Commission Board of Supervisors and has the Effective Date of XX/XX/XXXX. This Conditional Use Permit is by and between Burrtec Waste Industries - (hereinafter referred to as "Permittee"), and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, lessee or successor in interest in certain land in Imperial County located approximately 3 miles south of the Townsite of Salton City, 3 miles west of State Highway 86 with a site address 935 West Highway 86, Salton City, and Assessor's Parcel Number 007-120-015-000.; and

WHEREAS, Permittee has applied to the County to construct and operate a commercial water well as stated in the project application;

WHEREAS, Permittee and/or subsequent owner(s) would be required to and intend to fully comply with all of the terms and conditions of the project as specified in this Conditional Use Permit.

WHEREAS, the County, after a noticed public hearing, agreed to issue Conditional Use Permit #23-0030 to Permittee, and/or his or her successor-in-interest subject to the following conditions:

GENERAL CONDITIONS:

The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are either routinely and commonly included in all Conditional Use Permits as "standardized" conditions and/or are conditions that the Imperial County Planning Commission has established as a requirement on all CUP's for consistent application and enforcement. The Permittee is advised that the General Conditions are as applicable as the SITE SPECIFIC conditions!

G-1: GENERAL LAWS:

The Permittee shall comply with any and all local, state, and/or federal laws, rules, regulations, ordinances, and/or standards as they may pertain to this project whether specified herein or not (including but not limited to Division 21 and 22 of the Imperial County Land Use Ordinance).

G-2: PERMIT/LICENSE:

Permittee shall obtain any and all permits, licenses, and/or approvals, for the construction and/or operation of this project. This shall include, but shall not be limited to, County Division of Environmental Health Services (EHS), Planning & Development Services Department, Fire/Office of Emergency Services (OES), Colorado River Board of California, RWQCB, and Public Works Department. Permittee shall likewise comply with all such permit requirements for the life of the project. Additionally, Permittee shall submit a copy of such additional permit and/or licenses to the Planning & Development Services Department within 30-days of receipt, including amendments or alternatives thereto, if requested.

G-3: RECORDATION:

This permit shall not be effective until it is recorded at the Imperial County Recorders Office, and payment of the recordation fee shall be the responsibility of the Permittee. If the Permittee fails to pay the recordation fee within six (6) months from the date of approval, and/or this permit is not recorded within 180 days from the date of approval, this permit shall be deemed null and void, without notice having to be provided to Permittee. Permittee may request a written extension by filing such a request with the Planning Director at least 30 days prior to the original 180-day expiration. The Director may approve an extension for a period not to exceed 180 days. An extension may not be granted if the request for an extension is filed after the expiration date.

G-4: CONDITION PRIORITY:

This project shall be constructed and operated as described in the Conditional Use Permit application, the Environmental Assessment, the project description, and as specified in these conditions. Where a conflict occurs, the Conditional Use Permit conditions shall govern and take precedence.

G-5: INDEMNIFICATION:

As a condition of this Permit, Permittee agrees to defend, indemnify, hold harmless, and release the County, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the Permit or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness fees that may be asserted by any person or entity, including the Permittee, arising out of or in connection with the approval of this Permit, whether or not there is concurrent,

1 passive or active negligence on the part of the County, its agents, officers,
2 attorneys, or employees.

3 **G-6: RIGHT OF ENTRY:**

4 The County reserves the right to enter the premises at any time, announced or
5 unannounced, in order to make the appropriate inspection(s) and to determine if the
6 condition(s) of this permit are complied with. Access to authorized enforcement
7 agency personnel shall not be denied.

8 **G-7: SEVERABILITY:**

9 Should any condition(s) of this permit be determined by a Court or other agency
10 with proper jurisdiction to be invalid for any reason, such determination shall not
11 invalidate the remaining provision(s) of this permit.

12 **G-8: PROVISION TO RUN WITH LAND:**

13 The provisions of this project are to run with the land/project and shall bind the
14 current and future owner(s) successor(s)-in-interest; assignee(s) and/or
15 transferee(s) of said project. Permittee shall not without prior notification to the
16 Planning and Development Services Department assign, sell, or transfer, or grant
17 control of project or any right or privilege therein. The Permittee shall provide a
18 minimum of 60 days written notice prior to such proposed transfer becoming
19 effective. The permitted use identified herein is limited for use upon this parcel
20 described herein and may not be transferred to another parcel.

21 **G-9: COMPLIANCE/REVOICATION:**

22 Upon the determination by the Planning and Development Services Department
23 that the project is or may not be in full compliance with any one or all of the
24 conditions of this Conditional Use Permit, or upon the finding that the project is
25 creating a nuisance as defined by law, the issue shall be brought immediately to the
26 appropriate enforcement agency or to the Planning Commission for hearing to
27 consider appropriate response including but not limited to the revocation of the CUP
28 or to consider possible amendments to the CUP. The hearing shall be held upon
due notice having been provided to the Permittee and to the public in accordance
with established ordinance/policy.

