

RECORDING REQUESTED BY AND

Dolores Provencio
County Clerk / Recorder

P Public

When Recorded Return to:

Doc#: 2006 -- 026628

Titles: 1 **Pages:** 40

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



Fees 123.00
Taxes 0.00
Other 0.00
PAID \$123.00

CONDITIONAL USE PERMIT CUP#06-0008

(Waste Collection/Material Recovery Facility/Transfer Station)
[Palo Verde Valley Disposal Services/Harris Road, LLC]

This Agreement is made and entered into on May 4th, 2006, by and between the Palo Verde Valley Disposal Services (PVVDS)/Harris Road, LLC, (14701 South Broadway, Blythe, CA 92225) hereinafter referred to as Permittee, and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

WHEREAS, Permittee is the property owners and proponents of the project located in Imperial County and identified as a portion of Tract 43, Township 14 South, Range 14 East, SBB&M being about 73 acres, and further described by Assessors Parcel Number 040-360-033-000, and;

WHEREAS, Permittee has applied to the County for permission to develop a solid waste collection, material recovery facility and transfer station upon the above site;

WHEREAS, Permittee will not operate any type of use other than specified herein and within the application, and;

WHEREAS, County, after a review of the project, after preparation and circulation of a Master Environmental Impact Report, after a noticed public hearing before the Planning Commission, after a noticed public hearing before

1 the Board of Supervisors agreed to issue Conditional Use Permit #06-0008,
2 subject to all of the following conditions:

3 **NOW THEREFORE**, the County issued the CUP #06-0008 subject to all of
4 the following conditions.

5
6 **GENERAL CONDITIONS:**

7 *The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are*
8 *conditions that are either routinely and commonly included in all Conditional Use Permits*
9 *as "standardized" conditions and/or are conditions that the Imperial County Planning*
10 *Commission has established as a requirement on all CUP's for consistent application and*
11 *enforcement. The Permittee is advised that the General Conditions are as applicable as*
12 *the other types of conditions or mitigation measures within this Conditional Use Permit!*

13
14 **G-1 GENERAL LAW:**

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

18
19 **G-2 PERMITS/LICENSES:**

20 The Permittee shall obtain any and all local, state and/or federal permits,
21 licenses, and/or other approvals for the construction and/or operation of the
22 Project. This shall include, but not be limited to, local requirements for Health,
23 Building, Sanitation, ICAPCD, Public Works, Imperial County Sheriff, Fire/Office
24 of Emergency Services, Regional Water Quality Control Board, among others.
25 Permittee shall likewise comply with all such permit requirements and shall
26 submit a copy of such additional permit and/or licenses to the Planning and
27 Development Services Department within 30 days of receipt, as deemed
28 necessary.

G-3 CONDITION PRIORITY:

The Project shall be constructed and operated as described in the Conditional
Use Permit application, all environmental mitigation measures identified in the
Master EIR, and as specified in these conditions. If there is a difference, or a
discrepancy between this CUP, or any other permit or law, the most stringent
condition/law shall govern.

G-4 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

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

7 **G-5 INDEMNIFICATION:**

8 As a condition of this permit, Permittee agrees to defend, indemnify, hold
9 harmless, and release the County, its agents, officers, attorneys, and employees
10 from any claim, action, or proceeding brought against any of them, the purpose
11 of which is to attack, set aside, void, or annul the permit or adoption of the
12 environmental document which accompanies it. This indemnification obligation
13 shall include, but not be limited to, damages, costs, expenses, attorneys fees, or
14 expert witness fees that may be asserted by any person or entity, including the
15 Permittee, arising out of or in connection with the approval of this permit, whether
16 there is concurrent, passive or active negligence on the part of the County, its
17 agents, officers, attorneys, or employees. This indemnification shall include
18 Permittee's actions involved in construction, operation or abandonment of the
19 permitted activities.

20 **G-6 TIME LIMIT:**

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

1 or all of the conditions or if there is a history of non-compliance with the permit
2 conditions.

3 **G-7 COSTS:**

4 The Permittee shall pay any and all amounts determined by the County Planning
5 and Development Services Department to defray any and all cost(s) for the
6 review of studies/reports, field investigations, and other activities directly related
7 to the enforcement/monitoring for compliance of this Conditional Use Permit,
8 County Ordinance or any other applicable law as provided in the Land Use
9 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.

10 **G-8 INSURANCE:**

11 The Permittee shall secure and maintain liability in tort and property damage,
12 insurance at a minimum of \$1,000,000 or proof of financial responsibility to
13 protect persons or property from injury or damage caused in any way by
14 construction and/or operation of the permitted facilities. The Permittee shall
15 require that proper Workers' Compensation insurance cover all laborers working
16 on such facilities, e.g. during construction and maintenance, as required by the
17 State of California. The Permittee shall also secure liability insurance and such
18 other insurance as may be required by the State and/or Federal Law. Evidence
19 of such insurance shall be provided to the County prior to commencement of any
20 activities authorized by this permit, e.g. a Certificate of Insurance is to be
21 provided to the Planning and Development Services Department by the
22 insurance carrier and said insurance and certificate shall be kept current for the
23 life of the permitted project. Certificate(s) of Insurance shall be sent directly to
24 the Planning and Development Services Department by the insurance carrier and
25 shall name the Department as a recipient of both renewal and cancellation
26 notices.

27 **G-9 INSPECTION AND RIGHT OF ENTRY:**

28 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:

- (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;

- 1 (b) Have access to and copy, at reasonable times, any records that must be
2 kept under the conditions of the permit;
- 3 (c) Inspect at reasonable times any facilities, equipment, or operations
4 regulated or required under the permit, and,

5 **G-10 NOTICE OF REGULATORY ACTIVITIES:**

6 Permittee shall provide to the Planning and Development Services Department
7 copies of all notices and/or submissions to any State, Federal, or local regulatory
8 authority initiated by Permittee concerning or relating to operations under this
9 permit, concurrently with submission to these authorities.

10 **G-11 REPORTS:**

11 Permittee shall at a minimum be required to submit to the Planning and
12 Development Services Department, the following reports;

- 13 1. An "Annual Compliance Report", which shall be filed with the Planning and
14 Development Services Department and describes Permittee's efforts to
15 comply with the CUP, and other permits, and shall be in a format
16 determined by the Planning and Development Services Director. The
17 Annual Compliance Report shall also contain Certificates of Insurance as
18 required by Condition G-8. The Annual Compliance Report shall be
19 submitted no later than May 1st of each year, and shall cover the preceding
20 12 month period ending December 31 of each year.
- 21 2. The Permittee shall provide a semi-annual report for the first two (2) years
22 for project operations and shall be submitted within 75 days of the end of
23 the preceding six (6) month period.
- 24 3. The County may also request, in writing, "Special Monitoring Reports"
25 containing such documents and information from Permittee, and at such
26 intervals and containing such information as the Planning and Development
27 Services Director, Health Officer, Public Works and/or Air Pollution Control
28 Officer (individually or collectively) deem necessary for monitoring the Site.
Special Reports shall be submitted by Permittee no later than the date
specified by the written request.
4. The County may also require special report(s)/studies to be prepared by an
outside consultant retained by the County, and the cost of such report to be
paid by Permittee. The Permittee shall be allowed to comment on the
scope of work, and shall cooperate with such consultant.

G-12 HEALTH HAZARD:

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

6 **G-13 ENFORCEMENT AND TERMINATION:**

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- 8 (a) If the Planning and Development Services Department finds and determines
9 that the Permittee or successor-in-interest has not complied or cannot
10 comply with the terms and conditions of the CUP, or the Planning and
11 Development Services Department determines that the permitted activities
12 constitute a nuisance, the Planning and Development Services Director
13 shall provide Permittee with notice and opportunity to comply with the
14 enforcement or abatement order.
- 15 (b) If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee
16 cannot comply with the conditions set forth in the CUP, then the matter shall
17 be referred to the Planning Commission for permit modification, suspension,
18 or termination, or to the appropriate enforcement authority.
- 19 (c) If the Planning Commission determines to proceed with modification,
20 suspension or termination of the CUP, the Planning Commission shall give
21 at least thirty (30) days notice to Permittee, and such other public notice as
22 required by law, of its intention to do so.

18 The notice shall contain:

- 19 1. The time and place of the hearing;
- 20 2. A statement as to the reasons why the Planning Commission proposes
21 to modify, suspend, or terminate the CUP;
- 22 3. Any proposed modification to the CUP and other information which the
23 Planning Commission considers necessary or desirable to inform
24 Permittee the public of the nature of the hearing.
- 25 (d) Any action by the Planning Commission shall be documented by written
26 findings. In the event the Planning Commission chooses to suspend or
27 revoke the CUP, the Commission must specifically find that such revocation
28 is necessary because prior governmental efforts to get Permittee to comply
with the terms and conditions of the permit have failed and Permittee has
failed to demonstrate to the Planning Commission's satisfaction the

1 willingness or ability to comply with the terms and conditions of the use
2 permit, or to abate a nuisance, or to prevent an immediate threat to the
3 public health or safety.

- 4 (e) After the hearing concerning enforcement, modification or termination of the
5 CUP, the Planning Commission shall make its determination within seventy-
6 five (75) days, unless Permittee and the Planning and Development
7 Services Director agree by mutual written consent to extend the time for
8 decision.

