

TITLE 9
DIVISION 17: RENEWABLE ENERGY RESOURCES

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CHAPTER 1: GENERAL

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§ 91701.00 PURPOSE AND INTENT

- A. The purpose of these regulations is to facilitate the beneficial use of renewable energy resources for the general welfare of the people of Imperial County and the State of California; to protect renewable energy resources from wasteful or detrimental uses; and to protect people, property, and the environment from detriments that might result from the improper use of renewable energy resources.
- B. It is the intent of these regulations to implement the Renewable Energy Overlay Zone established in the *Renewable Energy and Transmission Element*, and integrate, to the extent possible, Imperial County's regulations with those of other governmental agencies which regulate renewable energy development.
- C. It is further the intent of these regulations to provide for the protection of the public health, safety and general welfare as the result of changes in the regulations or enforcement policies of those other agencies which regulate renewable energy development.

§ 91701.01 "RE" RENEWABLE ENERGY OVERLAY ZONE

Land classified in some other (non-overlay) zone may also be classified in the "RE" Renewable Energy Overlay Zone. The RE Overlay Zone includes all of the lands currently within the Geothermal Overlay Zone. An amendment to the overlay zone would only be approved by the County Board of Supervisors if a future renewable energy project met one of the following two conditions:

- Adjacent to the Existing RE Overlay Zone: An amendment may be made to allow for development of a future renewable energy project located adjacent to the existing RE Overlay Zone if the project:
 - Is not located in a sensitive area
 - Would not result in any significant environmental impacts
- “Island” Overlay: An amendment may be made to allow for development of a future renewable energy project that is not located adjacent to the existing RE Overlay Zone if the project:
 - Is located adjacent (sharing a common boundary) to an existing transmission source
 - Consists of the expansion of an existing renewable energy operation
 - Would not result in any significant environmental impacts.

§ 91703.02 CONDITIONAL USE PERMITS

Renewable Energy Projects must be located within the Renewable Energy Overlay Zone and may be permitted only through the issuance of a Conditional Use Permit (CUP) as approved by the Approving Authority unless otherwise allowed by applicable law. Renewable energy projects may consist of the following technologies: geothermal, solar, wind, deep solar ponds, biofuel, bio-mass, algae production, concentrated solar-thermal power, and concentrated photovoltaics.

§ 91701.03 GENERAL STANDARDS

The following are general standards applicable to all Renewable Energy Projects (Projects), as contained in the Imperial County General Plan and the 2015 *Renewable Energy and Transmission Element*.

A. NEW PROJECT APPLICATION REQUIREMENTS

Two (2) hard copies and one CD or DVD of the project application, along with the required fees, shall be submitted initially to the Department of Planning and Development Services in compliance with the application procedures required herein. Upon receipt of the application, County staff shall also forward a copy to the Imperial Irrigation District. Applications shall at a minimum include the following:

1. A project description clearly outlining the full scope of Project.

2. A legal description of the proposed subject site.
3. A precise project location map including adjacent roads and canals, and other structures.
4. A Site Plan or Plans (including an "8 ½x11" reproducible copy, or larger as necessary) drawn to scale and prepared in accordance with good engineering and drafting techniques.
 - a. The Plan shall show all existing topography and development, including that within a reasonable distance abutting the project, and all proposed development.
 - b. There shall be a North arrow and adequate legend.
 - c. The Plan shall be drawn to commonly used engineer's scale.
5. Assessor Parcel Map Numbers (one copy only) showing the project site and all parcels within one mile (500 feet within non-agricultural areas).
6. Amount and type of energy (KW, MW, or BTU) and/or products to be produced for typical operations and on an annual basis.
7. Geologic, engineering, and/or other acceptable evidence that provides reasonable assurance of the success and safety of the project.
8. An influent-effluent table or diagram indicating quantities and characteristics of geothermal resource to be produced and injected, air emissions, liquid and solid discharges, etc., for typical operations and on an annual basis (geothermal energy projects only).
9. A timetable for project development.
10. A certification on all applications, reports, or other information requested by the County, which shall be signed by the owner or operator, or in the case of a corporation, a responsible corporate officer or his authorized agent. The persons signing the document shall attest and certify as follows:

"I/We, the legal owner (s) of the above property certify that the information shown or stated herein is true and correct."

B. NEW PROJECT GENERAL STANDARDS

The following general standards shall apply to all Projects):

1. GENERAL LAW

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

2. COMPLIANCE WITH OTHER PERMITS/LICENSES

- a. The Permittee shall obtain and comply with any and all local, state and/or federal permits, licenses, and/or other approvals related to the construction and/or operation of the Project. This shall include, but not be limited to, local requirements by the Imperial County EHS/Health Department, Planning and Development Services Department, Imperial County Air Pollution Control District (ICAPCD), Imperial Irrigation District (IID), Imperial County Public Works Department, Imperial County Sheriff/Coroner's Office, Imperial County Fire Protection/Office of Emergency Services.
- b. Permittee shall submit a copy of such additional permit and/or licenses to the Planning and Development Services Department within thirty (30) days of receipt, including amendments or alternatives thereto, when requested.

