



AGENDA

Regular Planning Commission Meeting

Monday, June 13 – 6:00 p.m.

Council Chambers

746 8th Street, Wasco, CA 93280

www.cityofwasco.org

SPECIAL NOTICE REGARDING REMOTE PUBLIC PARTICIPATION DUE TO COVID-19*

City Hall is now open to the public for business. The City Council Chamber will be open to the public for Planning Commission meetings; If you are not fully vaccinated, you must wear a mask.

Public comment regarding matters on the agenda may be made in person or via email. If you wish to comment on a specific agenda item, submit your comment via email to yotinajero@cityofwasco.org no later than 4:00 p.m. June 13, 2022. Please clearly indicate which agenda item number your comment pertains to. If you wish to make a general public comment not related to a specific agenda item, submit your comment via email to yotinajero@cityofwasco.org no later than 4:00 p.m. June 13, 2022.

Every effort will be made to read your comment into the record; however, they are limited to two (2) minutes. If a comment is received after the specific time mentioned above but before the meeting is adjourned, the comment will still be included as a part of the record of the meeting but will not be read into the record.

REGULAR MEETING – 6:00 pm

- 1) CALL TO ORDER:** Chairman Holtermann
- 2) ROLL CALL:** Chairman Holtermann, Vice Chairmain Ward, Commissioners: Clendenen, Rueda
- 3) FLAG SALUTE:** Chairman
- 4) INVOCATION:**
- 5) PRESENTATIONS AND AWARDS:** None
- 6) PUBLIC COMMENTS:**

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Speakers are limited to two (2) minutes.

BROWN ACT REQUIREMENTS: The Brown Act does not allow action or Discussion on items, not on the agenda (subject to narrow exceptions). This will limit a Commissioner's response to questions and requests made during this comment period.

Should your comments require further consideration by the Planning Commission; the item will be agendaized for a report and discussed at a future Planning Commission meeting. Please state your name for the record before making presentation.

PLANNING COMMISSION BUSINESS:

7) CONSENT CALENDAR:

The Consent Calendar consists of items that, in staff's opinion, are routine and non-controversial. These items are approved in one motion unless a Commissioner or member of the public request's removal of a particular item.

- a. Approval of Minutes for March 14, 2022, Regular Meeting

8) PUBLIC HEARINGS:

- a. Adopt a Resolution to revoke or modify Conditional Use Permit 20-01 for a wastewater processing facility on a 7-acre parcel within an existing 33,000 square foot industrial building. (Moblely)

9) DEFERRED BUSINESS: None

10) NEW BUSINESS: None

11) REPORTS FROM DIRECTOR:

12) REPORTS FROM COMMISSIONERS:

13) ADJOURNMENT:

This is to certify that this agenda was posted at Wasco City Hall on June 10, 2022, on/or before 6:00 p.m. The agenda is also available on the City website at www.cityofwasco.org



Maria O. Martinez, City Clerk

*All agenda item supporting documentation is available for public review in the city website www.cityofwasco.org and the office of the Community Development Department, 764 E Street, Wasco, CA 93280 during regular business hours, 8: am – 4:30 pm Monday through Thursday and 8:30 am–4:30 pm Friday (closed alternate Friday's), following the posting of the agenda. Any supporting documentation related to an agenda item for an open session of any regular meeting that is distributed after the agenda is posted and prior to the meeting will also be available for review at the same location and available at the meeting. **Please remember to turn off all cell phones, pagers, or electronic devices during Planning Commission meetings.***

The City of Wasco does not discriminate on the basis of disability in the access to, provision of, or employment in its programs and activities pursuant to 29 United States Code Section 12132 and California Civil Code Section 54. Information regarding the rights provided under the Americans with Disabilities Act (ADA) may be obtained from the City Clerk's Office.

If you need special assistance to participate in this meeting, please contact the Deputy City Clerk's Office at (661) 758-7250 to make reasonable arrangements to ensure accessibility to this meeting. Telephone (661) 758-7250 Requests for assistance should be made at least two (2) days in advance whenever possible.