9 **G-14 VIOLATIONS OF REPORTING REQUIREMENTS:**

10 Failure by Permittee to timely submit (as determined by the applicable agency)
11 any report pursuant to Condition G-11, or any permit, permit application, or report
12 to another permitting agency shall be a violation of this permit which may be
13 enforced pursuant to Condition G-13 or at the discretion of the Planning
14 Commission. The County shall also as a penalty impose a double cost charge
15 for the review of any reports which are not timely submitted.

16 **G-15 NUISANCE PER SE/NUISANCE:**

17 As between the County and the Permittee, any violation of this permit may be a
18 "nuisance per se". The County may enforce the terms and conditions of this
19 permit in accordance with its Codified Ordinances and/or State law. The
20 provisions of this paragraph shall not apply to any claim of nuisance per se
21 brought by a third party.

22 In addition, Permittee shall not be permitted to maintain a "nuisance", which is
23 anything which: (1) is injurious to health, or is indecent or offensive to the
24 senses, or an obstruction to the free use of property, so as to interfere with the
25 comfortable enjoyment of life or property, and/or (2) affects at the same time an
26 entire community or neighborhood, or any considerable number of persons,
27 although the extent of the annoyance or damage inflicted upon individuals may
28 be unequal, and/or (3) occurs during or as a result of the handling or burning of
any waste fuel.

G-16 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.

G-17 SPECIFICITY:

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

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11 **G-18 INVALID CONDITIONS:**

12 If any section, subsection, sentence, clause, or phrase of the CUP is for any
13 reason held to be invalid, by a Court of proper jurisdiction, the County may
14 consider other similar conditions as it may deem necessary to address the
15 negative impacts which were intended to be mitigated by any single condition
16 which must be changed due to invalidity. If similar conditions cannot be
17 imposed, then the Commission may seek revocation of this permit pursuant to
18 the provisions of Condition G-13 above.

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

22 The provisions of this permit are to run with the land/project and shall bind the
23 current and future owner(s) successor(s)-in-interest, assignee(s) and/or
24 transferor(s) of said project. Permittee shall not without prior notification to the
25 Planning and Development Services Department assign, sell, or transfer, or grant
26 control of project or any right or privilege therein. The Permittee shall provide a
27 minimum of 60 days written notice prior to such proposed transfer becoming
28 effective. In the event that the new owner or assignee or transferor has a history
of non compliance with environmental laws or is not of substantial equivalent or
superior financial capability and/or responsibility or is not willing to or has not
agreed to in writing to abide by the terms or conditions of this permit, the
Planning and Development Services Department shall bring this matter to the
Planning Commission for either revocation or modification to the permit.

G-20 MINOR AMENDMENTS:

The Planning and Development Services 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.

G-21 CHANGE OF OWNER/OPERATOR:

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

10 **G-22 RESPONSIBLE AGENT:**

11 All operations shall be conducted under the direction of a responsible agent.
12 Permittee shall maintain on file with the Planning and Development Services
13 Department the name and phone number of the responsible agent for the site.
14 This agent shall ensure that appropriate personnel and equipment shall be
15 available to respond to on-site emergencies. A back-up name shall also be
16 provided, and a phone number for 24-hour emergency contact shall also be on
17 file. If there are other users, the same information (as applicable) required from
18 the Permittee shall also be made available to the County from such other users.

16 **G-23 WATER AND SEWER:**

17 Permittee shall provide water and sewer to Federal, State and County standards.
18 Water and sewer systems shall be approved by the Environmental Health
19 Services and the Planning and Development Services Department. Permittee
20 shall hook-up to a public water and sewer system(s) or supplier if and when
21 available.

21 **G-24 POTABLE WATER:**

22 A potable water supply shall be installed as required and approved by
23 Environmental Health Services. As necessary, Permittee shall provide a letter to
24 the Planning and Development Services Department from the Environmental
25 Health Services accepting the proposed potable water supply, prior to any
26 building permits being issued. Additionally, all new or expanded water systems
27 installed, shall include the minimum pressure water supply pipe of a diameter
28 conforming to County standards.

27 **G-25 GENERAL WELFARE:**

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2 All construction shall be conducted with consistency with all laws, conditions,
3 adopted County Ordinance(s) and the Uniform Codes, as adopted by the County,
4 for Seismic Zone 4, and in compliance with State and Federal regulations.
5 Permits (electric, plumbing, grading, among others) shall be secured for all
6 facilities prior to any construction being commenced. The project must be built
7 so as to be in harmony with the area and not conflict with the public health,
8 safety, comfort, convenience, and general welfare.

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11 **G-26 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING**
12 **PERMIT:**

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

17 **G-27 LIGHTING:**

18 On-site lighting shall be shielded and/or directed in such a way as to eliminate
19 and reduce off-site glare particularly towards roadways. The shielding shall
20 confine the direct rays to the site. Lighting shall be installed to provide a safe
21 working environment in and around the facility and/or equipment meeting OSHA
22 standards.

23 **G-28 REGISTRATION OF VEHICLES:**

24 All vehicles directly used by plant operation in the operation of said project, and
25 requiring Department of Motor Vehicle registration shall be registered in the
26 County of Imperial.

27 **G-29 DEFINITIONS:**

28 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

1 Planning Commission. Their determination shall be final unless an appeal is
2 made to the County Board of Supervisors within the required time, i.e. ten (10)
3 calendar days, pursuant to the Land Use Ordinance, Title 9, Division 1, Chapter
4 4, Section 90104.05, *Appeal from Decision*.

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7 **SPECIFIC CONDITIONS:**

8 *The "SPECIFIC CONDITIONS" are shown by the letter "S". These conditions are*
9 *conditions "site specific" to this Conditional Use Permit. The Permittee is advised that the*
10 *Specific Conditions are as applicable the other types of conditions or mitigation measures*
11 *within this Conditional Use Permit, or within the Mesquite Lake Specific Plan and Master*
12 *EIR, that are incorporated herein by reference and whether included hereinafter or not!*

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15 **S-1 SOLID WASTE COLLECTION FACILITY:**

16 The proponents seek to build an office, shop facility for a waste collection
17 company and material recovery facility (MRF) and transfer station as described in
18 the CUP application and supporting documentation. The project will be
19 developed in three phases as follows: Phase I will consist of a business office
20 and maintenance shop facility for waste collection in the County. The office and
21 shop will consist of a 10,000 square-foot metal building with a 2,000 square-foot
22 office and maintenance shop of approximately 8,000 square-feet. Access to the
23 facility and the parking area shall be paved with asphalt and the roadways to the
24 shop and yard area will be paved. When Phase III is completed, the balance of
25 the internal roadway system on-site will be paved according to the project
26 description. A truck and container cleaning area will be included within the
27 Phase I and include a steam cleaner and power washing equipment for daily
28 cleaning of the collection vehicles and containers. A Diesel Fuel Station will
include a 10,000 fully-approved fuel tank with appropriate secondary containment
barrier in the event of a spill. Phase I will also include the storage or recyclable
materials and will be stored outdoors on pallets (not over 60 days) and could
later include green waste diversion, composting, waste tire grinding and storage,
and E-Waste disposal. Phase I operations are expected to utilize six (6)
collection trucks of varying types, and employ 10-12 employees with a water
truck and soil polymers to be used for dust suppression

Phase II will consist of an increase in the workload described above and
container inventory will increase due to an increase in additional developed
customer base with the number of employees from 12 to 30-35 as collection
routes and activities expand. Truck traffic would increase to fifteen (15) trucks in
Phase II and with a possible addition of 4,000 square-foot office on a second
floor and expansion of the shop area expanded by an additional 4,000 square-
feet to accommodate the increase in the fleet of vehicles and additional volume.

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2 Phase III will consist of expanding the current operations and construction of the
3 Material Recovery Facility (MRF) and Waste Transfer Station. The MRF
4 equipment and operation will be within a new 50,000 square-foot building and be
5 approved by all of the applicable agencies for material recovery processing.

6 **S-2 QUANTITY OF SOLID WASTE PERMITTED:**

7 In Phase I, the waste will be limited to the utilization of six (6) collection trucks of
8 various types; Phase II, the proposed truck traffic would increase to fifteen (15)
9 trucks; and Phase III would entail the acceptance of up to 1,500 tons/per/day of
10 municipal solid waste according to the project description and at full operation to
11 have a fleet of 40-50 collection vehicles, 8 transfer truck tractors and 25 transfer
12 trailers and the number of employees is estimated at 95 with a total of one-way
13 trips estimated at full operation as 500 to the site.

14 **S-3 HOURS OF OPERATION:**

15 The proponents have requested that they operate 24-hours per day but is subject
16 to any reported nuisances, in accordance with local, state or federal nuisance
17 laws. In the event that nuisances are reported and not resolved in a timely
18 manner, the Planning and Development Services Department shall have the
19 authority to reduce the permitted hours and days of operations, to the level
20 necessary to abate the reported nuisance (see General Condition G-15).

21 **S-5 SOLID WASTE INSPECTION AND HANDLING:**

22 Permittee shall prepare and submit to Environmental Health Services, Local
23 Enforcement Agency, County Fire/OES Department, Planning and Development
24 Services Department, and applicable state and federal agencies, a detailed solid
25 waste handling plan for review and approval. The plan must be submitted, and
26 approved within six (6) months from the date this permit is approved, and prior to
27 recordation of this permit.

28 A copy of any future revised plan shall be sent to Environmental Health Services,
Local Enforcement Agency, County Fire/OES Department, Planning and
Development Services Department, and applicable state and federal agencies for
their review and approval.