3. RECORDATION

- a. The Permit shall not be effective until it is recorded at the Imperial County Recorder's Office by County staff.
- b. Payment of the recordation fee shall be the responsibility of the Permittee.
- c. If the Permittee fails to provide the recordation fee within six (6) months from the date of County approval, the Permit shall be deemed null and void.

4. CONDITION PRIORITY

The Project shall be constructed and operated as described in the application and project description of the Permit.

5. INDEMNIFICATION AND RELEASE

In addition to any other indemnifications provided for the Project, and as a condition of this permit, Permittee shall defend, indemnify, hold harmless, and release the

County, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the entitlements, any permits, approvals or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys' fees for counsel chosen by County, or expert witness fees that may be asserted by any person or entity, including the Permittee, arising out of or in connection with the approval of this permit, whether there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, or employees. This indemnification shall include Permittee's actions or failure to act involved in drilling, grading, construction, operation or abandonment of the permitted activities. Permittee further agrees to comply with the terms of the indemnification agreement incorporated by this reference and attached hereto as Exhibit A. Failure to provide payment of any fees or other costs for this indemnification shall cause Permittee to be in non-compliance with this permit. Upon notification of non-compliance, County may, at its sole discretion, cease processing, defending any lawsuit or paying for costs associated with this project.

6. INSURANCE

For the term of the CUP and any period thereafter for decommissioning and reclamation, the Permittee and/or Permittee's prime contractor assigned site control during construction, shall secure and maintain liability in tort and property damage, commercial liability and all risk builders' insurance at a minimum of \$1,000,000 each, combined single limit property damage and personal injury, to protect persons or property from injury or damage caused in any way by construction and/or operation of permitted facilities. Such insurance shall be primary as to County and endorsed to name the County, its officers, agents, and employees as additional insureds and shall be in a form and from a company acceptable to County. The Permittee shall require that proper Workers' Compensation insurance cover all laborers working on such facilities as required by the State of California. The Permittee and/or Permittee's prime contractor assigned site control during construction, shall also secure liability insurance and such other insurance as may be required by the State and/or Federal Law. Evidence of such insurance shall be provided to the County prior to commencement of any activities authorized by this permit, e.g. an endorsed Certificate of Insurance is to be provided to the Imperial County Planning and Development Services Department by the insurance carrier and said insurance and certificate shall be kept current for the life of the permitted Project. Certificate(s) of Insurance shall be sent directly to the Imperial County Planning and Development Services Department by the insurance carrier and shall be endorsed to name the Department as a recipient of both renewal and cancellation notices.

7. INSPECTION AND RIGHT OF ENTRY

The County reserves the right to enter the premises to make appropriate inspection(s) for determining compliance with the condition(s) of the Permit. The owner or operator shall allow an authorized County representative into the site upon the presentation of credentials to:

- a. Enter at reasonable times upon the owner's or operator's premises where a permitted facility or activity is located or conducted, or where records must be kept under the conditions of the Permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the Permit;
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the Permit; and,
- d. Sample or monitor, at reasonable times, for the purpose of assuring Permit compliance or, as otherwise authorized by law, any substances or parameters at any location.

8. SEVERABILITY

Should any condition(s) of the Permit be held to be illegal or unenforceable by a court of final jurisdiction, the remainder of the Permit shall continue in full force and effect.

9. PROVISION TO RUN WITH THE LAND/PROJECT

- a. The provisions of the approved Project are to run with the land that is the subject of the project and shall bind the current and future owner(s), successor(s)-in-interest, assignee(s) and/or transferee(s) of said Project.
- b. Permittee shall not, without prior notification to the Planning and Development Services Department, assign, sell or transfer, or grant control of Project, or any right or privilege therein.
- c. Permittee must notify Department in advance of any transfer due to foreclosure or other action taken by a third party that could result in transfer of ownership. The Permittee shall provide a minimum of thirty (30) days written notice prior to such proposed transfer becoming effective.

- d. The permitted use identified herein is limited for use upon the permitted properties described herein and may not be transferred to any other parcel(s) without prior approval.

10. TIME LIMIT

- a. Unless otherwise specified within the specific conditions, the duration of the Permit shall be limited to a maximum of thirty (30) years, or [such lesser period as approved by the County], from the recordation of the Permit.
- b. The Permit may be extended for an additional ten (10) year period by the appropriate County entity (either the Director of Planning and Development Services, the Planning Commission, or the Board of Supervisors as set forth in the applicable Imperial County Ordinances) upon a finding that the Project is in compliance with all conditions of the Permit as stated herein and any applicable Land Use regulation of the County of Imperial.
 - i. If an extension is necessary, the Permittee shall file a written extension request with the Director of Planning and Development Services at least sixty (60) days prior to the expiration date of the Permit. Such an extension request shall include the appropriate extension fee.
 - ii. Nothing stated or implied within this Permit shall constitute a guarantee that an extension will be granted. An extension may not be granted if the Project is in violation of any one or all of the conditions of approval or if there is a history of non-compliance with the Permit conditions.

