Site Certification Agreement
Between
The State of Washington
and
CHEHALIS POWER GENERATING, L.P.

for the
Chehalis Generation Facility
Located in:
Chehalis, Washington
Lewis County, Washington

Executed March 4, 1997

ENERGY FACILITY SITE EVALUATION COUNCIL

Olympia, Washington

TABLE OF CONTENTS

ATTACHMENTS

SITE CERTIFICATION AGREEMENT

FOR THE CHEHALIS GENERATION FACILITY

between

THE STATE OF WASHINGTON

and

CHEHALIS POWER GENERATING, L.P.

This Site Certification Agreement is made pursuant to Chapter 80.50 of the Revised Code of Washington (RCW) by and between the State of Washington, acting by and through the Governor of the State, and Chehalis Power Generating, L.P. (Chehalis Power).

Chehalis Power filed, as required by law, an application with the Energy Facility Site Evaluation Council (EFSEC or Council) for site certification for the construction and operation of a natural gas-fired electric generation facility in Lewis County. The Council reviewed the application, conducted public and adjudicative hearings, and by order, recommends approval of the application by the Governor.

The parties hereby now desire to set forth all terms, conditions, and covenants relating to such site certification in this Agreement pursuant to RCW 80.50.100(1).

The effective date of this Agreement shall be March 4, 1997

ARTICLE I

Definitions

Where used in this Site Certification Agreement the following terms shall have the meaning set forth below:

1. "Application" means the application for Site Certification, designated No. 94-2, filed by Chehalis Power with EFSEC for the Chehalis Generation Facility (CGF), and incorporated by reference herein, including all revisions to the Application.

2. "Approval" (by EFSEC) means an affirmative action by EFSEC regarding documents, plans, designs, programs, or other similar requirements submitted pursuant to this Agreement. Approval shall include affirmative actions of EFSEC or its authorized agents.

3. "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting the CGF with existing energy supply, processing, or distribution systems, including, but not limited to, the natural gas fuel line from the CGF metering point to the turbines, the backup diesel fuel storage tanks, diesel pipelines, the electrical power lines connecting the CGF to existing Bonneville Power Administration electrical transmission lines, and a water delivery and return system (which includes pipelines for reclaimed water, municipal water, and wastewater). The project does not include a natural gas delivery system, other than those elements located on the generating facility site.

4. "CGF" means the Chehalis Generation Facility and its associated facilities. The Chehalis Generation Facility consists of two natural gas fired combined cycle combustion turbine units with heat recovery steam generators. The specific components of the CGF are identified below in Article IV. The CGF will deliver electricity for sale to Bonneville Power Administration or other power purchasers.

5. "Chehalis Power" means Chehalis Power Generating, Limited Partnership (Chehalis Power), the project sponsor, or its successor.

6. "Chehalis Power, Inc. (CPI)" means the Delaware corporation formed to act as the sole general partner of the Chehalis Power Generating, Limited Partnership. CPI will manage all of the affairs of the partnership, and will exercise the rights and perform the obligations under this SCA. CPI shall be the guarantor of the CGF's performance and ability to perform these obligations.

7. "City" means the City of Chehalis, Washington.

8. "Combustion turbine" means a natural gas- or fuel oil- turbine configured to drive an electric generator.

9. "Commencement of construction" means the initiation or beginning of any actual construction activities such as form work, rebar, and pouring concrete for the power block structures.

10. "Ecology" means the Washington Department of Ecology.

11. "EFSEC" or "Council" means the State of Washington Energy Facility Site Evaluation Council created by Chapter 80.50 RCW, or such other agency or agencies of the State of Washington as may hereafter succeed to the powers of EFSEC for the purpose of this Agreement.

12. "Pipeline" means the water supply and return system element of "Associated facilities" except where the context clearly indicates otherwise.

13. "Site" means the property identified below in Article II.A, located in Lewis County, Washington, on which the CGF is to be constructed and operated.

14. "Site Certification Agreement (SCA)", also termed "Agreement", means this formal written agreement between Chehalis Power Generating, Limited Partnership and the State of Washington, which governs the construction and operation of the CGF, including all attachments hereto and exhibits, modifications, amendments, and documents incorporated herein.

15. "Site preparation" means grading, excavation, and preparation of lay down areas.

16. "Sponsor" means Chehalis Power Generating, Limited Partnership (Chehalis Power) or its successor

17. "WDFW" means the Washington Department of Fish and Wildlife.

18. "Wetland" means a wetland as determined by the United States Natural Resource Conservation Service for the generating facility site and a wetland as determined by United States Army Corps of Engineers for the Pipeline route.

ARTICLE II

Site Certification

A. Site and Pipeline Route Description

The Site on which the CGF is to be constructed and operated is located in Lewis County, Washington, south of the City of Chehalis, east of Interstate 5, and is more particularly described in Attachment 1. The route of the water supply and return pipelines connecting the CGF to certain City water and wastewater facilities is described with particularity in Attachment 2.

B. Site Certification

The State of Washington hereby authorizes the Chehalis Power to construct and operate the Chehalis Generation Facility (CGF) at the Site subject to the terms and conditions of the Council's Final Order, Findings of Fact and Conclusions of Law, commitments made during the adjudicative hearing, and this Site Certification Agreement. Such construction and operation shall be located within the areas designated for construction that are indicated in the Application, and described in Attachments 1 and 2.

This Site Certification Agreement authorizes construction of either or both units of the CGF to begin within ten (10) years from the date of signing of this Agreement. Construction may begin separately or simultaneously for each unit within that 10-year period. Construction is deemed to begin upon the start of construction of a unit's major components, excluding site preparation, upon a schedule and with the intention of completing construction within eighteen months after commencement. If construction of either unit's major components has not commenced within ten (10) years of the signing of this Agreement rights under this Agreement to construct and operate the combustion turbine unit that has not commenced construction shall cease.

Six months before commencement of construction, Chehalis Power (a) during the first five years after execution of this Site Certification Agreement shall identify to the Council any substantial relevant change or certify the lack of substantial change in relevant environmental conditions, regulatory environment, or economically available technology, and (b) during the second five years shall certify that the representations of the application, environmental conditions, pertinent technology, and regulatory conditions remain current, or identify any changes and propose appropriate resulting changes in the Site Certification Agreement to deal with changes. Construction may begin only upon prior Council authorization, upon the Council's finding that no changes to the Site Certification Agreement are necessary or appropriate, or upon the effect of any necessary or appropriate changes.

Not less than six months prior to commencement of construction of each generating unit of the combustion turbine project, Chehalis Power must provide EFSEC with evidence that it has satisfied its obligations under Attachment 7 of this Site Certification Agreement.

ARTICLE III

General Conditions

A. Legal Relationship

1. This Agreement is made in lieu of any permit, certificate, or similar document required by any department, agency, division, bureau, commission or board of this state, or its political subdivisions for construction and operation of the CGF.

2. Chehalis Power shall comply with all applicable federal laws and regulations and with the terms and conditions of any permits and licenses which may be issued to Chehalis Power for the CGF by appropriate federal agencies.

3. This Agreement shall bind Chehalis Power, its subsidiary corporations, affiliated partnerships, contractors, subcontractors, and their successors in interest, and the state and any of its departments, agencies, divisions, bureaus, commissions, boards, or its political subdivisions, subject to all the terms and conditions set forth herein, as to the approval of the Site and Water Pipelines and the construction and operation of the CGF.

4. Chehalis Power shall pay to the Council reasonable and necessary monitoring costs during the construction and operation of the CGF to assure compliance with the conditions of this Agreement as required by Chapter 80.50 RCW. The amount and manner of payment shall be prescribed by EFSEC pursuant to applicable rules and procedures.

5. This Agreement, together with those commitments made by Chehalis Power in the Application, constitutes the whole and complete Agreement between the State of Washington and Chehalis Power and supersedes any other negotiations, representations, or agreements, either written or oral. *Provided*, that any representations and/or commitments made of or on behalf of Chehalis Power in the application and on the record during the adjudicative proceeding, are incorporated herein by this reference and made a part hereof as though set forth herein.

B. Enforcement

1. This Agreement may be enforced by resort to all remedies available at law or in equity.

2. This Agreement may be modified, suspended, or revoked pursuant to Chapter 34.05 RCW and Chapter 80.50 RCW, for failure by Chehalis Power to comply with the terms and conditions of this Agreement, for violations of Chapter 80.50 RCW, regulations issued thereunder and any other applicable laws or regulations, or for violation of any applicable resolutions or orders of EFSEC.

C. Notices and Filings

Filing of any documents or notice required by this Agreement with EFSEC shall deemed to have been duly made after delivery to EFSEC's offices in Olympia, WA. Notices to be served on Chehalis Power shall be deemed to have been duly made when deposited in first class mail, postage prepaid, addressed to Chehalis Power.

D. Rights of Inspection

Chehalis Power shall provide access to the CGF site, all facilities therein, and all records associated with the construction and operation of the CGF, to designated representatives of EFSEC in the performance of their official duties.

E. Site Certification Agreement Compliance Monitoring and Costs

Chehalis Power shall pay to the Council such reasonable costs as are actually and necessarily incurred for monitoring and compliance activities during the construction and operation of the project as authorized in this Site Certification Agreement and as required in chapter 80.50 RCW. EFSEC shall prescribe the amount and manner of such payment subject to applicable rules and procedures.

F. EFSEC Liaison

Chehalis Power shall designate a person to act as a liaison between EFSEC and Chehalis Power.

G. Changes in Project Management

Chehalis Power shall notify EFSEC of any change in the management of, or responsibilities for, the CGF.

H. Amendment or Modification of Agreement

1. This Agreement may be amended pursuant to EFSEC rules and procedures then in effect. Any requests for amendments to this Agreement shall be made in writing, by either EFSEC or Chehalis Power.

2. A change in ownership of the CGF shall require an amendment to this Agreement. An application for change of ownership shall provide an analysis of the effects of such change on the areas identified under Chapters 463-39 and 463-42 WAC and demonstrate that the successor is able and willing to comply with all terms and conditions of this Agreement.

3. In circumstances where the CGF causes a significant adverse impact on the environment not previously analyzed or mitigated by this Agreement or where such impacts are imminent, EFSEC may impose specific conditions or requirements on Chehalis Power as a consequence of such a situation, in addition to the terms and conditions of this Agreement. Such additional conditions or requirements shall be effective for not more than 90 days, and may be extended once for an additional 90 day period if deemed necessary by EFSEC.

I. Site Restoration

Chehalis Power is responsible for site restoration pursuant to Council rules. At least six months prior to commencement of construction, Chehalis Power shall present to the Council its initial site restoration plan. Construction may not begin until the Council has approved a plan adequately providing for site restoration and for the funding of site restoration in the event of the Chehalis Generation Facility being terminated before it has completed its planned useful operating life. A detailed site restoration plan shall be submitted consistent with Council rules.

ARTICLE IV

Project Description

A. Combustion Turbines (CTs)

The CGF consists of two natural gas-fired combined-cycle combustion turbine generator units. Each combustion turbine is expected to have a gross power rating of 159 MW at average annual ambient temperatures. The combustion turbine and an 80 MW steam turbine combine to drive a generator which will produce a nominal 230 MW per unit. The CT will be fired by natural gas, delivered at a pressure of 400 psig, as measured at the turbine fuel train. Natural gas will be fired in the turbine's combustion section using Advanced Dry Low NO_x (ADLN) Combustors.

In the event that natural gas is unavailable, the CTs will burn low sulfur (≤0.5%) No. 2 diesel fuel. Use of low sulfur No. 2 diesel fuel will be limited to 720 hours per year for each combustion turbine and auxiliary boiler.

B. Heat Recovery Steam Generators (HRSGs)

The high temperature exhaust produced by each CT will flow directly to a HRSG. Nominal steam production from each HRSG is 525,000 pounds per hour. Each HRSG will be a triple pressure, natural circulation, drum type with horizontal gas flow.

Exhaust gases leaving the HRSG boiler will exit into a 150 foot tall (maximum) steel stack with Federal Aviation Agency (FAA) approved aircraft warning lights and/or obstruction markings. A stack damper may be provided to retain heat during shutdown. A continuous emission monitoring (CEM) system will be provided on the stack. The CEM system will measure constituents as required by the PSD permit.

C. Steam Turbine

High pressure steam produced by each HRSG will be collected in a manifold and directed to a condensing steam turbine rated to produce a nominal 80 MW. The steam turbine will be provided with a steam extraction system to supply steam for a future steam host.

D. Fuel Supply

The facility's primary fuel will be natural gas, with backup fuel oil. The natural gas will be delivered to a metering station on the eastern boundary of the site by an interstate regulated gas line, regulated by the Federal Energy Regulatory Commission (FERC). A fuel gas system will be provided on site to supply natural gas at suitable pressure and temperature to each combustion turbine, the auxiliary boiler(s), and any other miscellaneous uses, such as unit heaters.

Fuel oil will be a low sulfur (≤0.5%) No. 2 diesel fuel as backup fuel. This fuel will be delivered by truck and five (5) day full operation storage will be provided on site by two 1,600,000 gallon storage tanks.

E. Water Supply System

The CGF will use two sources of water supply: (1) reclaimed water from the City of Chehalis Wastewater Treatment Plant, comprised of effluent from the City of Chehalis that has been treated to approved standards for re-use and normally is discharged to the Chehalis River; and (2) from November through April only municipal water from the City of Chehalis, Chehalis River Water Pumping Station. Both sources of water will be obtained from the City of Chehalis pursuant to the City's existing water rights. Priority will be given to the use of reclaimed water.

Raw municipal water will only be used from November through April if sufficient reclaimed water is unavailable and will not be used from May through October. Potable water will be supplied through the City's municipal water supply system.

F. Water Discharge System

Sanitary sewer water from the CGF will be discharged to the City's municipal sewage collection system in the Industrial Park and will be treated at the Chehalis Wastewater Treatment Plant.

All process wastewater from the CGF will be discharged to the existing City of Chehalis' Wastewater Treatment Plant discharge line below the treatment plant. At this location, the CGF wastewater will join the City's wastewater for discharge to the Chehalis River through the City's existing outfall. The CGF will convey its wastewater discharge to the City's discharge line via a pipeline running parallel to the reclaimed water line that routes water to the CGF for supply purposes.

G. Cooling System

The circulating water system will provide cooling water to the Steam Turbine Condenser and to a heat exchanger serving the auxiliary (closed) cooling water system. The heated circulating water will be sent to the cooling towers where the temperature is reduced through evaporative cooling. The CGF will have two evaporative cooling towers, one for each unit. Air will be forced through the towers by mechanical inducement.

H. Electrical Interconnection

The facility will be interconnected to the Bonneville Power Administration's (BPA's) 500 kV transmission system through a new switchyard located at the CGF. The 500 kV switchyard will be connected into BPA's Paul-Allston 500 kV Line No. 1 through new transmission lines of approximately 1700 feet in length. See Section 2.2..4.1 of the Application for the legal description of the transmission line corridor.

I. Aesthetics and Landscaping

1. The CGF will be constructed in a manner that is aesthetically compatible with the adjacent area. Major exterior components of the CGF will be painted neutral and natural colors to minimize visual contrasts with the background.

2. All site areas not needed for CGF facilities, roadways, drainage or ponds will be planted with trees and shrubs, including native species to the maximum extent feasible, to provide visual buffering of the buildings and parking lot, and to provide feeding, foraging and nesting opportunities for wildlife species known to occur in the project vicinity. This

provision does not preclude the planting of lawn around CGF facilities. Landscaped areas will primarily be located on the south perimeter between the facility and Bishop Road, along the western perimeter south of the transmission lines, and on the eastern perimeter south of the cooling towers.

3. In the event of damage to or removal of vegetation along the water pipeline route resulting from construction by Chehalis Power, Chehalis Power agrees to return the area affected to previously existing topsoil condition and to restore native species. Restoration or replacement of vegetation from wetland areas along the route of the water pipeline is governed by Attachment 6.