S-7 EMERGENCY RESPONSE:

An Emergency Response Plan shall be development and maintained as
applicable by the Permittee and shall be reviewed and approved by the County
Fire/OES Department. Permittee shall provide a trained emergency response
team to handle plant accidents. A member of each working shift shall be certified
in first-aid and supplied with necessary medical equipment to respond to

1 accidents. A copy of the approved plan, as well as any future revised copy shall
2 be sent to the Planning and Development Services Department, County
3 Fire/OES Department and the Local Enforcement Agency/EHS for review and
4 approval by the County Fire/OES Department.

4 **S-9 FLOODING:**

5 A berm surrounding the project area (which includes all plant facilities and solid
6 waste storage areas) shall be maintained to prevent intrusion of surface water to
7 and from off-site areas during major storm events.

8 **S-10 NOISE/LIGHTING:**

9 On-site noise shall be controlled to CAL-OSHA standards and by the Imperial
10 County Noise Element and on-site lighting continue to be shielded and directed
11 to eliminate and reduce off-site glare particularly towards roadways with all
12 lighting provided to provide a safe working environment in and around the facility
13 along with all equipment meeting OSHA-standards.

12 **S-11 WASTE WATER:**

- 13 (a) Permittee shall meet all requirements as specified in any NPDES Waste
14 Water Discharge Permit from the Colorado River Basin, Regional Water
15 Quality Control Board.
- 16 (b) Permittee shall monitor waste water to drain in accordance with NPDES
17 Permit requirements to demonstrate compliance with discharge limitation.
- 18 (c) Permittee shall maintain a disposal system, as approved by EHS, for any
19 sanitary waste water.
- 20 (d) Permittee shall maintain a retention basin for collection and evaporation or
21 conveyance to the applicable Imperial Irrigation Drain for on-site storm
22 water run-off.

21 **S-12 MASTER EIR MITIGATION MEASURES "GENERAL" AND "PROJECT
22 SPECIFIC":**

23 Permittee shall undertake all general and project specific mitigation measures
24 identified in the Master Environmental Impact Report (attached herein and below)
25 prepared for this project.

25 **S-13 AIR QUALITY:**

26 Prior to the operation of the facility, the Permittee shall meet all requirements of
27 the Imperial County Air Pollution Control District.

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- (a) Permittee shall comply with APCD Rule 800, *Fugitive Dust Requirements for Control of Fine Particulate Matter*.
- (b) Permittee shall obtain all required permits and approvals from APCD, as required such as a "Permit to Operate."
- (c) Permittee shall install all air pollution equipment as required by APCD and ensure that all vehicles used on-site (vehicles, transport trucks, and other applicable motorized equipment) shall be in compliance with all local, state and federal clean air laws and regulations at all times.
- (d) In order to minimize dust emissions from the project operations, all control methods shall be approved by the APCD.
- (e) Long-term material storage areas shall be compacted or otherwise protected to minimize wind blown dust emissions.
- (g) Air monitoring programs, if applicable, shall be conducted on-site or in the vicinity of the property as required by APCD.
- (h) Permittee shall comply with the Master EIR mitigation measures and all on-site roads/driveways or parking area shall be maintained in a dust-free manner acceptable to the APCD.
- (i) Permittee shall transmit duplicate reports, applications, requests for variances, etc. as well as all air monitoring data, in compliance with APCD permits (authority to construct/permit to operate) to the Imperial County Planning and Development Services Department, concurrently.

S-14 FIRE PROTECTION:

- (a) Permittee shall provide adequate fire protection system, equipment, and water storage or supply on-site access roads for fire fighting equipment in accordance with NFPA, Uniform Fire Code and Imperial County Fire Department standards.
- (b) Permittee shall provide a hazardous materials plan, as needed, and a copy of the fire protection plan shall be submitted to the Planning and Development Services Department within sixty (60) days from the approval of the plan or any future revision by the County Fire Department.

S-15 HANDLING AND OPERATING PERMITS:

1 Prior to the operation of the facilities, the Permittee shall obtain all applicable
2 required permit and approvals from the Local Enforcement
3 Agency/Environmental Health Services/Health Department.

4 **S-16 SYSTEM SHUT DOWN AND SITE ABANDONMENT:**

5 Permittee shall fund through the Planning and Development Services
6 Department an independent assessment of the cost of site restoration within six
7 (6) months from the approval of this CUP Agreement and prior to recordation of
8 this CUP Agreement. Upon approval of this assessment by the Planning and
9 Development Services Director, the Permittee shall submit and file a bond, (or
10 other form of security acceptable to Imperial County) in the amount determined
11 by the assessment and in a form acceptable to County Counsel. Said bond
12 (security) shall guarantee restoration of the land to its condition prior to
13 development.

14 When the operation of the facility herein authorized has ceased, all facilities shall
15 be dismantled and the land involved in the operation of the facility shall be
16 restored to its original condition to the satisfaction of the Planning and
17 Development Services Department. After satisfactory completion of such
18 restoration, the bond or security shall be released by the County.

19 **S-17 SPECIAL DISTRICT & COMMUNITY FACILITY DISTRICT:**

20 As a condition of this permit approval, Permittee agrees to enter into the
21 Mesquite Lake Specific Plan Special District and Community Facility District's.
22 The districts are intended to provide the necessary financing for the essential
23 infrastructure (i.e. water, sewer, power, roads, etc.) needed for the development
24 of the Mesquite Lake Specific Plan.

25 **S-18 TRAFFIC IMPACT FEES:**

26 Prior to issuance of a building permit, Permittee shall submit the requisite traffic
27 impact fees. The traffic impact fees will be calculated on a total number of
28 vehicle trips permitted by this permit. The County of Imperial shall set the impact
fees based on the road improvements set forth in the Mesquite Lake Specific
Plan and Master Environmental Impact Report, and an individual project's trip
generation.

S-19 SOIL EXCAVATION/HAZARDOUS MATERIALS:

Any hazardous waste/materials encountered during operation or new upgrades
shall be remediated in accordance with local, state and federal regulations. If
during construction of the upgraded facilities, soil and/or groundwater
contamination is suspected, stop construction immediately and appropriate

1 health and safety procedures shall be implemented in accordance with applicable
2 laws.

3 **S-20 GRADING/DRAINAGE PLAN:**

4 The Permittee shall furnish a revised Grading and Drainage Study/Plan to
5 provide for property grading and erosion control, which shall include prevention
6 of sedimentation or damage to off-site properties. The Study/Plan shall be
7 submitted to the Planning and Development Services Department for review and
8 approval and the Permittee shall implement the approved plan.

9 **S-21 ENCROACHMENT PERMIT:**

10 An encroachment permit shall be secured from the Department of Public Works
11 for any and all new, altered, or unauthorized, existing driveway(s) to access the
12 property. Entrance(s) improvements shall met the appropriate agency's standard
13 requirements, and/or approvals. A permit must also be issued to include any
14 work within County road rights-of-way such as for underground and overhead dry
15 and wet utilities and road infrastructure.

16 **S-22 SITE PLAN REVIEW:**

17 Prior to issuance of building permits, Permittee shall submit an application for site
18 plan review pursuant to the Mesquite Lake Specific Plan. The site plan review
19 application shall consist of a site plan, structure elevations, parking plan,
20 landscape plan, textual narrative on propose project improvements, and the
21 requisite review fees.

22 **S-23 FENCING**

23 The facilities shall be fenced in accordance with the Mesquite Lake Specific Plan
24 and County Land Use Ordinance. Fencing shall be approved by the Planning
25 and Development Services Department.

26 **S-24 LANDSCAPING**

27 Permittee shall prepare a landscaping plan which will be subject to the review
28 and approval of the Planning and Development Services Department. The
landscaping plan shall be done prior to the issuance of building permits. All
landscaping must be installed and prior to issuance of a certificate of occupancy.
At a minimum, landscaping shall be installed and maintained on the entire
perimeter of the site. Permittee shall install landscaping, size scale, and
percentage of lot coverage in accordance with the Mesquite Lake Specific Plan
and County Land Use Ordinance.

S-25 PERMIT TERMINATION

1
2 This permit shall be null and void if any information submitted by the Permittee is
3 found false.
4
5
6
7

8 **MESQUITE LAKE SPECIFIC PLAN MASTER EIR GENERAL MITIGATION**
9 **MEASURES/CONDITIONS:**

10 The "MESQUITE LAKE SPECIFIC PLAN MASTER EIR
11 GENERAL MITIGATION MEASURES/CONDITIONS" are shown
12 by the letter "ML-G". These mitigation/conditions are conditions to
13 this Conditional Use Permit. The Permittee is advised that the
14 Mesquite Lake Specific Plan Master EIR General Mitigation
15 Measures/Conditions are as applicable as the other types of
16 conditions or mitigation measures within this Conditional Use
17 Permit, whether specified hereinafter or not!

14 **ML-G-1 MESQUITE LAKE DEVELOPMENT STANDARDS:**

15 Conformance with the Development Standards in Chapter IV of the Mesquite
16 Lake Specific Plan shall ensure conformity to the specified standards of site and
17 building design; sign, parking, and fence requirements; and setbacks, building
18 heights, and lot areas.

