

PROJECT REPORT

TO: **PLANNING COMMISSION**

AGENDA DATE: June 26, 2024

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

AGENDA TIME 9:00 AM/ No.7

PROJECT TYPE: CalEnergy Time Extension (EXT) #23-0025
Conditional Use Permit (CUP) #9013A-94 SUPERVISOR DIST #4

LOCATION: 6920 Lack Road APN: 020-110-019-000

Calipatria, CA 92233 PARCEL SIZE: +/-121 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 type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
E.H.S.	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER		<u>Dept. of Conservation</u>		

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 #23-0025 FOR CUP #9013A-94 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 #23-0025 FOR CONDITIONAL USE PERMIT #9013A-94 IS CONSISTENT WITH APPLICABLE ZONING AND BUILDING ORDINANCES; AND
3. APPROVE TIME EXTENSION #23-0025 FOR CONDITIONAL USE PERMIT #9013A-94 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 #23-0025 for Conditional Use Permit (CUP) #9013A-94

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

Project Location:

The project site is located at 6920 Lack Road, Brawley, CA 92227, further identified as Assessor’s Parcel Number (APN) 020-110-019-000. The project site is legally described as COC 130 of Lots 5 & 6 & SW4 of NW4 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 #9013A-94 to continue with the 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. The Vertical Tube Evaporator component extension has been granted for 3-years as a pilot project and will expire April 2, 2027. The CUP will be amended to either remove the VTE, add it as a permanent structure or ask that you relocate to a separate property.

Land Use Analysis:

The project site is zoned “S-1-RE” (Open Space Recreational with Renewable Energy 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	S-1-RE	Recreation
North	Salton Sea/receded playa	S-1-RE	Salton Sea
South	Communication Tower/Agriculture	A-3-G	Agriculture
East	Geothermal Facility/ Agriculture	A-3-G	Agriculture
West	Salton Sea/receded playa	S-1-RE	Salton Sea

Environmental Review:

Conditional Use Permit #9013A-94 can be categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Class 1 – Existing Facility).

Staff Recommendation:

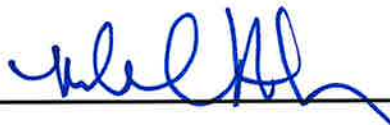
It is recommended that the Planning Commission conduct a public hearing and hear all the opponents and proponents of the proposed project. Staff would then recommend that Planning Commission approve Time Extension #23-0025 for CUP #9013A-94 by taking the following actions:

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 #23-0025 for Conditional Use Permit #9013A-94 is consistent with applicable zoning, State laws, and County and building ordinances; and,
3. Approve Time Extension #23-0025 for Conditional Use Permit #9013A-94, 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

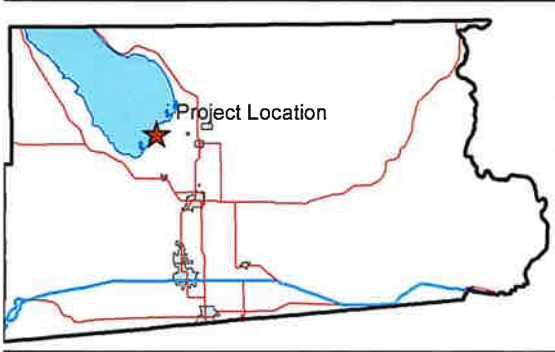


Attachments:




- A. Vicinity Map
- B. Site Plan
- C. Planning Commission Resolution
- D. EXT#23-0025 Request & Supporting Documents
- E. Conditional Use Permit #9013A-94 Agreement
- F. Comment Letters

Attachment A.
Vicinity Map

PROJECT LOCATION MAP



CALENERGY OPERATING CORPORATION
EXT #23-0025 FOR CUP #9013A-94
APN 020-110-019-000

-  Project Location
-  Centerline
-  Parcels




Attachment B.
Site Plan

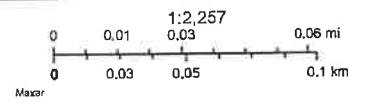
Salton Sea Units 1 & Unit 2 - CUP No. 9013A-94