ARTICLE V

Project Construction

A. Construction Commencement and Reporting

Thirty (30) days prior to commencement of construction, Chehalis Power shall submit an overall construction schedule. Construction progress reports shall be filed quarterly within thirty (30) days after the end of the quarter. Notices of significant changes in the construction schedule shall be filed with EFSEC within fifteen (15) days of the schedule change.

B. Plans and Specifications

1. Chehalis Power shall submit to EFSEC or its designated representative for approval those design documents that demonstrate compliance with Agreement conditions. The design documents will include, but are not limited to, conceptual design studies, flow diagrams, system descriptions, detailed design drawings, specifications, and vendor guarantees for equipment and processes as appropriate.

2. Chehalis Power shall design the proposed facility and water pipelines to comply with Seismic Zone 3 standards of the Uniform Building Code (UBC).

3. CGF buildings, structures, and pipelines shall be designed and constructed consistent with the requirements found in the Lewis County construction codes and Section 301(a) of the UBC. Buildings and structures are defined in the UBC Section 403 and 420. Work exempt from consistency requirements is defined in UBC Section 301(b), and as amended by Lewis County.

C. Surface Runoff and Erosion Control

1. During construction, Chehalis Power will require its contractors to employ all reasonable means necessary to meet standards set forth in this Agreement. Chehalis Power will set forth such conditions necessary thereto in its bidding documents, plans, and contracts which will be developed in consultation with the Council.

2. Chehalis Power will comply with provisions relating to excavation and erosion control described in Attachment 5 and will require all contractors to comply therewith.

3. Sedimentation, erosion control, dust control, and related construction plans pertaining to work on the site and on permanent and/or temporary roads must conform to requirements set forth in Attachments 5 and 6, or alternative plans submitted by Chehalis Power to and approved by the Council.

4. Chehalis Power will develop an erosion and sedimentation control plan, including a stormwater control plan for the construction phase, to be submitted to the Council six months before commencement of construction, and to consult with Ecology and WDFW during the preparation of such plan (Attachment 5).

5. In the event of unforeseen surface water runoff during construction, Chehalis Power to will comply with all pertinent industry standards for control of such runoff during construction. Chehalis Power further agrees to take such actions as are deemed necessary and reasonable by the Council to control said runoff. Chehalis Power will promptly notify the Council of the occurrence or likely occurrence of any surface water runoff problems.

6. Chehalis Power will take such steps as are necessary to assure that all construction activity will not result in a violation of applicable turbidity criteria in the State of Washington Water Quality Standards. The Council may, at its discretion, grant a temporary waiver of such standards upon request by Chehalis Power.

D. Construction Inspection

EFSEC shall contract with the Lewis County Public Services Department to provide construction inspection services for all CGF buildings, structures and pipelines to ensure consistency with the approved design and construction plans. Construction shall be in accordance with the approved design and construction plans, the UBC, and County building codes and regulations.

E. As-built Drawings

Chehalis Power agrees to maintain on file record drawings and to allow access to the Council or its designated representatives, on request following reasonable notice, to complete sets of as-built drawings.

F. Construction Noise

Chehalis Power and its contractors and subcontractors shall use industry standard noise attenuation controls during construction to mitigate noise impacts including mufflers on construction equipment and timing of construction activities to avoid Sundays, legal holidays, or the hours between 10 pm and 6 am.

G. Construction Traffic

In consultation with appropriate local and state agencies, Chehalis Power shall develop a plan to minimize any significant traffic impacts associated with construction of the CGF. Chehalis Power shall fund or provide those traffic control measures or devices along Bishop Road that are found necessary by EFSEC in accordance with said plan to mitigate such traffic impacts.

H. Construction Phase Spill Prevention

In order to prevent spills of petroleum products or toxic materials that could contaminate soil, ground water or surface waters during the construction phase, Chehalis Power shall submit a spill prevention and countermeasure program three (3) months prior to commencement of construction of the CGF. The program shall address oil/chemical storage, containment, site security and personnel training. The program shall also address measures that will be taken to control and contain discharge, cleanup actions, notification of appropriate agencies and a list of available cleanup materials.

I. Construction Phase Spill Contingency Plan

In order to minimize the environmental impact from any spill of petroleum products or toxic materials during the construction phase of the project, Chehalis Power shall have a spill contingency plan. This plan shall address measures that will be taken to control and contain discharge, cleanup actions, notification of appropriate agencies and a list of available cleanup contractors and oil cleanup materials.

ARTICLE VI

Project Operation

A. Water Use

1. EFSEC hereby recognizes the City of Chehalis' surface water withdrawal permit No. 11303 to divert 15 cubic feet per second (cfs) from the Chehalis River. The City's water withdrawal permit does not allow withdrawal of water if the instream flow is below 50 cfs. No withdrawal rights from the Chehalis River or any other state surface water or ground waters are granted by this agreement. The CGF's use of reclaimed water shall not exceed 4.6 cfs.

2. Chehalis Power shall use reclaimed water from the City of Chehalis to meet its needs for process and cooling water. Chehalis Power shall purchase untreated municipal water from the City of Chehalis to meet its needs for process and cooling water only from November through April and only when reclaimed water from the City of Chehalis is insufficient to meet such needs or when operational conditions at the CGF temporarily preclude the use of reclaimed water. Chehalis Power shall take all practicable steps to minimize its use of untreated municipal water. Chehalis Power shall meet all applicable Water Reclamation and Reuse Standards developed by the state of Washington. Chehalis Power shall treat all effluent generated by the City from May through October, regardless of whether the facility is generating power.

3. To protect against potential impacts on the Chehalis River from the use of municipal water during low flow periods (defined as flow below 165 cfs, as measured at Grand Mound), Chehalis Power shall do the following:

   a. Prior to commercial operation of the first unit, Chehalis Power shall acquire surface water rights of 50 acre feet.

   b. As additional mitigation for operation of the first unit, Chehalis Power shall acquire up to 103 acre feet of additional surface water rights to meet its expected use of municipal water during low flow periods within the first year of operation.

   c. As additional mitigation for operation of the second unit, Chehalis Power shall acquire up to 374 acre feet of surface water rights to meet its expected use of municipal water during low flow periods within the first year of operation.

4. Water rights to be acquired by Chehalis Power shall: (a) be dedicated to the Chehalis River by retirement or other mechanism mutually agreed upon by Chehalis Power and Ecology, (b) be upstream from the point of the City of Chehalis' Chehalis River pump

station, (c) be in beneficial use, and; (d) have priority dates earlier than April 9, 1976. Chehalis Power shall submit to the Council proof that all water rights acquired are in beneficial use. The Council will review and determine if water rights acquired by Chehalis Power are consistent with the requirements of this paragraph.

5. Chehalis Power shall consult with the City of Chehalis, Ecology, U.S. Geological Survey, and Council staff in order to determine the means by which the portion of the Chehalis River known as the Chehalis Reach can best be gauged to measure and record flow rates. The Applicant shall report to the Council the result of the consultation within six months after the execution of the Site Certification Agreement. The Council may then take whatever action it deems appropriate to require Chehalis Power to provide funds for the construction and operation of a flow gauge.

6. Chehalis Power shall explore mitigation measures including the use of additional sources of reclaimed water and water use minimization technologies. The Council will revisit the water supply situation three years from the date of Certification, or nine months prior to commencement of plant construction which ever comes first.

B. Water Discharge

1. All discharges by Chehalis Power to state waters shall be subject to the terms and conditions of this Agreement, including the NPDES Permit (Attachment 4), and the interim effluent limitations and compliance schedule issued by the Council.

2. Chehalis Power shall properly operate and maintain in good working order, all water handling facilities under its control, including the cooling towers, the circulating water, and process water facilities.

3. Chehalis Power and its contractors shall dispose of sanitary waste in accordance with applicable local and state requirements.

4. Any use of chemicals such as biocides, anti-corrosion inhibitors, or any such additives to the cooling water system, or any other system of the CGF which may result in any waste water discharge, shall be consistent with the NPDES Permit and the interim effluent limitations and compliance schedule issued by the Council.

C. Air Emissions

1. Chehalis Power shall operate the CGF so that emissions to the atmosphere comply with the Approval of Notice of Construction and Prevention of Significant Deterioration (PSD) Application Conditions issued by the Council (Attachment 3).

2. Chehalis Power shall properly operate and maintain in good working order all air pollution control equipment and monitoring equipment required in Attachment 3.

3. Chehalis Power shall be subject to the time limitations for construction and renewal conditions set in the PSD permit (Attachment 3).

4. Chehalis Power shall report immediately to the Council whenever the air monitoring programs disclose of emergency conditions or conditions that might lead to a violations of the air emission permit as provided in Attachment 3.

5. Greenhouse Gases and Carbon Dioxide (CO_2) Mitigation

   a. Chehalis Power shall prepare a report prior to each of the two plants coming on line, that presents and evaluates possible greenhouse gas emissions and carbon dioxide mitigation techniques, and concentrates on those techniques that can offer cost-effective mitigation measures.

   b. If a comprehensive federal or state mitigation program is implemented, the Council reserves the right to exercise its authority under that program, considering and appropriately crediting, if permitted by law, any measures that Chehalis Power has accomplished under that Order.

D. Vegetation, Fish and Animal Life

Mitigation measures for vegetation, fish and animal life are set forth in Attachment 6.

E. Lighting

Outdoor or directional lighting will be limited and lighting angles will be adjusted to minimize glare impacts, or supplemental light shields and/or vegetation will be used for extra screening in those areas where glare or light spillover would be obtrusive to nearby residents or to users of Bishop Road.

ARTICLE VII

Public and Environmental Protection

A. Safety and Security

1. The safety of construction and operating personnel is required by regulations promulgated under the Federal Occupational Safety and Health Act (OSHA) and the Washington Industrial Safety and Health Act (WISHA). Chehalis Power shall comply with applicable

federal and state safety regulations and local and industrial codes and standards (such as the Uniform Fire Code or those standards administered by the National Boiler Board and Pressure Vessel Inspectors). Chehalis Power, its general contractor, and all subcontractors, shall make every reasonable effort to maximize safety for individuals working at the CGF.

2. The CGF site perimeter will be enclosed with a chain link fence and will have two (2) ingress and egress gates at completion of site preparation.

3. During construction, the gates will be staffed 24-hours-per-day or locked. Parking for construction contractor employees will be in an assigned parking area outside of the fenced area. Access to the CGF site by all personnel will be through the staffed security gate. All construction and delivery vehicles will be logged in and out by the gate security person.

4. During operation, the CGF will retain the perimeter fencing and access gates used during construction, or will provide similar security measures. A security person will monitor the site entry gate at least 8-hours-per-day Monday through Friday during normal business hours. During off hours, holidays and weekends, the access gate will be monitored by on-site personnel from the CGF Control Room using closed circuit television and voice intercom recorders.

5. Visitors shall be provided with safety equipment where and when appropriate.

B. Emergency Plan

Chehalis Power will establish an emergency response plan for the CGF to provide employee safety in the event of the following emergencies: on-site chemical release, flood, medical emergency, major power loss, fire, extreme weather, earthquake, volcano, and bomb threat no later than three (3) months prior to operation of the combustion turbines. In preparing the plan, Chehalis Power agrees to:

1. Coordinate such plan with local, state and federal agencies directly involved in implementing such a plan.

2. Follow the requirements of WAC 296-24-567 and 296-62-3112 and 29 CFR 1910.38, Emergency Action Plan.

3. Include detailed provisions for public health and safety, emergency medical treatment, special emergency training programs and prevention of property damage.

4. Periodically provide the Council with updated lists of emergency personnel, communication channels and procedures.

5. All hourly and salaried employees, including administrative staff, contractors and visitors will be covered by the plan.

C. On-site Fuel Pipelines

The natural gas pipeline connecting the CGF with the delivery pipeline (from the metering station to the CGF) shall conform to all state safety standards for natural gas lines and all state and federal standards for construction of gas pipelines. The pipeline supplying the diesel fuel from onsite storage to the CTs shall be constructed in such a manner that it conforms to all applicable state and federal codes.

D. Fire Protection

After consultation with the appropriate Fire Marshall, Chehalis Power shall submit to EFSEC for approval all fire protection plans to be in force during construction and operation of the CGF.

E. Explosions

Gas release detectors shall be installed and set at the 20 percent lower explosion limit. In addition, Chehalis Power shall describe in the final design and plans and specifications those systems that are primary, secondary, or back-up systems.

F. Dangerous or Hazardous Materials

Chehalis Power shall handle, treat, store, and dispose of all dangerous or hazardous materials in accordance with state standards for hazardous and dangerous wastes, Chapter 463-40 WAC and Chapter 173-303 WAC.

G. Spill Prevention, Control and Countermeasure Plan

1. Chehalis Power shall prepare and submit for the Council's review and approval a Spill Prevention, Control and Countermeasure (SPCC) Plan approved by a professional Engineer that meets applicable requirements of 40 CFR 112 and that includes the amount and type of oil(s) and hazardous materials to be stored at the project site, patterns of usage, transfer procedures and other factors that will indicate the magnitude of spill potential.

2. As required, the SPCC plan shall also describe procedures for securing valves, type of gauges, dike size and design, site security, lighting, alarms, spill response materials and equipment, inspection procedures, personnel training, emergency procedures and spill notification requirements.

3. The SPCC plan shall also include location and topographic maps, accurate diagrams of the storage tank, dike(s), piping, valves, transfer pad and other significant components of the oil storage delivery system.

4. The SPCC plan shall be submitted to the Council and its designated representatives within one year of commencement of construction of the CGF, and shall be updated a minimum of every two years.

5. The bulk oil storage tanks shall be contained in a manner consistent with 40 CFR 112 and applicable state and local rules and regulations. The containment dikes will include a barrier that is sufficiently impervious to keep spilled oil from entering waters of the State following any failure of the primary containment. Design of the tank containment shall address stormwater management and shall be approved by a Professional Engineer.

6. Truck unloading facilities will include an unloading and spill collection area sized for four highway tanker trucks. The area surrounding the oil transfer pad will be adequately curbed and sealed to prevent entry of any spilled oil into the waters of the State. The approach selected shall be approved by a Professional Engineer.

H. Air Emission Reporting

Chehalis Power shall report immediately to the Council whenever the air monitoring programs disclose the existence of emergency conditions or conditions that reasonably could lead to a violation of the Prevention of Significant Deterioration (PSD) Permit (Attachment 3).

I. Noise Monitoring

After start-up, Chehalis Power shall conduct noise monitoring to verify model-predicted noise levels described in the Application, and shall provide additional mitigation measures such as noise silencers, sound absorbing materials, and noise barriers if necessary.

ATTACHMENTS

Attached hereto and incorporated in this Agreement by this reference are the following:

1. Site Legal Description
2. Water Pipelines Legal Description
3. Approval of Notice of Construction and Prevention of Significant Deterioration Application
4. Approval of National Pollutant Discharge Elimination System Application
5. Excavation and Erosion Control Measures
6. Mitigation Measures and Project Conditions
7. Agreement with Washington State Energy Office
8. Stipulated Agreements with Critical Issues Council
9. Interim Effluent Limitations and Compliance Schedule

Dated and effective this 4th day of MARCH, 1997.

FOR THE STATE OF WASHINGTON

Gary Locke, Governor

FOR CHEHALIS POWER GENERATING, L.P.
by its General Partner, CHEHALIS POWER, INC.

Paul J. Margaritis, Chehalis Power, Inc.

ATTACHMENT 1

SITE LEGAL DESCRIPTION

ATTACHMENT 1

SITE LEGAL DESCRIPTION

Legal Metes and Bounds Description of Site

That portion of the southwest quarter, of the southeast quarter, of Section 10, Township 13 North, Range 2 West, of the Willamette Meridian, Lewis County, Washington, described as follows:

Beginning at the northwest corner of said southwest quarter, of the southeast quarter; thence South 88°34'21" East along the north line thereof for 1318.18 feet, to the northeast corner of said subdivision; thence South 02°06'29" West along the East line of said subdivision for 1214.67 feet, to a point 100 feet north as measured perpendicular to the south line of said southwest quarter, of the southeast quarter; thence North 88°46'38" West parallel with said south line for 865.35 feet; thence North 22°30'20" East for 199.44 feet; thence North 02°01'46" East for 326.50 feet; thence North 75°11'51" West for 534.17 feet, to the intersection with the west line of said southwest quarter, of the southeast quarter; thence North 02°01"46" East along the west line thereof of 581.56 feet, to the Point of Beginning. Containing 30.07 Acres.