11. COMPLIANCE DETERMINATION COSTS

- a. The Permittee shall be responsible for the payment of all costs as determined by the County Planning and Development Services Department, to defray the costs associated with staff time required for the review of reports, field investigations, monitoring, and other activities directly related to the enforcement/monitoring for compliance of the Permit, County Ordinance or any other applicable law.
- b. All County Departments directly involved in the monitoring/enforcement of a 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.

- c. All County staff time will be billed on a “Time and Materials” basis.
- d. Failure of Permittee to provide any payment required of Permittee to the County in the CUP shall cause Permittee to be in non-compliance of the CUP. Upon Permittee being in such non-compliance, County may, at its sole discretion, cease processing, defending any lawsuit or paying for costs associated with this project.

12. REPORTS/INFORMATION

- a. If requested by the Imperial County Planning Director, Permittee at its sole expense shall provide any such documentation/report as necessary to ascertain compliance with the Conditional Use Permit.
- b. The format, content and supporting documentation shall be as required by the Director of Planning and Development Services.

13. DEFINITIONS

In the event of a dispute the meaning(s) or the intent of any word(s), phrase(s) and/or conditions or sections herein shall be determined by the Planning Commission of the County of Imperial. Their determination shall be final unless an appeal is made to the Board of Supervisors within the required time limits.

14. MINOR AMENDMENTS

- a. The Director of Planning and Development Services may approve minor changes or modification(s) 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 PERMIT, and provided further, that such changes do not constitute an expansion and/or intensification of the project resulting in any additional environmental impacts.
- b. All amendments shall be done in the manner set forth in the Imperial County Code of Ordinances.

15. SPECIFICITY

- a. The issuance of the Permit does not authorize the Permittee to construct or operate the Project in violation of any state, federal, local law, nor beyond the specified boundaries of the Project as shown in

the application, nor shall the Permittee allow any accessory or ancillary use not specified herein.

- b. The Permit does not provide any prescriptive right or use to the Permittee for future addition and or modifications to the Project.

16. NON-COMPLIANCE (ENFORCEMENT AND TERMINATION)

Should the Permittee violate any condition herein, the County shall give written notice of such violation and actions required of Permittee to correct such violation. If Permittee does not act to correct the identified violation within forty-five (45) days after written notice, County may revoke the CUP. If Permittee pursues correction of such violation with reasonable diligence, the County may extend the cure period. Upon such revocation, County may, at its sole discretion, cease processing, defending any lawsuit or paying for costs associated with the Project. County may include in such notice of violation and subsequent process default and/or termination of the Public Benefit Agreement along with violation or revocation of the CUP, and the procedures set out here shall govern. As set out in Section 19 below, the time for notice and cure is not applicable to situations that affect public health and safety. In such case, the County may act immediately to suspend the Permit.

17. GENERAL WELFARE

All construction and operations of the Project shall be conducted in accordance with all applicable laws, regulations, conditions, adopted County policies, plans, and the application, so that the Project will be in harmony with the area and not adversely affect the general public health, safety, comfort, convenience, and general welfare of those residing in the area.

18. PERMITS OF OTHER AGENCIES INCORPORATED

- a. Permits granted by other governmental agencies in connection with the Project are incorporated herein by reference.
- b. The County reserves the right to apply conditions of said permits, as deemed appropriate; provided, however, that enforcement of a permit granted by another governmental agency requires concurrence by the respective agency.
- c. Permittee shall provide to the County, upon request, copies and amendments of all such permits.

19. HEALTH HAZARD

- a. If the County Health Officer determines that a significant health hazard exists to the public, the Health Officer may require appropriate mitigation measures, and the Permittee shall implement such measures to mitigate the health hazard.
- b. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of permitted activities.
- c. The measures imposed by the County Health Officer shall not prohibit the Permittee from requesting a special Planning Commission meeting where a dispute exists. The Permittee shall bear all costs related to the Special Meeting.

20. APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT

- a. Permittee acceptance of a Permit shall be deemed to constitute agreement with the terms and conditions contained therein.
- b. Where a monitoring program requirement is imposed in a Permit that subsequently results in the need for the modification and/or imposition of additional conditions in which disagreement arises, the Permittee, operator, and/or agent, the Planning and Development Services Director, or other affected party may request that a hearing be scheduled before the Planning Commission for a resolution to the disagreement.
 - i. Upon receipt of a request, the Commission shall conduct a hearing and make a written determination.
 - ii. The Commission's decision shall be final.
 - iii. The Commission may request support and advice from a technical advisory committee to assist with their deliberations.
 - iv. Failure to take any action shall constitute endorsement of staff's determination.