G-10: TIME LIMIT:

Unless otherwise specified within the project specific conditions this project shall be
limited to a maximum of (5) five years from the recordation date of the CUP. The
CUP may be extended for successive five (5) year(s) by the Planning Director upon
a finding by the Planning & Development Services Department that the project is in
full and complete compliance with all conditions of the CUP and any applicable land
use regulation(s) of the County of Imperial. Unless specified otherwise herein no
conditional use permit shall be extended for more than two (2) consecutive periods.
If an extension is necessary or requested beyond fifteen (15) years, Permittee shall
file a written request with the Planning Director for a hearing before the Planning

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Commission. Such request shall include the appropriate extension fee. An extension shall not be granted if the project is in violation of any one or all of the conditions or if there is a history of non-compliance with the project conditions.

G-11: COSTS:

Permittee shall pay any and all amounts determined by the County to defray any and all cost(s) for the review of reports, field investigations, monitoring, and other activities directly related to the enforcement/monitoring for compliance of this Conditional Use Permit, County Ordinance or any other applicable law. Any billing against this project, now or in the future, by the Planning and Development Services Department or any County Department for costs incurred as a result of this Permit, shall be billed through the Planning and Development Services Department.

G-12: WATER AND SEWER:

Permittee shall provide water and sewer to Federal, State and County standards. Water and sewer systems shall be approved by the Environmental Health Services and the Planning and Development Services Department.

G-13: DEFINITIONS:

In the event of a dispute, the meaning(s) or intent of word(s) phrase(s) and/or conditions or sections herein shall be determined by the Planning Commission of Imperial County. Their determination shall be final unless an appeal is made to the Board of Supervisors 10 days from the date of their decision.

G-14: SPECIFICITY:

The issuance of this permit does not authorize the Permittee to construct or operate this project in violation of any state, federal, local law nor beyond the specified boundaries of the project as shown the application/project description/permit, nor shall this permit allow any accessory or ancillary use not specified herein. This permit does not provide any prescriptive right or use to the Permittee for future addition and/or modification to this project.

G-15: HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of the subject operations. However, within 45 days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review, and nothing shall prohibit Permittee from requesting a special Commission meeting and Permittee bears all costs.

G-16: CHANGE OF OWNER/OPERATOR:

In the event the ownership of the site or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this Permit as if said successor was the original Permittee. Current Permittee shall inform the County Planning and Development Services Department in writing at least 60 days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Department, via certified mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all. If this Permit or any subservient or associated permit requires financial surety, the transfer of this Permit shall not be effective until the new Permittee has requisite surety on file. Furthermore, existing surety shall not be released until replacement surety is accepted by Imperial County. Failure to provide timely notice of transfer by Permittee shall forfeit current surety.

G-17: COMMENCEMENT OF WORK:

No commencement of work until all conditions pursuant to the CUP has been satisfied. Evidence that all conditions pursuant to the CUP have been satisfied shall be provided to the Planning Director prior to commencement.

G-18 FIRE PROTECTION:

Permittee shall provide an adequate fire protection system and accessibility to the site in accordance with the National Fire Protection Act (NFPA), Uniform Fire Code and County Fire Department standards, as applicable.

G-19 INSURANCE:

The Permittee shall take out and maintain Workers Compensation Insurance as required by the State of California. The Permittee shall also secure liability insurance and such other insurance as required by state and/or federal law. A Certificate of Insurance is to be provided to the Planning and Development Services Department by the insurance carrier, and said insurance and certificate shall be kept current for the life of the project. Certificates of Insurance shall be sent directly to the Planning and Development Services Department by the insurance carrier and shall name the Department as a recipient of both renewal and cancellation notices.

(TOTAL "G" CONDITIONS are 19)

WATER WELL SPECIFIC CONDITIONS**S-1: WATER USAGE:**

This permit allows the Permittee to pump a maximum of 92,000 gallons per day, per 365 days a year. Exceeding the amount of water specified herein will result in the Planning and Development Services Department taking action to rescind the CUP for non-compliance.

S-2: OFF-SITE WATER SALES:

Water from the well shall not be used, sold, nor given to any individuals or entities not engaged in working on the Salton City Solid Waste Facility as identified in the project description.

S-3: WATER WELL MONITORING:

A flow meter shall be installed and sealed by a California-Licensed Water Well Drilling Contractor. Permittee shall submit a drilling and logging report to the Department of Public Works and the Planning and Development Services Department indicating the monthly amount of water extracted from the well. A photograph (dated and signed) of the flow meter readings shall be included in the report. The report shall be received within thirty (30) days following the date of the issuance of the Conditional Use Permit and the well is spudded. In the event of a flow meter failure, the Permittee shall be required to cease the water well operation and notify the Planning and Development Services Department. The Permittee may be allowed to temporarily substitute the flow meter for an alternative measuring device with the approval of the Planning and Development Services Department. In this case, two (2) separate reports shall be submitted as stipulated herein.

- (a) A water quality analysis shall be performed at the start of the drilling process and water flow commences;
- (b) A drawdown test to be done at the time of drilling and also at the end of the project to determine the amount of drawdown that occurred, if any;
- (c) The depth to the water level shall be provided at the commencement of drilling and at the abandonment stage of the water well.

S-4: WELL REPLACEMENT:

Any replacement water well shall be constructed by a California Licensed Driller in accordance with California Department of Water Resources Bulletin 74-81 and 74-90 (including any subsequent revisions), and with the Imperial County Water Well Ordinance, Section 92101.00, et seq.