18 **ML-G-2 HYDROLOGY AND WATER QUALITY**

19 1. Mitigation Measure 4.2.1, Hydrological Analysis: As part of the building
20 permit application process for each project, a hydrologic analysis shall be
21 conducted to determine that:

- 22 a) The proposed project would not cause undercutting erosion,
23 slope stability
24 degradation, vegetative stress (due to flooding, erosion, water
25 quality degradation, or loss of water supplies), sedimentation, or
26 habitat alteration in downstream areas as a result of an altered flow
27 regime.
- 28 b) Downstream IID drainage systems would have sufficient
capacity to convey the increase in site runoff due to the increase in

1 impervious surfaces, and the ability to attenuate the resulting peak
2 flows.

3 c) Any on-site BMPs are designed in accordance with the County
4 Engineering Design Guidelines Manual (County of Imperial 2004) and
5 to the satisfaction of the County Engineer.

6 2. Mitigation Measure 4.2.2, Hydrologic Design: Based on the hydrological
7 analysis conducted above, natural hydrologic designs shall be integrated into site
8 layouts to the maximum extent practicable by:

9 a) Reducing imperviousness and directly connected impervious
10 surfaces to facilitate natural infiltration of runoff, conserving
11 natural resources and areas, maintaining and using natural
12 drainage courses in the stormwater conveyance system, and
13 minimizing clearing and grading.

14 b) Providing runoff storage measures dispersed uniformly
15 throughout a site's landscape with the use of a variety of
16 detention, retention, and runoff practices.

17 c) Implementing on-site hydrologically functional landscape design
18 and management practices.

19 d) Incorporating pervious pavements wherever practicable.

20 3. Mitigation Measure 4.2.3, Construction Stormwater Pollution Prevention
21 Plan: Prior to issuance of a grading permit for any phase or unit of development
22 within the Specific Plan, an NOI shall be submitted to the SWRCB, and an
23 SWPPP shall be developed and implemented on-site in compliance with Water
24 Quality Order 99-08-DWQ/NPDES General Permit No. CAS000002 (General
25 Construction Permit). The County Director of Public Works shall be provided an
26 opportunity to review the SWPPP as part of the review/approval process at least
27 30 days prior to construction. The SWPPP shall include, but shall not be limited
28 to, the following:

a) BMPs to prevent construction-related pollutants from being
exposed to runoff that can transport pollutants into nearby
receiving waters. The selection and placement of BMPs shall be
designed to protect all areas disturbed by construction activities
from erosive forces and capture sediment from stormwater
before it leaves the site. Erosion and sediment controls shall
include both stabilization (erosion control) and structural
(sediment control) measures. These measures shall be
implemented such that the exposure of unprotected, disturbed

1 earth during site development is minimized to the shortest
2 duration practicable.

3 b) Soil-tracking BMPs to limit off-site transport of sediment from
4 the construction areas by implementing tire-cleaning measures
5 such as stabilized construction entrance/exit designs (e.g.,
6 metal corrugated shaker plates, gravel strips, and/or wheel-
7 washing facilities) at access points.

8 c) Inspect/maintain all erosion and sediment control measures for
9 proper integrity
10 and function during the entire construction period. All
11 stabilization and structural controls shall be inspected at least
12 monthly or after any significant storm event and shall be
13 repaired or maintained for optimum performance. Access to
14 these facilities shall be maintained during wet weather.

15 Examples of erosion control include:

- 16 ▪ slope benching and terracing
- 17 ▪ soil roughening
- 18 ▪ temporary revegetation
- 19 ▪ soil stabilizers
- 20 ▪ mulches and matrices
- 21 ▪ erosion control blankets
- 22 ▪ fiber rolls

23 Examples of sediment control include:

- 24 ▪ perimeter controls (e.g., gravel bag or straw bale berms, silt
25 fence)
- 26 ▪ stormwater inlet protection (e.g., fiber roll, gravel bags,
27 geofabric grate
- 28 ▪ covering)
- silt fencing
- gravel construction site entrance/exits
- truck tire wheel wash
- check dams

Material and waste management programs during construction
such as solid, sanitary, septic, hazardous, contaminated soil,
concrete, and construction waste management; spill prevention;
appropriate material delivery and storage; employee training; dust
control; and vehicle and equipment cleaning, maintenance, and
fueling. Each of these programs would address proper secondary
containment requirements, spill prevention and protection,
structural material storage needs, proper concrete wash-out design
and containment, perimeter and surface protection for lay down and

1 maintenance areas, and relaying all such requirements to
2 construction staff.

3 Structural and non-structural programs (i.e., routine procedures or
4 practices) to reduce the amount of pollutants in runoff; to prohibit
5 the storage of uncovered hazardous substances in outdoor areas;
6 to prohibit the use of pesticides and herbicides; and to prevent
7 spills.

8 A monitoring program involving inspection and maintenance
9 procedures for all post-construction stormwater pollution control
10 measures to ensure that they continue to function properly. The
11 monitoring program shall specify the monitoring entity; the funding
12 source for the inspection/monitoring program; and enforcement
13 provisions in the event of failure to implement, operate, or maintain
14 the approved stormwater pollution control measures.

15 Maintaining records of all stormwater control measure
16 implementation, inspection, and maintenance activities for at least 5
17 years.

18 4. Mitigation Measure 4.2.4, Industrial Stormwater Pollution Prevention Plan:
19 Thirty (30) days prior to new facility start-up for any phase or unit of
20 development within the Specific Plan, an NOI shall be submitted to the
21 SWRCB, and a SWPPP shall be developed and implemented on-site in
22 compliance with Water Quality Order 97-03-DWQ/NPDES General Permit
23 No. CAS000001 (General Industrial Permit), which requires:

- 24 a) Verifying that any illicit connections to storm drains have been
25 eradicated.
- 26 b) Incorporating non-structural and structural BMPs to reduce
27 pollutants in site runoff, such as outfall protection and treatment
28 devices, proper storage and disposal of potential pollutants,
secondary containment protection, and prohibiting pesticide and
herbicide use; waste management, employee training, erosion
control, vehicle/equipment cleaning, maintenance, and fueling; spill
prevention/response practices; and shipping/receiving practices.
Storage of potential pollutants shall be contained within approved
safety lockers with secondary containment, within constructed
secondary containment structures, or stored off-site in suitable
protective enclosures. Disposal shall occur at an authorized landfill,
waste collection center, or other certified disposal facility approved
for disposing the waste in question. The methods and procedures
shall be consistent with the philosophies of EPA and California

1 guidance documentation for industrial stormwater pollution
2 prevention.

3 c) Developing and executing a Monitoring and Reporting Program to
4 assess the effectiveness of BMPs through visual inspection of
5 storm drains and outfall points during wet and dry weather and
6 storm sampling. The program shall also address the maintenance
7 needs of any on-site BMPs to ensure optimum functionality.

8 d) Preparing and submitting an annual report to the RWQCB with
9 monitoring results.

10 e) Maintaining all related records of all control measure
11 implementation, inspection, and maintenance for at least 5 years.

12 5. Mitigation Measure 4.2.5, Service Area Agreement: The Imperial County
13 Planning and Development Services Director shall review and approve the
14 County Service Area agreement or other documents establishing an independent
15 authority responsible for operation of public facilities and services within the
16 Specific Plan. The agreement or other documents shall include information
17 sufficient to address the ongoing maintenance of stormwater facilities on
18 individual lots/parcels as well as future storm drain systems within the County
19 road rights-of-way. These considerations shall include, but not be limited to,
20 maintaining erosion control BMPs to minimize on-site soil loss, clearing of
21 sediment from BMPs on an as-needed basis, trash and debris collection
22 (aesthetic maintenance), and maintaining public safety. The agreements shall
23 demonstrate that there are sufficient funding sources to operate these facilities in
24 an environmentally responsible manner, and that stormwater controls will be
25 implemented and maintained throughout their operational lifetime.

18 **ML-G-3 AIR QUALITY AND ODOR**

19 1. Mitigation Measure 4.3.1: Prior to issuance of any grading permit or
20 building permit, the applicant shall provide evidence that construction
21 specifications incorporate the requirement to comply with APCD Rule 800,
22 *Fugitive Dust Requirements for Control of Fine Particulate Matter*.

23 2. Mitigation Measure 4.3.2: Prior to issuance of any grading permit or
24 building permit, the applicant shall provide evidence that construction plans and
25 specifications incorporate elements that ensure the paving, planting, or
26 equivalent long-term dust stabilization of all surfaces that would be disturbed
27 during construction.

28 3. Mitigation Measure 4.3.3: Prior to issuance of any grading permit or
building permit, the applicant shall provide an analysis to APCD of forecast
construction equipment emissions attributable to the project as well as all

1 foreseeable concurrent construction within 1 mile of the project. If forecast direct
2 or cumulative NOX or ROC emissions would exceed 50 tons per year, the
3 applicant shall incorporate feasible emission reduction measures to reduce
4 emissions to less than 50 tons per year to the satisfaction of the Air Pollution
5 Control Officer. If emission reduction measures do not provide adequate
6 reduction, applicant shall conduct further project-specific environmental review
7 pursuant to CEQA or provide evidence from APCD that forecast emissions from
8 construction activities would not cause a significant air quality impact.

9
10
11 4. Mitigation Measure 4.3.4: Prior to issuance of any building permit, the
12 applicant shall provide evidence from APCD that the project is in compliance with
13 APCD rules for permitting of new or modified stationary sources, or is exempt
14 from permitting requirements.