§ 91701.04 RELATION TO OTHER REGULATIONS

Except as specifically authorized in the Permit, supplemental activities that require additional major equipment or facilities will require separate permits. The County, in issuing a Permit,

in no way assures, or otherwise vests any right, with respect to the issuance of a permit or permits for supplemental activities.

- A. If a Project requires more than one discretionary permit from Imperial County, such permits shall be processed concurrently.
- B. A Project application shall be classified under and processed pursuant to those regulations which are most appropriate to the nature of the Project and the existing conditions at the Project's location. Where uncertainty arises, the Director of Planning and Development Services shall determine the regulation under which the Project application shall be processed.
- C. In applying conditions to a Permit, the Approving Authority may be guided by the regulations and standards applicable to Conditional Use Permits for other types of related projects.
 - 1. For discretionary projects, applications may be denied if the Approving Authority finds that the proposal will not be compatible with the area for which it is proposed.
 - 2. Ministerial projects shall also be consistent with the Renewable Energy Overlay designation and Standards for the proposed site.

§ 91701.05 LAND DIVISIONS

Notwithstanding the minimum acreage limitations of the underlying zone, parcel maps may be approved in conjunction with Permits for renewable energy projects in the Renewable Energy Overlay Zone with requirements and restrictions applied thereto which are consistent with the purposes of these regulations and the Renewable Energy Overlay Zone.

CHAPTER 2: SPECIFIC STANDARDS FOR ALL RENEWABLE ENERGY PROJECTS

§ 91702.00 SPECIFIC STANDARDS FOR ALL RENEWABLE ENERGY PROJECTS

The following specific standards shall apply to all Renewable Energy Projects (Projects), with additional or stricter site-specific standards as necessary:

A. PREHISTORIC OR HISTORIC RESOURCES

1. If any specimens of bone, stone, ceramic, or any other prehistoric or historic material are discovered during construction, all construction affecting the discovery site shall cease until a qualified archaeologist, retained by the applicant and approved by the Department of Planning and Development Services, reviews the specimens.
2. The recommendations of the archaeologist related to the discovery shall be complied with prior to resuming construction.

B. NOTIFICATION OF APPLICATION ACCEPTANCE

1. Project construction and operations shall be conducted so as to protect wildlife and other biological resources, cultural resources and military operations.
2. The Department of Planning and Development Services shall appropriately inform the U.S. Fish and Wildlife Service, Department of Fish and Wildlife and the U.S. military when renewable energy applications have been accepted for processing.

C. EMERGENCY RESPONSE PLAN

1. The Permittee shall present to the Department an Emergency Response/Action Plan that has been approved by the Imperial County Fire/OES Department, and the Local Enforcement Agency and any other agencies with jurisdiction. Any hazardous materials storage areas shall be designed with curbs or other containment measures, e.g. double-walled storage tanks, to contain spills and leaks and if on-site hazardous materials exceed fifty-five (55) gallons, a "Hazardous Material Management Plan" shall be prepared and approved by the County LEA and CUPA.
2. The Emergency Response/Action Plan shall cover all possible emergencies, e.g. major fluid spills, earthquakes, fires, floods or other emergencies. At all times, there shall be at least one employee either on the facility premises or on-call (i.e., available to respond to an emergency by reaching the facility

within a short period of time) with the responsibility of coordinating all emergency response measures. This Emergency Coordinator shall be thoroughly familiar with all aspects of the solar facility's Emergency Response/Action Plan, all operations and activities at the facility, location of all records within the facility and the facilities layout. This person shall have the authority to commit the resources needed to carry out the contingency plan. Adequate personnel and equipment shall be available to respond to emergencies and to insure compliance with the conditions of the permit.

3. The Emergency Response/Action Plan shall be prepared in consultation with, but not be limited to, the Imperial County Fire Protection/Office of Emergency Services, County Environmental Health Services/Health Department, County Sheriff/Coroner's office, County Public Works Department, Imperial County Planning and Development Services Department, and other appropriate state and county agencies. The plan shall include a notification list of response agencies which shall be notified immediately upon the discovery of a reportable unauthorized discharge and the list shall include: Imperial Fire Protection/Office of Emergency Services, Imperial County Planning and Development Services Department, County Environmental Health Services/Health Department, County Department of Public Works (DPW), California Highway Patrol, as applicable.
4. All employees shall be trained by classroom and hands-on training on safety procedures, maintenance programs and emergency response protocols to ensure safety and reliability in the event of an unforeseen emergency situation.
5. The Permittee shall provide adequate safety devices to protect against the hazard of fire and explosion for activities that involve the use and storage of flammable, explosive or highly corrosive or reactive materials as well as provide adequate fire-fighting and fire suppression equipment and using devices standard within the industry in compliance with all applicable state and local laws as determined by the Fire Chief, Office of Emergency Services.
6. The Permittee shall implement all State and County-approved worker safety and fire protection plans and programs.
7. Any gates on-site shall have a "knox" lock and be rapidly accessible by the Imperial Fire Protection/Office of Emergency Services.
8. Appropriate first aid provisions for facility operations shall be made for emergency response during Project construction, operation, and

maintenance activities with appropriate first aid training for Project employees.