Permittee shall submit copies of the "Report of Completion" (as required by California Water Code, Section 13751), by a California Licensed Water Well Driller on the construction of any water well replaced. Copies of this report shall be submitted to Environmental Health Services, Planning and Development Services Department, and

1 Public Works Department within thirty (30) days of the construction or destruction of the
2 well. This report shall include:

- 3 1. A description of the exact location of the well;
- 4 2. A detailed log of the well;
- 5 3. A description of the type and depth of casings;
- 6 4. Details of perforation;
- 7 5. The methods used for sealing off surface or contaminated water;
- 8 6. Methods for preventing contaminated waters from one aquifer to mix with another
9 aquifer.
- 10 7. Name of person who constructed the well.

11 **S-5: NO SLANT DRILLING:**

12 This permit does not authorize Permittee to "slant drill" under adjoining property.

13 **S-6: WELL ABANDONMENT:**

14 Should the water well be "abandoned" at any time for more than twenty-four (24)
15 consecutive months, Permittee shall seal/cap the well according to standards set by
16 the State and in a manner acceptable to the County Building Official.

17 *(Abandonment shall mean as follows:)*

18 **ABANDONMENT:** A well is deemed "abandoned" when it has not been used for one
19 (1) year. An owner may have the well deemed "inactive" by filling a written notice with
20 the Imperial County Planning and Development Services Department stating his/her
21 intentions to use the well under specific conditions and/or time frames. As evidence of
22 his/her intentions, the conditions contained in Bulletin 74-81 (Sec. 21) shall be met.
23 Any well that is open or whose services/operating equipment (e.g.,
24 pumps/motors/pipes, etc.) has been removed shall be deemed abandoned.

25 **S-7: WELL REMOVAL:**

26 Permittee shall properly destroy any well on the property if replaced or abandoned.
27 The well shall be destroyed according to State standards and in a manner
28 acceptable to the County Building Official. A copy of the well driller's report by a
California State Licensed Water Well Drilling Contractor shall be sent to the
Department of Public Works and the Planning and Development Services
Department within thirty (30) days following the destruction of the water well.

S-8: WELL REGISTRATION:

The water well shall be registered with the Planning and Development Services
Department to comply with the existing Groundwater Management Ordinance. This
Ordinance was enacted by the Board of Supervisors for the purpose of preserving,
protecting, and managing groundwater resources in Imperial County.

S-9: PERMITTING:

The Permittee shall obtain all required permits from the Department of Public Works, Department of Environmental Health Services (EHS), Air Pollution Control District (APCD), Imperial Irrigation District (IID) and other applicable federal and state agency(s).

S-10: PUBLIC WORKS

1. An encroachment permit shall be secured from the Department of Public Works for any and all new, altered or unauthorized existing driveway(s) to access the lot or lots.
2. A transportation permit shall be required from the road agency(s) having jurisdiction over the haul road for any hauls of heavy equipment and large vehicles which impose greater than legal loads on riding surfaces, including bridges.

S-11: County Executive Office

1. Sales Tax Guarantee. The permittee is required to have a Construction Site Permit reflecting the project site address, allowing all eligible sales tax payments are allocated to the County of Imperial, Jurisdictional Code 13998. The permittee will provide the County of Imperial a copy of the CDTFA account number and sub-permit for its contractor and subcontractors (if any) related to the jobsite. Permittee shall provide in written verification to the County Executive Office that the necessary sales and use tax permits have been obtained, prior to the issuance of any grading permits.
2. Construction/Material Budget: The permittee will provide the County Executive Office a construction materials budget: an official construction materials budget or detailed budget outlining the construction and materials cost for the processing facility on permittee letterhead.

(TOTAL "S" CONDITIONS are 11)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOW THEREFORE, County hereby issues Conditional Use Permit #23-0030 and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

PERMITTEE

By: _____
Burrtec Waste Industries

Date

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA:

By: _____
James Minnick, Director
Planning & Development Services Department

Date

FOR PERMITTEE NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA COUNTY OF _____ S.S.

On _____ before me, _____,
a Notary Public in and for said County and State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under **PENALTY OF PERJURY** under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

FOR COUNTY NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA COUNTY OF _____ S.S.

On _____ before me, _____,
a Notary Public in and for said County and State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under **PENALTY OF PERJURY** under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

ATTACHMENT "E"
Previously Approved CUP
#09-0010

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

When Recorded Return To:
Imperial County Planning & Dev. Services Department
801 Main Street
El Centro, California 92243

Recorded in Official Records, Imperial County

10/05/2009
10:19 AM
AG

Dolores Provencio
County Clerk / Recorder

IMP County of Imperial

Doc#: 2009-028722

Titles: 1 Pages: 11



| | |
|-------|---------|
| Fees | 37.00 |
| Taxes | 0.00 |
| Other | 0.00 |
| PAID | \$37.00 |

**AGREEMENT FOR CONDITIONAL USE PERMIT #09-0010
FOR A
COMMERCIAL WATER WELL
(Burrtec Waste Industries)**

This Agreement is made and entered into on this 24th day of September, 2009,
by and between **Burrtec Waste Industries, Inc.** (hereinafter referred to as Permittee)
and the COUNTY OF IMPERIAL, a political subdivision of the State of California,
(hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, lessee, operator or successor-in-interest in
certain land in Imperial County, located approximately 3 miles south of the Townsite of
Salton City, 3 miles west of State Highway 86 with a site address 935 West Highway 86,
Salton City, and Assessor's Parcel Number 007-120-015-000.