TOGETHER WITH a temporary easement for construction 60 feet in width for ingress, egress, and utilities, over, under and across a portion of the southwest quarter, of the southeast quarter, of Section 10, and the northwest quarter, of the northeast quarter, of Section 15, Township 13 North, Range 2 West of the Willamette Meridian, Lewis County, Washington described as follows:

Beginning at the southwest corner of said southwest quarter, of the southeast quarter of Section 10; thence South 88°46'38" East along the south line thereof for 413.68 feet, to the point of beginning; thence North 22°30'20" East for 107.32 feet, to the point 100 feet north as measured perpendicular to the south line of said Section 10; thence South 88°46'38" East parallel with said south line for 64.39 feet; thence South 22°30'20" West 233.83 feet, to the intersection with the Northerly right of way of Bishop Road, and a point on a 924.93 foot radius curve, through which a radial line bears North 28°59'38" East; thence northwesterly along said curve 60.66 feet, through a central angle of 3°45'27", to a point South 22°30"20" West from the Point of Beginning; thence North 22°30"20" East 94.32 feet, to the Point of Beginning.

ALSO TOGETHER WITH an easement 60 feet in width for ingress, egress and utilities over, under and across a portion of the southwest quarter, of the southeast quarter, of Section 10, and the northwest quarter, of the northeast quarter, of Section

15, Township 13 North, Range 2 West of the Willamette Meridian, Lewis County, Washington described as follows:

Commencing at the southeast corner of said southwest quarter, of the southeast quarter of Section 10; thence North 02°06'29" East along the East line thereof for 100.01 feet, to the Point of Beginning; Thence North 88°46'38" West parallel with and 100 feet north as measured perpendicular to the south line of said Section 10, for 256.54 feet; thence South 01°13'22" West for 455.10 feet; to the intersection with the northerly right of way of Bishop Road; thence South 71°36'50" East along said Northerly right of way for 62.80 feet; thence North 01°13'22" East for 413.63 feet, to a point 40 feet north as measured perpendicular to the south line of said Section 10; thence South 88°46'38" East parallel with the south line of said Section 10 for 196.54 feet, to the intersection with the East line of said southwest quarter, of the southeast quarter, of Section 10; thence North 02°06'29" East along said East line for 60.00 feet to the Point of Beginning.

ATTACHMENT 2

WATER PIPELINE LEGAL DESCRIPTION

ATTACHMENT 2

WATER PIPELINE ROUTE LEGAL DESCRIPTION

Legal Metes and Bounds Description of the Centerline of the Corridor

A strip of land lying within Sections 31 and 32, Township 14 North, Range 2 West, W.M., and Sections 4,5,9 and 10, Township 13 North, Range 2 West, W.M., Lewis County, Washington; said strip of land being 50.0 feet wide, lying 25.0 feet on each side of the following described centerline:

Beginning at a point on the Easterly line of the City of Chehalis parcel at the sewer treatment plant that bears North 51°29'15" West 16,564.23 feet from the monumented Northeast corner of said Section 9, T.13N.,R.2W., W.M.; thence North 76°37'06" East 520.91 feet to a point on the West side of N.W. Louisiana Avenue; thence along said West side South 20°40'33" West 253.60 feet; thence South 33°09'55" West 288.98 feet, thence South 26°28'20" West 110.19 feet; thence South 7°17'53" East 125.75 feet to a point on the said West side of N.W. Louisiana Avenue and a point that lies on the Northwesterly side of Ocean Beach Highway 6; thence crossing said Highway 6 and continuing Southeasterly along the Westerly side of S.W. Riverside Drive South 46°42'11" East 716.64 feet; thence South 11°44'15" East 128.43 feet; thence South 21°22'55" West 475.09 feet to a point on said Westerly side of S.W. Riverside Drive; thence leaving said Westerly side and crossing said S.W. Riverside Drive South 88°27'33" East 327.85 feet along the South line of Parcel 5798 as shown on the Lewis County Assessor's map H30 to a point that lies 25.0 feet from the Westerly right of way line of Interstate Highway 5; thence Southerly along said right of way line South 21°35'19" East 216.95 feet; thence South 22°24'18" East 319.02 feet; thence South 34°15'57" East 196.97 feet to a point 25.0 feet Westerly of said Westerly right of way and on the East line of the plat of RIVERSIDE ADDITION, Records of Lewis County, Washington; thence along said East line South 2°54'48" East 651.57 feet to a point hereinafter referred to as Point "A"; said point being on the center line of S.W. Sylvenus Street and the Easterly line of Hillberger Road; thence continuing South along said Easterly line South 1°54'02" West 446.82 feet; thence leaving said Easterly line North 89°52'33" East 854.27 feet along a line parallel with and 25.0 feet North of the South line of Parcel 5811-2 as shown on the Lewis County Assessor's map J32 to a point that is 25.0 feet Westerly from the Westerly right of way line of Interstate Highway 5; thence South 47°45'43" East 244.00 feet; thence South 50°39'44" East 188.00 feet; thence South 51°54'53" East 443.33 feet to a point on the West side of the Burlington Northern Railroad tracks; thence crossing said railroad tracks North 86°45'53" East 193.61 feet to a point on the East side of Dillenbaugh Creek; thence North 1°38'30" West 260.02 feet, crossing said Interstate Highway 5; thence South

50°36'02" East 818.00 feet to a point that lies 25.0 feet Northeast of the Northeasterly right of way line of said Interstate Highway 5; thence South 55°18'54" East 1382.53 feet; thence South 50°44'27" East 282.22 feet; thence South 65°24'19" East 62.27 feet; thence South 73°27'59" East 146.23 feet; thence North 86°39'18" East 494.24 feet; thence North 88°35'42" East 236.44 feet to a point on the Northwesterly side of S.W. Parkland Drive; thence along said Northwesterly side North 40°16'13" East 65.18 feet; thence crossing said S.W. Parkland Drive South 49°31'00" East 262.77 feet to a point on the Southwesterly side of S.W. Interstate Avenue; thence continuing along said Southwesterly side South 33°19'37" East 2029.19 feet; thence South 41°35'29" East 396.38 feet; thence South 38°02'34" East 1937.98 feet; thence South 66°26'11" East 246.33 feet to the center of an existing sanitary sewer manhole; thence leaving said Southwesterly side South 34°10'22" East 1418.50 feet to the center of an existing sanitary sewer manhole; thence South 35°06'27" East 393.20 feet to a point that is 25.0 feet Northeasterly from the Northeast right of way of Interstate Highway 5; thence continuing parallel with said right of way South 37°49'34" East 1372.00 feet; thence South 38°20'35" East 1809.88 feet to the center of an existing sanitary sewer manhole; thence crossing Labree Road N. South 35°15'51" East 215.14 feet to the center of an existing sanitary sewer manhole; thence along the Southeasterly side of Labree Road N. North 40°02'42" East 222.88 feet to a point on the Southwesterly side of Bishop Road; thence crossing Bishop Road and along the South side of Maurin Road South 88°05'28" East 2004.00 feet; thence along the West line of the Northeast one-quarter of the Southwest one-quarter of said Section 10,T.13N.,R.2W., W.M. South 2°03'00" West 900.00 feet to an existing utility easement; thence leaving said West line along the said existing easement South 64°08'11" East 873.85 feet; thence South 74°18'35" East 535.37 feet to a point that is 90.0 feet South of the Northwest corner of the Southwest one-quarter of the Southeast one-quarter of said Section 10,T.13N., R.2W., W.M. and on the West line thereof and the terminus of this centerline.

TOGETHER WITH the following described 50.0-foot-wide strip of land, lying 25.0 feet on each side of the following described centerline:

BEGINNING at the hereinbefore described Point "A"; thence along the centerline of S.W. Sylvenus Street North 87°50'06" West 1294.09 feet to the intersection with S.W. Riverside Road; thence South 4°36'21" West 158.56 feet to the fence line around the existing pumping station and the terminus of this centerline.

ATTACHMENT 3

NOTICE OF CONSTRUCTION
AND
PREVENTION OF SIGNIFICANT DETERIORATION
APPLICATION APPROVAL

ENERGY FACILITY SITE EVALUATION COUNCIL
P.O. BOX 43172
OLYMPIA, WASHINGTON 98504-3172

IN THE MATTER OF:	]	**NO. EFSEC/95-02**
Chehalis Generation Facility	]	
Electrical Generating Facility	]	**NOTICE OF CONSTRUCTION**
Chehalis, Washington	]	**AND PREVENTION OF SIGNIFICANT**
	]	**DETERIORATION APPROVAL**

Pursuant to the Energy Facility Site Evaluation Council (EFSEC) regulation for air permit applications (Washington Administrative Code 463-42-385), the Washington Department of Ecology (Ecology) regulations for new source review (Washington Administrative Code 173-400-110 and Chapter 174-460 WAC), the federal Prevention of Significant Deterioration regulations (40 CFR 52.21), the complete Notice of Construction/Prevention of Significant Deterioration Application submitted by Chehalis Power Inc. (Chehalis Power) and the technical analysis performed by Ecology for EFSEC, EFSEC finds the following:

FINDINGS

1. Chehalis Power has applied to construct the Chehalis Generation Facility (CGF) which will be located near Chehalis, Washington. The proposed project consists of two (2) separate 230 megawatt (MW) combined cycle, natural gas-fired generation units. Each unit will include a (gross) 159 MW combustion gas turbine and a (gross) 80 MW steam turbine driving a common generator on a single shaft and a heat recovery steam generator (HRSG). A single auxiliary boiler will assist in start-up and provide steam when the turbines are down. The CGF will be developed in two phases. No specific supplier has been chosen for any equipment. Annual emission rates and resulting environmental impacts have been evaluated for the maximum emissions anticipated from equipment supplied by any of four possible equipment vendors.

2. The project is subject to PSD regulations under Title 40 Code of Federal Regulations (CFR) 52.21 because it is one of 28 listed industries that becomes a "major source," when emitting more than 100 tons per year of any regulated pollutant. CGF has the potential to emit

significant quantities of nitrogen oxides (NO_x), carbon monoxide (CO), sulfur dioxide (SO_2), particulate matter (PM_{10}), volatile organic compounds (VOC), and sulfuric acid mist (H_2SO_4).

3. The site of the proposed project is within a Class II area that is in attainment with regard to all pollutants regulated by the National Ambient Air Quality Standards (NAAQS) and state air quality standards. The site is 80 kilometers (km) from the nearest Class I Area, Mt. Rainier National Park.

4. The project is subject to new source review requirements under Chapter 173-400 WAC, Chapter 173-460 WAC, 40 CFR 52.21, 40 CFR 60.40b, 40 CFR 60.330; to emission monitoring requirements under RCW 70.94, Chapter 173-400 WAC, 40 CFR 60 Appendices A, B, and F, and 40 CFR 75; to gas fuel monitoring requirements under 40 CFR 60.334(b)(2), and to oil fuel requirements in 40 CFR 60.49b(r).

5. Chehalis Power's notice of construction/prevention of significant deterioration (NOC/PSD) application for the proposed project was determined to be complete on August 14, 1995.

6. The project will use natural gas as the primary fuel. No. 2 distillate fuel may be used as a backup and for limited testing purposes, not to exceed 720 hours per calendar year for each combustion turbine generator and auxiliary boiler.

7. Best available control technology (BACT) as required under WAC 173-400-113 (2) and toxic best available control technology (T-BACT) as required under WAC 173-460-040(4) will be used for the control of all air pollutants which will be emitted by the proposed project.

8. The facility will have the potential to emit up to 129 tons per year of carbon monoxide (CO).

9. The facility will have the potential to emit up to 795 tons per year of nitrogen oxides (NO_x).

10. The facility will have the potential to emit up to 164 tons per year of sulfur oxides (SO_x).

11. The facility will have the potential to emit up to 152 tons per year of particulate mater smaller than 10 microns (PM_{10}).

12. The facility will have the potential to emit up to 65 tons per year of volatile organic compounds (VOCs).

13. The facility will have the potential to emit up to 30 tons per year of sulfuric acid mist (H_2SO_4).

14. Allowable emissions from the new emissions units will not cause or contribute to air pollution in violation of:

14.1. Any ambient air quality standard;

14.2. Any applicable maximum allowable increase over the baseline ambient concentration.

15. Ambient impact analysis indicates that there will be no significant impacts resulting from pollutant deposition on soils and vegetation in either the Mt. Rainier or Olympic National Parks, Mt. Hood Wilderness, Mt. Adams Wilderness, Goat Rock Wilderness, Alpine Lake Wilderness, or the Columbia River Gorge National Scenic Area.

16. Ambient impact analysis indicates that the proposed emissions will cause no significant degradation of regional visibility , or impairment of visibility in any Class I area.

17. No significant effect on industrial, commercial, or residential growth in the Chehalis area is anticipated due to the project.

18. EFSEC finds that all requirements for new source review (NSR) and PSD are satisfied and that as approved below, the new emissions units comply with all applicable federal new

source performance standards. Approval of the NOC/PSD application is granted subject to the following conditions.

APPROVAL CONDITIONS

1. The combustion turbines and auxiliary boiler shall be fueled only by pipeline quality natural gas except when natural gas is not available and during limited test periods. When natural gas is not available and during limited test periods, the combustion turbines and boiler may be fueled by "on-road specification diesel fuel" (referred to as "oil" in this Approval) containing no more than 0.05 percent sulfur by weight, as specified in 40 CFR 80.29 as amended through July 1, 1992. Oil firing for each combustion turbine and auxiliary boiler is limited to 720 hours per calendar year. Chehalis Power shall report all oil fired operations to EFSEC in accordance with the reporting requirements in Condition 17.

2. NO_X emissions from each combustion turbine exhaust stack shall not exceed 9.9 parts per million on a volumetric basis (ppmv) over a one hour average when corrected to 15.0 percent oxygen at ISO conditions, and 26.5 kilograms (58.5 pounds) per hour when burning natural gas. NO_X emissions from each turbine exhaust stack shall not exceed 637 kilograms (1,404 pounds) per day.

   NO_X emissions from the boiler shall not exceed 30.2 ppmdv over a one hour average corrected to 3.0 percent oxygen or 4.72 kilograms (10.4 pounds) per hour when burning natural gas.

   NO_x emissions from each combustion turbine exhaust stack shall not exceed 42.0 ppmv over a one hour average, corrected to 15.0 percent oxygen at ISO conditions, when burning oil. NO_x emission from each combustion turbine exhaust shall not exceed 159 kilograms (349 pounds) per hour, or 3451 kilograms (7,608 pounds) per day when burning oil.

NO_x emissions from the boiler shall not exceed 70.0 ppmdv over a one hour average, corrected to 3.0 percent oxygen or (11.4 kilograms (25 pounds) per hour when burning oil.

Initial compliance for the turbine shall be determined in accordance with Title 40 CFR Subpart GG and EPA Reference Method 20, except that the instrument span shall be 100 ppm or less. Initial compliance for the boiler shall be determined in accordance with Title 40 CFR Subpart Db and EPA Reference Method 7. NO_X, O_2 emissions and exhaust gas flow rate or velocity from each exhaust stack shall be measured and recorded by a continuous emission monitoring system (CEMS) which meets the requirements of Condition 14.2. Such CEMS shall be used to determine compliance with this Condition.

3. CO emissions from each turbine exhaust stack shall not exceed 3.0 ppmdv corrected to 15.0 percent oxygen, or 3.5 kilograms (7.7 pounds) per hour on a one hour average when natural gas is burned.