11/30/2023, 3:43:07 PM

 Land Use Zoning

 Assessor's Parcels



Attachment C.
PC Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING “EXTENSION #23-0025 FOR CONDITIONAL USE PERMIT #9013A-94” FOR CALENERGY OPERATING CORPORATION

WHEREAS, CalEnergy Operating Corporation has submitted a time extension request (Extension #23-0025) for Conditional Use Permit #9013A-94 for the renewal of land use entitlements of 15 years for an existing geothermal facility and a request to continue with a pilot project component (VTE Demonstration Plant) which, with approval, would last until April 2, 2027; and,

WHEREAS, the existing geothermal facility was previously approved under Conditional Use Permit #9013A-94 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 #23-0025 for Conditional Use Permit #9013A-94 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 #9013A-94 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 "Recreation" 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 S-1-RE (Open Space Recreational with Renewable Energy Overlay) and the existing use is allowed with a Conditional Use Permit, pursuant to Title 9 Division 5, Section 90518.02 m).

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 90518.02 m).

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 a Conditional Use Permit and the pilot desalination project has been reviewed and approved for up to three years. The proposed use is not granting a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Extension #23-0025 for Conditional Use Permit #9013A-94, 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#23-0025 for CUP#9013A-94
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

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

Anoop Sukumaran
Director, IPP Environmental Services

Enclosure: Attachments

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

Salton Sea Unit 1 CUP No. 9013A-94 Compliance Report

Conditional Use Permit Certification
#9013A-94

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 complies 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 constructions 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 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.

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

*RWQCB Regional Board Order Number R7-2021-0008
APCD Permit to Operate Number 2000H
DEH Domestic Water Permit number 1300637*

G-3 Recordation:

This permit shall not be effective until it is recorded at the Imperial County Recorder's 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, as specified in these conditions.

The permittee acknowledges this condition.

Conditional Use Permit Certification
#9013A-94

G-5 Indemnification:

As a condition of this permit, Permittee agrees to indemnify, hold harmless, and release the County, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the permit or adoption of the environmental document with accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney 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 property 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 insurance as may be required by the State and/or Federal Law. Evidence of such insurance shall be provided to the County prior to commencement of any activities authorized by this permit, e.g. a Certificate of Insurance is to be provided to the Planning and Development Services Department by the insurance carrier and said insurance and certificate shall be kept current for the life of the 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 recipient 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 Certification
#9013A-94

- (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; and
- (c) Inspect at reasonable times any facilities, equipment, or operations regulation 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 provisions of this project are to run with the land/project and shall bind the current and future owner(s), successor(s)-in-interest, assignee(s), and/or transferee(s) of said project. Permittee shall not without prior notification to the Planning and Development Services Department assign, sell, 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 and Development 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. Such an extension request shall include the appropriate extension fee, pursuant to the Land Use Ordinance, Title 9, Division

Conditional Use Permit Certification
#9013A-94

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 as required by the Planning 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 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.

Conditional Use Permit Certification
#9013A-94

The permittee acknowledges this condition.

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 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.

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, not 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 the project.

The permittee acknowledges this condition.

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

Should the Permittee violate any condition herein, the County shall give notice of such 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.

(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.

Conditional Use Permit Certification
#9013A-94

G-17 General Welfare:

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

The facility is in compliance with this condition.

G-18 Permits of Other Agencies Incorporated:

Permits granted by other governmental agencies in connection with the Project are incorporated herein by reference. The county reserves the right to apply conditions of 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 measure and the Permittee shall implement such measure to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measure may be imposed immediately and may include temporary suspension of permitted activities, the measure imposed by the County Health Officer shall not prohibit the Permittee from requesting a special Planning Commission meeting, provided the permittee bears all related costs.

The permittee acknowledges this condition.

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

Conditional Use Permit Certification
#9013A-94

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.

SITE 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, Land Use Ordinance, 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 #1 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.