9. During construction, a member of each working crew shall be trained in basic first aid and supplied with necessary medical equipment to respond to emergencies as provided for in the Emergency Response/Action Plan required above.
10. Permittee shall identify a responsible agent for emergency purposes, whose name, title, e-mail address and telephone number, which shall be provided to the County Department of Public Works, County Fire Protection/OES Department, County Environmental Health Services/Health Department, County Sheriff/Coroner's office, Imperial Irrigation District (IID), and Imperial County Planning and Development Services Department.

E. OCCUPIED STRUCTURES ON ACTIVE FAULTS

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

F. PROJECT SAFETY PROVISIONS

1. Geotechnical investigation of soil characteristics affecting a Project shall be performed, as determined by the Director of Planning and Development Services, and results made available to the County upon request.
2. Requirements of traffic safety shall be considered in transporting equipment and materials to Project sites, and signs and flagmen shall be used as determined by the Department of Public Works (DPW).
 - a. Transportation of oversize loads on County roads shall be minimized.
 - b. When planning for the transportation of oversize loads, the DPW shall be contacted prior to finalizing shipment plans to ensure that acceptable transportation methods and routes can be developed.
 - c. Transportation Permits shall be obtained from the DPW for oversize loads traveling on County roads.

3. Appropriate first aid provisions shall be provided for emergency response during Project construction and operation including appropriate first aid training for Project employees.
4. All activities involving the use and storage of flammable, explosive, highly corrosive, or reactive materials shall be provided with adequate safety devices, fire-fighting and fire suppression equipment, and other devices standard in the industry to preclude the hazards of fires and explosions. Relevant provisions of other state and local laws shall apply as determined by the County Fire Chief and Office of Environmental Health Services.

G. PROTECTION OF SURFACE AND GROUNDWATER QUALITY

1. Project facilities shall be designed to protect surface and groundwater quality.
2. Specific measures may be required as conditions of Project operations.
3. Adequate provisions in Project facility plans shall be made for the handling of on-site drainage and de-watering of property in a manner not adversely affecting adjacent properties. Said drainage plans shall be reviewed by the County Public Works Department and Imperial Irrigation District.
4. As specified in Chapter 3 of this Division, water quality monitoring programs shall only be required by the Regional Water Quality Control Board for geothermal energy projects.

H. MINIMUM FEASIBLE SURFACE LAND USAGE

Wherever possible, site development plans and land use areas for Renewable Energy Projects shall be designed for the utilization of the most restrictive feasible surface land area of the Project site, the preservation of farm land and wildlife habitat in conformance with the *Renewable Energy and Transmission Element* and the General Plan, and compatible with the existing uses of the area.

I. NOISE LIMITATION

The maximum permitted continuous sound level shall be CNEL 70 decibels measured at the nearest human receptor site outside the parcel boundary, or one-half mile from the sound, whichever is greater, using the "A" scale, and measured with a sound level meter and associated octave band analyzer.

J. MINIMIZE POSSIBILITY OF FIRE EXPLOSION COLLISION OR RELEASE OF HAZARDOUS MATERIALS

1. The facility shall be maintained at all times and operated to minimize the possibility of fire, explosion, collision, or any unplanned release of hazardous materials to air, soil, surface water, or groundwater which could threaten human health or the surrounding environment.
2. All equipment, pipes, tanks, and lines used for the construction of renewable energy facilities or the production of renewable energy shall be maintained in a manner that prevents leaking and spilling.
3. The owner or operator shall at all times properly operate and maintain all facilities (and related appurtenances).
 - a. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.
 - b. The operation of back-up or auxiliary facility or similar systems shall only be required when necessary to achieve compliance with the conditions of the Permit.

K. CONTINUOUS USE

A Permit shall remain valid while the permitted use is occurring pursuant to the Permit or until such termination time as specified in the approved conditions of the Permit.

L. NEED FOR PUBLIC ACCESS FACILITIES

If location or site of a Project requires additional public access facilities, the operator shall be required to obtain encroachment permits and to provide, where necessary, rights-of-way on property under control of the Project, and to provide the necessary road improvements.

M. IDENTIFICATION OF RESPONSIBLE AGENT

1. There shall be a responsible agent for any activity conducted under the authority of the Permit, and the responsible agent for the Project shall provide to the County, on request, copies of all permits granted by other governmental agencies in connection with the Project.

2. The agent's contact information, including name, address, telephone number, and email address shall be provided to the Planning & Development Services Department and Public Works Department.