MINUTES
City of Wasco
Planning Commission
Monday, March 14, 2022
Regular Meeting – 6:00 p.m.
City Council Chambers
746 8th Street, Wasco, Ca 93280

REGULAR MEETING – 6:00 pm

1) CALL TO ORDER:

Vice-Chairman Ward called the meeting to order at 6:02 p.m.

2) ROLL CALL:

Present: Vice-Chairman Ward, Commissioner Clendenen, Commissioner Rueda
Absent: Chairman Holtermann

3) FLAG SALUTE: Led by Vice-Chairman Ward

4) INVOCATION: Moment of silence

5) PRESENTATIONS: NONE

6) PUBLIC COMMENTS: None

PLANNING COMMISSION BUSINESS:

7) CONSENT CALENDAR:

The Consent Calendar consists of items that, in the staff's opinion, are routine and non-controversial. These items are approved in one motion unless a Council Member or member of the public request's removal of a particular item.

a. Approval of Minutes for December 13, 2021, Regular Meeting

Motion was made by Commissioner Clendenen, **seconded** by Commissioner Rueda to approve the Consent Calendar by the following roll call vote:

AYES:	WARD, CLENDENEN, RUEDA
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	HOLTERMANN

8) PUBLIC HEARINGS: NONE

9) DEFERRED BUSINESS: NONE

10) NEW BUSINESS:

- a.** Adopt a Resolution for an extension request for CUP 18-06 for off-sale beer and wine sale (Type 20) at a new 5,001 square foot 24-hour convenience store and service station.

Oral presentation by Planning Assistant Murrillo

Motion by Commissioner Rueda, **seconded** by Commissioner Clendenen to deny the extension request by the following roll call vote:

AYES:	WARD, CLENDENEN, RUEDA
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	HOLTERMANN

11) REPORTS FROM THE DIRECTOR: NONE

12) REPORTS FROM COMMISSIONERS:

Vice-Chairman Ward requested to staff that he would like to revisit the Building Design Ordinance regarding windows security bars.

13) ADJOURNMENT:

Vice-Chairman Ward adjourned the meeting at 6:15 p.m.

Maria O. Martinez, City Clerk

David Ward, Vice-Chairman



PLANNING COMMISSION STAFF REPORT
June 13, 2022

TO: Chair and Planning Commissioners
FROM: Keri Cobb
Community Development Director

DATE: June 13, 2022

PROJECT NAME: Conditional Use Permit 20-01 Revocation or Modification – BlueWater Resources, LLC

PROJECT DESCRIPTION: Adopt a Resolution to revoke or modify Conditional Use Permit 20-01 for a wastewater processing facility on a 7-acre parcel within an existing 33,000 square foot industrial building.

ENVIRONMENTAL DOCUMENT: Pursuant to the California Environmental Quality Act of 1970 (CEQA), a mitigated negative declaration was prepared. (SCH# 2020080469)

APPLICANT: BlueWater Resources, LLC, Dundee Kelbel

OWNER: Wasco Commercial Group LLC

APN: 030-020-19

ADDRESS/LOCATION: 591 J Street Wasco, CA 93280

GENERAL PLAN Heavy Industrial

ZONE DISTRICT: Heavy Industrial (I-H)



STAFF RECOMMENDATION

Staff is recommending that the Planning Commission modify Conditional Use Permit 20-01, to ensure that violations of the Permit's Conditions of Approval and other State and Federal Laws do not continue on this property. Should the Commission select this option, Staff recommends that the Commission adopt the following resolution (Attachment 2) modifying CUP 20-01.

- Resolution 22- A resolution of the Planning Commission of the City of Wasco modifying Conditional Use Permit 20-01 for a wastewater treatment facility at 591 J Street.

ALTERNATE PLANNING COMMISSION ACTION OPTION

Staff recommends that the Planning Commission modify Conditional Use Permit 20-01, however, should the Commission choose not to modify the permit, the Commission may consider revocation of the permit to ensure that violations of the Permit's Conditions of Approval and other State and Federal Laws do not continue on this property. Should the Commission select this option, Staff recommends that the Commission adopt the following resolution (Attachment 3) revoking CUP 20-01.

