

PROJECT REPORT

TO: **PLANNING COMMISSION**

AGENDA DATE: June 26, 2024

FROM: **PLANNING/DEVELOPMENT SERVICES DEPT.**

AGENDA TIME 9:00 AM/ No.6

PROJECT TYPE: CalEnergy Time Extension (EXT) #23-0024
Conditional Use Permit (CUP) #05-0054 SUPERVISOR DIST #4

LOCATION: 6858 Crummer Road APN: 020-110-049-000

Calipatria, CA 92233 PARCEL SIZE: +/-78 Acres

GENERAL PLAN (existing) Agriculture GENERAL PLAN (proposed) N/A

ZONE (existing) A-3-G (Heavy Agriculture – Geothermal Overlay) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: 6/26/2024

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION:

HEARING DATE: N/A

I.S. NUMBER N/A

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
AG / APCD	<input checked="" type="checkbox"/>	NONE	<input 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
OTHER				

REQUESTED ACTION:

IT IS RECOMMENDED THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING AND HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT PLANNING COMMISSION APPROVE TIME EXTENSION #23-0024 FOR CUP #05-0054 BY TAKING THE FOLLOWING ACTIONS:

1. FIND THAT THE PROJECT IS CATEGORICALLY EXCEPT FROM CEQA UNDER GOVERNMENT CODE SECTION 15301 AND THAT NO FURTHER ENVIRONMENTAL DOCUMENTATION IS NECESSARY; AND,
2. FIND THAT TIME EXTENSION #23-0024 FOR CONDITIONAL USE PERMIT #05-0054 IS CONSISTENT WITH APPLICABLE ZONING AND BUILDING ORDINANCES; AND
3. APPROVE TIME EXTENSION #23-0024 FOR CONDITIONAL USE PERMIT #05-0054 FOR A NEW 15-YEAR TERM, SUBJECT TO THE EXISTING CONDITIONS.

Planning/Development Services Dept.
801 MAIN ST., EL CENTRO, CA, 92243 442-265-1736
(Jim Minnick, Director)

STAFF REPORT
PLANNING COMMISSION MEETING
June 26, 2024
Extension #23-0024 for Conditional Use Permit (CUP) #05-0054

Applicant: **CalEnergy Operating Corporation**
7030 Gentry Road, Calipatria, 92233

Project Location:

The project site is located at 6858 Crummer Road, Brawley, CA 92227, further identified as Assessor’s Parcel Number (APN) 020-110-049-000. The project site is legally described as PAR 1 PM 2281 of SE1/4 of SEC 5, Township 12 South, Range 13 East, S.B.M. in an unincorporated Area of the County of Imperial, State of California, (Attachment “A” Site Vicinity Map).

Project Summary:

The Imperial County Planning and Development Services (ICPDS) received a request for the re-entitlement of the previously approved Conditional Use Permit #05-0054 to continue with the existing geothermal facility operations. Said CUP was recorded on April 2, 2009, and was approved for a total of 15 years, expiring on April 2, 2024. The applicant intends to continue operation of the existing geothermal facility. No changes to the existing geothermal facility were proposed.

Land Use Analysis:

The project site is zoned “A-3-G” (Heavy Agriculture with Geothermal Overlay) per Imperial County Land Use Ordinance (Title 9). The project is consistent with the General Plan and with the Imperial County Land Use Ordinance since the geothermal facility is allowed with a CUP.

Surrounding Land Use Ordinance:

DIRECTION	CURRENT LAND	ZONING	GENERAL PLAN
Project Site	Geothermal Facility	A-3-G	Agriculture
North	Agriculture/ Geothermal	A-3-G	Agriculture
South	Agriculture/ Geothermal	A-3-G	Agriculture
East	Agriculture	A-3-G	Agriculture
West	Agriculture	A-3-G	Agriculture

Environmental Review:

Conditional Use Permit #05-0054 can be categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Class 1 – Existing Facility).

Staff Recommendation:

It is recommended that the Planning Commission conduct a public hearing and hear all the opponents and proponents of the proposed project. Staff would then recommend that Planning Commission approve Time Extension #23-0024 for CUP #05-0054 by taking the following actions:

1. Find that the project is exempt from CEQA under Government Code Section 15301, and that no further environmental documentation is necessary; and,
2. Find that Time Extension #23-0024 for Conditional Use Permit #5-0054 is consistent with applicable zoning, State laws, and County and building ordinances; and,
3. Approve Time Extension #23-0024 for Conditional Use Permit #5-0054, subject to the attached conditions.

Prepared By: Diana Robinson, Planning Division Manager
Planning & Development Services



Reviewed By: Michael Abraham, AICP, Assistant Director
Planning & Development Services



Approved By: Jim Minnick, Director
Planning & Development Services

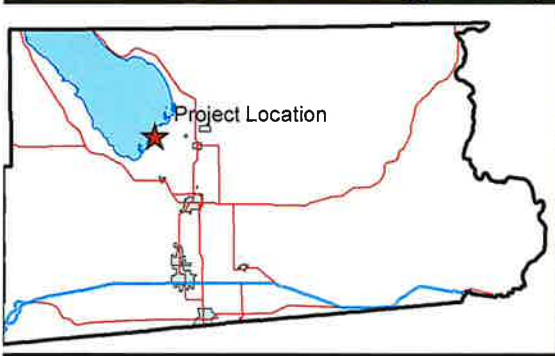


Attachments:




- A. Vicinity Map
- B. Site Plan
- C. Planning Commission Resolution
- D. EXT#23-0024 Request & Supporting Documents
- E. Conditional Use Permit #05-0054 Agreement

Attachment A.
Vicinity Map

PROJECT LOCATION MAP



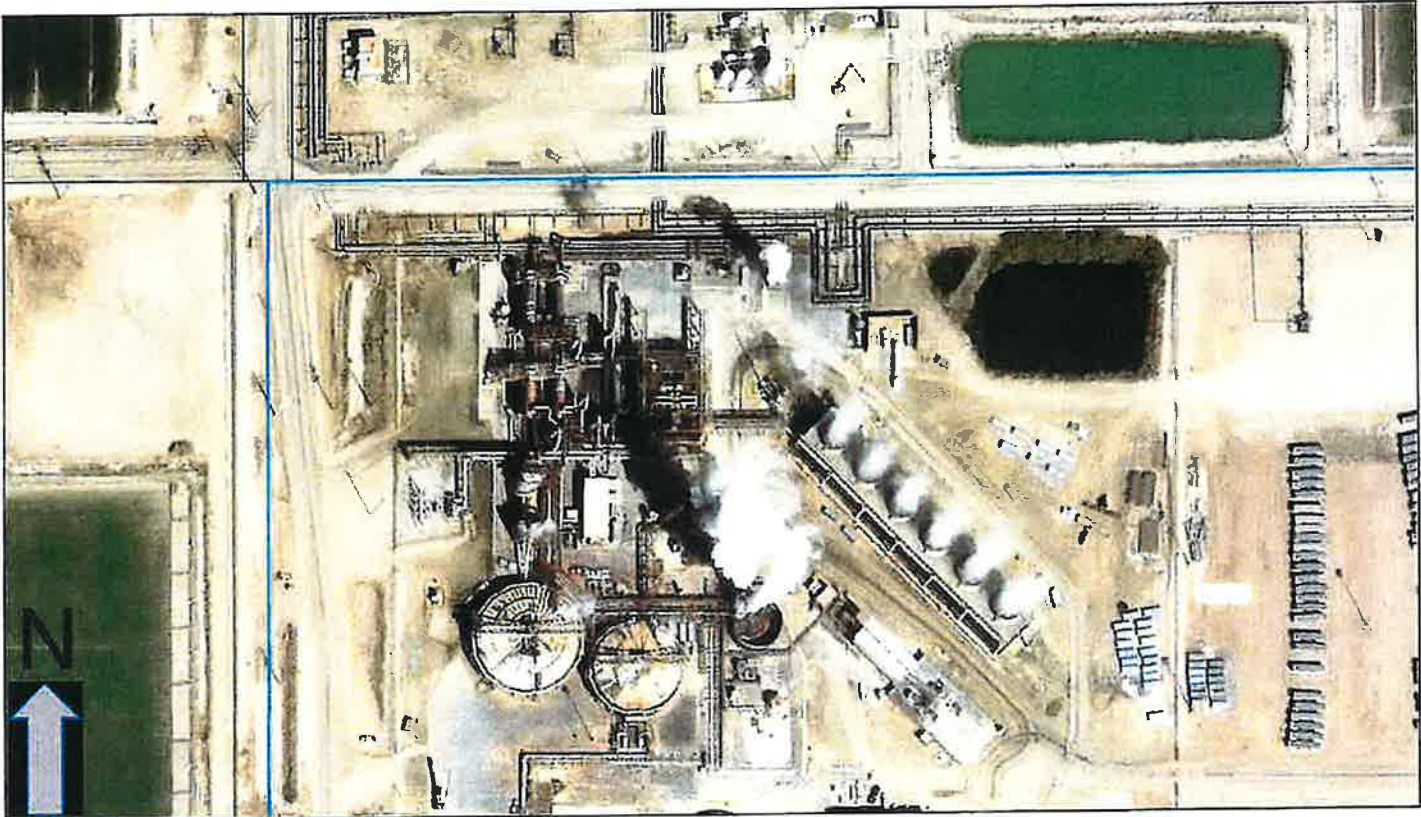
**CALENERGY OPERATING
CORPORATION
EXT #23-0024 FOR CUP #05-0054
APN 020-110-049-000**

-  Project Location
-  Centerline
-  Parcels




Attachment B.
Site Plan

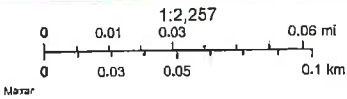
Salton Sea Unit 5 - CUP No. 05-0054



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 Land Use Zoning

 Assessor's Parcels



Attachment C.
Planning Commission Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING “EXTENSION #23-0024 FOR CONDITIONAL USE PERMIT #05-0054” FOR CALENERGY OPERATING CORPORATION

WHEREAS, CalEnergy Operating Corporation has submitted a time extension request (Extension #23-0024) for Conditional Use Permit #05-0054 for the renewal of land use entitlements of 15 years for an existing geothermal facility; and,

WHEREAS, the existing geothermal facility was previously approved under Conditional Use Permit #05-0054 and recorded on April 2, 2009; 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 approval, 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 June 26, 2024; and,

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

SECTION 1. The Planning Commission has considered the proposed Extension #23-0024 for Conditional Use Permit #05-0054 prior to approval. The Planning Commission finds and determines that the Conditional Use Permit is adequate and 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 law and the County of Imperial regulations, the following findings for approving Extension #23-0025 for Conditional Use Permit #05-0054 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 “Agriculture” and the existing geothermal facility has been in operation for a number of years. The request to renew the land use entitlement is consistent with a general condition of the Conditional Use

Permit, G-10 for Time Limit. The project is consistent with the General Plan's Renewable Energy and Transmission Element.