N. DISMANTLING UPON CESSATION OF OPERATION

1. When the operation of the permitted Project has ceased, all facilities on the site shall be secured until an alternative use is found for the facilities, or they are dismantled and removed.
2. The land involved with the Project shall be restored back to its original condition as required in the applicable environmental document, or to the condition that is consistent with the zoning in place at the time of the facility closure.
3. Closure conditions in accordance with applicable bonding or other security shall be compatible with the surrounding uses of the area, or as requested by the landowner and as agreed to by the Director of Planning and Development Services.

O. DISPOSAL OF WASTE

The Permittee shall ensure that all waste, liquid, gas, or solid, which is generated on-site shall be disposed of in compliance with appropriate local, state, and federal regulations in effect or subsequently duly enacted.

P. ELECTRICAL TRANSMISSION LINES

1. All electric transmission lines shall be constructed in existing rights-of-way whenever possible.
2. When planning transmission lines adjacent to public roads, close coordination with the responsible road agency shall be conducted in order to minimize impacts on existing and future road needs.
3. Power lines outside of the Project site are under the jurisdiction of the Imperial Irrigation District.

Q. Suitable and adequate sanitary facilities as approved by the Imperial County Health Department shall be installed and maintained in a clean and sanitary condition at all times.

R. Lights should be directed or shielded to confine direct rays to the Project site and muted to the maximum extent consistent with safety and operational necessity.

- S. No operator shall operate equipment that affects transmission of radio or television signals.
- T. All proposed on-site roads and parking areas for major and minor test projects shall be improved to County standards. On-site parking shall be provided for all employees, customers, or clients.
- U. Shrubs, trees, and ground cover shall be planted and maintained to compliment the appearance of the Project where soil conditions permit as appropriate, and as approved by the Director of Planning and Development Services.
- V. Bonds, or other forms of security acceptable to the County, to guarantee restoration of the land to its original condition prior to issuance of a building permit for Project development shall be filed with the Department of Planning and Development Services.
- W. The amount of the bond, or other form of security, shall be reviewed and approved by County Counsel and the Director of Planning and Development Services based upon a cost estimate completed by a California Registered Engineer and submitted to the County for approval.

CHAPTER 3: ADDITIONAL SPECIFIC STANDARDS FOR GEOTHERMAL PROJECTS

§ 91703.00 SPECIFIC STANDARDS

§ 91703.01 DRILLING STANDARDS

§ 91703.02 PRODUCTION STANDARDS

§ 91701.03 REPLACEMENT AND STANDBY GEOTHERMAL WELLS

§ 91703.04 CONDITIONAL USE PERMITS

§ 91703.05 SUBSEQUENT PERMITS

§ 91703.06 BONDING FOR SITE RESTORATION

§ 91703.00 SPECIFIC STANDARDS

The following are specific standards applicable to Geothermal Projects (Projects):

- A. Wherever possible, site development plans and land use areas for geothermal energy projects shall be designed for the utilization of the most minimum feasible surface land area of the Project site, the preservation of farm land and wildlife habitat in conformance with the *Renewable Energy and Transmission Element* and the General Plan, and compatible with the existing uses of the area.
- B. All geothermal drilling and production sites shall, to the extent possible, protect the fragile ecological balance of the wetlands and surrounding desert by assuring that natural resources will be considered in their location. Consideration shall also be given to intermittent noise levels which may affect wildlife.
- C. Projects proposed on agricultural lands shall be designed to retain the maximum amount of usable agricultural land.
- D. Projects shall not interfere or disrupt the existing irrigation and drainage patterns, and if applicable, shall comply with the requirements and regulations of the Imperial Irrigation District.
- E. Drill sites shall be constructed adjacent to existing roads to the extent possible.
- F. Well density shall be justified and in accordance with good reservoir engineering practices.
- G. Unless specifically waived by the Approving Authority, where legally permissible, the following minimum distances shall be observed in siting a well:

| | |
|--|------|
| Outer Boundary of Parcel | 100' |
| Permanent Public Waterway | 50' |
| Public Roads (Edge of Ultimate Right-of-Way) | 100' |
| Residence | 300' |

| | |
|---|-------|
| School | 1320' |
| Hospital | 1320' |
| Any Other Permanent Structure/Development | 300' |