CO emissions from each turbine exhaust stack shall not exceed 8.0 ppmdv, corrected to 15 percent oxygen, on a one hour average, or 11.1 kilograms (24.4 pounds) per hour, when oil is burned

CO emissions from the boiler shall not exceed 20.0 ppmdv on a one hour average, corrected to 3.0 percent oxygen, or 2.3 kilograms (4.9 pounds) per hour.

Initial compliance for the turbines and boiler when burning natural gas shall be determined by EPA Reference Method 10 or an equivalent method agreed to in advance by EFSEC. The span and linearity calibration gas concentrations in Method 10 shall be modified to a span gas concentration of 100 ppm or less, with all other calibration gas concentrations similarly reduced. CO emissions from each of the three exhaust stacks shall be measured and recorded by CEMS which meet the requirements of Condition 14.1. Such CEMS shall be used to determine compliance with this Condition.

4. SO_2 emissions from each turbine exhaust stack shall not exceed 4.72 kilograms (10.4 pounds) per hour when natural gas is burned.

SO_2 emissions from each turbine exhaust stack shall not exceed 54.0 kilograms (119 pounds) per hour when oil is burned.

SO_2 emissions from the boiler exhaust stack shall not exceed 0.73 kilograms (1.6 pounds per hour when natural gas is burned.

SO_2 emissions from the boiler exhaust stack shall not exceed 6.63 kilograms (14.6 pounds) per hour when oil is burned.

Initial compliance for the turbine and the boiler shall be determined by EPA Reference Method 6, or an equivalent method approved in advance by EFSEC. If Method 6C is used, the instrument span shall be at maximums of 3 ppm when natural gas is burned, and 30 ppm when oil is burned, and all span and calibration gases used shall follow in accordance with the method requirements. Continuous emission monitoring of SO_2 is not required. Continuous compliance with the limit for each of the three stacks shall be by means of fuel sulfur content reporting and fuel flow monitoring to each turbine and boiler.

5. Volatile organic compound (VOC) emissions from each turbine exhaust stack shall not exceed 3.2 kilograms (7.0 pounds) per hour, or 69 kilograms (152 pounds) per day , whichever is more restrictive, when natural gas is burned. VOC emissions from each turbine exhaust stack shall not exceed 5.22 kilograms (11.5 pounds) per hour, or 115 kilograms (252 pounds) per day, whichever is more restrictive, when oil is burned.

VOC emissions from the boiler shall not exceed 10 ppmdv corrected to 3.0 percent oxygen, or 0.68 kilograms (1.5 pounds) per hour when firing natural gas. VOC emissions from the boiler shall not exceed 20 ppmdv corrected to 3.0 percent oxygen, or 1.3 kilograms (2.8

pounds) per hour when firing oil.

Initial compliance for the turbines and the boiler shall be determined by EPA Reference Methods 25A or 25B, or an equivalent method agreed to in advance by EFSEC.

6. PM_{10} emissions from each turbine exhaust stack shall not exceed 172 kilograms (379 pounds) per day when natural gas is burned. PM_{10} emissions from each turbine exhaust stack shall not exceed 218 kilograms (480 pounds) per day when oil is burned.

PM_{10} emissions for the boiler shall not exceed 0.68 kilograms (1.5 pounds) per hour when natural gas is burned. PM_{10} emissions for the boiler shall not exceed 4.5 kilograms (9.8 pounds) per hour when oil is burned.

Initial compliance for the turbines and the boiler shall be determined by EPA Reference Method 5 or an equivalent method agreed to in advance by EFSEC.

7. H_2SO_4 emissions from each turbine exhaust stack shall not exceed 0.91 kilograms (2.0 pounds) per hour when natural gas is burned. H_2SO_4 emissions from each turbine exhaust stack shall not exceed 8.62 kilograms (19.0 pounds) per hour when oil is burned. H_2SO_4 emissions from the boiler exhaust stack shall not exceed 0.05 kilograms (0.1 pounds) per hour when natural gas is burned. H_2SO_4 emissions from the boiler exhaust stack shall not exceed 0.50 kilograms (1.1 pounds) per hour when oil is burned. All limits are on a one hour average.

Initial compliance with the H_2SO_4 emissions limits shall be determined by EPA Reference Method 8, or an equivalent method approved in advance by EFSEC.

8. Opacity from each exhaust stack of the project shall not exceed 10 percent over a six minute average as measured by Ecology Reference Method 9B, or an equivalent method approved

in advance by EFSEC. A certified opacity reader shall read and record the opacity daily if method 9B is used.

9. All conditions apply except during unit startup and shutdowns. The duration of startup or shutdown periods are limited to 3 hours per occurence, with a maximum of two startups per 24 hour period, and 200 startups per year, per turbine or boiler. CO emissions during startup and shutdown shall not exceed 120 kilograms (263 pounds) per hour when burning gas, or 190 kilograms (417 pounds) per hour when burning oil, averaged over the occurence.

10. With the exception of PM_{10}, SO_2, H_2SO_4, CO, NO_x, and VOCs, the net emissions increase of any pollutant regulated under the Federal Clean Air Act shall be less than the significant levels in 40 CFR 52.21(b)(i), unless the requirements of 40 CFR 52.21 are met.

11. Within 180 days after initial turbine start-up, Chehalis Generation Facility shall conduct performance tests for NO_X, SO_2, H_2SO_4, opacity, CO, VOC's and PM_{10} on each combustion turbine and boiler, to be performed by an independent testing firm. A test plan shall be submitted for EFSEC's approval at least 30 days prior to the testing.

"Initial turbine start-up" means the time that the first electricity from either electric generator is delivered to the electrical power grid.

12. Sampling ports and platforms shall be provided on each stack, after the final pollution control device. The ports shall meet the requirements of 40 CFR, Part 60, Appendix A Method 20.

13. Adequate permanent and safe access to the test ports shall be provided. Other arrangements may be acceptable if approved by EFSEC prior to installation.

14. Continuous Emission Monitoring Systems

14.1 Continuous emission monitoring systems (CEMS) for CO, shall, at a minimum meet the requirements contained in 40 CFR, Part 60, Appendix B, Performance

Specifications and 40 CFR, Part 60, Appendix F, Quality Assurance Procedures.

14.2 CEMS for NO_x, O_2, and exhaust gas flow rate or velocity compliance shall meet the requirements contained in 40 CFR 75, Emissions Monitoring.

15. Compliance testing shall be performed for PM_{10}, VOCs, and H_2SO_4 from each stack once every two calendar years. Source testing for these parameters is to coincide with the Relative Accuracy Test Audit required for each installed CEMS. If the compliance testing for 3 consecutive tests indicates that the source can maintain compliance with a specific pollutant's (PM_{10}, VOCs, or H_2SO_4,) emission limitations and EFSEC agrees to allow a reduced frequency of compliance testing, then the compliance testing frequency for that pollutant can be reduced to once every 4 years, until a test indicates noncompliance. When a compliance test for a pollutant indicates noncompliance with the emissions limitations, the frequency of testing will return to once every two years until the above criteria are met again.

16. CEMS and process data shall be reported in written (or electronic if permitted by EFSEC) form to the authorized representative of EFSEC at least monthly (unless a different testing and reporting schedule has been approved by EFSEC) within thirty days of the end of each calendar month.

17. The format of the reporting shall match that required by EPA for demonstrating compliance with the Title IV Acid Rain program reporting requirements. Pollutants not covered by that format shall be reported in a format approved by EFSEC which shall include at least the following:

17.1. Process or control equipment operating parameters.

17.2. The hourly maximum and average concentration, in the units of the standard, for each pollutant monitored.

17.3. The duration and nature of any monitor down-time.

17.4. Results of any monitor audits or accuracy checks.

17.5. Results of any stack tests.

18. For each occurrence of monitored emissions in excess of the standard, the monthly emissions report (per condition 16) shall include the following:

18.1 For parameters subject to monitoring and reporting under the Title IV Acid Rain program, the reporting requirements in that program shall govern excess emissions report content.

18.2 For all other pollutants:

18.2.1. The time of the occurrence.

18.2.2. Magnitude of the emission or process parameters excess.

18.2.3. The duration of the excess.

18.2.4. The probable cause.

18.2.5. Corrective actions taken or planned.

18.2.6. Any other agency contacted.

19. Operating and maintenance manuals for all equipment that has the potential to affect emissions to the atmosphere shall be developed and followed. Copies of the manuals shall be available to EFSEC or the authorized representative of EFSEC. Emissions that result from a failure to follow the requirements of the manuals may be considered proof that the equipment was not properly operated and maintained.

20. Operation of the equipment that has the potential to affect emission to the atmosphere must be conducted in compliance with all data and specifications submitted as part of the NOC/PSD application unless otherwise approved by EFSEC.

21. This approval shall become invalid if construction of the project is not commenced within eighteen (18) months after receipt of final approval, or if construction of the facility is discontinued for a period of eighteen (18) months, unless EFSEC extends the 18 month period upon a satisfactory showing that an extension is justified, pursuant to 40 CFR

52.21(r)(2) and applicable EPA guidance.

22. Any activity which is undertaken by the Chehalis Generation Facility or others, in a manner which is inconsistent with the application and this determination, shall be subject to EFSEC enforcement under applicable regulations. Nothing in this determination shall be construed so as to relieve Chehalis Generation Facility of its obligations under any state, local, or federal laws or regulations.

24. The Chehalis Generation Facility shall notify EFSEC in writing at least thirty days prior to start-up of the project.

25. Access to the source by EFSEC or the authorized representative of EFSEC shall be permitted upon request for the purpose of compliance assurance inspections. Failure to allow access is grounds for revocation of this determination of approval.

Reviewed by:

Robert C. Burmark, P.E. May 30, 1996

Robert C. Burmark, P.E. Date
Engineering and Technical Services
Washington Department of Ecology

Approved by:

acting for AF June 18, 1997

Anita Frankel Date
Director
Office of Air Quality
U.S. Environmental Protection Agency
Region X

March 7, 1997

C. Robert Wallis Date
Chair (Acting)
Energy Facility Site Evaluation Council

APPENDIX A - EMISSION LIMITATIONS for PSD EFSEC/95-02

COMBUSTION TURBINE WITH ADVANCED DRY LOW NO_x TECHNOLOGY AND OXIDATION CATALYST (PER TURBINE)						
Pollutant	**Natural Gas Fuel**		**Oil Fuel**		**Test Method** (or equivalent approved by EFSEC)	**Frequency**[1]
	Limit	**Averaging Time**	**Limit**	**Averaging Time**		
NO_x @15% O_2 and ISO conditions	9.9 ppmv 58.5 lb/hr 1404 lb/day	1 hour 1 hour daily	42 ppmv 349 lb/hr 7608 lb/day	1 hour 1 hour daily	RM 20 and CEMs	Initial and Annual RATA
CO @ 15% O_2	3.0 ppmdv 7.7 lb/hr	1 hour 1 hour	8.0 ppmdv 24.4 lb/hr	1 hour 1 hour	RM 10 and CEMs	Initial and Annual RATA
SO_2	10.4 lb/hr	1 hour	119 lb/hr	1 hour	RM 6 and fuel monitoring	Initial
PM_{10}	379 lb/day	daily	480 lb/day	daily	RM 5	Initial and once per 2 calendar years
VOC	7.0 lb/hr 152 lb/day	1 hour daily	11.5 lb/hr 252 lb/day	1 hour daily	RM 25A or 25B	Initial and once per 2 calendar years
Sulfuric Acid Mist	2.0 lb/hr	1 hour	19.0 lb/hr	1 hour	RM 8	Initial and once per 2 calendar years
Opacity	10%	6 minute	10%	6 minute	Ecology RM 9B	Initial and once per 2 calendar years
AUXILIARY BOILER WITH OXIDATION CATALYST.						
NO_x @ 3.0% O_2	30.2 ppmdv 10.4 lb/hr	1 hour 1 hour	70 ppmdv 25 lb/hr	1 hour 1 hour	RM 7 and CEMs	Initial and Annual RATA
CO @ 3.0% O_2	20 ppmdv 4.9 lb/hr	1 hour 1 hour	20 ppmdv 4.9 lb/hr	1 hour 1 hour	RM 10 and CEMs	Initial and Annual RATA
SO_2	1.6 lb/hr	1 hour	14.6 lb/hr	1 hour	RM 6 or 6C and fuel monitoring	Initial
PM_{10}	1.5 lb/hr	1 hour	9.8 lb/hr	1 hour	RM 5	Initial and once per 2 calendar years
VOC @ 3.0% O_2	10 ppmdv 1.5 lb/hr	1 hour 1 hour	20 ppmdv 2.8 lb/hr	1 hour 1 hour	RM 25A or 25B	Initial and once per 2 calendar years
Sulfuric Acid Mist	0.1 lb/hr	1 hour	1.1 lb/hr	1 hour	RM 8	Initial and once per 2 calendar years
Opacity	10%	6 minute	10%	6 minute	Ecology RM 9B	Initial and once per 2 calendar years

1. See Condition 15 for reduced frequency of compliance certification testing options.

ATTACHMENT 4

APPROVAL OF NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM APPLICATION

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WASTE DISCHARGE PERMIT

State of Washington
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, Washington 98504-3172

In Compliance With the Provisions of
Chapters 80.50 and 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)

CHEHALIS POWER GENERATING, LIMITED PARTNERSHIP
60 NW Boistfort Street
Chehalis, Washington 98532

Plant Location:
Chehalis Generation Facility
Bishop Road
Lewis County, Washington

Industry Type:
Electric Generating Plant

A two-unit, natural gas fired combined cycle combustion turbine electric generating plant

Water Body ID No. WA-23-1020

Receiving Water:
Chehalis River

Discharge Location:
River Mile 74.3
Latitude: 46° 39'38" N
Longitude: 122° 59'02" W

The above-named Limited Partnership is authorized to discharge in accordance with the special and general conditions which follow.