WHEREAS, Permittee has applied to the County to construct and operate a
commercial water well;

WHEREAS, the County, after a noticed public hearing, agreed to issue
Conditional Use Permit #09-0010 to Permittee, and/or his or her successor-in-interest
subject to the following conditions:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GENERAL CONDITIONS:

The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are either routinely and commonly included in all Conditional Use Permits as "standardized" conditions and/or are conditions that the Imperial County Planning Commission has established as a requirement on all CUP's for consistent application and enforcement. The Permittee is advised that the General Conditions are as applicable as the SITE SPECIFIC conditions!

G-1 GENERAL LAWS:

The Permittee shall comply with any and all local, state, and/or federal laws, rules, regulations, ordinances, and/or standards as they may pertain to this project whether specified herein or not.

G-2 PERMIT/LICENSE:

Permittee shall obtain any and all permits, licenses, and/or approvals, for the construction and/or operation of this project. This shall include, but shall not be limited to, County Division of Environmental Health Services (EHS), Planning & Development Services Department, Fire/Office of Emergency Services (OES), RWQCB, and Public Works Department. Permittee shall likewise comply with all such permit requirements for the life of the project. Additionally, Permittee shall submit a copy of such additional permit and/or licenses to the Planning & Development Services Department within 30-days of receipt, including amendments or alternatives thereto, if requested.

G-3 RECORDATION:

This permit shall not be effective until it is recorded at the Imperial County Recorders Office, and payment of the recordation fee shall be the responsibility of the Permittee. If the Permittee fails to pay the recordation fee within six (6) months from the date of approval, and/or this permit is not recorded within 180 days from the date of approval, this permit shall be deemed null and void, without notice having to be provided to Permittee. Permittee may request a written extension by filing such a request with the Planning Director at least 30 days prior to the original 180-day expiration. The Director may approve an extension for a period not to exceed 180 days. An extension may not be granted if the request for an extension is filed after the expiration date.

G-4 CONDITION PRIORITY:

This project shall be constructed and operated as described in the Conditional Use Permit application, the Environmental Assessment, the project description, and as specified in these conditions. Where a conflict occurs, the Conditional Use Permit conditions shall govern and take precedence.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

G-5 INDEMNIFICATION:

As a condition of this Permit, Permittee agrees to defend, indemnify, hold harmless, and release the County, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the Permit or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness fees that may be asserted by any person or entity, including the Permittee, arising out of or in connection with the approval of this Permit, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, or employees.

G-6 RIGHT OF ENTRY:

The County reserves the right to enter the premises at any time, announced or unannounced, in order to make the appropriate inspection(s) and to determine if the condition(s) of this permit are complied with. Access to authorized enforcement agency personnel shall not be denied.

G-7 SEVERABILITY:

Should any condition(s) of this permit be determined by a Court or other agency with proper jurisdiction to be invalid for any reason, such determination shall not invalidate the remaining provision(s) of this permit.

G-8 PROVISION TO RUN WITH LAND:

The provisions of this project are to run with the land/project and shall bind the current and future owner(s) successor(s)-in-interest; assignee(s) and/or transferee(s) of said project. Permittee shall not without prior notification to the Planning and Development Services Department assign, sell, or transfer, or grant control of project or any right or privilege therein. The Permittee shall provide a minimum of 60 days written notice prior to such proposed transfer becoming effective. The permitted use identified herein is limited for use upon this parcel described herein and may not be transferred to another parcel.

G-9 COMPLIANCE/REVOCATION:

Upon the determination by the Planning and Development Services Department that the project is or may not be in full compliance with any one or all of the conditions of this Conditional Use Permit, or upon the finding that the project is creating a nuisance as defined by law, the issue shall be brought immediately to the appropriate enforcement agency or to the Planning Commission for hearing to consider appropriate response including but not limited to the revocation of the CUP or to consider possible amendments to the CUP. The hearing shall be held upon due notice having been provided to the Permittee and to the public in accordance with established ordinance/policy.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

G-10 TIME LIMIT:

Unless otherwise specified within the project specific conditions this project shall be limited to a maximum of (3) three years from the recordation date of the CUP. The CUP may be extended for successive three (3) year(s) by the Planning Director upon a finding by the Planning & Development Services Department that the project is in full and complete compliance with all conditions of the CUP and any applicable land use regulation(s) of the County of Imperial. Unless specified otherwise herein no conditional use permit shall be extended for more than four consecutive periods. If an extension is necessary or requested beyond fifteen years, Permittee shall file a written request with the Planning Director for a hearing before the Planning Commission. Such request shall include the appropriate extension fee. An extension shall not be granted if the project is in violation of any one or all of the conditions or if there is a history of non-compliance with the project conditions.

G-11 COSTS:

Permittee shall pay any and all amounts determined by the County to defray any and all cost(s) for the review of reports, field investigations, monitoring, and other activities directly related to the enforcement/monitoring for compliance of this Conditional Use Permit, County Ordinance or any other applicable law. Any billing against this project, now or in the future, by the Planning and Development Services Department or any County Department for costs incurred as a result of this Permit, shall be billed through the Planning and Development Services Department.

G-12 WATER AND SEWER:

Permittee shall provide any water and sewer to Federal, State and County standards. Water and sewer systems shall be approved by the Environmental Health Services and the Planning and Development Services Department.