- H. Developer shall mitigate any problems/negative effects whenever they arise.
- I. Production facilities shall, to the extent possible, be located in centralized areas to serve the maximum number of wells. These shall include, but are not limited to, power plants, extraction plants, and separators.
- J. ELECTRICAL TRANSMISSION LINES
1. All electric transmission lines shall be constructed in existing rights-of-way whenever possible.
 2. When planning transmission lines adjacent to public roads, close coordination with the responsible road agency shall be conducted in order to minimize impacts on existing and future road needs.
 3. Power lines outside of the Project site are under the jurisdiction of the Imperial Irrigation District.
- K. All permanent sumps, brine ponds, waste holding ponds, and any other pond shall be designed and constructed to meet sound engineering standards and the regulations and requirements of the Regional Water Quality Control Board. Such sumps and ponds shall be designed and constructed under the supervision of a qualified civil engineer registered in California.
- L. PARTICIPATION IN SEISMIC MONITORING PROGRAM
1. Field developers of Geothermal Major Projects, and such other discretionary projects as determined by the Approving Authority, shall participate in the County Seismic Monitoring Program as required by the conditions of the Permit.
 2. Project monitoring programs may require establishment of a Project-specific seismic monitoring network which meets the guidelines of the Department of Public Works (DPW).
 - a. Project developments shall submit a plan for Project monitoring to the DPW and shall implement the plan as approved.
 - b. Reports shall be submitted annually or as designated by the DPW. Such reports shall not be available to a third party without prior consent and approval of the developer who submitted the report.

M. PARTICIPATION IN SUBSIDENCE MONITORING AND DETECTION PROGRAM

1. Field developers of Geothermal Projects (excluding minor exploratory wells), and such other discretionary projects as determined by the Approving Authority, shall participate in the County Subsidence Monitoring and Detection Program as required by the conditions of the Permit.
2. Project monitoring will consist of establishing benchmarks within the geothermal site and connecting to the County's precise level network.
3. All survey work shall be performed under the direct supervision of a person licensed to practice surveying in California. Work shall conform to Nation Geodetic Survey and Department of Public Works standards.
4. Field developers shall submit a plan for Project subsidence monitoring to the DPW and shall implement the plan as approved by the DPW.
5. Surveying shall be performed annually or as directed by the DPW, including the use of LiDAR.

N. Measures to contain potential spills of geothermal fluids shall be incorporated into Project design as appropriate.

O. All geothermal wells shall be pulled and abandoned pursuant to the requirements of the California Division of Oil, and Geothermal Resources or BLM.

§ 91703.01 DRILLING STANDARDS

The following are general drilling standards applicable to Geothermal Projects:

A. All geothermal well sites shall provide a durable Identification/informational sign having a surface area of not less than two (2) square feet and not more than six (6) square feet, bearing the current name and number of the well; emergency telephone number of agent; and name and/or insignia of the operator and the owner. The sign shall be clearly visible and displayed at all times from the commencement of drilling operations until the well has been pulled and abandoned.

B. NOISE LIMITATION

1. Each operator shall limit drilling noise to a sound level equivalent to CNEL 65 dB(A).
2. The limited sound level may be exceeded by ten percent (10%) if the noise is intermittent and during daylight hours only.

3. The noise levels shall be measured at the nearest human receptor site outside the parcel boundary, or one-half mile from the sound, whichever is greater.
 4. Sound pressure levels shall be measured at the points specified and shall be measured with a sound level meter and associated octave band analyzer conforming to the above standard.
 5. Diesel equipment used for drilling within three hundred feet (300 ft.) of any residence shall be equipped with hospital-type mufflers. Well venting and testing at these wells shall be accompanied by the use of an effective muffling device or "silencer".
 5. Impulse noises such as sudden steam venting shall be controlled by discharge through a muffler or other sound attenuating system, as appropriate.
- C. Within up to one (1) year after the completion of the drilling of a well, all drilling wastes shall be removed from the drilling site and disposed of in accordance with all applicable County and State regulations.
 - D. Suitable and adequate sanitary facilities as approved by the Imperial County Health Department shall be installed and maintained in a clean and sanitary condition at all times.
 - E. Drilling operations shall be diligently pursued until each well is completed or abandoned. All drilling equipment, including derrick, shall be removed from the premises as soon as practicable after completion of any well.
 - F. Prior to abandonment, it shall be the responsibility of the operator to comply with all regulations of the County, the State Division of Oil, Gas and Geothermal Resources, and BLM, regarding surface and subsurface activities. In agricultural or potential agricultural areas, any brine holding ponds shall be purged of brine, the salts shall be removed from the dikes and bottom, and the berms leveled to the satisfaction of the landowners and the Director of Planning and Development Services.
 - G. All work in preparation of the site for drilling shall only be done between the hours of 7 a.m. and 7 p.m. for any wells within three hundred feet (300 ft.) of any residence. Exceptions may be made during summer hours to minimize effects of heat with prior notice to the Director of Planning and Development Services and approval thereof.
 - H. All unattended well heads shall be enclosed by a steel chain link type fence with a minimum height of six feet (6 ft.). There shall be no opening below such fence greater than four inches. The gate shall be placed on a non-hazardous location and shall be locked at all times.