Approved:

Date: March 4, 1997

C. Robert Wallis, Acting Chair
Energy Facility Site Evaluation Council

CONTENTS

CONTENTS
(Cont'd)

SUMMARY OF SCHEDULED PERMIT REPORT SUBMITTALS

Permit Section	Submittal	Frequency	First Submittal Date
S3.	Discharge Monitoring Report	Monthly	15th day of the month following the month in which effluent discharge commences
S3.I.3	Notice of Change in Authorization	As necessary	As required
S4.C.	Solid Waste Control Plan	1/permit cycle	6 months prior to commercial operation
S4.C.	Proposed Modification to Solid Waste Control Plan	As necessary	As required
S4.C.	Updated Solid Waste Control Plan	1/permit cycle	Submit with application for permit renewal
S5.	Spill Plan	Every 2 years, updates as necessary	Kept on file at facility
S6.	Sampling for Pollutants of Concern	1/permit cycle	Within 180 days after commencing commercial operation
S7.	Engineering Report and Operation and Maintenance Plan	1/permit cycle	180 days prior to commencing commercial operation
S8.	Outfall Repair	1/permit cycle	Prior to operation
S9.	Receiving Water Studies	1/permit cycle	Prior to operation
S10	Treatment System Engineering Report, Plans and Specifications, and Operation and Maintenance Plan	1/permit cycle	Prior to operation
S12.A.	Acute Toxicity Characterization Data	Quarterly for first year	Within 60 days after commencing commercial operation
S12.A.	Acute Toxicity Tests Characterization Summary Report	1/permit cycle	90 days following the last characterization sampling event
S12.C.	Acute Toxicity Compliance Monitoring Reports	Quarterly, if required	Second and subsequent years of operation
S13.A.	Chronic Toxicity Characterization Data	Semi-annual for first year	Within 60 days of commencing commercial operation
S13.A.	Chronic Toxicity Characterization Summary Report	1/permit cycle	90 days following the last characterization sampling event
S13.C.	Chronic Toxicity Compliance Monitoring Reports	Semi-annual, if required	Second and subsequent years of operation
G17.	Application for Permit Renewal	1/permit cycle	180 days before permit expiration

SPECIAL CONDITIONS

S1. EFFLUENT LIMITATIONS

A. Process Wastewater Discharges

EFFLUENT LIMITATIONS: MONITORING POINT No. 1		
Parameter	**Daily Maximum**	**Monthly Average**
PCBs (Note 1)	---	---
Temperature (Note 2)	---	---
Turbidity (Note 3)	---	---
pH (Note 4)	Between 6.0 and 8.5 (Note 5)	---
Discharges Occurring from May 1 through October 31		
Ammonia, total, as N (Note 6)	---	---
BOD_5 (Note 6)	---	---
Aluminum	715 µg/l (11.9 lbs/day)	365 µg/l (6.1 lbs/day)
Cadmium	2.0 µg/l (0.033 lbs/day)	1.0 µg/l (0.017 lbs/day)
Chlorine, total residual	21.7 µg/l (0.36 lbs/day)	8.3 µg/l (0.14 lbs/day)
Copper, total	10.1 µg/l (0.17 lbs/day)	5.0 µg/l (0.083 lbs/day)
Lead, total	8.5 µg/l (0.14 lbs/day)	4.3 µg/l (0.07 lbs/day)
Mercury, total	0.10 µg/l (0.002 lbs/day)	0.05 µg/l (0.001 lbs/day)
Silver, total	1.2 µg/l (0.02 lbs/day)	0.6 µg/l (0.01 lbs/day)
Zinc, total	72.5 µg/l (1.2 lbs/day)	36.1 µg/l (0.6 lbs/day)
Discharges Occurring from November 1 through April 30		
Ammonia, total, as N	16.1 mg/l (537 lbs/day)	6.2 mg/l (207 lbs/day)
BOD_5	334 lbs/day	334 lbs/day
Aluminum	983 µg/l (32.8 lbs/day)	490 µg/l (16.4 lbs/day)
Cadmium	2.3 µg/l (0.077 lbs/day)	1.1 µg/l (0.037 lbs/day)
Chlorine, total residual	24.9 µg/l (0.83 lbs/day)	9.5 µg/l (0.31 lbs/day)
Copper, total	11.6 µg/l (0.4 lbs/day)	5.8 µg/l (0.2 lbs/day)
Lead, total	17.9 µg/l (0.6 lbs/day)	8.9 µg/l (0.3 lbs/day)
Mercury, total	0.21 µg/l (0.007 lbs/day)	0.10 µg/l (0.003 lbs/day)
Silver, total	1.4 µg/l (0.5 lbs/day)	0.7 µg/l (0.2 lbs/day)
Zinc, total	83.3 µg/l (2.8 lbs/day)	41.5 µg/l (1.4 lbs/day)

Note 1 There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.

Note 2 The discharge temperature shall be such that the applicable Water Quality Standards for temperature will be complied with at the edge of the dilution zone. Temperature increases shall not, at any time, exceed t=28/(T+7), as described in WAC 173-201A-030 for Class A waters. For purposes hereof, "t" represents the maximum permissible temperature increase measured at a mixing zone boundary and "T" represents the background temperature as measured at a point unaffected by the discharge and representative of the highest water temperature in the vicinity of the discharge. When natural conditions exceed 18.0 degrees Centigrade, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3 degree Centigrade.

Note 3 Turbidity shall not exceed 5 NTU over background if turbidity is 50 NTU or less, or have more than 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

Note 4 Permittee shall include alarm systems for pH control to provide indication of any variance from established limits. If the continuous pH instrumentation malfunctions, grab samples taken every 6 to 10 hours shall be substituted.

Note 5 The total time during which pH values are outside this range shall not exceed 7 hours and 26 minutes in any calendar month, and no individual excursion shall exceed 60 minutes. An excursion is an unintentional and temporary incident of pH exceedance. No excursions greater than 9.5 or lower than 5.5 are allowed.

Note 6 There shall be no discharge of ammonia or BOD from May 1 through October 31.

Note 7 If the Permittee is unable to attain the method detection limit (MDL) for a parameter in its effluent due to matrix effects, the Permittee shall submit a matrix specific MDL and quantitation limit (QL) to EFSEC within 180 days after commencement of commercial operation. The matrix specific MDL and QL shall be calculated as follows:

MDL = 3.14 x (standard deviation of 7 replicate spiked samples). This corresponds to the calculation of the method detection limit, as defined in 40 CFR 136, Appendix B, with the provision that the MDL be calculated for a specific matrix effect.

QL = 5 x MDL

Check standards at concentrations equal to the QL shall be analyzed alongside the compliance monitoring samples. Check standards shall be produced independently of calibration standards and maintained as a part of the Permittee's records. All check standard recovery data and duplicate measurements shall be submitted to EFSEC in the discharge monitoring report. The precision goal is +/- 20 percent.

If the measured effluent concentration is below the QL as determined above, the Permittee shall report NQ for non-quantifiable. Average values shall be calculated as follows: measurements below MDL = 0; measurements above the MDL = the measurement. When sample measurements for compliance with mass-based limits fall below the MDL, the average loading shall be calculated using a concentration value of zero; when sample measurements for compliance with mass-based limits fall above the MDL, the average loading shall be calculated using the measured concentration.

Monitoring Point No. 1 is located downstream of the CGF treatment/cooling pond and prior to combination with the Chehalis WWTP effluent.

B. Mixing Zone Description

The authorized mixing zone is as follows:

- The vertical boundaries shall extend from the receiving water surface to the river bed.
- The upstream and downstream boundaries shall be 100 feet and 300 feet, respectively, from the centerline of the outfall port.
- The mixing zone shall not occupy greater than 25 percent of the width of the river at critical flow conditions.
- From May 1 through October 31, the chronic dilution ratio is 1:5.2 and the acute dilution ratio is 1:1.2.
- From November 1 through April 30, the chronic dilution ratio is 1:10.6 and the acute dilution ratio is 1:1.33.

S2. TESTING SCHEDULE

Sampling parameters, frequency of sampling and sample type are listed below. The Permittee shall monitor the wastewater according to the following schedule:

Tests	Sampling Frequency	Sample Type	Analysis Method
Flow	Continuous	Direct	---
Temperature	Continuous	Direct	---
pH	Continuous	Direct	150.2
Ammonia, as N	Daily	24-hour composite	350.2 or 350.3
BOD_5	Weekly	24-hour composite	405.1
Dissolved Oxygen	Daily	Grab	any 40 CFR 136 method
Total Suspended Solids	Daily	Grab	180.1
Aluminum	Weekly	24-hour composite	200.2, 200.7, or 200.8
Cadmium	Weekly	24-hour composite	200.8
Total Residual Chlorine	Continuous	Direct	330.3 or 330.4
Copper, Total	Weekly	24-hour composite	200.8
Iron, Total	Weekly	24-hour composite	200.7, 200.8, or 236.2
Lead, Total	Weekly	24-hour composite	200.8
Mercury, Total	Weekly	24-hour composite	245.1 or 245.2
Silver, Total	Weekly	24-hour composite	200.8
Zinc, Total	Weekly	24-hour composite	200.7 or 200.8

The Permittee shall monitor the receiving water according to the following schedule:

Tests	Sampling Frequency	Sample Type	Analysis Method
Temperatures Upstream	Continuous	Direct	---
Temperature Downstream	Continuous	Direct	---
Turbidity Upstream	Daily	Grab	180.1
Turbidity Downstream	Daily	Grab	180.1

S3. MONITORING AND REPORTING REQUIREMENTS

The Permittee shall monitor the operations and efficiency of all treatment and control facilities and the quantity and quality of the waste discharged as specified in Conditions S1 and S2.

A. Reporting

Monitoring results obtained during the month shall be summarized on the Discharge Monitoring Report (DMR) Form (EPA 3320-1) and submitted no later than the 15th day of the following month. Duplicate signed copies of the DMRs shall be submitted to the Council and EPA at the following addresses:

EFSEC
P.O. Box 43172
Olympia, WA 98504-3172

US. EPA Region X
Attn: Water Compliance Section WD-135
200 - 6th Avenue
Seattle, WA 98101

B. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: 1) the date, exact location, and time of sampling; 2) the dates the analyses were performed; 3) who performed the analyses; 4) the analytical techniques or methods used; and 5) the results of all analyses.

C. Representative Sampling

Samples and measurements taken to meet the requirements of these conditions shall be representative of the volume and nature of the monitored discharge, including representative sampling of any unusual discharge or discharge conditions (e.g., bypasses, upsets, and maintenance-related conditions affecting effluent quality).

D. Test Procedures

All sampling and analytical methods used to meet the monitoring requirements specified in this permit shall, unless otherwise approved in writing by the Council, conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136.

E. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of discharges with flow limitations. Each device shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendation or a minimum frequency of at least one calibration every 18 months.

F. Records Retention

The Permittee shall retain for a minimum of 3 years all records of monitoring activities and results, including all reports of recordings from continuous monitoring instrumentation. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Council.

G. Laboratory Accreditation

All monitoring data, except for flow, temperature, settleable solids, conductivity, pH, and internal process control parameters shall be prepared by a laboratory registered or accredited under the provisions of Accreditation of Environmental Laboratories, Chapter 173-50 WAC. Conductivity and pH shall be accredited if the laboratory must otherwise be registered and accredited.

H. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S3.D. of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

I. Signatory Requirements

All applications, reports, or information submitted to EFSEC or the Department of Ecology shall be signed and certified as described in 40 CFR Part 122.22, titled *Signatories to permit applications and reports.*

1. All permit applications shall be signed by a principal executive officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

2. All reports required by this permit and other information requested by EFSEC shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described above and submitted to EFSEC, and

   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph I.2.b is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of I.2.b must be submitted to EFSEC prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations."

S4. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in a manner which prevents pollution of state ground or surface water.

B. Solid Waste Control Plan

The Permittee shall submit a solid waste control plan to the Council for review and approval no later than 6 months prior to plant operation. This plan shall address all solid wastes with the exception of radioactive waste and those solid wastes regulated by Chapter 173-303 WAC (Dangerous Wastes) and will specifically address residual solids (i.e., screenings, grit, scum, primary sludge, activated sludge, and other solid waste). The plan shall include a general description and the composition, source, generation rate and frequency, and disposal methods of these solid wastes. This plan shall be consistent with Chapter 173-304 WAC and any approved local solid waste management plan. The Permittee shall comply with the plan as approved by the Council. The Permittee shall submit an update of the solid waste control plan with the application for permit renewal. This permit condition is based on state law, not federal NPDES program regulations.

C. Leachate

The Permittee shall not allow leachate from its residual solids to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S5. SPILL PLAN

A. SPCC Plan and Hazardous Waste Management Procedures

Within 1 year of commencement of construction of the CGF, the Permittee shall submit to EFSEC a spill control plan for the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, 2) materials that when spilled or otherwise released into the environment are designated Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or 3) other materials that may become pollutants or cause pollution upon reaching state's waters. The Permittee shall review and update the Spill Plan as needed, and shall complete a comprehensive review of the Spill Plan at least once every two years. Changes to the plan shall be sent to the EFSEC. The plan and any supplements shall be followed throughout the term of the permit. The SPCC Plan shall include the following elements:

1. A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.

2. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) intended to prevent, contain, or treat spills of these materials.

3. A list of all oil and chemicals used, processed, or stored at the facility which may potentially be spilled into state waters.

B. Plan Updates

The SPCC Plan shall be updated and submitted to the Council every 2 years. The plan and any supplements shall be followed throughout the term of the permit.

S6. SAMPLING FOR POLLUTANTS OF CONCERN

A. Priority Pollutant Scan

The permittee shall take a composite sample of the discharge from Monitoring Point No. 1 and conduct a priority pollutant scan to determine the characteristics of the discharge water and report the results to the Council within 180 days from initiation of commercial operation. The results of the sampling shall be summarized and reported on a Discharge Monitoring Report (EPA 3320-1).

B. Future Monitoring Requirements

The Council will review the sample results to determine if additional testing or monitoring is required.

The Council, working with the Permittee, will take the necessary measures to identify effluent characteristics to ensure discharges are consistent with water quality standards and the conditions of this permit.

S7. WATER RECLAMATION AND REUSE

The Permittee shall prepare an engineering report and an operation and monitoring plan for the water reclamation system. The plan will provide for operation and monitoring of the system in accordance with the rules and regulations of the state. The engineering report and plan shall be submitted to EFSEC for review and approval at least 180 days prior to commencing commercial operation. The reclaimed municipal wastewater will be monitored on a basis consistent with protection of health following pretreatment of the wastewater from the Chehalis Wastewater Treatment Plant in the CGF pretreatment facility. This monitoring point will be located prior to the treated wastewater entering the CGF generating plant reverse osmosis system. The Permittee shall treat to Department of Health Class A reuse standards all wastewater received from the Chehalis Wastewater Treatment Plant, up to a maximum of 4.0 million gallons per day.

S8. OUTFALL REPAIR

The Chehalis WWTP outfall is in poor repair. The Permittee shall provide evidence of outfall repair and proper function to EFSEC prior to discharge of effluent by the CGF.

S9. RECEIVING WATER STUDIES

A. Temperature and Turbidity

The Permittee shall prepare a plan to monitor receiving water temperature and turbidity in two locations, one upstream of and unaffected by the outfall and the other at the downstream boundary of the mixing zone. The purpose of the temperature and turbidity monitoring is to allow the Permittee to evaluate the effluent's effect on receiving water temperature. The plan shall be submitted to EFSEC 180 days prior to commencing commercial operation. Receiving water temperature monitoring shall be implemented prior to commercial operation or within 180 days of EFSEC approval of the proposal, whichever is later.

B. Dissolved Oxygen and Biological Oxygen Demand

The Permittee shall determine the quality of the receiving water during the period from November 1 through April 30 with respect to dissolved oxygen and biological oxygen demand (BOD). The purpose of the study is to determine whether there are wet season receiving water conditions that would limit the discharge of BOD.

A study plan consistent with this requirement shall be submitted to EFSEC 180 days prior to commencing commercial operation. The study will be conducted within 12 months of the date EFSEC approves the study plan. The Permittee shall evaluate whether the receiving water has a reasonable potential to exceed water quality criteria due to effluent water quality. A written report containing this information shall be submitted to EFSEC within 90 days after completion of the study.

C. Chemical Analysis of Receiving Water

The Permittee shall conduct a chemical analysis of the receiving water upstream of the effluent discharge. Upstream receiving water samples will be collected quarterly for 1 year following the completion of Special Condition S6. Representative samples will be collected. The receiving water will be analyzed for temperature, pH, BOD, dissolved oxygen, hardness, ammonia, all effluent constituents limited by Special Condition S1, and all constituents detected by the priority pollutant testing of Special Condition S6 for which water quality criteria have been established.

The sampling will be completed within 1 year following the completion of Special Condition S6, and results will be reported to EFSEC within 90 days following completion of the sample collection. The Permittee shall use methods and follow quality assurance procedures in 40 CFR 136.

S10. WASTEWATER TREATMENT ENGINEERING

A. Engineering Report

The Permittee shall submit an engineering report prepared in accordance with WAC 173-240 requirements for industrial wastewater facilities. The engineering report must demonstrate that the wastewater treatment system will satisfy both all known, available, and reasonable methods of treatment (AKART) and the technology-based effluent limits specified in 40 CFR 423.15. In particular, the engineering report will describe how, when waste streams from various sources are combined for treatment, the quantity of each pollutant or pollutant property from each of the sources attributable each of the sources listed in 40 CFR 423.15 shall not exceed the technology-based limitation for that waste source. The Engineering Report shall also address the requirements of 40 CFR 503 regarding biosolids treatment and disposal. The Permittee shall submit the engineering report within 180 days after receiving Notice to Proceed.

B. Plans and Specifications

The Permittee shall submit plans and specification prepared in accordance with WAC 173-240-140.

C. Operation and Maintenance Manual

The Permittee shall submit an Operation and Maintenance Manual prepared in accordance with WAC 173-240-150. The Manual shall include monitoring provisions to ensure that the treatment system is operating effectively and is meeting the requirements of 40 CFR 423.15. The Operation and Maintenance Manual shall be followed throughout the term of the permit.