- Resolution 22 - A resolution of the Planning Commission of the City of Wasco revoking Conditional Use Permit 20-01 for a wastewater treatment facility at 591 J Street.

BACKGROUND, HISTORY AND PROJECT TIMELINE

City Staff has been working with the project applicant, Mr. Kelbel on various versions of this wastewater treatment project to treat oil field produced industrial wastewater since early 2013, when he made an informational presentation to the Wasco City Council.

Over the course of the last nine years, three Conditional Use Permits have been issued for the wastewater treatment project at 591 J Street and two of them have expired. During this time the project and Mr. Kelbel have been affiliated with the following companies:

- Wasco Waste Water Technologies. LLC
- Sweetwater Tech Resources, LLC
- Watershed Tech Services, LLC
- BlueWater Resources, LLC

Below is a summary of the Planning Commission actions related to this project:

April 14, 2014



- The first Conditional Use Permit, (CUP 13-01) for an industrial oil field wastewater treatment facility at 591 J Street in Wasco was presented to the Commission by Mr. Kelbel.
- This version of Mr. Kelbel's project included the request for a waste water discharge permit so treated effluent could be discharged directly to the City's wastewater system.
- Conditions of approval were placed on the project including a condition requiring the applicant to meet all requirements of the City of Wasco Public Works Department including securing a Waste Water Discharge Permit.
- Pursuant to the City of Wasco's Municipal Code, contents of a wastewater discharge permit shall include "conditions as are deemed reasonably necessary by the public works director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW".
- No discharge permit was ever issued for this project.
- Conditional Use Permit eventually expired on April 14, 2016 due to lack of action.

March 13, 2017

- The second Conditional Use Permit for a wastewater treatment facility at 591 J Street was presented to the Planning Commission by Mr. Kelbel.
- In this second version of the project, Mr. Kelbel indicated that he would not be discharging industrial waste water in to the City's sewer system and as a result would not need a discharge permit.

In January of 2019, the City received notice that Watershed Tech Services, LLC had filed Bankruptcy on 12/31/2018 and the permit later expired.,

October 12, 2020

- The City of Wasco Planning Commission approved the current (third) version of this project now known as BlueWater Resources, LLC.
- No discharge permit was issued for this project.
- Since then, City Staff has worked with Mr. Kelbel and the Property Owner, Mr. Barker, to make sure all necessary permitting was obtained for this project including building permits for electrical upgrades and tank installations.
- A City of Wasco business license was issued for this business on February 6, 2022.

VIOLATION OF CUP 20-01

On May 26, 2022, City Staff issued a Notice of Violation, (see Attachment 1), suspending the Business License for BlueWater Resources, LLC and referencing multiple violations of the Conditional Use Permit for this project. Violations were based on City Staff's observations of illegal discharges and illicit connections through a hose to the City stormwater sump located northwest of the BlueWater site, and the use of processed (contaminated) water for dust control to the extent of water running onto adjacent properties and streets and ultimately into storm drains located on 6th Street.

The specific Conditions of Approval violated are as follows:



3. No uses of land, buildings, or structures other than those specifically approved pursuant to this permit shall be permitted.
5. The applicant is not requesting a waste water discharge permit for discharge of treated or untreated wastewater to the City of Wasco sewer system as part of this permit. Any future request for a discharge permit will require an amendment of this Conditional Use Permit and compliance with all requirements of the City of Wasco Public Works Department and State of California Water Resources Control Board.
7. The applicant shall meet all requirements of the California Regional Water Quality Boards including compliance with Water Code Sections 13260 and 13264 prior to initiating operations that will result in a discharge of waste to land.
15. The applicant shall meet all requirements of the City of Wasco Public Works Department.