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 renew the land use entitlements for the existing geothermal facility and operations. The zoning for the property is designated A-3-G (Heavy Agriculture with Geothermal Overlay) and the existing use is allowed with a Conditional Use Permit, pursuant to Title 9 Division 5, Section 90509.02 nn).

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.

The existing geothermal facility is listed as a use subject to a Conditional Use Permit under Title 9, Land Use Ordinance, Division 5, Section 90509.02 nn).

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

The applicants have kept the Conditional Use Permit in compliance throughout the life of the 15-year term and have submitted reports, asked for permits and have done what was expected per the conditions listed. Other agencies have communicated good compliance with their permitting status. Project meets the minimum requirements of this Title. Continual compliance with the Conditions of Approval will ensure that the project is kept in compliance 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 existing geothermal facility has gone through the environmental analysis and is consistent with the land use designation and zoning. The applicant has shown compliance with requirements from local and state regulations and has complied with the conditions of approval which have the intent of protecting the environment and the public; therefore, it is not a project that is considered detrimental to the health, safety, and welfare of the public nor to the property.

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

The project will continue to be subject to the Conditional Use Permit's conditions of approval 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 an Extension (#23-0024) of Conditional Use Permit #05-0054 under Title 9, Land Use Ordinance, and is not granting a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Extension #23-0024 for Conditional Use Permit #05-0054, 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 June 26, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

Attachment D.
EXT#23-0024 for CUP#05-0054
Supporting Documents



December 13, 2023

Mr. Jim Minnick
Imperial County Development and Planning Services
801 Main Street
El Centro, California 92243

**Subject: Permit Extension Request – CalEnergy Conditional Use Permits
No. 05-0051, No. 05-0052, No. 9013A-94 & No. 05-0054**

Dear Mr. Minnick,

The purpose of this letter is to request individual fifteen-year (15) extensions of four Conditional Use Permits (CUP) issued for the construction and operation of geothermal power plants operated by CalEnergy Operating Corporation in Imperial County, California. These projects require re-entitlement fifteen-years after the last date of recordation. The geothermal power plants requiring fifteen-year extensions are: J.M. Leathers Power Plant CUP No. 05 -0052, Vulcan Power Plant CUP No. 05-0051, Salton Sea Unit 1 CUP No. 9013A-94 and Salton Sea Unit 5 CUP No. 05-0054. Condition G-10 of the permits states:

“Unless otherwise specified within the specific conditions, this permit shall be limited to a maximum of three (3) years from the recordation of the CUP. The CUP may be extended for successive three (3) year period(s) by the Planning and Development Services Department Director (Planning Director) upon a finding by the Department that the project is in compliance with all conditions of the CUP as stated herein and any applicable land Use regulation of the County of Imperial. Unless otherwise specified herein, no Conditional Use Permit(s) shall be extended for more than four (4) consecutive periods by the Planning and Development Services Department. If an extension is necessary, or is requested beyond fifteen (15) years, the Permittee shall file a written extension request at least sixty (60) days prior to the expiration of the Permit.”

The current version of the permits was recorded in April 2009. Having received a final three (3) year extension in 2021, CalEnergy is hereby submitting re-entitlement documentation for the aforementioned projects consisting of individual CUP compliance reports, CUP applications and applicable processing fees in the amount of \$1,200.00 per project. Should you have any questions or require additional information in support of this request, please do not hesitate to reach out to myself or Osvaldo Flores at (760) 348-4212, or by e-mail at Osvaldo.Flores@calenergy.com.

CALENERGY
OPERATING CORPORATION
7030 Gentry Road, Calipatria, California 92233
Phone: 760-348-4200 Fax: 760-348-2714

Sincerely,

Anoop

Sukumaran

Anoop Sukumaran

Director, IPP Environmental Services

Digitally signed by
Anoop Sukumaran
Date: 2023.12.13
14:46:02 -08'00'

Enclosure: Attachments

cc: Mark White
Miguel Lopez
Jose Aguirre
Osvaldo Flores
Environmental file

Salton Sea Unit 5 No. 05-0054 Compliance Report

Conditional Use Permit Review
#05-0054 – Unit 5

GENERAL CONDITIONS

G-1 General Law:

The Permittee shall comply with 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.

The facility is in compliance with this condition.

G-2 Permits/Licenses:

The permittee shall obtain any and all local, state and/or federal permits, licenses and/or other approvals for the construction and/or operation of the project. This shall include but not be limited to, local requirements for Health, Building, Sanitation, ICAPCD, Public Works, Imperial County Sheriff, Fire/Office of Emergency Services, Regional Water Quality Control Board, California Division of Oil, Gas and Geothermal Resources (CDOGGR), among others. Permittee shall likewise comply with all such requirements and shall submit a copy of such additional permit and/or licenses to the Planning and Development Services Department within 30 days of receipt, as deemed necessary.

Permits have been submitted when requested. This facility maintains the following permits/agreements:

APCD Permit to Operate Number 2000H

ICPHD: Domestic Water Supply Permit No. 1300637

RWQCB Regional Board Order Number R7-2021-0008.

G-3 Recordation:

The 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, this permit shall be deemed null and void. The Planning and Development Services Department will submit the executed CUP to the Imperial County Recorder's office for recordation purposes.

The permit was recorded on 4/2/2009 by the Imperial County Recorder.

G-4 Condition Priority:

The project shall be constructed and operated as described in the Conditional Use Permit application, and as specified in these conditions.

The permittee acknowledges this condition. CalEnergy operated project as described in this permit.

Conditional Use Permit Review
#05-0054 – Unit 5

G-5 Indemnification:

As a condition of this permit, Permittee agrees to defend, indemnify, hold harmless, and release the County, its agents, offices, 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 there is concurrent, passive, or active negligence on the part of the County, its agents, officers, attorneys, or employees. This indemnification shall include Permittee's actions involved in construction, operation or abandonment of the permitted activities.

The permittee acknowledges this condition.

G-6 Insurance:

The Permittee shall secure and maintain liability in tort and proper damage insurance at a minimum of \$1,000,000 or proof of financial responsibility to protect persons or property from injury or damage caused in any way by construction and/or operation of the permitted facilities. The Permittee shall require that proper Workers Compensation insurance cover all laborers working on such facilities, e.g. during construction and maintenance as required by the State of California. The Permittee shall also secure liability insurance and such other insurances as may be required by the State and/or Federal Law. Evidence of such insurances shall be provided to the County prior to commencement of any activities authorized by this permit, e.g. a Certificate of Insurances 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 permitted project. Certificate(s) of insurance shall be sent directly to the Planning and Development Services Department by the insurance carrier and shall name the Department as a receipt of both renewal and cancellation notices.

The facility is in compliance with this condition

G-7 Inspection and Right of Entry:

The county reserves the right to enter the premises to make appropriate inspection(s) and to determine if the condition(s) of this permit are complied with. The owner or operator shall allow authorized County representative(s) access upon the presentation of credentials and other documents as may be required by law to:

Conditional Use Permit Review
#05-0054 – Unit 5

- (a) Enter at reasonable times upon the owner's or operator's premises where the permitted facilities are located, or where records must be kept under the conditions of the permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (c) Inspect at reasonable times any facilities, equipment, or operations regulated or required under the permit.

The permittee acknowledges this condition.

G-8 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.

The permittee acknowledges this condition.

G-9 Provisions to run with the Land/Project:

The provision 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, transfer, or grant control of project or any right or privilege therein. The Permittee shall provide a minimum of sixty (60) days written notice prior to such proposed transfer becoming effective.

The permittee acknowledges this condition.

G-10 Time Limit:

Unless otherwise specified within the specific conditions, this permit shall be limited to a maximum of three (3) years from the recordation of the CUP. The CUP may be extended for successive three (3) year period(s) by the Planning Director upon a finding by the Planning and Development Services Department that the project is in compliance with all conditions of the CUP as stated herein and any applicable Land Use regulation of the County of Imperial. Unless otherwise specified herein, no Conditional Use Permit(s) shall be extended for more than four (4) consecutive periods by the Planning and Development Services Department. If an extension is necessary, or is requested beyond fifteen (15) years, the Permittee shall file a written extension request at least sixty (60) days prior to the expiration of the Permit. Such an extension request shall include the appropriate extension fee, pursuant to the Land Use Ordinance, Title 9,

Conditional Use Permit Review
#05-0054 – Unit 5

Division 9, Section 90901.03 et. seq., General Planning fees. If the original approval was granted by the Planning Commission and/or the Board of Supervisors, such an extension shall only be considered by the approving body, after a noticed public hearing. Nothing stated or implied within this permit shall constitute a guarantee that an extension will be granted. An extension may 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 permit conditions.

The permittee acknowledges this condition. Conditional Use Permit for this project is set to expire on April 2, 2024. A new request for 15-Year re-entitlement is being submitted subject to the review and approval of Imperial County Planning Commission.