D. Discharge Prohibited Prior to Approval

The Permittee is prohibited from discharging wastewater prior to EFSEC's approval of the engineering report, plans and specifications, and an operations and maintenance manual.

E. Monitoring and Reporting

Monitoring required by the Operation and Maintenance Manual shall be subject to the monitoring and reporting requirements of Special Condition S3.

F. Reopen and Reissue of Permit

EFSEC will reopen and reissue the permit if the engineering report, plans and specifications, or operations and maintenance manual indicate a significant change in wastewater treatment or wastewater monitoring requirements.

S11. WHOLE EFFLUENT TOXICITY

The Water Quality Standards for Surface Waters require that the effluent not cause toxic effects in the receiving waters. Many toxic pollutants cannot be detected using commonly available detection methods. However, toxicity can be measured directly by exposing living organisms to the wastewater in laboratory tests and measuring the response on the organisms. Toxicity tests measure the aggregate toxicity of the whole effluent, therefore this approach is called whole effluent toxicity (WET) testing. Some WET tests measure acute toxicity and other WET tests measure chronic toxicity.

S12. ACUTE TOXICITY

A. Effluent Characterization

The Permittee shall conduct acute toxicity testing on the final effluent at Monitoring Point No. 1 to determine the presence and amount of acute (lethal) toxicity. All of the acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization. Effluent characterization for acute toxicity shall be conducted quarterly for 1 year. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section. The Permittee may perform acute toxicity effluent screening testing during effluent characterization using only 100 percent effluent and a control. If any effluent screening test has less than 80 percent survival in 100 percent effluent, the Permittee shall resample immediately and conduct another acute toxicity test using a dilution series consisting of a minimum of five concentrations and a control to estimate the concentration lethal to 50 percent of the organisms (LC_{50}). The percent survival in 100 percent effluent shall also be reported from tests with a series of concentrations.

Testing shall begin within 60 days of commencing commercial operation. A written report shall be submitted to the Council within 60 days after each of the test results are final. A final effluent characterization summary report shall be submitted to EFSEC within 90 days after the last monitoring test results are final. This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Acute toxicity tests shall be conducted with the following species and protocols:

1. Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA/600/4-90/027F)

2. Daphnid, *Ceriodaphnia dubia, Daphnia pulex,* or *Daphnia magna* (48-hour static test, method: EPA/600/4-90/027F). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.

3. Rainbow trout, *Oncorhynchus mykiss* (96-hour static-renewal test, method: EPA/600/4-90/027F).

The Permittee shall also conduct the rapid screening test listed in Subsection E, below, on each sample during effluent characterization. The rapid screening test result shall be reported with the results of the acute toxicity tests conducted on that sample to provide a correlation.

B. Effluent Limit for Acute Toxicity

The Permittee has an effluent limit for acute toxicity if, after completing 1 year of effluent characterization, either:

1. The median survival of any species in 100 percent effluent is below 80 percent, or

2. Any one test of any species exhibits less than 65 percent survival in 100 percent effluent.

The effluent limit for acute toxicity is no acute toxicity in a test concentration representing the acute critical effluent concentration (ACEC). The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the zone of acute criteria exceedance assigned pursuant to WAC 173-201A-100.

If the Permittee has an effluent limit for acute toxicity and the ACEC is not known, then effluent characterization for acute toxicity shall continue until the time an ACEC is known. Toxicity testing conducted during an effluent characterization extended past 1 year until an ACEC has been determined shall be performed using each one of the tests listed in Subsection A above on a rotating basis. When an ACEC has been determined, the Permittee shall immediately complete all applicable requirements in Subsections C, D, and F.

If no effluent limit is required at the end of 1 year of effluent characterization, then the Permittee shall stop effluent characterization and begin to conduct the activities in Subsection E even if the ACEC is unknown.

C. Monitoring for Compliance With an Effluent Limit for Acute Toxicity

Monitoring to determine compliance with the effluent limit shall be conducted quarterly for the remainder of the permit term using, on a rotating basis, each of the species listed in Subsection A. Monitoring shall be performed using 100 percent effluent, the ACEC, and a control. The Permittee shall schedule the toxicity tests in the order listed in the permit unless EFSEC notifies the Permittee in writing of another species rotation schedule. The percent survival in 100 percent effluent shall be reported for all compliance monitoring.

Compliance with the effluent limit for acute toxicity means no statistically significant difference in survival between the control and the test concentration representing the ACEC. The Permittee shall immediately implement Subsection D if any acute toxicity test conducted for compliance monitoring determines a statistically significant difference in survival rates between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10 percent, the hypothesis test shall be conducted at the 0.01 level of significance.

D. Response to Noncompliance With an Effluent Limit for Acute Toxicity

If the Permittee violates the acute toxicity limit in Subsection B, the Permittee shall begin additional compliance monitoring within 1 week of receiving the test results. This additional monitoring shall be conducted weekly for four consecutive weeks using the same test and species as the failed compliance test. Testing shall determine the LC_{50} and effluent limit compliance. The discharger shall return to the original monitoring frequency in Subsection C after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by EFSEC as an anomalous test result, the Permittee may notify EFSEC that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from EFSEC before completing the additional monitoring required in this subsection. The notification to EFSEC shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by EFSEC that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by EFSEC that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to EFSEC on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to EFSEC within 60 days after test results are final. The TI/RE plan shall be based on 173-205-100(2) WAC. The TI/RE plan shall address areas where adequate guidance, procedures, or protocols are not available for implementation of the plan. The Permittee shall submit a revised TI/RE plan, in accordance with EFSEC comments, within 30 days after receipt of EFSEC comments.

E. Monitoring When There Is No Permit Limit for Acute Toxicity

The Permittee shall test final effluent once in the summer and once in the winter immediately prior to submission of the application for permit renewal. All species used in the initial acute effluent characterization or substitutes approved by EFSEC shall be used and results submitted to EFSEC as a part of the permit renewal application process.

In consideration of the Permittee's potential to have toxicity occur and cause receiving water impacts the following monitoring is required. The Permittee shall conduct 24-hour acute rapid screening tests using:

1. *Brachionus sp.* (ASTM E 1440-91)

2. Fathead minnow, *Pimephales promelas* and a Daphnid (*Ceriodaphnia dubia, Daphnia pulex*, or *Daphnia magna*) on an alternating schedule (24-hour static test, method: EPA/600/4-90/027F).

A minimum of 40 organisms shall be used in both the control and 100 percent effluent. Tests shall be conducted monthly and have a maximum acceptable mortality rate of 0.20 in 100 percent effluent. The mortality rate is determined by WAC 173-205-120(2)(b).

When a rapid screening test results in a mortality rate greater than 0.20, the Permittee shall retest with all species and durations used in the acute effluent characterization in Subsection A and actively investigate the source of toxicity. The toxicity test and investigation results shall be reported to the EFSEC within 30 days of the rapid screening test failure.

S13. CHRONIC TOXICITY

A. Effluent Characterization

The Permittee shall conduct chronic toxicity testing on the final effluent at Monitoring Point No. 1. The chronic toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Testing shall begin within 60 days of commencing commercial operation. A written report shall be submitted to the Council within 60 days after each of the test results are final. A final effluent characterization summary report shall be submitted to the Council within 90 days after the last monitoring test results are final. This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Effluent testing for chronic toxicity shall be conducted biannually for 1 year. The Permittee shall conduct chronic toxicity testing during effluent characterization on serial dilutions of effluent in order to determine the IC_{50} or EC_{50}. This series of dilutions shall include the ACEC. The Permittee shall compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

Chronic toxicity tests shall be conducted with the following species and the most recent version of the following protocols:

1. Fathead minnow, *Pimephales promelas* (EPA/600/4-89/001)
2. Water flea, *Ceriodaphnia dubia* (EPA/600/4-89/001)
3. Alga, *Selenastrum capricornutum* (EPA/600/4-89/001)

The Permittee shall also conduct the rapid screening test listed in Subsection E, below, on each sample during effluent characterization. The rapid screening test result shall be reported with the results of the chronic toxicity tests conducted on that sample to provide a correlation.

B. Effluent Limit for Chronic Toxicity

After completion of effluent characterization, the Permittee has an effluent limit for chronic toxicity if any test conducted for effluent characterization shows a significant difference between the control and the ACEC at the 0.05 level of significance using hypothesis testing (Appendix H, EPA/600/4-89/001). In this event, the Permittee shall complete all applicable requirements in Subsections C and D below.

If no significant difference is shown between the ACEC and the control in any of the chronic toxicity tests, the Permittee has no effluent limit for chronic toxicity and only Subsection E applies.

The effluent limit for chronic toxicity is no toxicity detected in a test concentration representing the chronic critical effluent concentration (CCEC). CCEC means the maximum concentration of effluent allowable at the boundary of a mixing zone assigned pursuant to WAC 173-201A-100.

C. Monitoring Compliance With an Effluent Limit for Chronic Toxicity

Monitoring to determine compliance with the effluent limit shall be conducted biannually for the remainder of the permit term using, on a rotating basis, each of the species listed in Subsection A. Monitoring shall be performed using the CCEC, the ACEC, and a control. The Permittee shall schedule the toxicity tests in the order listed in the permit unless EFSEC notifies the Permittee in writing of another species rotation schedule.

Compliance with the effluent limit for chronic toxicity means no statistically significant difference in response between the control and the test concentration representing the CCEC. The Permittee shall immediately implement Subsection D if any chronic toxicity test conducted for compliance monitoring determines a statistically significant difference in response between the control and the CCEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in response between the control and the CCEC is less than 20 percent, the hypothesis test shall be conducted at the 0.01 level of significance.

In order to establish whether the chronic toxicity limit is eligible for removal from future permits, the Permittee shall also conduct this same hypothesis test (Appendix H, EPA/600/4-89/001) to determine if a statistically significant difference in response exists between the ACEC and the control.

D. Response to Noncompliance With an Effluent Limit for Chronic Toxicity

If a toxicity test conducted for compliance monitoring under Subsection C determines a statistically significant difference in response between the CCEC and the control, the Permittee shall begin additional compliance monitoring within 1 week from the time of receiving the test results. This additional monitoring shall be conducted monthly for three consecutive months using the same test and species as the failed compliance test. Testing shall determine the IC_{50} or EC_{50} and effluent limit compliance. The Permittee shall return to the original monitoring frequency in Subsection C after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by EFSEC as an anomalous test result, the Permittee may notify EFSEC that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from EFSEC before completing the additional monitoring required in this subsection. The notification to EFSEC shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by EFSEC that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for chronic toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by EFSEC that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to EFSEC on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the chronic toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to EFSEC within 60 days after test results are final. The TI/RE plan shall be based on WAC 173205-100(2). The TI/RE plan shall address areas where adequate guidance, procedures, or protocols are not available for implementation of the plan. The Permittee shall submit a revised TI/RE plan, in accordance with EFSEC comments, within 30 days after receipt of EFSEC's comments.

E. Monitoring When There Is No Permit Limit for Chronic Toxicity

The Permittee shall test final effluent once in the summer and once in the winter immediately prior to submission of the application for permit renewal. All species used in the initial chronic effluent characterization or substitutes approved by EFSEC shall be used and results submitted to EFSEC as a part of the permit renewal application process.

The Permittee shall conduct chronic rapid screening tests using:

1. Bacterial bioluminescence test (Microtox or approved alternate)

2. Rotifer life cycle test (Snell, Terry W. 1992. A 2-D Life Cycle Test With The Rotifer *Brachionus calyciflorus* Environ. Toxicol. Chem. 11: 1249-1257).

Tests shall be conducted monthly and shall be expected to have no statistically significant difference in response between the ACEC and the control using the method in Appendix H of EPA/600/4-89/001 or an equivalent method approved by EFSEC. Whenever a rapid screening test result has a statistically significant difference in response between the ACEC and the control, the Permittee shall retest with all species and durations used in the chronic effluent characterization in Subsection A and actively investigate the source of toxicity. The chronic toxicity test and investigation results shall be reported to EFSEC within 30 days of the rapid screening test failure.

S14. PERMIT REOPENER

EFSEC may reopen this permit on the basis of monitoring results or other causes consistent with state and federal regulations and/or to modify or establish specific monitoring requirements, effluent limitations, or other conditions in the permit.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

G2. PROPER OPERATION AND MAINTENANCE

The Permittee shall at all times operate as efficiently as possible and maintain in good working order all facilities and systems of collection, treatment, and control (and related appurtenances) that are installed or used by the Permittee for pollution control.

G3. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G4. NONCOMPLIANCE NOTIFICATION

If for any reason, the Permittee does not comply with, or will be unable to comply with, any of the discharge limitations or other conditions specified in the permit, the Permittee shall, at a minimum, provide EFSEC with the following information:

A. A description of the nature and cause of noncompliance, including the quantity and quality of any unauthorized waste discharges;

B. The period of noncompliance, including exact dates and times and/or the anticipated time when the Permittee will return to compliance; and

C. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the noncompliance.

In addition, the Permittee shall take immediate action to stop, contain, and clean up any unauthorized discharges and take all reasonable steps to minimize any adverse impacts to waters of the state and correct the problem. The Permittee shall notify EFSEC by telephone so that an investigation can be made to evaluate any resulting impacts and the corrective actions taken to determine if additional action should be taken.

In the case of any discharge subject to any applicable toxic pollutant effluent standard under Section 307(a) of the Clean Water Act, or which could constitute a threat to human health, welfare, or the environment, 40 CFR Part 122 requires that the information specified in Sections G4.A., G4.B., and G4.C., above, shall be provided not later than 24 hours from the time the Permittee becomes aware of the circumstances. If this information is provided orally, a written submission covering these points shall be provided within 5 days of the time the Permittee becomes aware of the circumstances, unless EFSEC waives or extends this requirement on a case-by-case basis.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.

G5. BYPASS PROHIBITED

The intentional bypass of wastes from all or any portion of a treatment works is prohibited unless the following four conditions are met:

A. Bypass is: (1) unavoidable to prevent loss of life, personal injury, or severe property damage; or (2) necessary to perform construction or maintenance-related activities essential to meet the requirements of the Clean Water Act and authorized by administrative order;

B. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, maintenance during normal periods of equipment down time, or temporary reduction or termination of production;

C. The Permittee submits notice of an unanticipated bypass to EFSEC in accordance with Condition G4. Where the Permittee knows or should have known in advance of the need for a bypass, this prior notification shall be submitted for approval to EFSEC, if possible, at least 30 days before the date of bypass (or longer if specified in the special conditions);

D. The bypass is allowed under conditions determined to be necessary by EFSEC to minimize any adverse effects. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

After consideration of the factors above and the adverse effects of the proposed bypass, EFSEC will approve or deny the request. Approval of a request to bypass will be by administrative order under RCW 90.48.120.

G6. RIGHT OF ENTRY

The Permittee shall allow an authorized representative of EFSEC, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;

B. To have access to and copy at reasonable times any records that must be kept under the terms of the permit;

C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;

D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and

E. To sample at reasonable times any discharge of pollutants.

G7. PERMIT MODIFICATIONS

The Permittee shall submit a new application or supplement to the previous application where facility expansions, production increases, or process modifications will (1) result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants, or (2) violate the terms and conditions of this permit.

G8. PERMIT MODIFIED OR REVOKED

After notice and opportunity for public hearing, this permit may be modified, terminated, or revoked during its term for cause including, but not limited to, the following:

A. Violation of any terms or conditions of the permit;

B. Failure of the Permittee to disclose fully all relevant facts or misrepresentations of any relevant facts by the Permittee during the permit issuance process;

C. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit;

D. Information indicating that the permitted discharge poses a threat to human health or welfare;

E. A change in ownership or control of the source; or

F. Other causes listed in 40 CFR 122.62 and 122.64.

Permit modification, revocation and reissuance, or termination may be initiated by EFSEC or requested by any interested person.