Below is a summary of these violations and the supporting technical documentation:

- On April 4, 2022
 - City of Wasco Staff observed an abnormal amount of water in storm sump NW of 591 J ST while performing routine inspections. After further inspection, City of Wasco staff observed a hose running into a drain located on Bluewater property.
 - Sample was collected at the storm sump for laboratory analysis. Constituents tested for included BOD (indicator of pollution) and crude oil (pollution from oil waste).
- On April 12, 2022 analytical results were received from Pace Analytical. Analytes of BOD concentrations with results of 320 mg/L and crude oil amounts of 1200 ug/L were reported.
- After further discussion on April 18, 2022 CalEPA was notified of potential illicit discharge.
- On April 22, 2022 Complaint was delegated to Central Valley Regional Water Quality Control Board.
- On April 27, 2022 Mr. Kelbel was notified of our findings, Influent (receiving waste) and Effluent (Final product) samples were collected on site at the Bluewater facility.
- On May 5, 2022 Reservoir level significantly dropped. Water was found being discharged to ground out of a tanker truck in quantities sufficient to cause water running off into adjacent properties, streets, and storm drains.

REMEDY AND STAFF RECOMMENDATION

City Staff has spent significant staff time and City resources working with Mr. Kelbel on the various versions of this project over the last eight years. While various City processing fees have been paid, it is very unlikely that all of the City's costs have been covered by these fees. Additionally, the City anticipates potentially significant costs to clean the City's Stormwater basin as a result of the contamination caused by BlueWater Resources, LLC.



Based on the information provided in this Staff Report, City Staff is recommending modification of the Conditional Use Permit 20-01 for BlueWater Resources, LLC to include the Conditions of Approval found in the “modify” version of Resolution 22- included as Attachment 2.

However, after considering all information and discussion the Commission decides to permanently revoke the permit instead, staff recommends approval of the “revoke” version of Resolution 22- included as Attachment 3.

ALTERNATIVE ACTION CONDITIONS OF APPROVAL

Modified and/or additional conditions are shown in italics and red.

1. Approval of this permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Community Development Department shall not assume responsibility for any deletions or omissions resulting from the permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this permit or subsequent amendments or revisions.
2. The conditions of approval are based on City records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted by the applicant. Requirements which may not have been addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are discovered.
3. No uses of land, buildings, or structures other than those specifically approved pursuant to this permit shall be permitted.
4. *Any violation of this permit or other local, state or federal law shall be grounds for permanent revocation of this permit and the applicant’s business license at the discretion of City Staff.*
5. *Prior to restoration of the applicant’s business license, applicant shall sign a “Covenant Not to Sue” protecting the City of Wasco against any potential litigation from BlueWater Resources, LLC, and/or Dundee Kelbel. or.....*
6. *Applicant’s business license shall not be restored until all remediation to the City’s storm water basin is completed to the City’s Public Works Department satisfaction and all costs of remediation have paid to the City by BlueWater Resources LLC and or Dundee Keldel.*
7. *Applicant and all employees of BlueWater Resources, LLC shall make the site available for inspection and sampling by City of Wasco Staff at any time during the permitted hours of operation listed below.*



8. *BlueWater Resources, LLC shall pay all costs associated with clean up of the City's Stormwater basin and shall reimburse all City Staff and third-party consultant / laboratory costs associated with monitoring, inspecting and sampling at this site. The City will invoice BlueWater Resources, LLC and/or Dundee Kelbel directly. City Staff costs will be billed at the fully burdened rate for each City Staff member and third party lab / consultant costs will be billed at actual cost plus a 25% administrative fee. Failure to pay an invoice within 30 days of the date of the invoice will result in immediate revocation of this permit and the associated Business License.*
9. Applicant shall comply with all mitigation measures as listed and identified in Section 6 – Mitigation Monitoring and Reporting Program, of the adopted Mitigated Negative Declaration.
10. The applicant is not requesting a waste water discharge permit for discharge of treated or untreated wastewater to the City of Wasco sewer system as part of this permit. Any future request for a discharge permit will require an amendment of this Conditional Use Permit and compliance with all requirements of the City of Wasco Public Works Department and State of California Water Resources Control Board.
11. Prior to issuance of a building permit for this project, the applicant shall provide a data sheet indicating the specific constituents in the wastewater being received at the facility to the City of Wasco Public Works Department. At any time during operations, the City of Wasco Public Works Department may request, and applicant shall provide data sheets indicating the specific constituents in both the wastewater being received at the facility and the treated water leaving the facility.
12. The applicant shall meet all requirements of the California Regional Water Quality Boards including compliance with Water Code Sections 13260 and 13264 prior to initiating operations that will result in a discharge of waste to land.
13. The project is approved for a maximum process capacity of 10,000 barrels per day, equivalent to 420,000 gallons per day (42 gallons/barrel). The processing capacity and supporting equipment and storage tanks may be achieved in phases with an initial capacity of 500 barrels per day. Any increase in processing capacity above 10,000 barrels per day shall require an amendment or modification to this Conditional Use Permit.
14. The property sits within the FEMA designated 100-year flood plain. Non-residential buildings or structures must either be elevated to at least the base flood elevation for the property or alternatively they must be floodproofed and anchored if they remain below the base flood elevation.
 - **Elevation:** If structures are to be elevated the base of all exterior ground-mounted support equipment and storage tanks shall have a minimum elevation of 336 feet above mean sea level which will place structures at or above the FEMA designated 100 year