G-11 Cost:

The Permittee shall pay any and all amounts determined by the County Planning and Development Services Department to defray any and all cost(s) for the review of geothermal studies/reports, field investigations, subsidence/seismicity monitoring, provisions for geothermal waste services, and other activities directly related to the enforcement/monitoring for compliance of this Conditional Use Permit, County Ordinance, or any other applicable law as provided in the Land Use Ordinance, Section 90901.03 et. seq, General Planning fees. All County Departments, directly involved in the monitoring/enforcement of this project may bill Permittee under this provision, however, said billing shall only be through and with the approval of the Planning and Development Services Department.

The permittee acknowledges this condition.

G-12 Reports/Information:

If requested by the Planning Director, Permittee shall provide any such documentation/report as necessary to ascertain compliance with the Conditional Use Permit. The format, content and supporting documentation shall be required by the Director.

The permittee acknowledges this condition. This report is provided to the Planning Department pursuant to this condition.

G-13 Definitions:

In the event of a dispute the meaning(s) or the intent of any word(s), phrase(s) and/or conditions or sections herein shall be determined by the Imperial Planning Commission. Their determination shall be final unless an appeal is made to the County Board of Supervisors within the required time, i.e. ten (10) calendar days, pursuant to the Land Use Ordinance, Title 9, Division 1, Chapter 4, Section 90104.05, Appeal from Decision.

Conditional Use Permit Review
#05-0054 – Unit 5

The permittee acknowledges this condition.

G-14 Minor Amendments:

The Planning Director may approve minor changes or modification(s) to the permit to accommodate minor changes or modifications to the design, construction, and/or operation of the project provided said changes are necessary for the project to meet other laws, regulations, codes, or conditions of the CUP and provided further, that such changes will not result in any additional environmental impacts.

The permittee acknowledges this condition. CalEnergy in coordination with the Imperial County Planning and Development Services received Notices of Exemption (NOE) for pilot lithium extraction projects sited in this parcel of land described as APN 020-110-049-001 per CUP No. 05-0054.

- 1. CalEnergy, Region 1 – 2020 Lithium Pilot Test, Categorical Exemption Section 153006, filed on January 24, 2020.*
- 2. BHER Minerals, LLC., CalEnergy Region 1 Lithium Hydroxide Pilot Test, Categorical Exemption Section 15306, filed on September 3, 2021.*

In addition, notifications were sent to the ICPDS in 2019 about the construction of three clarification vessels, two of which are currently under construction.

G-15 Specificity:

The issuance of this permit does not authorize the Permittee to construct or operate the 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 modifications to this project.

The permittee acknowledges this condition. See previous response for Condition, G-14, Minor Amendments. The projects sited at Unit 5 were reviewed as required by the California Environmental Quality Act (CEQA). Review of the projects culminated with the issuance of two categorical NOEs on January 24, 2020, and September 3, 2021, respectively.

G-16 Non-Compliance (Enforcement & Termination):

Should Permittee violate any condition herein, County shall give notice of violation. If Permittee does not act to correct the identified violation and, after having given reasonable notice and opportunity, e.g. typically, at least thirty (30) days, the County may revoke the permit.

Conditional Use Permit Review
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(a) If the Planning Commission finds and determines that the Permittee or successor-in-interest has not complied with the terms and conditions of the CUP, or cannot comply with the terms and conditions of the CUP, or the Planning Commission determines that the permitted activities constitute a public nuisance, the Planning Director shall provide Permittee with notice and a reasonable opportunity to comply with the enforcement or abatement order.

(b) If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the CUP, then the matter shall be referred to the Planning Commission for permit modification suspension, or termination, or to the appropriate prosecuting authority.

The permittee acknowledges this condition.

G-17 General Welfare:

All construction, drilling testing, and operation shall be conducted with consistency with all laws, conditions, adopted by County policies, plans and the application so that the project will be in harmony with the area and not conflict with the public health, safety, comfort, convenience, and general welfare.

The facility is in compliance with this condition.

G-18 Permits and Other Agencies Incorporated:

Permits granted by other governmental agencies in conjunction with the project are incorporated herein by reference. The County reserves the right to apply conditions to those permits, as the County deems appropriate, provided that enforcement of a permit granted by another agency shall require concurrence by that agency.

The permittee acknowledges this condition.

G-19 Health Hazard:

If the County Health Officer determines that a significant health hazard exists to the public, the 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 permitted activities, the measures imposed by the County Health Officer shall not prohibit the Permittee from requesting a special Planning Commission meeting, provide the Permittee bears all related costs.

The permittee acknowledges this condition.

Conditional Use Permit Review
#05-0054 – Unit 5

G-20 Approvals and conditions Subsequent to Granting Permit:

Permittee acceptance of this permit shall be deemed to constitute agreement with the terms and conditions contained herein. Where a requirement is imposed in this permit that Permittee conduct a monitoring program, and where the County has reserved the right to impose or modify conditions with which the Permittee must comply based on data obtained therefrom; or where Permittee is required to prepare specific plans for County approval and disagreement arises, the Permittee, operator and/or agent, the Planning Director or other affected party, to be determined by the Planning Director, may request that a hearing be conducted before the Planning Commission whereby they may state the requirements which will implement the applicable conditions as intended herein. Upon receipt of a request, the Planning Commission shall conduct a hearing and make a written determination. The Planning Commission may request support and advice from a technical advisory committee. Failure to take any action shall constitute endorsement of staff's determination.

The permittee acknowledges this condition.

G-21 Compliance with County Standards:

The planning, drilling, and production standards set forth in the County's Geothermal/Alternative Energy and Transmission Element shall be complied with, except as may be modified by more specific or restrictive conditions of this permit.

The permittee acknowledges this condition.

G-22 Operations:

All operations shall be conducted under the direction of a responsible agent. The name and telephone number of this individual shall be provided to the Imperial County Public Works Department and the Planning and Development Services Department. This agent shall ensure that appropriate personnel and equipment shall be available to respond to on-site emergencies.

The permittee acknowledges this condition. Mark Gran, Manager Real Estate Assets/Community Relations, phone (760) 351-3052, has been designated as the agent.

SPECIFIC CONDITIONS

S-1 Authorized Scope of Activities:

The Permittee has constructed and is operating the following facilities in compliance with the County's General Plan, Geothermal/Alternative Energy and Transmission Element,

Conditional Use Permit Review
#05-0054 – Unit 5

Land Use Ordinance, the former CUP #G98-0001 with all previous conditions and, previous minor amendments, incorporated herein by reference, and all other applicable local, state and federal laws, ordinances, regulations and standards:

- (a) The B.G. Energy, LLC, Salton Sea Plant Unit #5 geothermal power plant consists of a multiple flash facility with cooling towers, turbines, generators, pipes, brine processing equipment, brine and transmission lines, pumps, storage facilities, ponds, tanks and other such equipment structure as are connected to and essential to the plant and related ancillary equipment.
- (b) A control room, office, maintenance shop and other facilities are located at the power plant site.

The permittee acknowledges this condition. Please see Conditions G-14 and G-15 for information on future plant process additions.

S-2 Air Quality and Dust Emissions:

The Permittee shall comply with the Imperial County Air Pollution Control District's (ICAPCD) air-monitoring criteria for PM-10 to control dust or other emissions by implementing the APCD Fugitive Dust Control conditions (Rule 800). Fugitive dust emissions shall be controlled by watering, clean gravel, or application of soil stabilizers or oil to the project area.

Plant design shall include a system of H₂S control acceptable to APCD and shall insure compliance with county/state air standards. Hydrogen sulfide, other non-condensable emissions, and all harmful and noxious odors, shall be controlled to insure that quantities released as a result of the plant's operation do not exceed county/state standards.

The facility is in compliance with this condition as evidenced by APCD Permit to Operate Number 2000H.

S-3 Archaeological, Cultural & Paleontological Resources:

The Permittee shall monitor the construction of any plant facilities and if any unusual specimens of bone, stone, or ceramic are discovered during construction of the permitted facilities, all construction affecting the discovery site shall cease until a qualified archaeologist, retained by the Permittee and approved by the County reviews the specimens. The recommendations of the archaeologist shall be complied with prior to resuming construction.

The facility is in compliance with this condition. To the best of my knowledge, no archaeological artifacts have been found on the project site during the initial construction or since.

Conditional Use Permit Review
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S-4 Brine Chemistry:

Permittee shall conduct brine chemistry tests which shall include but not be limited to analysis for hydrogen sulfide, mercury, arsenic, fluoride, boron, ammonia, strontium, iron, zinc, barium, lithium, lead, copper, chromium, and radon-222. The results of such tests shall be provided to the County upon request. To the extent information contained in test results are proprietary, such information shall not be released to the public.

Brine chemistry analyses are conducted on a routine basis.

S-5 Construction Standards:

Any plant facilities shall be built in accordance with the County Building Code requirement applicable to “Seismic Zone D”. All structures and facilities shall be designed in accordance with the publication entitled “Recommended Lateral Force Requirements and Commentary by the Structural Engineers Association of California”. The structural components of the permitted facilities shall be reviewed by the Building Official/Planning Director. Building permits shall be procured for the plant from the County prior to commencement of any construction.

Flood protection improvements for the plant area shall meet Federal Emergency Management Agency design specifications and shall be submitted for approval to the Planning and Development Services Department and shall be constructed and maintained by Permittee as approved.

The permittee acknowledges this condition.

S-6 Drift:

Permittee shall maintain the cooling towers’ Drift Eliminators (demisters) in good working order at all times to perform in accordance with the manufacturer specifications in regard to drift loss in accordance with the “Permit to Operate” from the Imperial County Air Pollution Control District.

The permittee acknowledges this condition.

S-7 Electrical Transmission:

The power produced and sold will pass from the plant onto the existing 92kV line to the new 92kV switchyard in the vicinity of the East Highline Canal and Simpson Road, through the existing 230-kV transmission line to the grid system.