G9. REPORTING A CAUSE FOR MODIFICATION

A Permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for modification or revocation and reissuance under Condition G8. or 40 CFR 122.62 must report such plans, or such information, to EFSEC so that a decision can be made on whether action to modify or revoke and reissue a permit will be required. EFSEC may then require submission of a new application. Submission of such application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G10. TOXIC POLLUTANTS

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in the permit, EFSEC shall institute proceedings to modify or revoke and reissue the permit to conform to the new toxic effluent standard or prohibition.

G11. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, detailed plans shall be submitted to EFSEC for approval in accordance with Chapter 173-240 WAC. Facilities shall be constructed and operated in accordance with the approved plan.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G14. ADDITIONAL MONITORING

EFSEC may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G15. REVOCATION FOR NONPAYMENT OF FEES

EFSEC may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

G16. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G17. DUTY TO REAPPLY

The Permittee must reapply, for permit renewal, at least 180 days prior to the specified expiration date of this permit.

ATTACHMENT 5

EXCAVATION AND EROSION CONTROL MEASURES

ATTACHMENT 5

EXCAVATION AND EROSION CONTROL MEASURES

This attachment to the Site Certification Amendment (SCA) incorporates erosion control measures included in the SCA Application, as well as agreements made with the Washington Department of Fish and Wildlife (WDFW) and Washington Department of Ecology.

A. CONSTRUCTION

Site-specific erosion control plans will be submitted to EFSEC six months prior to commencement of construction.

1. Generation Facility Construction

   a. Best Management Practices (BMPs) will be designed and implemented for construction at the site. BMPs include limiting certain construction activities and installing control structures such as sediment traps, diversion ditches, and silt fences (described below).

   b. Construction activities will be controlled to the extent possible to help limit erosion. Clearing, excavation and grading will be limited to areas necessary for construction of the generation facility. Areas outside the construction limits will be identified and clearly marked, and equipment operators will be instructed to avoid these areas.

   c. Surface runoff will be directed around and away from cut-and-fill slopes and conveyed in pipes or protected channels. Dikes or ditches will be constructed at the top of slopes where significant drainage area contributes runoff to the slopes (significant is defined as a water course length greater than 40 feet). Water intercepted by these facilities will be conveyed to a protected drainage channel. If the runoff is from disturbed areas, it will be directed to a sediment trap (as described below) prior to discharge. Dikes or ditches may be constructed at the bases of slopes and runoff will be conveyed to a sediment trap.

   d. To the extent possible, slopes will be graded to no steeper than 2 feet horizontal (H) to 1 foot vertical (V). Interceptor ditches or benches will be constructed on all slopes higher than 25 feet.

   e. Areas stripped of vegetation will be covered with granular soil to provide a 6-inch thick working surface. Stabilized construction vehicle entrances will be established with tire wash provisions to reduce the amount of soil transported onto nearby roads and highways.

2. Pipeline Construction

The following erosion and sediment control measures will be used during construction of the water pipelines, with the method used dependent on the site characteristics and construction activities to be accomplished.

a. Clearing, Excavation and Grading

Construction activities will be controlled to help limit erosion. Clearing, excavation and grading will be limited to those areas necessary for installation of the pipelines. Areas outside the construction limits will be marked in the field and equipment will not be allowed to enter the areas or to disturb existing vegetation. Excavation and grading will be completed during the dry season to the maximum extent possible.

b. Sediment Traps

Sediment traps are temporary or permanent basins used to detain stormwater runoff and allow sediment to settle, thereby minimizing the amount of sediment entering streams and rivers. Sizing criteria for the traps include inflow and sediment load. Standard sediment traps will be sized for the specific disturbed area, for bare soil conditions and for a 75-percent removal efficiency of sediment.

Sediment traps will be constructed to intercept runoff from disturbed areas where appropriate. A sufficient number of traps will be constructed to intercept runoff from the disturbed area and will have sufficient capacity for the required storm event and accumulated sediment. The outlet pipe diameters will be sized to handle a 25-year peak flow.

The sediment traps will be formed by earth embankments that will be protected as required against erosion using rock or erosion control netting. Each trap will have both a low flow outlet and an emergency overflow. Rock will be placed at the outlet and overflow to prevent erosion where the water enters the downstream drainageway.

c. Silt Fences

Slopes less than 3H:1V will be protected with silt fencing as appropriate. Silt fences will be installed in locations where they will trap silt eroded from slopes

during construction and prior to reestablishing vegetation. The maximum flow path to each fence will be about 100 feet. No concentrated flows greater than 1 cfs will be directed toward any fence for a 25-year storm. The fences will be maintained throughout the construction period. Silt fence construction specifications including fabric equivalent open size, spacing and length will be determined by local construction conditions.

d. Check Structures and Slope Ditches

Check structures, such as dikes and swales, will be used where appropriate to reduce runoff velocity as well as to direct surface runoff around and away from cut-and-fill slopes. A swale will be provided on the upstream side to direct runoff from the dike, with the runoff discharged to a sediment trap. Dikes and swales will be constructed at the base of slopes and the runoff directed to a sediment trap. Dikes may be used where the watercourse length is greater than 40 feet and on all embankments higher than 15 feet.

e. Mulching and Reseeding

Where surfaces will be left unpaved, vegetation will be re-established on disturbed slopes. Hydroseeding will be used in the growing season if possible, or if not possible, the disturbed areas will be covered with straw or some other erosion control material in the interim. A grass and forb mixture recommended by the U.S. Natural Resource Conservation Service and the Washington Department of Fish and Wildlife will be used to reseed slopes, with fertilizer applied with the hydroseed mixture.

B. STORMWATER MANAGEMENT AND POLLUTION PREVENTION DURING OPERATION

This section includes information on the stormwater management and pollution control practices to be followed during CGF operation. These practices will be included in the stormwater pollution prevention plan (SWPP) for the facility, and will include the following elements:

- An assessment and description of existing and potential pollutant sources;
- A certification by a responsible official that stormwater discharges have been investigated for the presence of non-stormwater discharges;

- A site map showing stormwater drainage areas, discharge structures, paved areas and buildings, areas where stormwater could potentially contact pollutants, surface water bodies, potential and existing vehicle service areas, and areas where soil erosion might occur;
- The identification of all areas associated with industrial activity;
- A list of pollutants that are or have a reasonable potential to be present in stormwater discharges in significant amounts; and
- A description of the Best Management Practices (BMPs) that are needed to reduce the potential for discharge of significant amounts of pollutants, including operational BMPs and source control BMPs.

1. Best Management Practices (BMPs)

   BMPs are the physical, structural, operational, or administrative means of providing the appropriate controls. Operational BMPs consist of company policies, operating and maintenance procedures, personnel training, good housekeeping, prohibition of undesirable practices, and other administrative practices to prevent or reduce pollution of waters of the state. Source control BMPs are physical, structural or mechanical devices or structures that are intended to prevent pollutants from entering stormwater.

2. Stormwater Pollution Prevention Team

   The Sponsor will identify a Stormwater Pollution Prevention Team which is responsible for developing, implementing, maintaining, and modifying the SWPP. Operational BMPs will be adopted to implement good housekeeping, preventive and corrective maintenance procedures, steps for spill prevention and emergency cleanup, employee training programs, and inspection and recordkeeping practices as needed to prevent stormwater pollution. Examples of good housekeeping practices which will be employed by the Sponsor will include:

   - Neat and orderly storage of chemicals;
   - Prompt cleanup and removal of spillage;
   - Regular pickup and disposal of garbage and rubbish;
   - Regular sweeping of floors;
   - Proper storage of containers; and,
   - Prevention of accumulations of liquid or solid chemicals on the ground or the floor.

3. Training

At least annually, facility operators will also receive training in the pollution control laws and regulations, and the specific features of the CGF which are intended to prevent releases of oil and petroleum products. These employees will also receive spill response training. Employees who support the activities at the site will be trained in the following spill response measures:

- Identifying areas that may be affected by a spill and potential drainage routes;
- Reporting of spills to appropriate individuals;
- Employing appropriate material handling and storage procedures; and,
- Implementing spill response procedures.

4. Inspection of Stormwater Catchbasins and Detention Systems

Stormwater catchbasins and detention systems will be inspected at least annually as part of the site preventive maintenance program. Stormwater catchbasins will be cleaned if the collected deposits fill more than one-third of the depth from the basin to the invert of the lowest pipe leading into or out of the basin. Site stormwater drainage will be accomplished using a combination of open channel surface collection and catch basin/storm drains below ground transport.

5. Stormwater Management of On Site Runoff

Stormwater management of on site runoff will comply with the requirements of the Best Management Practice set out in the Stormwater Management Manual (SWMM) for the Puget Sound Basin, February 1992 (WDOE, 1992). This will include stormwater retention/detention Basins No. 1 and No. 2 to provide an "on-line" system. Detention basins will process the 6-month, 24-hour runoff and will also provide peak runoff rate control for postdevelopment runoff increases of 1 cfs, 3 cfs, and 4 cfs for the 2, 10, and 100 year storm events respectively. Basin No. 1 will collect runoff from 26.3 acres, and Basin No. 2 will collect runoff from 11.2 acres (Basin No. 2's collection area includes some offsite drainage which flows onto the site.

Basin No. 2 will process runoff in the same manner as Basin No. 1. Post development runoff increased due to the contributing 11.2 acres are 1 cfs, 0 cfs, and 1 cfs for the 2, 10, and 100 year storm events respectively.

6. Inspection of Secondary Containment Structures

During periods of heavy rainfall and after primary storage tanks have been filled or emptied, secondary containment structures will be inspected for accumulations of water. The presence of oil contamination in any accumulated rainwater will be determined by examining the surface of the water for a sheen. If an oil sheen is not observed, accumulated rainwater will be drained from the containment. Otherwise, accumulated rainwater will be drained until the oil layer nears the intake, and the remaining oil/water mixture will either be cleaned using absorbent pads or pumped directly into drums for disposal. After draining the containment, the drain valve will be closed to prevent inadvertent drainage.

7. Periodic Inspections

The Sponsor's personnel will periodically inspect the system to verify the accuracy of the SWPP Plan, to ascertain that the controls identified in the SWPP Plan are adequate, and to confirm that non-permitted discharges are not entering the stormwater system. A summary of each inspection will be retained with the SWPP Plan, along with any notifications of noncompliance and reports on incidents such as spills.

8. Source Control BMPs

Source control BMPs consistent with those in the SWMM will be employed in the design of fueling stations, vehicle and equipment washing and steam cleaning areas, loading and unloading areas for liquid materials, aboveground storage tank systems, container storage facilities, outside storage areas, and outside maintenance areas.

9. Secondary Spill Containment

Where required, at chemical or fuel unloading sites, secondary spill containment paving will be provided for environmental protection. Hazardous substances collected within these containments will be isolated for proper cleanup and disposal according to local, state and federal regulations. Stormwater collected within hazardous material secondary containments will be retained by normally closed valved outlets. This stormwater will be routed to the storm drainage system in a manner consistent with local, state and federal regulations.

10. Permanent Erosion and Sediment Control

In conjunction with the stormwater management controls employed, additional permanent erosion and sediment control will be accomplished through appropriate site landscaping, grass, and other vegetative cover.

ATTACHMENT 6

MITIGATION MEASURES AND PROJECT CONDITIONS

ATTACHMENT 6

MITIGATION MEASURES AND PROJECT CONDITIONS

This attachment to the Site Certification Amendment (SCA) incorporates mitigation measures included in the SCA Application, as well as agreements made with the Washington Department of Ecology (Ecology) and Washington Department of Fish and Wildlife (WDFW). The attachment is organized into five parts: Part I - General Conditions; Part II - Construction Methodology; Part III - Construction Mitigation; Part IV - Operation Mitigation; and Part V - Further Mitigation Measures.

PART I GENERAL CONDITIONS

A. General Statement of Commitments

The Sponsor will take the following actions as described more fully below: 1) develop a detailed construction management plan for the water pipelines and primary construction at the generating facility site; 2) develop a number of identified plans (erosion and sediment control, right-of-way management, etc.), which shall indirectly protect fish and wildlife resources; 3) provide mitigation pursuant to the specific terms or general formulas and methodologies provided herein; and 4) commit to principles of impact assessment and a formula for mitigation replacement for those impacts, if any, that are not identified until construction or operation, or that result from impacts that are unavoidable or not susceptible to restoration by other action.

The generating facility site has been and remains disturbed in its entirety by the cultivation of agricultural crops. Most of the route for the water pipelines lies within or adjacent to existing rights of way that have been and remain disturbed. Accordingly, the value of the habitat that will be affected by construction and operation of the CGF is lower than it would have been if the habitat had never been disturbed. The commitments made by the Sponsor in this Attachment 6 and in Attachment 5 to the SCA are intended to generally protect and improve habitat for fish and wildlife resources.

B. Flood Hazards

The Sponsor shall assure that measures are taken during construction and operations at the project site and pipeline route that will protect public health and safety from flood hazards. Such measures include minimizing impacts at stream crossings and other areas within the 100-year floodplain and floodway, as identified by Federal Emergency Management Agency maps, to provide for adequate conveyance of flood waters, including the assurance of no significant rise in base flood elevations.

C. Unanticipated Impacts

The principles of impact assessment that shall be applied to all unanticipated impacts are, in descending order of importance, 1) avoid the impact wherever possible; 2) minimize the impact; 3) provide on-site, in-kind mitigation; and 4) provide off-site compensatory mitigation.

D. Plans to be Submitted Prior to Construction

The Sponsor shall develop the following plans, maps, and studies for submittal to EFSEC:

1. A Notice of Intent to be covered by Ecology's General Baseline Permit for Stormwater Discharges; and a Stormwater Pollution Prevention Plan.

2. A detailed map showing right-of-way acquisition and land uses impacted within the right-of-way.

3. Construction Management Plan

The Sponsor shall develop and submit for the Council's review and approval a detailed construction management plan, which shall encompass all phases of the construction of the water pipeline delivery system and the primary construction phases (excavation, filling or regrading) of the facility development. The construction plan shall be generally based on the mitigation measures contained in the following sections of this Attachment 6 and in Attachment 5, which are incorporated into the SCA as binding commitments. The Sponsor agrees that the special construction provisions set out in this Attachment 6 and in Attachment 5 shall be incorporated into the construction management plan and to the extent in conflict, shall supersede directions or commitments contained in the Application for SCA. This construction management plan shall be completed six (6) months prior to the start of on site construction.

4. Transportation Study and Construction Traffic Management Plan

Prior to the commencement of construction of the CGF, a transportation study and construction traffic management plan shall be submitted to EFSEC for its review and approval . The transportation study and traffic management plan shall include, but not be limited to, the following:

a. Existing weekday traffic volumes on Bishop Road, Rush Road, Maurin Road, LaBree Road and the Jackson Highway.

b. Projected increases in background traffic volumes for the period of CGF construction, considering known and expected new traffic generators or routing alterations.

c. Existing Levels of Service (LOS) at the intersections of Bishop Road with Rush Road, Maurin Road, LaBree Road and the Jackson Highway.

d. Projected LOS, without the CGF's construction traffic, but including increases in background traffic predicted during the period of construction.

e. Projected traffic volumes, in daily trips, resulting from the construction of the CGF, including truck volumes, time and duration of peak construction periods, and peak hours of construction traffic impact.

f. Impact of construction traffic, expressed as a percentage of increase to existing and predicted background traffic volumes.

g. LOS of evaluated intersections with construction traffic and including the intersection of the site access road and Bishop Road.

h. Available accident data at affected roads and intersections and identification of areas of unusually high accident rates.

i. Estimated number of rail trips on the Chehalis Western Rail line resulting from construction activities and identification of rail crossings which may be impacted by construction-related rail traffic.

j. A routing plan showing necessary road closures and detour routes during construction of the water pipelines, together with a schedule indicating construction sequencing. The routing plan shall identify transit routes and school bus routes which may be disrupted by the construction.

k. A traffic control plan indicating the methods to be used to implement necessary traffic rerouting, means of assuring access to impacted properties, and methods of providing temporary traffic control for safety.

l. A program which will facilitate the exchange of commuting information among construction workers and encourage ride sharing.

m. A parking plan showing available parking areas for construction workers and a means of shuttling workers from parking to job site, if necessary.

n. Recommended mitigation measures which reduce impacts to a level of insignificance and are commensurate to the level of impacts attributable to the construction of the CGF.

o. This traffic control plan shall be submitted to the Council six (6) months prior to the start of on site construction.