G-13 DEFINITIONS:

In the event of a dispute, the meaning(s) or intent of word(s) phrase(s) and/or conditions or sections herein shall be determined by the Planning Commission of Imperial County. Their determination shall be final unless an appeal is made to the Board of Supervisors 10 days from the date of their decision.

G-14 SPECIFICITY:

The issuance of this permit does not authorize the Permittee to construct or operate this project in violation of any state, federal, local law nor beyond the specified boundaries of the project as shown the application/project description/permit, nor shall this permit allow any accessory or ancillary use not specified herein. This permit does not provide any prescriptive right or use to the Permittee for future addition and/or modification to this project.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

G-15 HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of the subject operations. However, within 45 days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review, and nothing shall prohibit Permittee from requesting a special Commission meeting and Permittee bears all costs.

G-16 CHANGE OF OWNER/OPERATOR:

In the event the ownership of the site or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this Permit as if said successor was the original Permittee. Current Permittee shall inform the County Planning and Development Services Department in writing at least 60 days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Department, via certified mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all. If this Permit or any subservient or associated permit requires financial surety, the transfer of this Permit shall not be effective until the new Permittee has requisite surety on file. Furthermore, existing surety shall not be released until replacement surety is accepted by Imperial County. Failure to provide timely notice of transfer by Permittee shall forfeit current surety.

G-17 COMMENCEMENT OF WORK:

No commencement of work until all conditions pursuant to the CUP has been satisfied. Evidence that all conditions pursuant to the CUP have been satisfied shall be provided to the Planning Director prior to commencement.

G-18 FIRE PROTECTION:

Permittee shall provide an adequate fire protection system and accessibility to the site in accordance with the National Fire Protection Act (NFPA), Uniform Fire Code and County Fire Department standards, as applicable.

G-19 INSURANCE:

The Permittee shall take out and maintain Workers Compensation Insurance as required by the State of California. The Permittee shall also secure liability insurance and such other insurance as required by state and/or federal law. A Certificate of Insurance is to be provided to the Planning and Development Services Department by the insurance carrier, and said insurance and certificate shall be kept current for the life of the project. Certificates of Insurance shall be sent directly to the Planning and Development Services Department by the insurance carrier and shall name the Department as a recipient of both renewal and cancellation notices.

1 **WATER WELL SPECIFIC CONDITIONS**

2

3 **S-1 WATER USAGE:**

4 This permit allows the Permittee to pump a maximum of five (5) acre feet per
5 year. Exceeding the amount of water specified herein will result in the
6 Planning and Development Services Department taking action to rescind the
7 CUP for non-compliance.

8 **S-2 OFF-SITE WATER SALES:**

9 Water from the well shall not be used, sold, nor given to any individuals or
10 entities not engaged in working on the Salton City Solid Waste Facility as
11 identified in the project description.

12 **S-3 WATER WELL MONITORING:**

13 A flow meter shall be installed and sealed by a California-Licensed Water Well
14 Drilling Contractor. Permittee shall submit a drilling and logging report to the
15 Department of Public Works and the Planning and Development Services
16 Department indicating the monthly amount of water extracted from the well. A
17 photograph (dated and signed) of the flow meter readings shall be included in
18 the report. The report shall be received within thirty (30) days following the
19 date of the issuance of the Conditional Use Permit and the well is spudded. In
20 the event of a flow meter failure, the Permittee shall be required to cease the
21 water well operation and notify the Planning and Development Services
22 Department. The Permittee may be allowed to temporarily substitute the flow
23 meter for an alternative measuring device with the approval of the Planning
24 and Development Services Department. In this case, two (2) separate reports
25 shall be submitted as stipulated herein.

- 26
- 27 (a) A water quality analysis shall be performed at the start of the
28 drilling process and water flow commences;
 - (b) A drawdown test to be done at the time of drilling and also at
the end of the project to determine the amount of drawdown
that occurred, if any;
 - (c) The depth to the water level shall be provided at the
commencement of drilling and at the abandonment stage of
the water well.

29 **S-4 WELL REPLACEMENT:**

30 Any replacement water well shall be constructed by a California Licensed
31 Driller in accordance with California Department of Water Resources Bulletin
32 74-81 and 74-90 (including any subsequent revisions), and with the Imperial
33 County Water Well Ordinance, Section 92101.00, et seq.

1 Permittee shall submit copies of the "Report of Completion" (as required by
2 California Water Code, Section 13751), by a California Licensed Water Well
3 Driller on the construction of any water well replaced. Copies of this report
4 shall be submitted to Environmental Health Services, Planning and
5 Development Services Department, and Public Works Department within thirty
6 (30) days of the construction or destruction of the well. This report shall
7 include:

- 8 1. A description of the exact location of the well;
- 9 2. A detailed log of the well;
- 10 3. A description of the type and depth of casings;
- 11 4. Details of perforation;
- 12 5. The methods used for sealing off surface or contaminated
13 waters;
- 14 6. Methods for preventing contaminated waters from one
15 aquifer to mix with another aquifer;
- 16 7. Name of person who constructed the well.