The permittee acknowledges this condition.

S-8 Emergency Response Plan:

The existing Emergency Response Plan shall be maintained for covering possible emergencies, e.g. blow outs, major fluid spills, impacts due to earthquakes, and other foreseeable accidents and emergencies. The plans shall be revised with consultation with the County, CDOGGR, RWQCB, local emergency service agencies, public utilities, and other state agencies as appropriate and shall include information useful in combating the emergencies. The plan shall be available on site and provided to agencies responsible for preparing and addressing emergencies, on request. At all times, there shall be at least one employee “on call”, i.e., available to respond to an emergency by reaching the facility within a short period of time, with the responsibility of coordinating all emergency response measures. The Emergency Coordinator shall be thoroughly familiar with all aspects of the Emergency Response Plan and have the authority to commit the resources needed to carry out the contingency plan. Adequate personnel and equipment shall be available to respond to emergencies and to ensure compliance with the conditions of the permit, to include appropriate first aid provision with appropriate first aid training for project employees. The existing Hazardous Materials Business Plan shall be amended and be submitted to the Certified Unified Program Agency, Imperial Hazardous Materials/Waste Unit, El Centro, California, and shall be maintained by the Permittee and any applicable amendments provided as deemed necessary for this project.

The permittee acknowledges this condition.

S-9 Geotechnical:

Geotechnical investigations of soil characteristics affecting the plant facilities, shall be conducted by qualified people at the Permittee’s expense. The report therefrom shall be made available to the County on request.

The permittee acknowledges this condition.

S-10 Geologic Hazards:

No structure meant to be, or which actually is, regularly, habitually, or primarily occupied by humans shall be placed across the trace of an active fault. Further, no such structure shall be placed within fifty feet (50’) of the trace of an active fault, or anywhere within a seismic special studies zone, unless a geologic report, satisfactory to the State Geologist, is prepared and shows that no undue hazard would be created by construction or placement of the structure.

The permittee acknowledges this condition.

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S-11 Noise:

The power plant shall be equipped with an in-line muffler system near the first stage flash vessel for the times that steam must be vented instead of directed to the turbines. * Noise control measures shall include, but are not limited to, the following:

- (a) Between October 1 and March 1, all project activities within 1,000 feet of the Alamo River or refuge areas shall conform to the Open Space curve of the Class II noise standards. No well drilling or testing shall take place within this area from October 1 to March 1.
- (a) Diesel equipment used for drilling within 1,000 feet of any residence shall have hospital-type mufflers. Well venting and testing at these wells shall be accompanied by the use of an effective muffling device or “silencer”.
- (b) Noise from non-condensable gas vent stack shall be mitigated with a commercial blowoff silencer. The turbine/generator and the condenser/air ejector shall be enclosed or shielded to reduce noise. Any hydroblaster used in de-scaling operations shall be enclosed in a building or a complete noise-attenuating housing.
- (c) Heavy truck traffic, well site preparation, and pipe stacking shall be limited to the hours between 7:00 a.m. and 7:00 p.m. for any wells within 1,000 feet of any residence. When a well drilling rig and other large equipment is being brought to or from the site, temporary signs warning tourists, and flagmen, as necessary, shall be used.
- (d) Hydroblasters used in descaling operation when used within 1,000 feet of a residence shall be limited to the hours between 7:00 a.m. and 7:00 p.m.
- (e) The Permittee may propose and the Planning Director may approve modifications of the above measures.

The permittee acknowledges this condition.

S-12 Project Design.

The following shall be followed in project design:

- (a) All expansion loops in fluid lines shall be horizontal except where requested in writing by the owners of surface rights within five hundred (500') of a new or proposed expansion loop, or where design constraints require otherwise.
- (b) Marking and lighting of drill rigs and permanent facilities shall be maintained in accordance with Federal Aviation Administration regulations.

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- (c) On site parking shall be provided for all employees, customers, clients and visitors. All facility roads and parking areas shall be constructed and surfaced to County standards.
- (d) Shrubs, trees and ground cover shall be planted and maintained to compliment the appearance of the project, in accordance with a landscaping plan approve by the Planning Director, as deemed necessary.
- (e) Permittee shall submit any requested architectural and landscaping plans for the expansion facilities to the Planning Director and the Director shall not unreasonably withhold approval of said plans.
- (f) All lights shall be directed or shield to confine any direct rays to the site, and shall be muted to the maximum extent consistent with safety and operational necessity.
- (g) The location of power pole lines adjacent to County roads shall be reviewed and approved by the Public Works Department prior to construction/installation of the power poles.
- (h) The Planning Director may authorize, as requested in writing by Permittee, minor relocation of the plant site, and its internal components, well sites, pipelines, and other minor adjustments to ensure that the final expansion and related facilities comply with the conditions of this permit and those required by other governmental agencies.

The permittee acknowledges this condition.

S-13 Protection of Wildlife:

Measures approved by the Planning Director, shall be employed to discourage or prevent wildlife and avian entry into brine ponds. Well cellars shall be designed to prevent wildlife entry and entrapment. Any required pipelines for the plant shall be constructed so as not to become a barrier to wildlife movement.

The facility is in compliance with this condition. The brine ponds have not been found to attract wildlife. Well cellars are enclosed by chain link fencing. Grating overlays subgrade section of the cellars.

S-14 Reporting:

The Permittee shall furnish to the County, within a reasonable time, any relevant reports/information which the County requires for monitoring purposes to determine whether cause exists for revoking this permit, or to determine compliance with this permit, i.e. relevant reports are those defined within this permit and/or requested by the County. The Permittee shall submit all required reports to the Planning Director, Imperial

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County Planning and Development Services Department, 801 Main Street, El Centro, CA 92243.

The permittee acknowledges this condition.

S-15 Subsidence:

Permittee shall participate in the County's subsidence detection program and, in connection therewith, submit a plan for Department of Public Works (ICDWP) approval, showing proposed locations of benchmarks. Monuments shall connect with the County's geothermal subsidence detection network. Benchmarks installed shall conform to County standards. Surveying shall be performed to Nation Geodetic Survey (NGS) standard and all field surveying shall conform to such standards.

Permittee shall perform surveying on an annual basis as required by the Director of Public Works, except the Director may require such surveying at shorter intervals if he deems necessary. All work shall (be) performed under the supervision of a person licensed to practice surveying in California.

All field surveying data (such as forms and instruments check), along with an adjustment of said data and analysis, all in conformity with the National Geodetic Survey standards, shall be submitted for review an approval of Department of Public Works within two months of completion of field work.

If the Department of Public Works determines good reason exists to require additional surveying and analysis of additional subsurface data, the County reserves the right to require such work to be accomplished at the expense of the Permittee. The County further reserves the right, with Permittee's input, to designate the consultant or firm to accomplish the work. Proprietary information shall not be released to the public.

The facility is in compliance with this condition.

S-16 Induced Seismicity.

Permittee shall participate in the County's seismic monitoring program and, in connection therewith, submit a plan for Public Works Department approval, and shall implement the plan as approved. If evidence of detrimental seismicity induced by project operation is indicated, changes in operations, including possible cessation of operations may be ordered by the Department of Public Works after consultation with the California Department of Oil, Gas and Geothermal Resources, and Permittee.

The facility is in compliance with this condition.

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S-17 System Shut Down and Site Abandonment:

The Permittee shall prepare and implement a plan for when the operation of the permitted facilities herein authorized has ceased, that all facilities shall be dismantled, and the land involved by made compatible with the surrounding uses, or as requested by the landowner and as agreed to by the County Planning Director. A Bond, or other acceptable surety, or other forms of security acceptable to Imperial County, in the amount of \$500,000, in addition to any amount set by the California Division of Oil, Gas and Geothermal Resources, shall be filed with the County that guarantees restoration of the land to its condition prior to the development. Upon completion of such site restoration, the Bond or other surety shall be released by the County.

The facility is still in operation and a bond is in place.

S-18 Reinjection:

The plant shall inject fluids equivalent to 75% of produced fluids by weight on an annual basis back into the reservoir subject to the requirements of CDOGGR. If the CDOGGR does not approve this injection rate and orders another, Permittee shall modify this according to Section 12(h).

If the County Director of Public Works, or the CDOGGR, detects subsidence, or detrimental seismicity, loss of reservoir pressure, or other detriments attributable to the plant, corrective measures may be ordered by the County. Permittee, in cooperation with the CDOGGR and the Department of Public Works for approval, and shall be executed as approved. Corrective measures may include, but are not limited to, an increased injection rate, deeper injection wells, re-leveling of affected areas, or reduction or total cessation of geothermal activities.

The facility is in compliance with this condition.

S-19 Spills and Runoff:

The plant shall be designed and constructed to prevent spills from endangering adjacent properties and waterways, and to prevent runoff from any source being channeled or directed in an unnatural way so as to cause erosion, siltation, or other detriments. A system of pressure and flow sensing devices and regular inspection of all lines, capable of detecting leaks and spills, shall be instituted and maintained. Blowout prevention equipment shall be used in accordance with the requirements of CDOGGR. The site shall be graded and constructed so that all spills will drain into the brine pond with a plan for diverting birds, in the case of an emergency, shall be prepared in coordination with the U.S. Fish and Wildlife Service.

The facility is in compliance with this condition. The brine ponds have not been found to attract wildlife.

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S-20 Maintenance of Water Quality:

A water quality monitoring program, acceptable to the Regional Water Quality Control Board (RWQCB) shall be instituted and maintained. If injection fluids intrude into shallow groundwaters, a modification of the injection program may be ordered by the County in consultation with RWQCB, CDOGGR and the Permittee. Any additional sumps and holding ponds shall be constructed and maintained so the permeability does not exceed 1×10^{-6} cm/sec. A surface water monitoring program acceptable to the RWQCB and the County shall be prepared and conducted by the Permittee. The quality of discharge from blowdown shall meet the permitted standards of the RWQCB.