15
16 5. Mitigation Measure 4.3.5: Prior to issuance of any discretionary
17 approval or building permit, the applicant shall provide information to the
18 Planning and Development Services Director on average daily truck and
19 employees trips and one-way average miles traveled. Based on this
20 information, the Planning and Development Services Director, in
21 consultation with the Air Pollution Control Officer, may require an analysis
22 of potential long-term vehicle emissions attributable to the project. If
23 forecast NOX or ROC emissions would exceed 50 tons per year, the
24 applicant may be required to incorporate feasible emission reduction
25 measures to reduce emissions to a less than significant level. If emission
26 reduction measures do not provide adequate reduction, applicant shall
27 conduct further project-specific environmental review pursuant to CEQA or
28 provide evidence from APCD that forecast long-term vehicle emissions
from the project would not cause a significant air quality impact.

6. Mitigation Measure 4.3.6: Prior to issuance of any building permit, the
permit applicant shall provide, for approval by the County Planning and
Development Services Department, a description of the odor-producing
potential of the facility and the controls that would be incorporated into the
project to avoid an impact to on-site or off-site receptors.

21 **ML-G-4 BIOLOGICAL RESOURCES**

22 1. Mitigation Measure 4.5.1: Prior to approval of any discretionary permit,
23 final map, grading plan, or building permit for any phase or unit of development
24 within the Specific Plan, the Planning and Development Services Director shall
25 determine whether the project could potentially impact wetlands or waters of the
26 U.S. Where the Planning and Development Services Director determines that a
27 potential impact could occur, the applicant shall provide evidence to the Planning
28 and Development Services Director that a qualified biologist has inspected the
site and made a determination regarding the presence of wetlands or waters of
the U.S. If determined to be present, the following actions shall be taken: (1) a

1 formal wetland and waters of the U.S. determination and delineation shall be
2 conducted by trained personnel to determine the extent of these resources on
3 the project site; (2) any required ACOE permit pursuant to Section 404 of the
4 CWA and certification from the RWQCB pursuant to Section 401 of the CWA
5 shall have been issued; and (3) any required Streambed Alteration Agreement
6 from the CDFG pursuant to Section 1600 of the California Fish and Game Code
7 and either a Statewide General Order (2004-0004-DWQ) or Form 200-Report of
8 Waste Discharge (ROWD) from the RWQCB under Section 13260 of the
9 California Water Code has been issued. As part of the permitting process for
10 impacts to either federal or State wetlands or waters, mitigation in the form of
11 habitat compensation (either creation, restoration, or enhancement) would be
12 required. Because of the federal and State policy of a no net loss of wetland
13 functions and values, habitat creation at least equal to the amount of
14 jurisdictional habitat impacted, shall be included with the habitat compensation
15 program. The ultimate mitigation replacement ratios would be determined
16 through consultation with the appropriate resource agencies during the permitting
17 process.

18 2. Mitigation Measure 4.5.2: Prior to approval of any discretionary permit,
19 final map, grading plan, or building permit for any phase or unit of development
20 within the Specific Plan, the Planning and Development Services Director shall
21 determine whether the project could potentially impact rare plants. Where the
22 Planning and Development Services Director determines that a potential impact
23 could occur, the applicant shall provide evidence to the Planning and
24 Development Services Director that focused rare plant surveys by a qualified
25 biologist were conducted during the appropriate season. If these surveys detect
26 sensitive plant species and determine that significant impacts would occur,
27 mitigation in the form of habitat compensation would be required as determined
28 appropriate by the County.

3. Mitigation Measure 4.5.3: Prior to construction within the Specific Plan, the
applicant shall provide evidence to the Planning and Development Services
Director that standard BMPs have been installed to avoid erosion and
sedimentation into federal and/or State jurisdictional waters and wetlands. It
is anticipated that such BMPs would be components of a SWPPP required as a
component of the State Water Resources Control Board's NPDES General
Permit, which prevents construction pollutants from contacting storm water and
with the intent of keeping all products of erosion from moving off-site into
receiving waters. An NPDES General Permit is required for construction projects
that encompass more than 5 acres of soil disturbance that would discharge
stormwater into waters of the U.S.

4. Mitigation Measure 4.5.4: Prior to grading or construction within the
Specific Plan, the Planning and Development Services Director shall determine
whether the project could potentially impact burrowing owl. Where the Planning
and Development Services Director determines that a potential impact could

1 occur, the applicant shall engage the services of a qualified biologist to conduct
2 site visits for the completion of a four-phase survey protocol to document the
3 presence of burrowing owl habitat and their use of the site and surrounding buffer
4 zone, as required by the CBOC and CDFG. If burrowing owl burrows are found
5 present within construction areas and a 50-meter (165-foot) boundary of
6 construction limits, avoidance is the preferred level of mitigation. Avoidance
7 requires no disturbance within 50 meters (165 feet) of occupied burrows during
8 the non-breeding season (September 1 through January 31), no disturbance
9 within 75 meters (250 feet) of occupied burrows during the breeding season
10 (February 1 through August 31), and a minimum of 6.5 acres of foraging habitat
11 preserved contiguous with occupied burrow sites for each pair of breeding
12 burrowing owls.

13 However, if avoidance cannot be met, on-site passive relocation can be
14 implemented, where owls are encouraged to move from occupied burrows to
15 alternate natural or artificial burrows beyond 50 meters from the impact zone,
16 within a minimum of 6.5 acres of foraging habitat for each pair of relocated owls.
17 The project biologist shall evaluate the suitability of nearby habitat, the availability
18 of an existing or constructed alternate burrow for each burrow excavated, and the
19 opportunity for preservation of the site, such as through a conservation easement
20 that would be managed to promote burrowing owl use of the site. Relocation
21 requires that owls should be excluded from burrows in the immediate impact
22 zone and 50-meter buffer zone by installing one-way doors in burrow entrances,
23 left in place for 48 hours before excavation. Relocation of owls should only be
24 implemented during the non-breeding season. Passive relocation may occur only
25 if there is at least 6.5 acres of suitable nearby habitat for each relocated pair, and
26 an alternate burrow for each burrow excavated.

27 5. Mitigation Measure 4.5.5: Prior to finalization of construction plans, timing
28 of construction within the Specific Plan shall be scheduled, if feasible, to avoid
the migratory bird nesting season in the project area (February 1 through
September 30). One week prior to commencement of construction activities
outside of the nesting season, a focused bird nest survey shall be conducted
within the plan area by a qualified biologist. Should any inactive or active bird
nests be noted, the CDFG will be notified pursuant to CDFG Code 3503 and
appropriate actions shall be taken per CDFG recommendations.

However, if construction is necessary before close of the nesting season, the
applicant could elect to have a qualified biologist conduct focused surveys for
migratory bird nests throughout the individual project site in the season of
planned construction. If this measure were selected, surveys shall be completed
1 week prior to commencement of construction. If surveys noted no sensitive
wildlife species or migratory bird nests within the area of potential construction
impact, construction could occur during the nesting season. If the biologist
determines that habitat slated for removal/disturbance is being used for nesting
at the time of the focused survey, disturbance should be avoided until after the

1 young have fledged from the nest and achieved independence. Results of
2 focused bird nest surveys shall be submitted to the CDFG via a letter report.

3 Should construction halt for any reason for longer than 1 week after initial
4 commencement of activities, an additional focused survey for migratory bird
5 nests would be required 1 week prior to recommencement of construction
6 activities. If the surveys were completed and no sensitive wildlife species or nests
7 were observed, construction could recommence during the nesting season.

8 **Additional Burrowing Owl Mitigation Measures (Meeting with USF&WS
9 staff):**

10 Prior to development the applicant/developer shall have a Burrowing Owl Survey
11 prepared.

- 12 1. The Study shall be prepared by a USF&WS "Permitted
13 Biologist".
- 14 2. The Study shall utilize the latest-adopted USF&WS
15 regulations (guidelines) and the State Department of Fish
16 and Game regulations.
- 17 3. Applicant/property owner shall submit the Study to the
18 USF&WS and State Department of Fish and Game for
19 review and approval. A copy of the Study shall also be
20 furnished to the Imperial County Planning and Development
21 Services Department.
- 22 4. No development shall occur until the Study has been
23 approved by USF&WS and the State Department of Fish
24 and Game. The re-location of Burrowing Owls found on-site
25 may be required.

26 Any and all Burrowing Owls on the project site shall be tagged by a USF&WS
27 "Permitted Biologist".

28 The first Study shall be conducted between February and September.

The Pre-construction Survey (second, shall be done no less than thirty (30) days
prior to any ground disturbance (i.e., grading and trenching, etc.). This Survey
can also be required prior to the issuance of any demolition permits.

The follow-up Study (third), shall be done no less than five (5) days prior to any
ground disturbance.

ML-G-5 ARCHAEOLOGICAL RESOURCES

General Mitigation Measures for Areas of Existing Development

1 1. Mitigation Measure 4.6.1: No pre-construction archaeological surveys
2 shall be required in areas of existing agricultural or other substantial
3 development. However, if during grading or construction, evidence of potential
4 archaeological resources is encountered, grading and construction shall be
5 halted, the Southeast Information Center (located at the Imperial Valley College
6 Desert Museum) and the County Planning and Development Services Director
7 shall be notified, and a qualified archaeologist shall be contracted by the
8 developer to inspect the site. Resumption of grading or construction shall not be
9 commenced until the archaeologist has advised the Planning and Development
10 Services Director regarding the potential for cultural resources at the site and the
11 Planning and Development Services Director notifies the developer that grading
12 or construction may proceed. If further archaeological investigation is required by
13 the Planning and Development Services Director, the procedures in Mitigation
14 Measure 4.6.2 shall be followed.