17 **S-5 NO SLANT DRILLING:**

18 This permit does not authorize Permittee to "slant drill" under adjoining
19 property.

20 **S-6 WELL ABANDONMENT:**

21 Should the water well be "abandoned" at any time for more than sixty (120)
22 consecutive days, Permittee shall seal/cap the well according to standards set
23 by the State and in a manner acceptable to the County Building Official.

24 (Abandonment shall mean as follows:)

25 **ABANDONMENT:** A well is deemed "abandoned" when it has not been
26 used for one (1) year. An owner may have the well deemed "inactive" by filling
27 a written notice with the Department stating his/her intentions to use the well
28 under specific conditions and/or time frames. As evidence of his/her
intentions, the conditions contained in Bulletin 74-81 (Sec. 21) shall be met.
Any well that is open or whose services/operating equipment (e.g.
pumps/motors/pipes, etc.) has been removed shall be deemed abandoned.

S-7 WELL REMOVAL:

Permittee shall properly destroy any well on the property if replaced or
abandoned. The well shall be destroyed according to State standards and in a
manner acceptable to the County Building Official. A copy of the well driller's
report by a California State Licensed Water Well Drilling Contractor shall be
sent to the Department of Public Works and the Planning and Development
Services Department within thirty (30) days following the destruction of the
water well.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

S-8 WELL REGISTRATION:

The existing or replacement water well shall be registered with the Planning and Development Services Department to comply with the existing Groundwater Ordinance. This Ordinance was enacted by the Board of Supervisors for the purpose of preserving and managing groundwater resources in Imperial County.

S-9 PERMITTING:

The Permittee shall obtain all required permits from the Department of Public Works, APCD, Imperial Irrigation District and other applicable federal and state agency(s).

S-10 PUBLIC WORKS:


1. An encroachment permit shall be secured from the Department of Public Works for any and all new, altered or unauthorized existing driveway(s) to access the lot or lots.
2. A transportation permit shall be required from the road agency(s) having jurisdiction over the haul road for any hauls of heavy equipment and large vehicles which impose greater than legal loads on riding surfaces, including bridges.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOW THEREFORE, County hereby issues Conditional Use Permit #09-0010 and Permittee hereby accepts such permit upon the terms and conditions set forth herein.


IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

PERMITTEE :

By: 
Representative
Burrtec Waste Industries

9/24/09
Date

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA:

By: 
JURG HEUBERGER, AICP, CEP, Planning Director

10/2/09
Date

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FOR PERMITTEE NOTARIZATION

STATE OF CALIFORNIA
COUNTY OF San Bernardino } S.S.

On 9/24/09 before me, Debra G. Hansen,
a Notary Public in and for said County and State, personally appeared
Tracy A. Sweeney, who proved to me on the
basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to
the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in
his/her/their authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing is true and correct.

WITNESS my hand and official seal



Signature Debra G. Hansen

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent
attachment of this certificate to unauthorized document.

Title or Type of Document Agreement for Conditional Use Permit #09-0010
Number of Pages 9 Date of Document _____
Signer(s) Other Than Named Above Jurg Heubinger

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FOR COUNTY NOTARIZATION

STATE OF CALIFORNIA

COUNTY OF IMPERIAL } S.S.

On OCTOBER 2, 2009 before me, PATRICIA A. VALENZUELA,
a Notary Public in and for said County and State, personally appeared
JURG HEUBERGER, who proved to me on the
basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to
the within instrument and acknowledged to me that he/~~she/they~~ executed the same in
~~his/her/their~~ authorized capacity(~~ies~~), and that by ~~his/her/their~~ signature(~~s~~) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

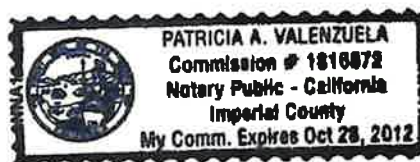
WITNESS my hand and official seal

Signature Patricia A. Valenzuela

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of
this certificate to unauthorized document.

Title or Type of Document Conditional Use Permit
Number of Pages 11 Date of Document Sept 24, 2009
Signer(s) Other Than Named Above _____

IS: APN 007-120-015 CUP09-00010



**ATTACHMENT "F" CUP #23-
0030 Application**

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (442) 265-1736

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

| | | |
|--|---|--|
| 1. PROPERTY OWNER'S NAME Imperial County Public Works Department | EMAIL ADDRESS JohnGav@co.imperial.ca.gov | |
| 2. MAILING ADDRESS (Street / P O Box, City, State) 155 North 11th Street, El Centro, CA 92243 | ZIP CODE 92243 | PHONE NUMBER (442) 265-1818 |
| 3. APPLICANT'S NAME Burrtec Waste Industries, Inc. | EMAIL ADDRESS dbrischke@burrtec.com | |
| 4. MAILING ADDRESS (Street / P O Box, City, State) 4890 Cherry Avenue, Fontana, CA | ZIP CODE 92335 | PHONE NUMBER (909) 429-4200 |
| 4. ENGINEER'S NAME David S. Brischke | CA. LICENSE NO. C46521 | EMAIL ADDRESS dbrischke@burrtec.com |
| 5. MAILING ADDRESS (Street / P O Box, City, State) 9400 Cherry Avenue, Building C, Fontana, CA | ZIP CODE 92335 | PHONE NUMBER (909) 714-8146 |
| 6. ASSESSOR'S PARCEL NO. APN 007-120-015 | SIZE OF PROPERTY (in acres or square foot) 320 acres | ZONING (existing) SI |
| 7. PROPERTY (site) ADDRESS 935 W Hwy 86S, Salton City, CA 92275 | | |
| 8. GENERAL LOCATION (i.e. city, town, cross street) Salton City Solids Waste Site - Salton City Landfill | | |
| 9. LEGAL DESCRIPTION The Northern 1/2 of Section 12, Township 11S, Range 9E of the SBRM See attached drawing for a more detailed property description | | |