base flood elevation of 336 feet at the property.

- **Floodproofing below the base flood elevation:** As the storage tanks are already water tight, leaving the storage tanks below the base flood elevation is an option but will require the structures to be properly anchored to stabilize them against flood forces. Anchoring provides protection against hydrostatic and hydrodynamic forces and erosion that can undercut the structure.

FEMA also requires that a National Flood Insurance Program Elevation Certificate be prepared and submitted prior to Certificate of Occupancy to verify as-built structure elevations.

15. Applicant shall pay all applicable fees required prior to issuance of a building permit.
16. A building permit shall be required prior to the start of any building alteration or construction on the project site including but not limited to any power upgrades and tank installation.
17. Grading plans shall be submitted to the City of Wasco City Engineer for review and approval. A grading permit shall be required prior to start of any grading work.
18. All interior roads and drive aisles shall be watered and treated with an approved dust binder to reduce dust.
19. The application shall submit a Hazardous Material Disclosure Form to the Kern County Environmental Health Department.
20. The applicant shall meet all requirements of the City of Wasco Public Works Department.
21. The applicant shall meet all requirements of the California Department of Transportation.
22. The applicant shall provide a location for right-side pickup and drive through access for City Sanitation trucks.
23. All processing facilities and storage tanks shall have secondary spill containment.
24. Hours of operation shall be 24 hours a day Monday thru Sunday.
25. No sign shall be constructed, displayed or altered without a sign permit approved by the City of Wasco Planning Department prior to installation.
26. Within two years of the date of approval, commencement of construction as evidenced by issuance of a building permit shall have occurred, or this conditional use permit shall become null and void. If after commencement of construction, work is discontinued for a period of one year as evidenced by inactivity on the building permit(s), then this conditional use permit shall become null and void.



27. Conditional Use permit 20-01 is non-transferable and shall be reviewed by City Staff six (6) months from the date of re-issuance of a facility's business license. If at any time within the six month period, operational issues occur, Planning Staff may bring this permit back to the Commission for review, and possible revision of Conditions of Approval to address the operational issues.

CONCLUSION

Upon consideration of this evaluation, the Commission must decide if it can make the required findings that Conditional Use Permit 20-01 is appropriate for the project site with the modified conditions of approval as presented in the attached Resolution for modification (Attachment 2); or

Alternatively, the Commission may make the required findings for revocation of Conditional Use Permit 20-01 as presented in the attached Resolution for revocation (Attachment 3).

ATTACHMENTS

Attachment 1 – Notice of Violation

Attachment 2 – City of Wasco Planning Commission Resolution No. 22- (modify CUP 20-01)
Exhibit "A" – CUP 20-01 BlueWater Resolution 20-04

Attachment 3 –City of Wasco Planning Commission Resolution No. 22- (revoke CUP 20-01)



May 25, 2022

Bluewater Resources LLC
Attn: Mr. Dundee Kelbel
591 J Street
Wasco, CA 93280

NOTICE OF VIOLATION

Subject: ILLEGAL DISCHARGES, ILLICIT CONNECTIONS, NONCOMPLIANCE WITH CUP NO. 20-01

Dear Mr. Kelbel:

This letter serves as a Notice of Violation (NOV) of the City of Wasco Municipal Code, Title 17 Chapter 17.52. From April 4th, 2022 to May 5, 2022, City of Wasco staff reported multiple instances of violations of your conditional use permit no. 20-01 (the "CUP") while monitoring City storm sumps. The violations include illegal discharges and illicit connections through a hose to the City stormwater sump located NW of Blue Water Resources property and using processed water for dust control to the extent of water running onto adjacent properties, streets and ultimately into storm drains located on 6th street.