General Mitigation Measures for Existing Undeveloped Areas

11 1. Mitigation Measure 4.6.2: Prior to approval of a CUP, tentative map, site
12 plan, grading plan, or building permit for any phase or unit of development on
13 lands not previously disturbed by agricultural use that are within the portion of the
14 Specific Plan shown as the Cultural Resource Survey Area in Figure 4-5, field
15 surveys shall be conducted to determine the presence/absence of archaeological
16 resources and a report of the surveys provided to the Planning and Development
17 Services Director. A testing program shall be approved by the Planning and
18 Development Services Director for any identified resources to determine their
19 significance and proper mitigation. Mitigation may include preservation in place,
20 documentation, including recordation of findings at the Southeast Information
21 Center (located at the Imperial Valley College Desert Museum), and curation of
22 materials at an appropriate local facility for long-term preservation and study. If a
23 testing and/or excavation program is required, local Native American groups shall
24 be notified and a Native American monitor shall be present during excavation.

ML-G-6 HAZARDS AND HAZARDOUS MATERIALS

Geologic Features

21 1. Mitigation Measure 4.7.1: Prior to approval of a final map, grading plan, or
22 building permit for any phase or unit of development within the Specific Plan in
23 the vicinity of the Imperial Fault near the Rose Canal, fault investigations shall be
24 performed for human occupancy structures (structures designed for 2,000 or
25 more person-hours per year) to be located in the State of California Special
26 Studies Zone for Earthquake Faults in accordance with the County's Geologic
27 Hazards Ordinance (see Alquist-Priolo Zone in Figure 2-2). The fault
28 investigations shall include, but shall not be limited to, the following: (1)
excavation of an exploratory fault trench; (2) logging of the trench by a California-
registered engineering geologist; (3) evaluation of liquefaction potential of the

1 subsurface data; and (4) report on the results of the fault investigations, to be
2 approved by the Planning and Development Services Director. Should an active
3 fault be found, a minimum 50-foot building setback from the fault shall be
4 required and shown on the face of all applicable final maps, plot plans, and
5 grading plans. If liquefiable soils are present, special building foundations (e.g.,
6 driven piles, cast-in-drilled-hole piers, stone columns) and/or ground modification
7 (e.g., dynamic compaction) shall be incorporated into the design of all applicable
8 human-occupancy structures.

6 ***Flooding***

7
8 1. Mitigation Measure 4.7.2: Prior to approval of a CUP, final map, grading
9 plan, or building permit for any phase or unit of development within the Specific
10 Plan in the vicinity of the lakebed of Mesquite Lake shown in Figure 2-2, a
11 hydrology study shall be prepared by a registered civil engineer for approval by
12 the County Engineer and the Planning and Development Services Director that
13 demonstrates that areas proposed for location of buildings or storage are
14 protected from flooding by a 100-year frequency flood and that the sites of such
15 buildings or storage are designed to drain to a retention basin with sufficient
16 capacity to prevent flooding of the site.

17 2. Mitigation Measure 4.7.3: Prior to approval of improvement plans for
18 Keystone Road within the Specific Plan in the vicinity of the lakebed of Mesquite
19 Lake shown on Figure 2-2, a hydrology study shall be prepared by a registered
20 civil engineer for approval by the County Engineer that demonstrates that the
21 road will safely drain rainfall and runoff from a 100-year frequency flood into a
22 drainage structure with sufficient capacity to prevent flooding of the roadway.

17 ***Hazardous Materials***

18 1. Mitigation Measure 4.7.4: Prior to approval of a final map, grading plan, or
19 building permit for any phase or unit of development within the Specific Plan, the
20 applicant shall provide evidence to the Planning and Development Services
21 Director that (1) a hazardous materials business plan has been prepared and
22 implemented in accordance with federal, state, and local regulations; and (2) all
23 local, state, and federal permit requirements to generate, use, store, and
24 transport hazardous materials have been satisfied. In coordination with the
25 County Fire Department's Office of Emergency Services and the Hazardous
26 Materials Response Team, specific routes shall be established for the transport
27 of hazardous materials to avoid public use areas.

28 2. Mitigation Measure 4.7.5: For any project determined by the Planning and
Development Services Director to require County EHS approval under the
CalARP Program, and prior to approval of a final map, grading plan, or building
permit for any such project, the applicant shall provide evidence to the Planning
and Development Services Director that (1) a determination has been made by

1 the County EHS Division on the need for project approval under the CalARP
2 Program to prevent accidental release of regulated toxic and flammable
3 substances from stationary sources that handle more than the threshold quantity
4 of regulated substances; and if applicable to the project, (2) all local, state, and
5 federal permit requirements to prevent accidental release of regulated toxic and
6 flammable substances pursuant to the CalARP Program have been satisfied,
7 including the requirement for preparation of a Risk Management Plan and an
8 Emergency Response Program.

6 ***Solid Waste Management***

7
8 1. Mitigation Measure 4.7.6: For any project determined by the Planning and
9 Development Services Director to require County EHS/LEA approval under
10 procedures established by the CIWMB, and prior to approval of a final map,
11 grading plan, or building permit for any for such project, the applicant shall
12 provide evidence to the Planning and Development Services Director that (1) a
13 determination has been made by the County EHS/LEA on the need for project
14 approval under procedures established by the CIWMB for compliance with the
15 California Public Resources Code for solid waste facilities including a solid waste
16 transfer or processing station, composting facility, transformation facility, and/or
17 disposal facility; and if applicable to the project, (2) all local, state, and federal
18 requirements for operation of a solid waste facility have been satisfied, including
19 the requirement for issuance of a Solid Waste Facility Permit by the LEA and in
20 compliance with the County's Integrated Waste Management Plan.

15 ***Emergency Services and Public Safety***

16
17 1. Mitigation Measure 4.7.7: The County Fire Chief shall monitor
18 development of the Specific Plan to determine the need for construction and
19 operation of an on-site fire station. This is expected to require dedication of an
20 approximate 2- to 3-acre site within the Specific Plan to be used for the purpose
21 of developing future emergency service facilities including possibly a combined
22 police/fire station as needed. This facility shall be constructed and become
23 operational at such time as required by the County Fire Chief.

24 2. Mitigation Measure 4.7.8: Prior to approval of a final map, grading plan, or
25 building permit for any phase or unit of development within the Specific Plan, the
26 applicant shall provide evidence to the Planning and Development Services
27 Director that a determination has been made by the County Fire Department that
28 an adequate system for delivery of an adequate supply of water for fire
suppression, and other required equipment, alarms, and water connections, is to
be provided to serve the project.

3. Mitigation Measure 4.7.9: Prior to issuance of a certificate of occupancy
for any building within any phase or unit of development within the Specific Plan,
the applicant shall provide evidence to the Planning and Development Services

1 Director that the fire suppression system required by Mitigation Measure 4.7.8
2 has been installed to the County Fire Department's satisfaction and is
3 operational.

4 4. Mitigation Measure 4.7.10: Prior to issuance of a certificate of occupancy
5 for any new construction adjacent to the Rose Canal, it shall either be under-
6 grounded, covered, or fenced within the entire unit of development that includes
7 the building for which the certificate of occupancy is requested. Should fencing
8 be the desired mitigation option, both sides of the canal shall be fenced to a
9 height of 5 feet using chain-link material with warning signs installed.

10 **ML-G-7 PUBLIC SERVICES AND UTILITIES**

11 ***Public Services and Utilities – General***

12 1. Mitigation Measure 4.9.1: The County of Imperial and its Departments
13 shall review all final maps, grading plans, building permits, use permits, and other
14 applications for development of property within the Specific Plan and shall
15 determine whether adequate public service improvements are provided or
16 planned to accomplish the long-term land use objectives of the Mesquite Lake
17 Specific Plan. While individual development may be allowed to proceed, the
18 County shall determine the need for appropriate fair-share contributions, by fee
19 or facility construction, to be required of any applicant. In addition, the County
20 may require development agreements from project applicants to ensure
21 participation in the formation and funding of a CFD or other public agency to
22 accomplish the construction and operation of the required infrastructure
23 improvements identified in the Specific Plan. When deemed necessary by the
24 County, further development shall be denied pending establishment of a CFD or
25 other public agency.

26 ***Electrical Service***

27 1. Mitigation Measure 4.9.2: Prior to issuance of any building permit for any
28 new building within the project, the building permit applicant shall provide
evidence from IID Energy that adequate electrical service exists for the project or
that required new facilities would be available prior to issuance of a certificate of
occupancy for the building.

Water Service

1. Mitigation Measure 4.9.3: Prior to issuance of any building permit for any
new building within the project, the building permit applicant shall provide
evidence from IID that water service exists for the project, including for irrigation
of landscape areas and dust control, and shall provide facilities for on-site
treatment of raw water or for storage and distribution of delivered filtered water
for hand washing and other sanitary requirements. All facilities required for

1 adequate water service shall be installed and in working order prior to issuance
2 of a certificate of occupancy for the building. Mitigation Measure 4.9.1 shall also
3 be implemented to ensure to ensure participation in the formation and funding of
4 a CFD or other public agency to accomplish the construction and operation of the
5 required infrastructure improvements identified in the Specific Plan.