Conditional Use Permit Certification
#9013A-94

- (c) The proposed VTE pilot/ demonstration (commenced in 2005) will be expanded to allow the existing Pilot Plant to be expanded into a Demonstration Plant that entails a five- fold increase in distillation capacity to 21,000 gallons per day, an increase in the maximum amount of low-pressure geothermal steam up to 7,500 lbs/hr, and an increase in cooling water up to 400 gallons per minute to include Salton Sea water intake (up to 200 gpm) pipelines and return pipelines extending this project through the end of 2010.

The permittee acknowledges this condition. A written request to extend a permit amendment authorizing continued onsite operation of the VTE project has been included in the re-entitlement package of this Conditional Use Permit. If approved, the time extension will be valid through April 2, 2027. The Imperial County Planning and Development Services has informed the applicant that the pilot project will not be allowed to operate as a temporary fixture on land regulated by CUP No. 9013A-94 beyond the time extension granted by this request (April 2, 2027). Furthermore, if the VTE project were to continue operating at this site beyond 2027, VTE project would need to pursue one of these permitting options: 1) apply for a permit amendment that would allow for the inclusion of the VTE as a permanent fixture of the Unit 1 and Unit 2 facilities, 2.) apply for an independent CUP if operated under an existing CUP, or 3.) relocate outside of CalEnergy property.

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 stabilizer or oil to the project area. Plant design shall include a system of H₂S control acceptable to the 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 ensure that all harmful and noxious odors, shall be controlled to ensure 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

Conditional Use Permit Certification
#9013A-94

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.

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 by 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 California 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.

Conditional Use Permit Certification
#9013A-94

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, thence through the existing 230-kV transmission line into 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 plan 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 for 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 provisions 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, Calexico, California, and shall be maintained by the Permittee and any applicable amendments provided as deemed necessary.

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

Conditional Use Permit Certification
#9013A-94

such structure shall be placed within fifty (50) feet 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.

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 refuse areas shall conform to the Open Space curve of the Class II noise standards. No well drilling or well testing shall take place within this area from October 1 to March 1.
- (b) 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".
- (c) Noise from the 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 hydro blaster used in de-scaling operations shall be enclosed in a building or a complete noise-attenuating housing.
- (d) Heavy truck traffic, well site preparation, and pipe stacking shall be limited to the hours of 7:00 a.m. to 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.
- (e) Hydro blasters used in descaling operations when used within 1,000 feet of a residence shall be limited to the hours of 7:00 am and 7:00 pm.
- (f) The Permittee may propose, and the Planning Director may approve a modification of the above measures.

The permittee acknowledges this condition.

S-12 Project Design:

The following shall be followed in project design:

Conditional Use Permit Certification
#9013A-94

- (a) All expansion loops in fluid lines shall be horizontal except where requested in writing by the owners of the surface rights within five hundred (500) feet of a new or proposed expansion loop, or where the design constraints require otherwise.
- (b) Marking and lighting of drill rights and permanent facilities shall be maintained in accordance with Federal Aviation Administration regulations.
- (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 approved by the Planning Director, as deemed necessary.
- (e) Permittee shall submit any requested architectural and landscaping plans for plant facilities to the Planning Director and the Director shall not unreasonably withhold approval of any required 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 insure that the plant 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 well cellars.

Conditional Use Permit Certification
#9013A-94

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 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 the Department of Public Works (ICPWD) approval, showing the proposed locations of benchmarks. Monuments shall connect with the County's geothermal subsidence detection network. Benchmarks installed shall conform to the County standards. Surveying shall be performed to National Geodetic Survey (NGS) standards 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 it 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 instrument checks), along with an adjustment of said data and analysis, all in conformity with the National Geodetic Survey standards, shall be submitted for review and approval to the 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 or 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 the 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 operations is indicated, changes in operations, including possible cessation of operations, may be ordered by the Department of Public

Conditional Use Permit Certification
#9013A-94

Works after consultation with the California Department of Oil, Gas and Geothermal Resources, and Permittee.