The facility is in compliance with this condition.

S-21 Traffic Safety:

The Permittee shall obtain all encroachment permits and consider traffic safety in transporting equipment and materials to the permitted facilities to include temporary signs warning motorists on adjacent roadways and flagmen shall be used when equipment is being brought to and from the Project site.

(a) The Permittee shall coordinate the movement of any required oversize loads on County roads with the DPW, on State Highways with CALTRANS as well as the El Centro CHP office and such transportation of oversized equipment should be minimized as much as possible.

(b) The Permittee shall be required to obtain any necessary rights-of-way on property under lease and control of the Permittee and to provide any necessary road work as deemed necessary by the DPW.

(c) The Permittee shall coordinate with DPW for their requested dedication of rights-of-way needed for Lindsey Road.

(d) The Permittee shall file for an encroachment permit for any work or proposed work in the affected County road rights-of-way. The permit may require County Standard 410B paved Commercial Driveway to County Road connection to reduce tracking onto County roads.

Other measures, including a “stabilized construction entrance” prior to paving to reduce mud tracking, including storm water pollution prevention may be required. Should any additional improvements not covered by the encroachment permit No. 7340-94 be proposed, a modification to said permit will be required.

(e) The Permittee shall coordinate the maintenance of any unpaved roads used for construction activities and obtain approvals from the County Department of Public Works.

Conditional Use Permit Review
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(f) A transportation permit shall be required for heavy equipment and/or large vehicles which impose greater than legal loads on riding surface, including bridges.

The facility is in compliance with this condition.

S-22 Water Course Crossings:

The Permittee shall provide one or more of the following techniques to decrease the potential for spills on or near Imperial Irrigation District water courses, e.g. surface water canals and/or drains as follows:

(a) Pipes shall be constructed of industrial standard designation of “extra heavy” with all thickness at least 50% greater than used for other sections of pipe.

(b) An automatic injection pump shut-off and check valve system to immediately stop fluid flow shall be installed.

(c) Design of facilities shall protect surface and groundwater, e.g. handling of on-site drainage shall not adversely affect adjacent properties.

(d) Other spill preventing measures approved by the County shall be implemented.

The permittee acknowledges this condition.

S-23 Water Supply:

Steam condensate will be used as make-up water for the cooling tower and there will be temporary demands for water from the IID for augmenting the cooling tower system during the summer months.

The facility is in compliance with this condition.

S-24 Waste Disposal:

The Permittee shall insure that any discharged wastes, liquid or solid, shall be disposed of in compliance with all appropriate local, state, and federal regulations, in effect or subsequently duly-enacted, i.e. discharge of wastes into surface water shall meet all requirements of the Regional Water Quality Control Board, e.g. National Pollution Discharge Elimination System permit restrictions, and solid wastes shall be disposed of in an approved solid waste disposal site in accordance with County regulations. Nothing herein is intended to keep substances from being extracted from wastes for useful purposes as later applied for and approved.

The permittee acknowledges this condition

Conditional Use Permit Review
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S-25 Wildlife:

Permittee shall continue to implement mitigation measures regarding construction standards, drainage and erosion, canal/drain crossing, and noise abatement. Additionally, Permittee shall continue to participate in a joint monitoring program with the Salton Sea National Wildlife Refuge personnel on project-related impacts to wildlife. Well cellars shall be designed to prevent wildlife entry and entrapment and pipelines shall be constructed so as not to become a barrier to wildlife movement.

The facility is in compliance with this condition. The brine ponds have not been found to attract wildlife. The perimeter of the well cellars is enclosed with chain-link fence and the well cellar cavity is covered with grating.

S-26 Odors:

All harmful or noxious emissions and odors shall be controlled to ensure that quantities of air contaminants released as a result of facility operations do not exceed State standards, or constitute a public nuisance.

The facility is in compliance with this condition. The facility controls odors through abatement and dispersion as specified in APCD permit 2000H.

S-27 Participation in Geothermal Committee:

Permittee shall participate in the “Geothermal Industrial Committee” formed by the County of Imperial.

The permittee acknowledges this condition. We will respond to any requests to participate in committee meetings.

S-28 Acceptance:

Acceptance of this permit shall be deemed to constitute agreement by Permittee with the terms and conditions herein contained.

The permittee acknowledges this condition.

Attachment E.
Conditional Use Permit
CUP#05-0054

Dolores Provencio
County Clerk / Recorder

IMP County of Imperial

RECORDING REQUESTED BY AND

Please return to:

Imperial County Planning & Dev. Services Dept.
801 Main Street
El Centro, California 92243

Doc#: 2006-020017



Titles: 1 Pages: 18

Fees	57.00
Taxes	0.00
Other	0.00
PAID	57.00

**AGREEMENT FOR
CONDITIONAL USE PERMIT #05-0054
B. G. ENERGY, LLC/SALTON SEA PLANT UNIT #5**

This Agreement is made and entered into on this 8th day of March 2006, by and between B. G. Energy, LLC, 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 east of Crummer Road, northwest of the City of Calipatria, California, described as the southeast ¼ of Section 5, APN 020-110-049-001, 78 acres Township 11 South, Range 13 East, SBB&M; and,

WHEREAS, Permittee has applied to the County of Imperial for a Conditional Use Permit #05-0054 ("Project") for the above expansion project which supercedes the previous CUP #98-0001;

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 hereby advised that the General Conditions are as applicable as the Site Specific conditions.

G-1 GENERAL LAW:

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

1 **G-2 PERMITS/LICENSES:**

2 The Permittee shall obtain any and all local, state and/or federal permits, licenses,
3 and/or other approvals for the construction and/or operation of the Project. This
4 shall include, but not be limited to, local requirements for Health, Building,
5 Sanitation, ICAPCD, Public Works, Imperial County Sheriff, Fire/Office of
6 Emergency Services, Regional Water Quality Control Board, California Division of
7 Oil, Gas and Geothermal Resources (CDOGGR), among others. Permittee shall
likewise comply with all such permit requirements and shall submit a copy of such
additional permit and/or licenses to the Planning and Development Services
Department within 30 days of receipt, as deemed necessary.

8 **G-3 RECORDATION:**

9 This permit shall not be effective until it is recorded at the Imperial County
10 Recorders Office and payment of the recordation fee shall be the responsibility of
11 the Permittee. If the Permittee fails to pay the recordation fee within six (6) months
12 from the date of approval, this permit shall be deemed null and void. The Planning
and Development Services Department will submit the executed CUP to the
Imperial County Recorder's office for recordation purposes.

13 **G-4 CONDITION PRIORITY:**

14 The Project shall be constructed and operated as described in the Conditional Use
15 Permit application, and as specified in these conditions.

16 **G-5 INDEMNIFICATION:**

17 As a condition of this permit, Permittee agrees to defend, indemnify, hold harmless,
18 and release the County, its agents, officers, attorneys, and employees from any
19 claim, action, or proceeding brought against any of them, the purpose of which is to
20 attack, set aside, void, or annul the permit or adoption of the environmental
21 document which accompanies it. This indemnification obligation shall include, but
22 not be limited to, damages, costs, expenses, attorneys fees, or expert witness fees
23 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 there is concurrent,
passive or active negligence on the part of the County, its agents, officers,
attorneys, or employees. This indemnification shall include Permittee's actions
involved in construction, operation or abandonment of the permitted activities.

24 **G-6 INSURANCE:**

25 The Permittee shall secure and maintain liability in tort and property damage,
26 insurance at a minimum of \$1,000,000 or proof of financial responsibility to protect
27 persons or property from injury or damage caused in any way by construction
28 and/or operation of the permitted facilities. The Permittee shall require that proper
Workers' Compensation insurance cover all laborers working on such facilities, e.g.
during construction and maintenance, as required by the State of California. The
Permittee shall also secure liability insurance and such other insurance as may be

1 required by the State and/or Federal Law. Evidence of such insurance shall be
2 provided to the County prior to commencement of any activities authorized by this
3 permit, e.g. a Certificate of Insurance is to be provided to the Planning and
4 Development Services Department by the insurance carrier and said insurance and
5 certificate shall be kept current for the life of the permitted project. Certificate(s) of
6 insurance shall be sent directly to the Planning and Development Services
7 Department by the insurance carrier and shall name the Department as a recipient
8 of both renewal and cancellation notices.

6 **G-7 INSPECTION AND RIGHT OF ENTRY:**

7 The County reserves the right to enter the premises to make appropriate
8 inspection(s) and to determine if the condition(s) of this permit are complied with.
9 The owner or operator shall allow authorized County representative(s) access upon
10 the presentation of credentials and other documents as may be required by law to:

11 (a) Enter at reasonable times upon the owner's or operator's premises
12 where the permitted facilities are is located, or where records must be kept under
13 the conditions of the permit;

14 (b) Have access to and copy, at reasonable times, any records that must
15 be kept under the conditions of the permit;

16 (c) Inspect at reasonable times any facilities, equipment, or operations
17 regulated or required under the permit, and,

16 **G-8 SEVERABILITY:**

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

19 **G-9 PROVISION TO RUN WITH THE LAND/PROJECT:**

20 The provisions of this project are to run with the land/project and shall bind the
21 current and future owner(s), successor(s)-in-interest, assignee(s) and/or
22 transferee(s) of said project. Permittee shall not without prior notification to the
23 Planning and Development Services Department assign, sell, transfer, or grant
24 control of project or any right or privilege therein. The Permittee shall provide a
25 minimum of sixty (60) days written notice prior to such proposed transfer becoming
26 effective.