Blue Water Resources currently does not have a waste discharge permit and is prohibited from discharging in any form. Under the State-mandated MS-4 permit, discharge of any kind into a stormwater basin is never permitted. Samples of your discharges were collected for laboratory analysis which found that benzene as well as metals associated with crude oil contamination were present. These discharges are in violation of WMC Chapter 15.40 and are detrimental to the public health, safety, and welfare, may contaminate the groundwater, and constitute a public nuisance.

Due to this violation, you are notified that the City of Wasco Business License for Bluewater Resources LLC is hereby suspended pursuant to WMC 5.04.246. You must immediately cease and desist all business activities at your Wasco facility.

Should you have any questions, please contact the undersigned.

Sincerely,

Alberto Martinez



Deputy Public Works Director of Water Utilities | City of Wasco
801 8th Street, Wasco CA 93280 | P: (661) 758-7273 |

almartinez@cityofwasco.org

CC: Joe Barker, Property Owner
Tom Schroeter, City Attorney
M. Scott Hurlbert, City Manager
Luis Villa, Public Works Director
Isarel Perez-Hernandez, Finance Director
Keri Cobb, Community Development Director
Omar Mostafa, Regional Water Quality Control Board Central Valley Region



Attachment 2

**CITY OF WASCO PLANNING COMMISSION
RESOLUTION NO. 20-01
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WASCO
MODIFYING CONDITIONAL USE PERMIT 20-01 FOR A WASTEWATER TREATMENT FACILITY
AT 591 J STREET**

WHEREAS, the parcel of real property affected by this resolution is Assessor’s Parcel Number 030-020-19 and the facilities located thereon (collectively, sometimes the “Real Property” or the “Site” or the “Facilities”) owned by BlueWater Resources LLC (“BlueWater”); and,

WHEREAS, Conditional Use Permit No. 20-01, attached hereto as Exhibit “A,” was issued to BlueWater on October 12, 2020 (the “CUP”) and a business license was issued to BlueWater on February 6, 2022 (the “Business License”); and

WHEREAS, on May 26, 2022, City Staff issued a Notice of Violation, suspending the Business License and referencing multiple violations of the CUP as more particularly described in the staff report dated June 13, 2022; and,

WHEREAS, notice of a public hearing for Monday, June 13, 2022 at the hour of 6:00 p.m. to consider revocation or modification of the Business License and CUP was given as required by the Wasco Municipal Code; and,

WHEREAS, the public hearing was duly and timely conducted, during which a proposed modification of the CUP and Business License was presented by a representative of the Planning Department and all persons desiring to be heard were duly heard; and,

WHEREAS, the Commission has considered the report of the Planning Department, the documentary and photographic evidence presented, and all the testimony presented during the public hearing, after which the public hearing was closed; and

WHEREAS, the Commission hereby finds as follows:

(a) That the proposed use as modified is conditionally permitted and would not impair the integrity and character of the subject land use district, complies with all the applicable provisions of the Zoning Ordinance, and is consistent with the goals and policies of the General Plan;

(b) That the approval of the modified Conditional Use Permit is in compliance with



the requirements of the California Environmental Quality Act, this Ordinance, and any other applicable codes and ordinances; and

(c) That there will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated or monitored.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Wasco as follows:

1. That the foregoing recitals are true and correct and are incorporated herein as if fully set forth herein verbatim.

2. That prior to restoration of the Business License, BlueWater shall sign a “Covenant Not to Sue” protecting the City of Wasco against any potential litigation from BlueWater and its members, managers, officers, investors, and employees.

3. That the Business License shall not be restored until all remediation to the City’s storm water basin is completed to the Public Works Department satisfaction and all costs of remediation have been paid to the City by BlueWater or Dundee Kelbel.