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

| | |
|--|---|
| 10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail) | This CUP is to supercede the existing CUP #09-0010 to increase the water take from 5 ac-ft/yr to 92,000 gpd -365 days/yr to be consistent with the landfill expansion CUP#10-0002 and it's associated environmental considerations. |
| 11. DESCRIBE CURRENT USE OF PROPERTY | Non-Hazardous Solid Waste Landfill/Composting and Biosolids Drying |
| 12. DESCRIBE PROPOSED SEWER SYSTEM | Existing Septic Tank and Leach Field |
| 13. DESCRIBE PROPOSED WATER SYSTEM | Existing Onsite Water Well |
| 14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM | Imperial County Fire |
| 15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? Up to 50 permanent F/T employees |

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT

John Gav
1/4/24
Date
Rep. of Public Works
Signature
David Brischke
01/01/2024
Date
Signature

REQUIRED SUPPORT DOCUMENTS

| | |
|--------------|-------|
| A. SITE PLAN | _____ |
| B. FEE | _____ |
| C. OTHER | _____ |
| D. OTHER | _____ |

| | | |
|--|------------|--|
| APPLICATION RECEIVED BY: _____ | DATE _____ | REVIEW / APPROVAL BY OTHER DEPT'S required |
| APPLICATION DEEMED COMPLETE BY: _____ | DATE _____ | <input type="checkbox"/> P W |
| APPLICATION REJECTED BY: _____ | DATE _____ | <input type="checkbox"/> E H S |
| TENTATIVE HEARING BY: _____ | DATE _____ | <input type="checkbox"/> A P C D |
| FINAL ACTION <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED | DATE _____ | <input type="checkbox"/> O E S |
| | | <input type="checkbox"/> _____ |
| | | <input type="checkbox"/> _____ |

CUP #

BLM

STATE PARKS LAND

BLM

STATE PARKS LAND

Location of Existing Well that is Failing

Proposed/Preliminary Location of New Well

PoleLine Road

Closest Structure 1.85 miles NE

BLM

PoleLine Road

Landfill Road



BLM

STATE PARKS LAND

STATE PARKS LAND

OWNER: Imperial County DPW
 PROPERTY SIZE: 320 AC
 APN: 007-120-015
 LEGAL DESCRIPTION: N 1/2 Section 12, TSP 11S, R9E

DATE: DEC 2022
 DRAWN: JFB
 CHECKED: JFB
 APPROVED: JFB

SALTON CITY LANDFILL
 LANDFILL DEVELOPMENT PLAN
 IMPERIAL COUNTY, CALIFORNIA
 CUP SITE PLAN

DRAWING
 PROJECT NO. 003
 DATE: JFB 2022

GRAPHIC SCALE

0 100 200 300 400 500 FT

BLM

PoleLine Road

PoleLine Road

PoleLine Road

BLM



| | |
|----------------|---------------|
| DATE: DEC 2022 | DESIGN: JFB |
| DRAWN: JFB | APPROVED: JFB |
| CHECKED: JFB | |

SALTON CITY LANDFILL
 LANDFILL DEVELOPMENT PLAN
 IMPERIAL COUNTY, CALIFORNIA
 CUP SITE PLAN

DRAWING
 PROJECT NO. 003
 DATE: JFB 2022

ATTACHMENT "G"
Comment Letters

AIR POLLUTION CONTROL DISTRICT



January 25, 2024

Jim Minnick
Planning & Development Services Director
801 Main Street
El Centro, CA 92243

RECEIVED

By Imperial County Planning & Development Services at 4:23 pm, Jan 25, 2024

SUBJECT: Conditional Use Permit 23-0030 – Burrtec

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to review and comment on Conditional Use Permit (CUP) 23-0030 (Project) which is intended to supersede CUP 09-0010. Project seeks to change the allowed water allotment of 5 acre-ft per year to 92,000 gallons per day, per 365 days a year to be consistent with the environmentally assessed water use of the landfill expansion under CUP 10-0002. The project is located at 935 W Highway 86, Salton City also identified as Assessor's Parcel Number (APN) 007-120-015.

The sections of CUP 09-0010 most pertinent to the Air District include general condition G-2 PERMIT/LICENSE and specific condition S-9 PERMITTING. Upon reviewing Air District records, the Air District identified the applicant maintains Permit #3307 active for the facility. Maintaining the permit in active status satisfies the CUP conditions with respect to the Air District. The Air District simply reminds the applicant that the project must continue to comply with all permit conditions and Air District rules and regulations. The Air District emphasizes Regulation VIII – Fugitive Dust Rules, a collection of rules designed to maintain fugitive dust emissions below 20% visual opacity.

The Air District also reminds the applicant that the Air District must be notified of any proposed changes to operations, procedure, and/or equipment that could affect the emissions of the facility. These changes may affect the permitting requirements of the project and may require the submittal of an application for engineering review. The Air District requests the applicant contact an Air District Permitting Engineer directly to discuss the specific permitting requirements of any proposed changes.