25 **G-10 TIME LIMIT:**

26 Unless otherwise specified within the specific conditions, this permit shall be limited
27 to a maximum of three (3) years from the recordation of the CUP. The CUP may be
28 extended for successive three (3) year period(s) by the Planning Director upon a
finding by the Planning and Development Services Department that the project is in
compliance with all conditions of the CUP as stated herein and any applicable Land

1 Use regulation of the County of Imperial. Unless otherwise specified herein, no
2 Conditional Use Permit(s) shall be extended for more than four (4) consecutive
3 periods by the Planning and Development Services Department. If an extension is
4 necessary, or is requested beyond fifteen (15) years, the Permittee shall file a
5 written extension request at least sixty (60) days prior to the expiration of the
6 Permit. Such an extension request shall include the appropriate extension fee,
7 pursuant to the Land Use Ordinance, Title 9, Division 9, Section 90901.03 et. seq.,
8 General Planning fees. If the original approval was granted by the Planning
9 Commission and/or the Board of Supervisors, such an extension shall only be
10 considered by the approving body, after a noticed public hearing. Nothing stated or
11 implied within this permit shall constitute a guarantee that an extension will be
12 granted. An extension may not be granted if the project is in violation of any one or
13 all of the conditions or if there is a history of non-compliance with the permit
14 conditions.

15
16
17 **G-11 COST:**

18 The Permittee shall pay any and all amounts determined by the County Planning
19 and Development Services Department to defray any and all cost(s) for the review
20 of geothermal studies/reports, field investigations, subsidence/seismicity monitoring,
21 provisions for geothermal waste services, and other activities directly related to the
22 enforcement/monitoring for compliance of this Conditional Use Permit, County
23 Ordinance or any other applicable law as provided in the Land Use Ordinance,
24 Section 90901.03 et. seq, General Planning fees. All County Departments, directly
25 involved in the monitoring/enforcement of this project may bill Permittee under this
26 provision; however, said billing shall only be through and with the approval of the
27 Planning and Development Services Department.

28 **G-12 REPORTS/INFORMATION:**

If requested by the Planning Director, Permittee shall provide any such
documentation/report as necessary to ascertain compliance with the Conditional
Use Permit. The format, content and supporting documentation shall be as required
by the Planning Director.

G-13 DEFINITIONS:

In the event of a dispute the meaning(s) or the intent of any word(s), phrase(s)
and/or conditions or sections herein shall be determined by the Imperial County
Planning Commission. Their determination shall be final unless an appeal is made
to the County Board of Supervisors within the required time, i.e. ten (10) calendar
days, pursuant to the Land Use Ordinance, Title 9, Division 1, Chapter 4, Section
90104.05, *Appeal from Decision*.

G-14 MINOR AMENDMENTS:

The Planning Director may approve minor modifications to the permit to
accommodate minor changes or modifications to the design, construction, and/or
operation of the project provided said changes are necessary for the project to meet

1 other laws, regulations, codes, or conditions of the CUP and provided further, that
2 such changes will not result in any additional environmental impacts.

3 **G-15 SPECIFICITY:**

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

8 **G-16 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):**

9 Should the Permittee violate any condition herein, the County shall give notice of
10 such violation. If Permittee does not act to correct the identified violation and, after
11 having given reasonable notice and opportunity, e.g. typically at least thirty (30)
12 days, the County may revoke the permit.

12 (a) If the Planning Commission finds and determines that the Permittee or
13 successor-in-interest has not complied with the terms and conditions of the CUP, or
14 cannot comply with the terms and conditions of the CUP, or the Planning
15 Commission determines that the permitted activities constitute a public nuisance,
16 the Planning Director shall provide Permittee with notice and a reasonable
17 opportunity to comply with the enforcement or abatement order.

18 (b) If after receipt of the order, (1) Permittee fails to comply, and/or (2) Permittee
19 cannot comply with the conditions set forth in the CUP, then the matter shall be
20 referred to the Planning Commission for permit modification suspension, or
21 termination, or to the appropriate prosecuting authority.

19 **G-17 GENERAL WELFARE:**

20 All construction of the OEC expansion equipment shall be conducted with
21 consistency with all laws, conditions, adopted County policies, plans and the
22 application so that the project will be in harmony with the area and not conflict with
23 the public health, safety, comfort, convenience, and general welfare.

23 **G-18 PERMITS OF OTHER AGENCIES INCORPORATED:**

24 Permits granted by other governmental agencies in connection with the Project are
25 incorporated herein by reference. The County reserves the right to apply conditions
26 of those permits, as the County deems appropriate; provided that enforcement of a
27 permit granted by another agency shall require concurrence by that agency.

27 **G-19 HEALTH HAZARD:**

28 If the County Health Officer determines that a significant health hazard exists to the
public, the Health Officer may require appropriate measures and the Permittee shall

1 implement such measures to mitigate the health hazard. If the hazard to the public
2 is determined to be imminent, such measures may be imposed immediately and
3 may include temporary suspension of permitted activities, the measures imposed by
4 the County Health Officer shall not prohibit the Permittee from requesting a special
5 Planning Commission meeting, provided the Permittee bears all related costs.

6 **G-20 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:**

7 Permittee acceptance of this permit shall be deemed to constitute agreement with
8 the terms and conditions contained herein. Where a requirement is imposed in this
9 permit that Permittee conduct a monitoring program, and where the County has
10 reserved the right to impose or modify conditions with which the Permittee must
11 comply based on data obtained therefrom, or where Permittee is required to
12 prepare specific plans for County approval and disagreement arises, the Permittee,
13 operator and/or agent, the Planning Director or other affected party, to be
14 determined by the Planning Director, may request that a hearing be conducted
15 before the Planning Commission whereby they may state the requirements which
16 will implement the applicable conditions as intended herein. Upon receipt of a
17 request, the Planning Commission shall conduct a hearing and make a written
18 determination. The Planning Commission may request support and advice from a
19 technical advisory committee. Failure to take any action shall constitute
20 endorsement of staff's determination.

21 **G-21 COMPLIANCE WITH COUNTY STANDARDS:**

22 The planning, drilling, and production standards set forth in the County's
23 Geothermal/Transmission Element shall be complied with, except as may be
24 modified by more specific or restrictive conditions of this permit.

25 **G-22 OPERATIONS:**

26 All operations shall be conducted under the direction of a responsible agent. The
27 name and telephone number of this individual shall be provided to the County
28 Public Works Department and the Planning and Development Services Department.
This agent shall ensure that appropriate personnel and equipment shall be available
to respond to on-site emergencies.

(remainder of this page is intentionally left blank)

1
2 **SITE SPECIFIC CONDITIONS:**

3
4 **S-1 AUTHORIZED SCOPE OF ACTIVITIES:**

5 The Permittee has constructed and is operating the following facilities in compliance
6 with the County's General Plan, Geothermal/Transmission Element, Land Use
7 Ordinance, the former CUP #G98-0001 with all previous conditions and, previous
8 minor amendments, incorporated herein by reference, and all other applicable local,
9 state, and federal laws, ordinances, regulations and standards:

- 10 (a) The B.G. Energy, LLC, Salton Sea Plant Unit #5 geothermal power
11 plant consists of a multiple flash facility with cooling towers, turbines,
12 generators, pipes, brine processing equipment, brine and transmission
13 lines, pumps, storage facilities, ponds, tanks and other such
14 equipment structure as are connected to and essential to the plant
15 and related ancillary equipment;
- 16 (b) A control room, office, maintenance shop and other facilities are
17 located at the power plant site.

18 The proposed project is to increase the existing plant generating capacity to
19 approximately 65 MW (net) and will be constructed, operated and maintained as
20 follows:

- 21 (a) Construct, operate and maintain an Ormat Energy Converter (OEC)
22 Unit, consisting of a vaporizer, turbine, condenser, preheaters, brine
23 injection pumps and piping to generate additional electrical energy
24 with associated ancillary equipment, motive fluid storage facilities, and
25 motive fluid vapor recovery system;
- 26 (b) Except as specifically authorized in this permit, expanding the existing
27 geothermal power plant to 65 MW (net), supplemental activities which
28 require additional major equipment or facilities will require separate
permits. The County, in issuing this permit, in no way assures or
otherwise vests any right, with respect to the issuance of a permit(s)
for any supplemental activities and Permittee shall also comply with all
applicable geothermal standards in the Land Use Ordinance.

29
30 **S-2 AIR QUALITY AND DUST EMISSIONS:**

31 The Permittee shall comply with the Imperial County Air Pollution Control District's
32 (ICAPCD) air-monitoring criteria for PM-10 to control dust or other emissions by
33 implementing the APCD Fugitive Dust Control conditions (Rule 800). Fugitive dust
34 emission shall be controlled by watering, clean gravel, or application of soil
35 stabilizers or oil to any expansion area. The Permittee shall obtain an amendment
36 to the Authority to Construct and the Permit to Operate prior to any
37 construction/operation of any new equipment for the expansion.

1
2 Plant design shall include a system of H₂S control acceptable to the APCD and
3 shall insure compliance with county/state air standards. Hydrogen sulfide, other
4 non-condensable emissions, and all harmful and noxious odors, shall be controlled
5 to insure that all harmful and noxious odors, shall be controlled to insure that
6 quantities released as a result of the plan operation do not exceed county/state
7 standards.

6 **S-3 ARCHAEOLOGICAL, CULTURAL & PALEONTOLOGICAL RESOURCES:**

7 The Permittee shall monitor the construction of the expansion equipment and if any
8 unusual specimens of bone, stone, or ceramic are discovered during construction of
9 the permitted facilities, all construction affecting the discovery site, shall cease until
10 a qualified archaeologist retained by the Permittee and approved by the County,
11 reviews the specimens. The recommendations of the archaeologist shall be
12 complied with prior to resuming construction.

11 **S-4 BRINE CHEMISTRY:**

12 Permittee shall conduct brine chemistry tests which shall include, but not be limited
13 to, analysis for hydrogen sulfide, mercury, arsenic, fluoride, boron, ammonia,
14 strontium, iron, zinc, barium, lithium, lead, copper, chromium, and radon-222. The
15 results of such tests shall be provided by the County upon request. To the extent
16 information contained in test results are proprietary, such information shall not be
17 released to the public.