The facility is in compliance with this condition.

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 be 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 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, 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 and monitoring of all lines, capable of detecting leaks and spills, shall be instituted and maintained. Blowout prevention equipment shall be used in

Conditional Use Permit Certification
#9013A-94

accordance with the requirements of CDOGGR. The site shall be graded and constructed so that all spills will drain into the 5-acre brine pond with a plan for diverting birds, in 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.

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.

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 the 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 a County Standard 410B paved Commercial Driveway to County Road connection to Reduce tracking onto County roads.

Conditional Use Permit Certification
#9013A-94

- (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.
- (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 a thickness of at least 50% greater than that 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 prevention 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 applicable 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

Conditional Use Permit Certification
#9013A-94

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.

S-25 Wildlife:

Permittee shall continue to implement the 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 and well cellars are 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 the 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 Advisory 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 an agreement by Permittee with all terms and conditions herein contained.

The permittee acknowledges this condition.

Attachment E.
Conditional Use Permit
CUP#9013A-94

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Please return to:

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

Recorded In Official Records, Imperial County

Dolores Provencio
County Clerk / Recorder

4/02/2009
3:53 PM
AG

IMP County of Imperial

Doc#: 2009-010215

Titles: 1 Pages: 17



Fees	55.00
Taxes	0.00
Other	0.00
<hr/> PAID	<hr/> \$55.00

MINOR AMENDMENT

**AGREEMENT FOR
CONDITIONAL USE PERMIT #9013A-94
B. G. ENERGY, LLC/SALTON SEA UNIT #1**

This Agreement is made and entered into on this 1st day of April 2009, 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 West 600 feet of Lot 6 and the West 600 feet of the southwest ¼ of the Northwest ¼ of Section 5, APN 020-110-019-001, 121.61 acres Township 12 South, Range 13 East, SBB&M; and,

WHEREAS, Permittee has applied to the County of Imperial for a minor amendment to Conditional Use Permit #9013A-94 ("Project") for the full development of the Geothermal Desalination Pilot/Demonstration Project using the Vertical Tube Evaporator (VTE) technology for a two year period;

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.

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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.

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 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.

G-3 RECORDATION:

This permit shall not be effective until it is recorded at the Imperial County Recorders Office and payment of the recordation fee shall be the responsibility of the Permittee. If the Permittee fails to pay the recordation fee within six (6) months from the date of approval, 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.

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.

G-5 INDEMNIFICATION:

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

1 **G-6 INSURANCE:**

2 The Permittee shall secure and maintain liability in tort and property damage, insurance
3 at a minimum of \$1,000,000 or proof of financial responsibility to protect persons or
4 property from injury or damage caused in any way by construction and/or operation of the
5 permitted facilities. The Permittee shall require that proper Workers' Compensation
6 insurance cover all laborers working on such facilities, e.g. during construction and
7 maintenance, as required by the State of California. The Permittee shall also secure
8 liability insurance and such other insurance as may be required by the State and/or
9 Federal Law. Evidence of such insurance shall be provided to the County prior to
10 commencement of any activities authorized by this permit, e.g. a Certificate of Insurance
is to be provided to the Planning and Development Services Department by the
insurance carrier and said insurance and certificate shall be kept current for the life of the
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 recipient of both renewal and cancellation notices.

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

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

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

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

19 (c) Inspect at reasonable times any facilities, equipment, or operations
20 regulated or required under the permit.

21 **G-8 SEVERABILITY:**

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

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

25 The provisions of this project are to run with the land/project and shall bind the current
26 and future owner(s), successor(s)-in-interest, assignee(s) and/or transferee(s) of said
27 project. Permittee shall not without prior notification to the Planning and Development
28 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.

1 **G-10 TIME LIMIT:**

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

19 **G-11 COST:**

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

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.*

1 **G-14 MINOR AMENDMENTS:**

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

6 **G-15 SPECIFICITY:**

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

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

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

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

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

21 **G-17 GENERAL WELFARE:**

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

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

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

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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, provided the Permittee bears all related costs.