6 ***Drainage Systems***

7 1. Mitigation Measure 4.9.4: Prior to issuance of any building permit for any
8 new building within the project, the building permit applicant shall provide
9 evidence satisfactory to the Planning and Development Services Director that an
10 adequate stormwater retention system exists for the project or that required new
11 facilities will be available prior to issuance of a certificate of occupancy for the
12 building. All new or expanded stormwater retention facilities shall be designed
13 and constructed in accordance with a hydrology report prepared by a registered
14 civil engineer and approved by the County Engineer, Planning and Development
15 Services Director, and IID as adequate to accommodate stormwater runoff and
16 disposal. Mitigation Measure 4.9.1 shall also be implemented to ensure
17 participation in the formation and funding of a CFD or other public agency to
18 accomplish the construction and operation of the required infrastructure
19 improvements identified in the Specific Plan.

20 ***Wastewater Treatment***

21 1. Mitigation Measure 4.9.5: Prior to issuance of any building permit for any
22 new building within the project, the building permit applicant shall provide
23 evidence that an adequate system for wastewater disposal and, if required, for
24 industrial process water evaporation, exists for the project or will be constructed
25 and available for use upon completion of the building. All facilities required for
26 adequate wastewater disposal and process water evaporation shall be installed
27 and in working order prior to issuance of a certificate of occupancy for the
28 building. Mitigation Measure 4.9.1 shall also be implemented to ensure
participation in the formation and funding of a CFD or other public agency to
accomplish the construction and operation of the required infrastructure
improvements identified in the Specific Plan.

Solid Waste Disposal and Other Facilities

1. Mitigation Measure 4.9.6: Prior to approval of final maps for each phase or
unit of development within the SPA, a waste management plan shall be prepared
in accordance with the County's Integrated Waste Management Plan and
approved by the Planning and Development Services Director and the County
Engineer. The plan shall include, but shall not be limited to, an assessment of the
type and quantity of waste materials expected to enter the waste stream; source
and separation techniques and on-site storage of separated materials; methods

1 of transport and destination of waste materials; and, where economically
2 feasible, implementation of buy-recycled programs.

3 ***Other Essential Services***

4 1. Mitigation Measure 4.9.7: Prior to issuance of any building permit for any
5 new building within the project, the building permit applicant shall provide
6 evidence to the satisfaction of the Planning and Development Services Director
7 that an adequate system of water storage and pumping for fire protection exists
8 for the project or will be constructed and available for use upon completion of the
9 building. This shall include an agreement between the applicant and property
10 owner with the County Fire Department that a specified minimum volume of
11 water in the storage pond will be maintained at all times. All facilities required for
12 fire protection services shall be installed and in working order prior to issuance of
13 a certificate of occupancy for the building.

10 **ML-G-8 TRAFFIC/CIRCULATION**

11 ***Mitigation Measures for Near Term Traffic/Circulation Impacts***

12 1. Mitigation Measure 4.10.1: Signalize the SR 86/Keystone intersection and
13 provide a dedicated eastbound left-turn lane, and provide dedicated westbound
14 left-turn, through, and right-turn lanes with an overlap phase.

15 2. Mitigation Measure 4.10.2: Signalize the SR 86/Harris Road intersection
16 and provide dedicated left-turn lanes at all four approaches (i.e., northbound,
17 southbound, eastbound, westbound).

18 3. Mitigation Measure 4.10.3: Provide dedicated eastbound and westbound
19 left-turn, through and right-turn lanes at the SR 86/Worthington Road
20 intersection; and provide a dedicated right-turn lane in the northbound direction
21 and a shared through/right-turn lane in the southbound direction.

22 4. Mitigation Measure 4.10.4: Signalize the Dogwood Road/Keystone Road
23 intersection and provide dedicated left-turn lanes at each approach (i.e.,
24 northbound, southbound, eastbound, westbound).

25 5. Mitigation Measure 4.10.5: Signalize the Dogwood Road/Harris Road
26 intersection and provide dedicated left-turn lanes at each approach (i.e.,
27 northbound, southbound, eastbound, westbound).

28 6. Mitigation Measure 4.10.6: Signalize the Dogwood Road/Worthington
Road intersection and provide dedicated left-turn lanes at each approach (i.e.,
northbound, southbound, eastbound, westbound).

1 7. Mitigation Measure 4.10.7: Provide a dedicated eastbound right-turn lane
2 with an overlap phase and dual northbound left-turn lanes at the SR
3 111/Keystone Road intersection.

4 8. Mitigation Measure 4.10.8: Widen Dogwood Road to four lanes (i.e., two
5 lanes in each direction) from Keystone Road to Harris Road and from Harris
6 Road to Worthington Road.

7 ***Mitigation Measures for Long Term Traffic/Circulation Impacts***

8 1. Mitigation Measure 4.10.9: Future street intersections or proposed project
9 driveways on Keystone Road, Harris Road, and Dogwood Road shall be
10 evaluated for signalization or other driveway intersection controls. Projected
11 traffic volumes on these roads will require that streets and driveways be
12 signalized and configured with dual inbound and outbound left-turn lanes, and
13 dedicated right-turn lanes. If a signal is not provided, access shall be limited to
14 right-turn only on Dogwood Road. Inbound left-turns at the project driveways may
15 be allowed on Keystone Road and Harris Road without signals, but outbound
16 left-turns shall be prohibited at un-signalized intersections.

17 2. Mitigation Measure 4.10.10: If access rights to SR 86 exist or are allowed
18 by Caltrans, proposed streets or private driveways shall be limited to right-turn
19 only and dedicated northbound right-turn lanes shall be provided at all such
20 intersections.

1
2 **MESQUITE LAKE SPECIFIC PLAN MASTER EIR PROJECT SPECIFIC**
3 **MITIGATION MEASURES/CONDITIONS:**

4 *The "MESQUITE LAKE SPECIFIC PLAN MASTER EIR PROJECT SPECIFIC*
5 *MITIGATION MEASURES/CONDITIONS" are shown by the letter "ML-S". These*
6 *mitigation/conditions are conditions to this Conditional Use Permit. The*
7 *Permittee is advised that the Mesquite Lake Specific Plan Master EIR Project*
8 *Specific Mitigation Measures/Conditions are as applicable as the other types of*
9 *conditions or mitigations measures within this Conditional Use Permit, whether*
10 *specified hereinafter or not!*

11 **ML-S-1 Hydrology and Water Quality**

12 In addition to the General Mitigation Measures, this project shall implement the
13 following specific mitigation measures to protect water resources and water
14 quality:

- 15 1. Berm or equivalent stormwater runoff controls around the asphalt pad
16 for drying sugar cane residue shall be designed to accommodate the
17 target design storm capacity as dictated by the County Hydrology
18 Manual or other local standards.
- 19 2. The retention basin for spent process water evaporation shall be
20 designed to also retain the volume generated by a 25-year frequency
21 storm, plus 10 percent. An emergency drain valve shall incorporate a
22 standpipe to bleed off surface water from the retention basin such that
23 sediment and other settled materials are not conveyed to the natural
24 drainage in the event of severe rainfall. Protocols for managing the
25 emergency release of such waters shall meet all requirements of the
26 IID, County EHS, the RWQCB, the CDFG, and the County Planning
27 and Development Services Department.

28 **ML-S-2 Air Quality and Odor**

No additional mitigation is required for the PVVDS/Harris Road, LLC project
beyond the measures in 4.3.1 through 4.3.6, as provided on pages 9 and 10.

ML-S-3 Biological Resources

This project shall implement Mitigation Measure 4.5.1 if grading, construction, or
other disturbance is proposed in potential jurisdictional wetlands within the
tamarisk scrub community near the southeast corner of the asphalt drying pad, or
in the disturbed bush seepweed/iodine bush scrub along and adjacent to the
railroad right-of-way; and shall also implement Mitigation Measure 4.5.4 to
determine whether burrowing owl burrows are present within any new areas of
proposed development. Based on the results of these surveys, the Planning and

1 Development Services Director may determine that Mitigation Measures 4.5.2,
2 4.5.3, and/or 4.5.5 are also required to be implemented by the project prior to or
3 concurrent with project construction.

4 **ML-S-4 Archaeological Resources**

5 This project shall implement Mitigation Measure 4.6.2 prior to any grading in
6 previously ungraded areas of the project site to determine the potential for
7 presence of archaeological materials.

8 **ML-S-5 Hazards and Hazardous Materials**

9 In addition to General Mitigation Measures 4.7.4 through 4.7.10, this project shall
10 implement the following specific mitigation measures to avoid significant impacts
11 from hazards and hazardous materials:

- 12 1. This project shall implement Mitigation Measure 4.7.4 for any phase or
13 unit of development to be located within the Alquist-Priolo Special
14 Studies Zone; Mitigation Measure 4.7.4 for compliance with local,
15 State, and federal requirements for the handling, storage, and
16 transport of hazardous materials that are regulated by federal and
17 State codes; and Mitigation Measure 4.7.5 for compliance with the
18 CalARP program for the prevention of accidental release of regulated
19 toxic and flammable substances.

20 **ML-S-6 Public Services and Utilities**

21 The PVVDS/Harris Road LLC project shall implement Mitigation Measures 4.9.2
22 to 4.9.7, and shall also comply with the following specific mitigation measures to
23 avoid significant impacts to public services and utilities:

- 24 1. Prior to issuance of any building, grading, or other permits for
25 development of the facility, Holly Sugar/Imperial Bioresources shall
26 supply evidence of an agreement with IID Energy for the connection of
27 project electrical power production facilities to the IID system.
- 28 2. Prior to issuance of any building, grading, or other permits for
development of the facility, the applicant and property owner shall
provide an agreement to the satisfaction of the Planning and
Development Services Director that the project shall connect to all
public utility systems (except electrical) when they become available
and shall pay all costs associated with such connection, including the
extension of such facilities along the entire project frontage on
Keystone Road and, if necessary, on SR 86.