16 **S-5 CONSTRUCTION STANDARDS:**

17 The expansion facilities shall be built in accordance with the County Building Code
18 requirement applicable to "Seismic Zone 4". All structures and facilities shall be
19 designed in accordance with the publication entitled "Recommended Lateral Force
20 Requirements and Commentary by the Structural Engineers Association of
21 California". The structural components of the permitted facilities shall be reviewed
22 by the Building Official/Planning Director. Building permits shall be procured for the
23 Project from the County prior to commencement of any construction of the
24 expansion project.

22 Flood protection improvements for the plant area shall meet Federal Emergency
23 Management Agency design specifications and shall be submitted for approval to
24 the Planning and Development Services Department and a flood study shall be
25 prepared with improvements constructed and maintained by Permittee as approved.

25 The Permittee shall be required to build the pads at elevation -224 feet, or above, to
26 prevent flooding in the event that water elevation in the Salton Sea rises. The
27 Permittee shall be required to provide and maintain dikes in case the building pads
28 elevation is below the -224 foot contour.

1 **S-6 DRIFT:**

2 Permittee shall continue to implement the program to reduce cooling water drift for
3 the expansion, as needed, with total dissolved solids (tds) limited to 4,500 PPM at
4 the cooling towers. Periodic monitoring shall be conducted to detect boron,
5 biocides, or other toxic elements and take remedial steps to keep such elements
6 below the permitted levels. *

6 **S-7 ELECTRICAL TRANSMISSION:**

7 The power produced and sold will pass from the plant onto the existing 92kV line to
8 the new 92kV switchyard in the vicinity of the East Highline Canal and Simpson
9 Road, thence through the existing 230-kV transmission line into the grid system.

9 **S-8 EMERGENCY RESPONSE PLAN:**

10 The existing Emergency Response Plan shall be revised and maintained for the
11 expansion project covering possible emergencies, e.g. blow-outs, major fluid spills,
12 impacts due to earthquakes, and other foreseeable accidents and emergencies.
13 The plans shall be revised with consultation with the County, CDOGGR, RWQCB,
14 local emergency service agencies, public utilities, and other state agencies as
15 appropriate and shall include information useful in combating the emergencies. The
16 plan shall be available on-site, and provided to agencies responsible for preparing
17 for and addressing emergencies, on request. At all times, there shall be at least one
18 employee "on call", i.e., available to respond to an emergency by reaching the
19 facility within a short period of time, with the responsibility of coordinating all
20 emergency response measures. The Emergency Coordinator shall be thoroughly
21 familiar with all aspects of the Emergency Response Plan and have the authority to
22 commit the resources needed to carry out the contingency plan. Adequate
23 personnel and equipment shall be available to respond to emergencies and to
24 insure compliance with the conditions of the permit, to include appropriate first aid
25 provisions during project construction and operation with appropriate first aid
26 training for project employees. The existing Hazardous Materials Business Plan
27 shall be amended and be submitted to the Certified Unified Program Agency,
28 Imperial Hazardous Materials/Waste Unit, Heber, California, and shall be
maintained by the Permittee and any applicable amendments provided as deemed
necessary for this project.

23 **S-9 GEOTECHNICAL:**

24 Geotechnical investigations of soil characteristics affecting the expanded facilities
25 shall be conducted by qualified people at the applicant's expense. The report
26 therefrom shall be made available to the County on request.

26 **S-10 GEOLOGIC HAZARDS:**

27 No structure meant to be, or which actually is, regularly, habitually, or primarily,
28 occupied by humans shall be placed across the trace of an active fault. Further, no
such structure shall be placed within fifty (50) feet of the trace of an active fault, nor

1 anywhere within a seismic special studies zone, unless a geologic report,
2 satisfactory to the State Geologist, is prepared and shows that no undue hazard
3 would be created by construction or placement of the structure.

4 **S-11 NOISE:**

5 The power plant shall be equipped with an in-line muffler system near the first stage
6 flash vessel for the times that steam must be vented instead of directed to the
7 turbines. * Noise control measures shall include, but are not limited to, the
8 following:

9 (a) Between October 1 and March 1, all project activities within 1,000 feet
10 of the Alamo River or refuge areas shall conform to the Open Space curve of the
11 Class II noise standards. No well drilling or well testing shall take place within this
12 area from October 1 to March 1;

13 (b) Diesel equipment used for drilling within 1,000 feet of any residence
14 shall have hospital-type mufflers. Well venting and testing at these wells shall be
15 accompanied by the use of an effective muffling device or "silencer"; *

16 (c) Noise from the non-condensable gas vent stack shall be mitigated
17 with a commercial blowoff silencer. The turbine/generator and the condenser/air
18 ejector shall be enclosed or shielded to reduce noise. Any hydroblaster used in de-
19 scaling operations shall be enclosed in a building or a complete noise-attenuating
20 housing; *

21 (d) Heavy truck traffic, well site preparation, and pipe stacking shall be
22 limited to the hours of 7:00 a.m. and 7:00 p.m. for any wells within 1,000 feet of any
23 residence. When a well drilling rig and other large equipment is being brought to or
24 from the site, temporary signs warning tourists, and flagmen, as necessary, shall be
25 used; *

26 (e) Hydroblasters used in descaling operations when used within 1,000
27 feet of a residence shall be limited to the hours of 7:00 a.m. to 7:00 p.m.; *

28 (f) The Permittee may propose and the Planning Director may approve a
modification of the above measures.

29 **S-12 PROJECT DESIGN:**

30 The following shall be followed in project design:

31 (a) All expansion loops in fluid lines shall be horizontal except where
32 requested in writing by the owners of the surface rights within five hundred (500)
33 feet of a new or proposed expansion loop, or where the design constraints require
34 otherwise;

1 (h) Marking and lighting of drill rigs and permanent facilities shall be
2 maintained in accordance with Federal Aviation Administration regulations;

3 (c) On-site parking shall be provided for all employees, customers,
4 clients, and visitors. All facility roads and parking areas shall be constructed and
surfaced to County standards;

5 (d) Shrubs, trees and ground cover shall be planted and maintained to
6 compliment the appearance of the project, in accordance with a landscaping plan
approved by the Planning Director; *

7 (e) Permittee shall submit any requested architectural and landscaping
8 plans for the expansion facilities to the Planning Director and the Director shall not
9 unreasonably withhold approval of any required plans;

10 (f) All lights shall be directed or shield to confine any direct rays to the
11 site, and shall be muted to the maximum extent consistent with safety and
operational necessity;

12 (g) The location of power pole lines adjacent to County roads shall be
13 reviewed and approved by the Public Works Department prior to
construction/installation of the power poles; *

14 (h) The Planning Director may authorize, as requested in writing by
15 Permittee, minor relocation of the plant site and its internal components, well sites,
16 pipelines, and other minor adjustments to insure that the final expansion and related
17 facilities comply with the conditions of this permit and those required by other
governmental agencies.

18 **S-13 PROTECTION OF WILDLIFE:**

19 Measures approved by the Planning Director shall be employed to discourage or
20 prevent wildlife and avian entry into brine ponds. Well cellars shall be designed to
21 prevent wildlife entry and entrapment. Any required pipelines for the expansion
project shall be constructed so as not to become a barrier to wildlife movement.

22 **S-14 REPORTING:**

23 The Permittee shall furnish to the County, within a reasonable time, any relevant
24 reports/information which the County requires for monitoring purposes to determine
25 whether cause exists for revoking this permit, or to determine compliance with this
26 permit, i.e. relevant reports are those defined within this permit and/or requested by
the County. The Permittee shall submit all required reports to the Planning Director,
County Planning and Development Services Department, 801 Main Street, El
Centro, CA 92243.

27
28

1 **S-15 SUBSIDENCE:**

2 Permittee shall participate in the County's subsidence detection program and, in
3 connection therewith, submit a plan for Department of Public Works (ICPWD)
4 approval, showing the proposed locations of benchmarks. Monuments shall connect
5 with the County's geothermal subsidence detection network. Benchmarks installed
6 shall conform to County standards. Surveying shall be performed to National
7 Geodetic Survey (NGS) standards and all field surveying shall conform to such
8 standards.

9 Permittee shall perform surveying on an annual basis as required by the Director of
10 Public Works, except the Director may require such surveying at shorter intervals if
11 he deems it necessary. All work shall be performed under the supervision of a
12 person licensed to practice surveying in California.

13 All field surveying data (such as forms and instrument checks), along with an
14 adjustment of said data and analysis, all in conformity with the National Geodetic
15 Survey standards, shall be submitted for review and approval to the Department of
16 Public Works within two months of completion of field work.

17 If the Department of Public Works determines good reason exists to require
18 additional surveying and analysis or additional subsurface data, the County
19 reserves the right to require such work to be accomplished at the expense of the
20 Permittee. The County further reserves the right, with the Permittee's input, to
21 designate the consultant or firm to accomplish the work. Proprietary information
22 shall not be released to the public.

23 **S-16 INDUCED SEISMICITY:**

24 Permittee shall participate in the County's seismic monitoring program, and in
25 connection therewith, submit a plan for Public Works Department approval, and
26 shall implement the plan as approved. If evidence of detrimental seismicity induced
27 by project operations is indicated, changes in operations, including possible
28 cessation of operations, may be ordered by the Department of Public Works after
29 consultation with the California Department of Oil, Gas and Geothermal Resources,
30 and Permittee.

31 **S-17 SYSTEM SHUT DOWN AND SITE ABANDONMENT:**

32 The Permittee shall prepare and implement a plan for when the operation of the
33 permitted facilities herein authorized has ceased, that all facilities shall be
34 dismantled, and the land involved be made compatible with the surrounding uses,
35 or as requested by the landowner and as agreed to by the County Planning
36 Director. A Bond, or other acceptable surety, or other forms of security acceptable
37 to Imperial County, in the amount of \$500,000, in addition to any amount set by the
38 California Division of Oil, Gas and Geothermal Resources, shall be filed with the
39 County that guarantees restoration of the land to its condition prior to the expansion
40 development. Upon completion of such site restoration, the Bond or other surety
41 shall be released by the County.