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.

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.

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.

1 **SITE SPECIFIC CONDITIONS:**

2 **S-1 AUTHORIZED SCOPE OF ACTIVITIES:**

3 The Permittee has constructed and is operating the following facilities in compliance with
4 the County's General Plan, Geothermal/Alternative Energy and Transmission Element,
5 Land Use Ordinance, and previous minor amendments, incorporated herein by reference,
6 and all other applicable local, state, and federal laws, ordinances, regulations and
standards:

- 7 (a) The B.G. Energy, LLC, Salton Sea Plant Unit #1 geothermal power plant
8 consists of a multiple flash facility with cooling towers, turbines, generators,
9 pipes, brine processing equipment, brine and transmission lines, pumps,
10 storage facilities, ponds, tanks and other such equipment structure as are
11 connected to and essential to the plant and related ancillary equipment;
12 (b) A control room, office, maintenance shop and other facilities are located at
13 the power plant site.
14 (c) **The proposed VTE pilot/demonstration (commenced in 2005) will be
expanded to allow the existing Pilot Plant to be expanded into a
Demonstration Plant that entails a five-fold increase in distillation
capacity to 21,000 gallons per day, an increase in the maximum
amount of low-pressure geothermal steam up to 7,500 lbs/hr, and an
increase in cooling water up to 400 gallons per minute to include
Salton Sea water intake (up to 200 gpm) pipelines and return pipelines
and extending this project through the end of 2010.**

15 **S-2 AIR QUALITY AND DUST EMISSIONS:**

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

20 Plant design shall include a system of H2S control acceptable to the APCD and shall
21 insure compliance with county/state air standards. Hydrogen sulfide, other non-
22 condensable emissions, and all harmful and noxious odors, shall be controlled to insure
that 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.

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

24 The Permittee shall monitor the construction of any plant facilities and if any unusual
25 specimens of bone, stone, or ceramic are discovered during construction of the permitted
26 facilities, all construction affecting the discovery site, shall cease until a qualified
27 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.

1 **S-4 BRINE CHEMISTRY:**

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

6 **S-5 CONSTRUCTION STANDARDS:**

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

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

18 **S-6 DRIFT:**

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

23 **S-7 ELECTRICAL TRANSMISSION:**

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

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

28 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 plan 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 for 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

1 aspects of the Emergency Response Plan and have the authority to commit the
2 resources needed to carry out the contingency plan. Adequate personnel and equipment
3 shall be available to respond to emergencies and to insure compliance with the
4 conditions of the permit, to include appropriate first aid provisions with appropriate first
5 aid training for project employees. The existing Hazardous Materials Business Plan shall
6 be amended and be submitted to the Certified Unified Program Agency, Imperial
7 Hazardous Materials/Waste Unit, Calexico, California, and shall be maintained by the
8 Permittee and any applicable amendments provided as deemed necessary.

9 **S-9 GEOTECHNICAL:**

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

13 **S-10 GEOLOGIC HAZARDS:**

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

20 **S-11 NOISE:**

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

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

28 (b) 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".

(c) Noise from the 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.

(d) Heavy truck traffic, well site preparation, and pipe stacking shall be limited
to the hours of 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.

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

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

5 **S-12 PROJECT DESIGN:**

6 The following shall be followed in project design:

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

10 (b) Marking and lighting of drill rigs and permanent facilities shall be maintained
11 in accordance with Federal Aviation Administration regulations.

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

15 (d) Shrubs, trees and ground cover shall be planted and maintained to
16 compliment the appearance of the project, in accordance with a landscaping plan
17 approved by the Planning Director, as deemed necessary.

18 (e) Permittee shall submit any requested architectural and landscaping plans
19 for plant facilities to the Planning Director and the Director shall not unreasonably
20 withhold approval of any required plans.

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

23 (g) The location of power pole lines adjacent to County roads shall be reviewed
24 and approved by the Public Works Department prior to construction/installation of the
25 power poles.

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

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.