- I. A minimum of five (5) off-street parking spaces, to County standards, shall be provided for each well site.
- J. Lights should be directed or shielded to confine direct rays to the Project site and muted to the maximum extent consistent with safety and operational necessity.
- K. Drill pipes shall be racked and/or made up between the hours of 7 a.m. to 7 p.m. for wells within three hundred feet (300 ft.) of a residence. Exception may be allowed where sound proofing is provided, or during summer hours to minimize the effects of heat with prior notice to the Director of Planning and Development Services and approval thereof.
- L. Fugitive dust emissions shall be controlled by dust control measures as prescribed by the County's Air Pollution Control District's rules and regulations. Such control measures may include but are not limited to watering, clean gravel, application of soil stabilizers or oil on well site access roads, limiting public access on unpaved areas, and posting roadways with reduced speeds.
- M. All necessary permits shall be obtained prior to drilling.
- N. All well drilling, testing, and operations shall be conducted in harmony with the surrounding areas and not conflict with the public health, safety, comfort, convenience, and general welfare of County residents.
- O. No operator shall operate equipment that affects transmission of radio or television signals.
- P. Drilling may be on a twenty-four (24) hour basis provided that all of the standards above are met.

§ 91703.02 PRODUCTION STANDARDS

The following are general production standards applicable to Geothermal Projects:

- A. All permanent foundations, buildings, structures, and other construction work shall require a Building Permit. The Building Permit fees and application procedures shall be based on the land use ordinance adopted by the Board of Supervisors of Imperial County.
- B. Continuous and intermittent sound shall be controlled to the levels listed above under the Drilling Standards.

- C. All proposed on-site roads and parking areas for major and minor test projects shall be improved to County standards. On-site parking shall be provided for all employees, customers, or clients.
- D. Shrubs, trees, and ground cover shall be planted and maintained to compliment the appearance of the Project where soil conditions permit as appropriate, and as approved by the Director of Planning and Development Services.
- E. All Geothermal Major Project off-site collection and injection pipelines shall, if possible, share existing dedicated rights-of-way. Pipelines may be allowed above grade for maintenance, leak detection, and wildlife movement. For permanent pipelines proposed adjacent to public roads, project developers shall consult with the Department of Public Works and Imperial Irrigation District regarding the proposed location of the pipeline for consideration and coordination of the existing and future road needs of the area.
- F. In operations where it is necessary to provide transportation pipelines containing geothermal brines, fluids, etc. across public waters, operators shall employ double-walled pipes and methods for determining when damage has been done to the inner layer of pipe so that corrective measures can be taken, or apply other safety techniques as approved by the Director of Planning and Development Services and after consultation with the Imperial Irrigation District.
- G. All facilities and structures shall be in compliance with the guidelines as set forth under Federal Air Regulations Part 77 and marked and lighted in accordance with the applicable Federal Aviation Administration standards.

§ 91703.03 REPLACEMENT AND STANDBY GEOTHERMAL WELLS

Geothermal Projects (excluding Geothermal Major and Minor Exploratory Wells) may authorize replacement and standby wells when shown on the Project application and subject to the following limitations:

- A. The application shall indicate the maximum number of wells to be maintained and the approximate location of future replacement wells.
- B. Additional wells may be drilled at locations shown on the application to replace abandoned wells. Any well “spudded” but not completely “abandoned” in accordance with law, shall count as a well being maintained regardless of its use or condition.
- C. In no event shall the maintenance of standby wells be interpreted as authorization to increase the number of wells to be used.

§ 91703.04 CONDITIONAL USE PERMITS FOR GEOTHERMAL PROJECTS

- A. Major Geothermal Projects may be permitted in the Renewable Energy Overlay Zone only through the issuance of a Conditional Use Permit (CUP).
- B. Geothermal Test Facilities may be permitted in any zone by the Planning Commission.
- C. Intermediate Geothermal Projects may be permitted in any zone by the Planning Commission.
- D. Intermediate Geothermal Projects may be permitted in the Renewable Energy Overlay Zone for not more than five (5) years by the Planning Commission.
- E. Minor Geothermal Projects and Minor Geothermal Exploratory Wells may be permitted in any zone by the Director of Planning and Development Services. Minor Geothermal Projects and Minor Geothermal Exploratory Wells are permitted in the Renewable Energy Overlay Zone in compliance with all applicable federal, state, and local requirements.
- F. Major Exploratory Wells may be permitted in any zone by the Planning Commission.
- G. Major Exploratory Wells may be permitted in the Renewable Energy Overlay Zone by the Director of Planning and Development Services.

§ 91703.05 SUBSEQUENT PERMITS

The granting of a Permit for exploratory, test, or smaller projects, shall not be construed as a commitment by the County for approval of any subsequent projects.

§ 91703.06 BONDING FOR SITE RESTORATION

- A. Bonds, or other forms of security acceptable to the County, to guarantee restoration of the land to its original condition prior to issuance of a building permit for Project development shall be filed with the Department of Planning and Development Services.
- B. The amount of the bond, or other form of security, shall be reviewed and approved by County Counsel and the Director of Planning and Development Services based upon a cost estimate completed by a California Registered Engineer and submitted to the County for approval.