Finally, the Air District requests a copy of the draft CUP prior to recording for review.

The Air District's rules and regulations can be found on our website for your convenience at <https://apcd.imperialcounty.org/rules-and-regulations/>. Should you have any questions please feel free to contact the Air District by calling our office at (442) 265-1800.

Respectfully,



Ismael Garcia
Environmental Coordinator I



Monica M. Soucier
APC Division Manager

COUNTY EXECUTIVE OFFICE

Miguel Figueroa
County Executive Officer
miguelfigueroa@co.imperial.ca.us
www.co.imperial.ca.us




County Administration Center
940 Main Street, Suite 208
El Centro, CA 92243
Tel: 442-265-1001
Fax: 442-265-1010

RECEIVED

By Imperial County Planning & Development Services at 2:57 pm, Jan 22, 2024

January 22, 2024

TO: Derek Newland, Planning and Development Services Department
FROM: Rosa Lopez, Executive Office 
SUBJECT: Request for Comments – Burrtec (ICPW) / CUP #23-0030 / APN 007-120-015

The County of Imperial Executive Office is responding to a request for comments: Burrtec (ICPW) / CUP #23-0030 / APN 007-120-015. The Executive Office would like to inform the developer of the conditions and responsibilities of the applicant seeking a Conditional Use Permit (CUP). Should the applicant seek well replacement under CUP 23-0030, the following conditions apply and commence prior to the approval of a construction of a well replacement initial grading permit and subsequently continue throughout the permitting process. This includes, but not limited to:

- Sales Tax Guarantee. The permittee is required to have a Construction Site Permit reflecting the project site address, allowing all eligible sales tax payments are allocated to the County of Imperial, Jurisdictional Code 13998. The permittee will provide the County of Imperial a copy of the CDTFA account number and sub-permit for its contractor and subcontractors (if any) related to the jobsite. Permittee shall provide in written verification to the County Executive Office that the necessary sales and use tax permits have been obtained, prior to the issuance of any grading permits.
- Construction/Material Budget: The permittee will provide the County Executive Office a construction materials budget: an official construction materials budget or detailed budget outlining the construction and materials cost for the processing facility on permittee letterhead.

Should there be any concerns and/or questions, do not hesitate to contact me.

Laryssa Alvarado

From: Derek Newland
Sent: Wednesday, February 7, 2024 9:27 AM
To: Laryssa Alvarado
Cc: Michael Abraham; Diana Robinson
Subject: FW: CUP23-0030 Request for Comments

Good morning Laryssa,
Can we please add the below comment to the Burrtec CUP23-0030 hearing package?

Thank you,

Derek Newland
Planner III
County of Imperial
Planning and Development Services
dereknewland@co.imperial.ca.us
(442) 265-1736

RECEIVED

By Imperial County Planning & Development Services at 10:35 am, Feb 07, 2024

From: Carlos Yee <CarlosYee@co.imperial.ca.us>
Sent: Tuesday, February 6, 2024 11:35 AM
To: Aimee Trujillo <aimeetrujillo@co.imperial.ca.us>; Derek Newland <DerekNewland@co.imperial.ca.us>
Subject: RE: CUP23-0030 Request for Comments

Good morning,

Our Department has no comments on this project.

Regards.

Carlos Yee | Permit Specialist
ICDPW - Engineering Division | 155 S. 11th Street. El Centro, CA 92243
Phone: (442)265-1818 x1838 | Fax: (442)265-1858 | Email: CarlosYee@co.imperial.ca.us

From: Aimee Trujillo <aimeetrujillo@co.imperial.ca.us>
Sent: Friday, January 19, 2024 4:11 PM
To: Antonio Venegas <AntonioVenegas@co.imperial.ca.us>; Jolene Dessert <JoleneDessert@co.imperial.ca.us>; Margo Sanchez <MargoSanchez@co.imperial.ca.us>; Ashley Jauregui <AshleyJauregui@co.imperial.ca.us>; Belen Leon-Lopez <BelenLeon@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Jesus Ramirez <JesusRamirez@co.imperial.ca.us>; Ryan Kelley <RyanKelley@co.imperial.ca.us>; Rosa Lopez <RosaLopez@co.imperial.ca.us>; Vanessa Ramirez <VanessaRamirez@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Alphonso Andrade <AlphonsoAndrade@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Mario Salinas <MarioSalinas@co.imperial.ca.us>; Salvador Flores <SalvadorFlores@co.imperial.ca.us>; Robert Malek <RobertMalek@co.imperial.ca.us>; David Lantzer <davidlantzer@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; Carlos Yee <CarlosYee@co.imperial.ca.us>; John Gay <JohnGay@co.imperial.ca.us>; Ryan Kelley <rkelly@icso.org>; rbenavidez@icso.org; Fred Miramontes <fmiramontes@icso.org>; Donald Vargas - IID <DVargas@IID.com>; marcuscuero@campo-nsn.gov; jmesa@campo-nsn.gov; historicpreservation@quechantribe.com; Quechan Indian Tribe <tribalsecretary@quechantribe.com>; Thomas.tortez@torresmartinez-nsn.gov; Joseph.mirelez@torresmartinez-nsn.gov