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S-18 REINJECTION:

The plant shall inject fluids equivalent to 75% of produced brine fluids by weight on an annual basis back into the reservoir subject to the requirements of CDOGGR. If the CDOGGR does not approve this injection rate and orders another, Permittee shall modify this according to Section 12 (h).

If the County Director of Public Works, or the CDOGGR, detects detrimental subsidence, or detrimental seismicity, loss of reservoir pressure, or other detriments attributable to the existing plant, or expansion project, corrective measures may be ordered by the County. Permittee, in cooperation with the CDOGGR and the Department of Public Works for approval, and shall be executed as approved. Corrective measures may include, but are not limited to, an increased injection rate, deeper injection wells, re-leveling of affected areas, or reduction or total cessation of geothermal activities.

S-19 SPILLS AND RUNOFF:

The expansion project shall be designed and constructed to prevent spills from endangering adjacent properties and waterways, and to prevent runoff from any source being channeled or directed in an unnatural way so as to cause erosion, siltation, or other detriments. A system of pressure and flow sensing devices and regular inspection and monitoring of all lines, capable of detecting leaks and spills, shall be instituted and maintained. Blowout prevention equipment shall be used in accordance with the requirements of CDOGGR. The site shall be graded and constructed so that all spills will drain into the brine pond with a plan for diverting birds, in the case of an emergency, shall be prepared in coordination with the U.S. Fish and Wildlife Service.

S-20 MAINTENANCE OF WATER QUALITY:

A water quality monitoring program, acceptable to the Regional Water Quality Control Board (RWQCB) shall be instituted and maintained. If injection fluids intrude into shallow groundwater, a modification of the injection program may be ordered by the County in consultation with RWQCB, CDOGGR and the Permittee. Any additional sumps and holding ponds shall be constructed and maintained so that permeability does not exceed 1×10^{-6} cm/sec. A surface water monitoring program acceptable to the RWQCB and the County shall be prepared and conducted by the Permittee. The quality of discharge from blowdown shall meet the permitted standards of the RWQCB.

S-21 TRAFFIC SAFETY:

The Permittee shall obtain all encroachment permits and consider traffic safety in transporting equipment and materials to the permitted facilities to include temporary signs warning motorists on adjacent roadways and flagmen shall be used when equipment is being brought to and from the Project site.

1 (a) The Permittee shall coordinate the movement of any required oversized
2 loads on County roads with the DPW, on State Highways with CALTRANS as well
3 as the El Centro CHP office and such transportation of oversized equipment should
be minimized as much as possible;

4 (b) The Permittee shall be required to obtain any necessary rights-of-way
5 on property under the lease and control of the Permittee and to provide any
6 necessary road work as deemed necessary by the DPW;

7 (c) The Permittee shall coordinate with DPW for their requested
8 dedication of rights-of-way needed for Lindsey Road;

9 (d) The Permittee shall file for an encroachment permit for any work or
10 proposed work in the affected County road rights-of-way. The permit may require a
County Standard 410B paved Commercial Driveway to County Road connection to
reduce tracking onto County roads;

11 Other measures, including a "stabilized construction entrance" prior to paving to
12 reduce mud tracking, including storm water pollution prevention may be required.
Should any additional improvements not covered by the encroachment permit No.
13 7340-94 be proposed, a modification to said permit will be required;

14 (e) The Permittee shall coordinate the maintenance of any unpaved roads
15 used for construction activities and obtain approvals from the County Department of
Public Works; *

16 (f) A transportation permit shall be required for heavy equipment and/or
17 large vehicles which impose greater than legal loads on riding surface, including
bridges.

18 **S-22 WATER COURSE CROSSINGS:**

19 The Permittee shall provide one or more of the following techniques to decrease the
20 potential for spills on or near Imperial Irrigation District water courses, e.g. surface
water canals and/or drains, as follows:

21 (a) Pipes shall be constructed of industrial standard designation of "extra
22 heavy" with a thickness of at least 50% greater than that used for other sections of
23 pipe;

24 (b) An automatic injection pump shut off and check valve system to
25 immediately stop fluid flow shall be installed;

26 (c) Design of facilities shall protect surface and groundwater, e.g.
27 handling of on-site drainage shall not adversely affect adjacent properties;

28 (d) Other spill prevention measures approved by the County shall be
implemented.

1 **S-23 WATER SUPPLY:**

2 Steam condensate will be used as make-up water for the cooling tower and there
3 will be temporary demands for water from the IID for augmenting the cooling tower
4 system during the summer months.

5 **S-24 WASTE DISPOSAL:**

6 The Permittee shall insure that any discharged wastes, liquid or solid, shall be
7 disposed of in compliance with all appropriate local, state, and federal regulations,
8 in effect or subsequently duly-enacted, i.e. discharge of wastes into surface water
9 shall meet all requirements of the Regional Water Quality Control Board, e.g.
10 National Pollution Discharge Elimination System permit restrictions, and solid
11 wastes shall be disposed of in an approved solid waste disposal site in accordance
12 with County regulations. Nothing her is intended to keep substances from being
13 extracted from wastes for useful purposes as later applied for and approved.

14 **S-25 WILDLIFE:**

15 Permittee shall continue to implement the mitigation measures regarding
16 construction standards, drainage and erosion, canal/drain crossing, and noise
17 abatement. Additionally, Permittee shall continue to participate in a joint monitoring
18 program with the Salton Sea National Wildlife Refuge personnel on project-related
19 impacts to wildlife. Well cellars shall be designed to prevent wildlife entry and
20 entrapment and pipelines shall be constructed so as not to become a barrier to
21 wildlife movement.

22 **S-26 ODORS:**

23 All harmful or noxious emissions and odors shall be controlled to insure that
24 quantities of air contaminants released as a result of the expansion operations do
25 not exceed State standards, or constitute a public nuisance.

26 **S-27 PARTICIPATION IN GEOTHERMAL COMMITTEE:**

27 Permittee shall participate in the "Geothermal Industrial Committee" formed by the
28 County of Imperial.

S-28 ACCEPTANCE:

Acceptance of this permit shall be deemed to constitute agreement by Permittee
with all terms and conditions herein contained.

S-29 CLARIFICATION OF TERM:

The time limitations set forth in General Condition G-10 above shall be modified in
that all of the Permittee's assets within the scope of this permit, in existence as of
the date of recordation of this permit, are exempt from G-10. Further, this permit, as
applied to the expansion project, commonly referred to as the Binary Augmented


1 Generation Unit(s), shall be for a term of three (3) years from the date of
2 recordation, and shall thereafter continue in full force and effect until such time as
3 the Permittee ceases to operate and commences closure of the asset as
4 contemplated in Site Specific Condition S-17, System Shut Down and Site
Abandonment, so long as the terms of General Condition G-16 are met.

5 * Footnote: The Site Specific Conditions are limited in scope and
6 application to the project's construction and operation of the binary augmented
7 generation unit(s). The existing plants are deemed fully compliant in their present
8 condition and operation, and should those conditions and operations not materially
9 change, the plants shall continue to be deemed in full compliance.

10 **NOW THEREFORE**, County hereby issues the Conditional Use Permit #05-
11 0054 and Permittee hereby accepts such upon the terms and conditions set forth
12 herein.

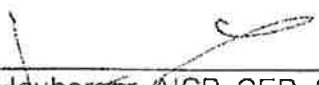
13 **IN WITNESS THEREOF**, the parties hereto have executed this Agreement
14 the day and year first written.

15 **PERMITTEE**

16 
17 Representative Stefan A. Bird,
B.G. Energy, LLC President

3/13/2006
Date

18 **COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA**

19 
20 Jurg Heuberger, AICP, CEP, CBO
21 Planning Director

4-10-06
Date

1 **PERMITTEE NOTARIZATION**

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4 Dated March 13, 2006

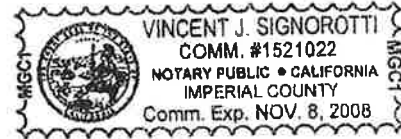
5 STATE OF CALIFORNIA

6 COUNTY OF Imperial } S.S.

7 On March 13, 2006 before me,
8 Vincent J. Signorotti a Notary Public in
9 and for said County and State, personally appeared
10 Stefan A. Bird, President, personally known to
11 me (or proved to me on the basis of satisfactory evidence) to be the person(s)
12 whose name(s) is/are subscribed to the within instrument and acknowledged to me
13 that he/she/they executed the same in his/her/their authorized capacity(ies), and
14 that by his/her/their signature(s) on the instrument the person(s), or the entity upon
15 behalf of which the person(s) acted, executed the instrument.

13 WITNESS my hand and official seal

14 Signature *V. Signorotti*



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

19 Title or Type of Document _____
20 Number of Pages _____ Date of Document _____
21 Signer(s) Other Than Named Above _____

22 Dated _____
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1 COUNTY NOTARIZATION

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4 STATE OF CALIFORNIA

5 COUNTY OF IMPERIAL } S.S.

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7 On April 10, 2006 before me,
8 Patricia A. Valenzuela a Notary Public in
9 and for said Imperial County and California State, personally appeared
10 JURG HEUBERGER personally known to
11 me (or proved to me on the basis of satisfactory evidence) to be the person(s)
12 whose name(s) is/are subscribed to the within instrument and acknowledged to me
13 that he/she/they executed the same in his/her/their authorized capacity(ies), and
14 that by his/her/their signature(s) on the instrument the person(s), or the entity upon
15 behalf of which the person(s) acted, executed the instrument.

16 WITNESS my hand and official seal

17 Signature Patricia A. Valenzuela

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

21
22 Title or Type of Document Conditional Use Permit
23 Number of Pages 18 Date of Document March 8, 2006
24 Signer(s) Other Than Named Above _____