1
2 **S-14 REPORTING:**

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

9
10 **S-15 SUBSIDENCE:**

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

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

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

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

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 operations 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.

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

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

11 **S-18 REINJECTION:**

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

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

23 **S-19 SPILLS AND RUNOFF:**

24 The plant shall be designed and constructed to prevent spills from endangering adjacent
25 properties and waterways, and to prevent runoff from any source being channeled or
26 directed in an unnatural way so as to cause erosion, siltation, or other detriments. A
27 system of pressure and flow sensing devices and regular inspection and monitoring of all
28 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 5-acre 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

1 and the County shall be prepared and conducted by the Permittee. The quality of
2 discharge from blowdown shall meet the permitted standards of the RWQCB.

3 **S-21 TRAFFIC SAFETY:**

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

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

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

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

14 (d) The Permittee shall file for an encroachment permit for any work or
15 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.

16 Other measures, including a "stabilized construction entrance" prior to paving to reduce
17 mud tracking, including storm water pollution prevention may be required. Should any
18 additional improvements not covered by the encroachment permit No. 7340-94 (or future
permits) be proposed, a modification to said permit will be required.

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

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

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

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

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

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

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

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

7 **S-23 WATER SUPPLY:**

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

11 **S-24 WASTE DISPOSAL:**

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

20 **S-25 WILDLIFE:**

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

27 **S-26 ODORS:**

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

S-27 PARTICIPATION IN GEOTHERMAL COMMITTEE:

Permittee shall participate in the "Geothermal Advisory Committee" formed by the County
of Imperial.

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S-28 ACCEPTANCE:

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

NOW THEREFORE, County hereby issues this minor amendment to Conditional Use Permit #9013A-94 and Permittee hereby accepts such upon the terms and conditions set forth herein.

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

PERMITTEE



Ernie Higgins
General Manager
B. G. Energy, LLC

April 1, 2009
Date

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



Jurg Heuberger, AICP, CEP, CBO
Planning and Development Services
Department Director

4-2-09
Date

1 PERMITTEE NOTARIZATION

2
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4 Dated April 1, 2009

5 STATE OF CALIFORNIA

6 COUNTY OF Imperial } S.S.

7 On April 1, 2009 before me,
8 Mary Jo Perez-Brown a Notary Public in and for
said Imperial County and California State, personally appeared
9 Earnest Wayne Higgins, who proved to me on the
10 basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the
11 within instrument and acknowledged to me that he/~~she/they~~ executed the same in
12 his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed
the instrument.

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

15 WITNESS my hand and official seal

16 Signature Mary Jo Perez-Brown



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

19 Title or Type of Document Agreement for Conditional Use Permit
20 Number of Pages 15 Date of Document April 1, 2009
21 Signer(s) Other Than Named Above Jurg Neuburger

22 Dated April 1, 2009



1 COUNTY NOTARIZATION

2
3 STATE OF CALIFORNIA

4 COUNTY OF IMPERIAL } S.S.

5
6 On APRIL 2, 2009 before me,
7 PATRICIA A. VALENZUELA a Notary Public in and for
8 said County and State, personally appeared
9 JURG HEUBERGER, who proved to me on the
10 basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
11 within instrument and acknowledged to me that he/she/they executed the same in
12 his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
13 instrument the person(s), or the entity upon behalf of which the person(s) acted, executed
14 the instrument.

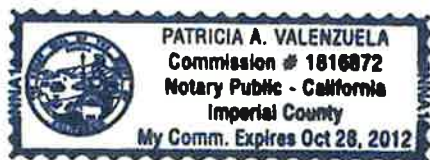
15 I certify under PENALTY OF PERJURY under the laws of the State of California that the
16 foregoing paragraph is true and correct.