4. That substantial evidence has been presented of violations of the CUP and the CUP is hereby modified as follows:

(a) That BlueWater and all its employees shall make the Site available for inspection and sampling by City of Wasco Staff at any time during the hours of operation of its Facilities;

(b) That BlueWater shall pay all costs associated with testing, remediation, and restoration of the soil in the affected stormwater sump and shall reimburse all City Staff and third-party consultant/laboratory costs associated with monitoring, inspecting, and sampling at the Site, billed at the rate for each City Staff member and at actual third-party lab/consultant costs plus a 25% administrative fee;

(c) That BlueWater shall pay for all unscheduled testing of the water at the Facility whenever conducted.

(d) That all invoices shall be payable within 30 days from the date of the invoice;

(e) That no processed water may be discharged into storm basins, sumps, or the city sewer system;



(f) That no processed water may touch the ground by any means or be allowed to contaminate the ground;

(g) That only potable water is permitted for dust control using appropriate methods of spraying as approved by the city; and

(h) That any violation of the conditions of the CUP or other local, state, or federal law shall cause the automatic and non-appealable revocation of the CUP.

5. Except as modified herein, all terms and conditions of the CUP are incorporated herein and shall remain in full force and effect. In the event of any inconsistency or ambiguity between the conditions described at paragraph 4 and the other terms and conditions of the CUP, the conditions at paragraph 4 shall prevail.

I hereby certify that the foregoing is a full, true and correct copy of the resolution of the Planning Commission of the City of Wasco adopted at a regular meeting held on Monday, June 13, 2022 moved by Commissioner _____ and seconded by Commissioner _____, duly adopted and passed by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF WASCO

Attest:

Approved:

Yolanda Tinajero,
Deputy City Clerk

Robert Holtermann, Chairman
City of Wasco Planning Commission



Attachment 3

**CITY OF WASCO PLANNING COMMISSION
RESOLUTION NO. 20-01
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WASCO
REVOKING CONDITIONAL USE PERMIT 20-01 FOR A WASTEWATER TREATMENT FACILITY
AT 591 J STREET**

WHEREAS, the parcel of said real property affected is Assessor's Parcel Number 030-020-19; and,

WHEREAS, On May 26, 2022, City Staff issued a Notice of Violation, suspending the Business License for Bluewater Resources LLC and referencing multiple violations of the Conditional Use Permit for this project; and,

WHEREAS, City of Wasco staff reported multiple instances of violations of conditional use permit no. 20-01 (the "CUP") while monitoring City storm sumps which are more particularly described in the staff report dated June 13, 2022; and

WHEREAS, notice of a public hearing for Monday, June 13, 2022 at the hour of 6:00PM to consider revocation or modification of the Business License and the CUP was given as required in the Wasco Municipal Code; and

WHEREAS, the public hearing was duly and timely conducted, during which the Planning Department and all persons desiring to be heard were duly heard; and,

WHEREAS, the Commission has considered the report of the Planning Department, the documentary and photographic evidence presented, and all the testimony presented during the public hearing, after which the public hearing was closed; and

WHEREAS, A resolution of the Planning Commission of the City of Wasco revoking Conditional Use Permit 20-01 for a wastewater treatment facility at 591 J Street was considered by the Planning Commission; and

WHEREAS, the Commission has considered the report of the Planning Department, the documentary and photographic evidence presented, and all the testimony presented during the public hearing, after which the public hearing was closed.



NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Wasco that it hereby finds and determines as follows:

1. That the foregoing recitals are true and correct and are incorporated herein as if fully set forth herein verbatim
2. That substantial evidence has been presented of violations of the CUP and the Business License and the CUP and Business License are hereby revoked.

I hereby certify that the foregoing is a full, true and correct copy of the resolution of the Planning Commission of the City of Wasco adopted at a regular meeting held on Monday, June 13, 2022 moved by Commissioner _____ and seconded by Commissioner _____, duly adopted and passed by the following vote:

AYES:

NOES:

ABSENT:

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF WASCO

Attest:

Approved:

Yolanda Tinajero
Deputy City Clerk

Robert Holtermann, Chairman
City of Wasco Planning Commission