1 3. Prior to the issuance of any building permit, the applicant/developer
2 shall have paid all applicable Imperial County Sheriff
3 mitigation fees pursuant to Ordinance 4.36.060.

4 **ML-S-7 Traffic/Circulation**

5 The PVVDS/Harris Road LLC project shall improve its street frontage on
6 Keystone Road to the satisfaction of the County Engineer and shall contribute its
7 fair share of the cost for improving off-site road segments and intersections
8 significantly impacted by the Mesquite Lake Specific Plan.

9 **“PALO VERDE VALLEY DISPOSAL SERVICES/HARRIS ROAD LLC”**

10 **“MITIGATION/MONITORING & REPORTING PROGRAM”**

11 **4.2 Hydrology and Water Quality**

12 In addition to the General Mitigation Measures, this project shall implement the
13 following specific mitigation measures to protect water resources and water
14 quality:

- 15 1. Berm or equivalent stormwater runoff controls around the asphalt pad
16 for drying sugar cane residue shall be designed to accommodate the
17 target design storm capacity as dictated by the County Hydrology Manual
18 or other local standards.
- 19 2. The retention basin for spent process water evaporation shall be
20 designed to also retain the volume generated by a 25-year frequency
21 storm, plus 10 percent. An emergency drain valve shall incorporate a
22 standpipe to bleed off surface water from the retention basin such that
23 sediment and other settled materials are not conveyed to the natural
24 drainage in the event of severe rainfall. Protocols for managing the
25 emergency release of such waters shall meet all requirements of the
26 IID, County EHS, the RWQCB, the CDFG, and the County Planning
27 and Development Services Department.

28 **Responsible/Monitoring Agency: Imperial County EHS/Health Department
and County Public Works Department.**

4.3 Air Quality and Odor

No additional mitigation is required for the PVVDS/Harris Road LLC project beyond the measures in 4.3.1 through 4.3.6, as provided on pages 9 and 10.

1 **Responsible/Monitoring Agency: Imperial County Air Pollution Control**
2 **District.**

3 **4.5 Biological Resources**

4 This project shall implement Mitigation Measure 4.5.1 if grading, construction, or
5 other disturbance is proposed in potential jurisdictional wetlands within the
6 tamarisk scrub community near the southeast corner of the asphalt drying pad, or
7 in the disturbed bush seepweed/iodine bush scrub along and adjacent to the
8 railroad right-of-way; and shall also implement Mitigation Measure 4.5.4 to
9 determine whether burrowing owl burrows are present within any new areas of
10 proposed development. Based on the results of these surveys, the Planning and
11 Development Services Director may determine that Mitigation Measures 4.5.2,
12 4.5.3, and/or 4.5.5 are also required to be implemented by the project prior to or
13 concurrent with project construction.

14 **Responsible/Monitoring Agency: Planning & Development Services**
15 **Department, USF&WS, and State Dept. of F&G.**

16 **4.6 Archaeological Resources**

17 This project shall implement Mitigation Measure 4.6.2 prior to any grading in
18 previously un-graded areas of the project site to determine the potential for
19 presence of archaeological materials.

20 **Responsible/Monitoring Agency: Imperial County Planning & Development**
21 **Services Department.**

22 **4.7 Hazards and Hazardous Materials**

23 In addition to General Mitigation Measures 4.7.4 through 4.7.10, this project shall
24 implement the following specific mitigation measures to avoid significant impacts
25 from hazards and hazardous materials:

- 26 1. This project shall implement Mitigation Measure 4.7.4 for any phase or
27 unit of development to be located within the Alquist-Priolo Special
28 Studies Zone; Mitigation Measure 4.7.4 for compliance with local,
State, and federal requirements for the handling, storage, and
transport of hazardous materials that are regulated by federal and
State codes; and Mitigation Measure 4.7.5 for compliance with the
CalARP program for the prevention of accidental release of regulated
toxic and flammable substances.

Responsible/Monitoring Agency: Imperial County Environmental Health
Services/Local Enforcement Agency.

1 **4.9 Public Services and Utilities**

2 The PVVDS/Harris Road LLC project shall implement Mitigation Measures 4.9.2
3 to 4.9.7, and shall also comply with the following specific mitigation measures to
4 avoid significant impacts to public services and utilities:

5 1. Prior to issuance of any building, grading, or other permits for
6 development of the facility, Holly Sugar/Imperial Bioresources shall
7 supply evidence of an agreement with IID Energy for the connection of
8 project electrical power production facilities to the IID system.

9 2. Prior to issuance of any building, grading, or other permits for
10 development of the facility, the applicant and property owner shall
11 provide an agreement to the satisfaction of the Planning and
12 Development Services Director that the project shall connect to all
13 public utility systems (except electrical) when they become available
14 and shall pay all costs associated with such connection, including the
15 extension of such facilities along the entire project frontage on
16 Keystone Road and, if necessary, on SR 86.

17 3. Prior to the issuance of any building permit, the applicant/developer
18 shall have paid all applicable Imperial County Sheriff
19 mitigation fees pursuant to Ordinance 4.36.060.

20 **Responsible/Monitoring Agency: Planning & Development Services
21 Department and County Sheriff's office.**

22 **4.10 Traffic/Circulation**

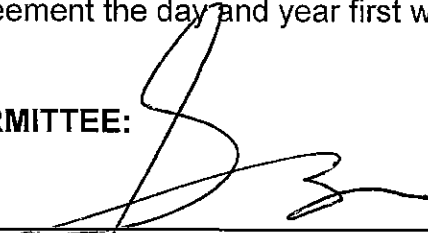
23 The PVVDS/Harris Road LLC project shall improve its street frontage on Harris
24 Road to the satisfaction of the Imperial County Public Works Engineer and shall
25 contribute its fair share of the cost for improving off-site road segments and
26 intersections significantly impacted by the Mesquite Lake Specific Plan.

27 **Responsible/Monitoring Agency: Imperial County Public Works
28 Department.**

1 **NOW THEREFORE**, County hereby issues Conditional Use Permit #06-
2 0008 and Permittee hereby accepts such permit upon the terms and conditions
3 set forth herein:
4

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

7 **PERMITTEE:**

8
9 By:  _____
10 Representative of Palo Verde Disposal Services/
Harris Road, LLC

05/04/2006
Date

11
12 **COUNTY OF IMPERIAL**, a political subdivision of the STATE OF CALIFORNIA:

13
14 By:  _____
15 JURG HEUBERGER, AICP, CEP,
16 Planning and Development Services Director

05/18/2006
Date

1
2 **FOR PERMITTEE NOTARIZATION**

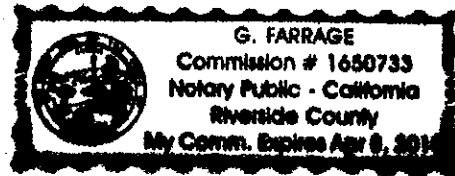
3
4 **STATE OF CALIFORNIA**
5 COUNTY OF ~~IMPERIAL~~ ^{RIVERSIDE} RIVERSIDE

6
7 On 5-4-06 before me, G. Farrage, Notary Public,
8 a Notary Public in and for said County and State, personally appeared
9 Gordon W. Beers and _____
10 _____, personally known
11 to me (or proved to me on the basis of satisfactory evidence) to be the person(s)
12 whose name(s) (s) is/are subscribed to the within instrument and acknowledged to
13 me that (he) she/they executed the same in (his) her/their authorized capacity(ies),
14 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.

15 WITNESS my hand and official seal

16
17 Signature _____

18 G. Farrage

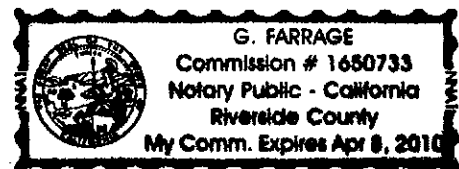


19 ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of
20 this certificate to unauthorized document.

21 Title or Type of Document Conditional Use Permit CUP#06-0008

22 Number of Pages 40 Date of Document _____

23 Signer(s) Other Than Named Above Jurg Heuberger,



1 **FOR COUNTY NOTARIZATION**

2
3 **STATE OF CALIFORNIA**
4 **COUNTY OF IMPERIAL} S.S.**

5 On MAY 18, 2006 before me, Patricia A. Valenzuela
6 a Notary Public in and for said County and State, personally appeared Jurg
7 Heuberger, personally known to me to be the person(s) whose name(s) is/are
8 subscribed to the within instrument and acknowledged to me that he/she/they
9 executed the same in his/her/their authorized capacity(ies), and that by
10 his/her/their signature(s) on the instrument the person(s), or the entity upon
11 behalf of which the person(s) acted, executed the instrument.

12 WITNESS my hand and official seal

13
14 Signature Patricia Valenzuela
15

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

17 Title or Type of Document Conditional Use Permit
18 Number of Pages 40 Date of Document May 4, 2006
19 Signer(s) Other Than Named Above _____

20 JH/DG/JM/RC/ca/R:APN 040-360-033 CUP06-0008 AGBoard5-2-06