17 WITNESS my hand and official seal

18 Signature Patricia A. Valenzuela

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

21
22
23 Title or Type of Document Minor Agreement
24 Number of Pages 17 Date of Document April 2, 2009
25 Signer(s) Other Than Named Above _____



Attachment F.
Comment Letters

AIR POLLUTION CONTROL DISTRICT



January 17, 2024

RECEIVED

By Imperial County Planning & Development Services at 1:24 pm, Jan 17, 2024

Mr. Jim Minnick
Planning & Development Services Director
801 Main St.
El Centro, CA 92243

SUBJECT: Time Extension 23-0025 for Conditional Use Permit 9013A-94 – CalEnergy Operating Corporation

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) thanks you for the opportunity to review and comment on Time Extension (EXT) 23-0025 for Conditional Use Permit (CUP) 9013A-94 (Project). The project proposes a re-entitlement of CUP 9013A-94 to continue operations of an existing geothermal power plant, named the Salton Sea Unit 1 Plant via the project packet. The project is located at 6920 Lack Rd., Calipatria and identified with Assessor's Parcel Number 020-110-019.

CUP 9013A-94 includes a few conditions which are particularly relevant to the Air District: *General Condition G-2 Permits/Licenses, Specific Conditions S-2 Air Quality and Dust Emissions* and *S-6 DRIFT*. The project packet includes that the project is subject to Air District Permit 2000H, after reviewing its records the Air District determined the permit is active, satisfying G-2 with respect to the Air District. The conditions mentioned in S-2 and S-6 are addressed in permit 2000H under the permit's conditions to operate; by maintaining the permit active, conditions S-2 and S-6 are considered satisfied for the Air District. The Air District simply reminds the applicant that the project must continue to comply with permit 200H, all permit conditions, and all Air District rules and regulations.

The Air District also reminds the applicant that permit condition to operate J.3. states the Air District must be notified of "any material physical change, change in method of operation, or addition to the facility that results in a net emission increase or decrease of any regulated pollutant," this may also require the submittal of a permit review application

for engineering review of the changes. Should any modifications to equipment or protocols of the project be proposed, the applicant should contact Jesus Ramirez, Engineering & Permitting Division Manager, to discuss Air District notification requirements and any changes to permitting requirements of the project.

For your convenience the Air District's rules and regulations can be accessed online for review at <https://apcd.imperialcounty.org/rules-and-regulations/>. Should you have any further questions or concerns, please call our office at (442) 265-1800.

Sincerely,



Ismael Garcia
APC Environmental Coordinator

Reviewed by,



Monica N. Soucier
APC Division Manager



California
Department of Conservation
Geologic Energy Management Division

Gavin Newsom, Governor
David Shabazian, Director

January 16, 2024

Diana Robinson
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243
ICPDScommentletters@co.imperial.ca.us

RECEIVED

JAN 17 2024

IMPERIAL COUNTY

PLANNING & DEVELOPMENT SERVICES

Dear Ms. Robinson:

COMMENTS FOR EXT23-0025 (CONDITIONAL USE PERMIT # 9013A-94), SALTON SEA UNIT 1

The California Geologic Energy Management Division (CalGEM) regulates the drilling, operation, maintenance and ultimate plugging and abandonment of geothermal production and injection wells located on private and state lands in California. Public Resources Code (PRC), Division 3, Chapter 4, Sections 3700 to 3776, and California Code of Regulations (CCR) Title 14, Sections 1900 to 1997.5 delineate the statewide geothermal statutes and regulations for geothermal wells and associated projects.

CalGEM has reviewed the Request for Comments packet for EXT23-0025 for CalEnergy Operating Corporation and provides the following comments:

- 1) The California Division of Oil, Gas and Geothermal Resources (CDOGGR) is now known as CalGEM. CalGEM suggests updating the Conditional Use Permit (CUP) conditions that reference CDOGGR to instead reference CalGEM. The CUP conditions that currently reference CDOGGR include G-2, S-8, S-16, S-17, S-18, S-19, and S-20.

If you have any questions regarding CalGEM's comments, please contact us at CalGEMGeothermal@conservation.ca.gov.

Sincerely,

Jerry Salera

Jerry Salera
Senior Oil and Gas Engineer (Supv.)

cc: CalGEM CEQA Unit: CEQA@conservation.ca.gov