In addition, the Sponsor shall submit the following plans to EFSEC for its review and approval and shall consult with WDFW and Ecology during the development and review of these plans:

5. Environmental Protection Control Plan/Construction Management Plan. In developing this plan, the Sponsor shall work with EFSEC, in consultation with WDFW and Ecology, to ensure that construction activities are designed to minimize impacts to wetland habitat, consistent with this Agreement.

6. Erosion and sediment control plan, including stormwater control plan during construction.

7. Blasting plan.

8. Restoration of construction area plan, including restoration, revegetation and maintenance practices, schedules, monitoring methods, contingencies, and noxious weed control measures.

9. Construction water use and control plan.

10. Right-of-Way Management Plan.

12. A Fish and Wildlife Resource Survey, specifically updating the surveys for bald eagles, red-legged frogs and other candidate and listed species may be required by EFSEC, in consultation with WDFW, if construction begins more than two years following the issuance of the SCA or if state resource agencies identify new information regarding these species.

13. These plans must be submitted to the EFSEC at least 6 months before construction of either turbine.

E. Plans to be Submitted Prior to Operation

Six months prior to commencement of operation, the Sponsor will submit to EFSEC the following plans for its review and approval:

1. An emergency response plan including details on training, education, and equipment (SCA, Article VII, Section B).

2. A Spill Prevention, Control and Countermeasure Plan (SCA, Article VII, Section G).

WDFW and Ecology shall be provided with a copy of the Spill Prevention, Control and Countermeasure Plan, and the long-term stormwater control plan (SCA, Article V, Section C).

F. Consolidation of Plans

Any plans required by this Agreement may be consolidated with other such plans, if such consolidation is approved by EFSEC.

PART II CONSTRUCTION METHODOLOGY

A. General Construction Procedures

The Sponsor shall provide an independent environmental monitor (EM) with "stop-work" authority that reports to EFSEC.

1. The EM shall be under the supervision and employ of the Sponsor and independent from any construction contractor party utilized. The EM shall report independently to EFSEC regarding the specific environmental protection criteria set out in this Agreement.

2. Standard environmental monitoring criteria shall be developed for EFSEC, in consultation with WDFW and Ecology, prior to initiation of Project construction.

3. The Sponsor shall identify EM "stop-work" implementation criteria for EFSEC, in consultation with WDFW and Ecology.

4. No excavation, filling or regrading work shall be performed at any time unless there is full, concurrent independent environmental monitoring.

5. All EM reports are to be submitted to EFSEC at the same time that they are submitted to the Sponsor's Project Engineer.

6. EFSEC, WDFW, and Ecology are to be promptly notified by facsimile (fax) or in person of any emergency response or any work stoppage requested by the EM.

B. Erosion Control

See Attachment 5.

C. Wetland and Aquatic Standards

1. Timing

a. All "out of the water" soil or streambed-disturbing activities associated with wetland or stream crossings shall occur during the dry portion of the year, typically late spring through early fall unless special local conditions require a different timing to avoid impacts, as approved by EFSEC in consultation with WDFW.

b. Construction related activity within fifty feet of the bank of the Chehalis River shall be limited to the period of July 1 through September 30.

2. Access, Staging, and Ancillary Areas

a. All equipment crossing a water body must use a construction bridge. Culvert crossings are not allowed.

b. All construction equipment bridges shall be designed to pass the maximum flow and be maintained to prevent flow restrictions during the period that the equipment bridge is in place.

c. The only access roads, other than the construction right of way, that may be used in wetlands are those existing roads that can be used with no modification and no impact on the wetland.

d. Locate all staging areas, additional spoil storage areas, and other additional work areas at least fifty feet away from the ordinary high water mark or wetland boundary, unless on an existing road or on an upland surface that was disturbed at least 30 days prior to the start of construction. In no event shall vegetation be cleared between these areas and the water body or wetland.

Limit size of those areas to minimum needed to construct the wetland or water body crossing.

e. Refuel all construction equipment at least 100 feet from water bodies or wetland boundaries.

f. All equipment will inspected prior to entering a wetland. Leaking equipment will not be allowed to enter a wetland.

g. Grading will not take place within the boundaries of any wetland crossed by the water pipelines, and disturbance will be kept to the minimum necessary to safely construct the pipeline.

h. All activities within wetlands crossed during water pipeline construction will be kept to the minimum disturbance area possible.

i. The upper 6 to 12 inches of topsoil will be removed and protected throughout water pipeline construction.

j. The materials removed from the trench below the topsoil level are not to be placed on top of, or mixed with, the topsoil material previously removed.

k. Once the water pipelines have been laid in the trench, the subsoil will be replaced, followed by the topsoil. Excess material will be transported out of the wetland and spread on the right-of-way outside any wetland boundaries.

3. Spoil Pile Placement and Control

All spoil material from water body crossings must be placed in the right-of-way at least ten feet away from the ordinary high water line, or in additional spoil storage areas located as required in paragraph II.C.2.d of this Attachment. At a minimum, all spoil shall be contained within sediment filter devices.

4. General Construction Procedures

a. The Sponsor shall notify EFSEC, Ecology, and Fish and Wildlife at least 48 hours prior to beginning construction, excavation or regrading work below the ordinary high water line (OHWL) of any waterbody or wetland.

b. In wetlands and riparian areas, limit the construction rights-of-way width to fifty feet or less.

c. Native vegetation will be retained as much as possible in the impact area to preserve wildlife habitat and provide a buffer of vegetation from surrounding habitat areas.

d. In areas where vegetation may need to be temporarily cleared for construction-related activities, the removal of woody vegetation will be minimized to the extent practical. Staging areas will be located outside of vegetated areas to the extent practical.

e. In wetlands and riparian areas, vegetation that must be removed shall be cut at ground level, leaving existing root systems intact. Limit pulling of tree stumps and grading activities to those that would directly interfere with trenching, pipe installation and backfill.

f. Wetland basin areas disturbed by water pipeline construction will be regraded to the original elevation and contour.

g. If standing water or saturated soils are present, use low ground weight construction equipment and/or operate on prefabricated equipment mats. Matting will be used in all cases where there is standing water within the upper 18 inches of soil.

h. In the event that matting is necessary, all construction activities will be carried out from the matting. Equipment will not be allowed in the wetland, off the mats, at any time. The mats will be inspected prior to placing in the wetland and mats with foreign material will not be used.

i. Use trench plugs as necessary to prevent draining of wetlands and/or diversion of water into upland portions of the pipeline trench.

j. Existing culverts that must be repaired or replaced as a result of the CGF construction shall meet or exceed original engineered design criteria for the protection of fish resources.

D. Pipeline Route

The pipeline route has been selected to follow existing utility corridors or rights-of-way, and to avoid sensitive areas, including sensitive stream crossing locations where practical.

1. To minimize impacts, no instream work is proposed.

2. The Sponsor will, to the extent reasonable, revise as follows certain water pipeline alignments proposed in the Application.

   a. On Figure 2.14-3, stream crossing "D" will be moved approximately 800 feet upstream of its present location to avoid the interstate bridge and difficult stream crossing.

   b. On Figure 2.14-4, the pipeline will be rerouted to follow the City of Chehalis' water and sewer right-of-way on Maurin Road, to move stream crossing "J" upstream of its present location and to avoid the I-5 La Bree Road Overpass.

E. Specific Stream and River Crossing Methods

All crossings of Dillenbaugh Creek (within the ordinary high water line) shall be performed by bore and jack or directional drilling. If those construction techniques are not feasible, the following specific conditions shall apply to the crossing:

1. Removing or reconfiguration of stream channel elements within the Ordinary High Water Level (OHWL) of Dillenbaugh Creek shall be prohibited unless specifically defined in the Construction Plan or the Erosion and Sediment Control Plan. The pre-c-onstruction and post-construction final footprint of stream element configuration below the OHWL within the project site shall be shown on the plans submitted to EFSEC, in consultation with WDFW and Ecology, for review before beginning construction, excavation or regrading work below the OHWL.

2. An updated presence and relative abundance survey for Olympic mud minnows shall be required for hydrologically connected areas within 300 feet of the crossing, if construction begins more than two years after the SCA is issued or if state resource agencies identify new information regarding this species.

3. Before dewatering any area within the high water level of Dillenbaugh Creek, all fish are to be safely removed and relocated upstream of the construction site. Release points and transfer personnel are to be determined by EFSEC, in consultation with WDFW and Ecology. A fish transport record is to be maintained identifying fish species, numbers transported and any mortality related to such dewatering.

4. Immediately after pipeline crossing, placement to a minimum depth of one (1) foot of clean, round spawning gravel must be done in all disturbed streambed areas.

5. Rounded boulders and rock are to be utilized in the restoration of Dillenbaugh Creek; riprap rock is not permitted.

6. Placement and securing of acceptable instream fish cover features at a maximum interval of ten (10) feet along disturbed banks must be done on both sides of the stream. Instream cover features shall be woody debris including root wads.

7. Water quality and quantity monitoring shall be performed to Ecology standards in connection with any stream crossings. Water sampling results for the locations described below shall be submitted to EFSEC, WDFW, and Ecology within 5 days of collection.

8. Water quality and quantity monitoring shall be performed to adequately define any increase in ambient Dillenbaugh Creek turbidity. This cumulative impact monitoring shall continue until all crossing sites have stabilized and all erosion and sediment control features are demonstrated to be functioning as designed. As a minimum, ambient water quality monitoring shall be as measured 100 feet upstream of the limits of the crossing site and construction impact upon water quality shall be measured 100 feet downstream of the crossing site.

9. Water turbidity measurements shall be taken in Dillenbaugh Creek, immediately above and below all crossing sites. Weather conditions, construction status, and flow conditions shall be defined to accurately reflect site conditions. Sampling shall be performed at least once every 24 hours to fully monitor excavation and reconfiguration of steep slopes adjacent to the Creek, precipitation and work within any stream channel below the OHWL.

F. Hydrostatic Pipeline Testing

1. Construction testing to determine piping system integrity shall be done following the Washington DOT standard construction specification - 1994 Chapter 7 "Pipe Installation for Water Mains" or latest version.

2. Any hydrostatic test water removed from rivers or lakes shall be screened by a screen on the intake hose (1/8" mesh) to prevent entrainment of fish. The maximum approach velocity shall not exceed 0.4 feet/second.

3. At least thirty days prior to use, the Sponsor shall provide to EFSEC a list of specific locations proposed for withdrawal and discharge of hydrostatic test water and allow EFSEC to review and comment on the list in consultation with WDFW and Ecology.

4. The Sponsor shall notify those same agencies of intent to begin using specific sources for hydrostatic test waters at least 48 hours prior to testing.

5. The Sponsor shall control withdrawal for hydrostatic testing to maintain adequate flow rates at all times to protect aquatic life and provide for all other water body uses, including downstream withdrawals.

6. Hydrostatic test manifolds shall be located outside wetlands and riparian areas.

7. The Sponsor shall regulate hydrostatic water discharge rates and use energy dissipation device(s) in order to prevent erosion of upland areas, stream bottom scour, suspension of sediments, or excessive stream flow.

G. Raptors

To minimize the potential hazard of raptor electrocution, the transmission lines will be designed and constructed consistent with the recommendations of Olendorff et al. (1981).

PART III CONSTRUCTION MITIGATION

A. Generating Facility Site Wetlands

To mitigate for wetlands filled and lost, and for the loss of agricultural lands at the generating facility site, the Sponsor shall do the following:

1. Enhance Stormwater Detention Areas

   a. The primary purpose of the stormwater detention areas is to collect stormwater on site to control water quality/quantity, and to prevent flooding and erosion on site and downstream of the site.

   b. To the extent that the functioning of the stormwater detention areas are not degraded from their primary purpose, features such as natural shoreline embankments, shore-edge vegetation, perching areas, and large woody debris shall be added to enhance use of the detention areas by aquatic and wildlife species.

2. On Site Landscaping

All site areas not needed for CGF activities at the generation facility site shall be planted with trees and shrubs, including native species to the maximum extent feasible, to provide feeding, foraging and nesting opportunities for wildlife species known to occur in the project vicinity. This provision does not preclude the planting of lawn around CGF facilities.

B. Water Pipeline Corridor Wetlands and Uplands

1. The Sponsor has generally located its water pipelines in or along existing pipeline right-of-way corridors.

2. Monitoring of Restored or Replaced Vegetation: The Sponsor shall revegetate areas disturbed by the water pipeline construction as set out in paragraphs III.C.5 a, b and c below. The Sponsor shall monitor the success of wetland, riparian and upland revegetation annually and take corrective action to ensure success, with written reports to EFSEC and copies to WDFW and Ecology for the first five years after construction.

a. Wetland and Riparian Vegetation. Revegetation of wetland and riparian areas that are currently vegetated with native species is considered successful (assuming no alterations by the underlying owner or utility easement holder) if the native herbaceous and/or woody cover is at least eighty percent of the total cover, and native species diversity is at least fifty percent of the diversity originally found in the wetlands. If revegetation is not successful at the end of five years, the Sponsor shall develop and implement (in consultation with a professional wetlands ecologist, EFSEC, WDFW and Ecology) a plan to actively revegetate the wetland with native wetland herbaceous and woody plant species.

b. Upland Vegetation. Revegetation of upland areas that are currently vegetated with native species is considered successful (assuming no alterations by the underlying owner or utility easement holder) if the native herbaceous and/or woody cover is at least eighty percent of the total cover, and native species diversity is at least fifty percent of the diversity originally found in the uplands. Revegetation of upland areas that are currently vegetated with non-native species shall be done with like species at the direction of the underlying property owner.

3. For those restoration, creation or enhancement areas that do not meet the success standards provided in paragraph III.B.2.a and b above after five years, additional replacement shall be provided as follows: an amount of forested wetland equal to the unsuccessful portion of the restored forested wetland areas; and an amount of scrub/shrub or emergent wetland equal to the unsuccessful portion of the mitigation scrub/shrub or emergent wetland areas. Replacement of unsuccessful upland species shall be limited only to those areas that are currently in native species, and where the revegetated areas have not been altered in any way within the five year monitoring period by the underlying property owner.

C. Water Pipeline Wetland Habitat Mitigation

1. Wetland restoration, creation and enhancement shall not result in a net loss of wetland acreage and functions.

2. In-kind replacement of functions and values is preferred.

3. Where in-kind replacement is not reasonable, as determined by EFSEC in consultation with WDFW and Ecology, substitute resources of equal or greater ecological value will be provided.

4. For wetlands filled and lost, wetland acreage shall be replaced by creation at a 3-to-1 replacement ratio by wetland type (ratio to be doubled for enhancement of existing wetlands).

5. For wetlands that are disturbed but not lost, the following shall apply:

   a. Forested Wetlands. Disturbance impacts to forested wetlands shall be mitigated by both: restoration of the disturbed area to either forested wetland or scrub/shrub wetland; and either replacement with other forested wetland (restoration or creation) in an amount equal to the disturbed area, or enhancement of disturbed emergent herbaceous wetland to forested wetland in amount equal to twice the disturbed area.

   b. Scrub/Shrub Wetlands. Disturbance impacts to scrub/shrub wetlands shall be mitigated by both: restoration of the disturbed area to scrub/shrub wetland; and either replacement with other scrub/shrub wetland (restoration or creation) in an amount equal to one-half the disturbed area, or enhancement of disturbed emergent wetland to scrub/shrub wetland in amount equal to the disturbed area.

c. Emergent Wetlands. Disturbance impacts to emergent herbaceous wetlands shall be mitigated by restoration of the disturbed areas to native emergent herbaceous wetland, or to the same vegetation that existed prior to construction.

6. Development of the wetland compensatory mitigation plan will be based on the format and checklists specified in Ecology Publication #94-29, Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals.

D. Water Pipeline Upland Habitat Mitigation

1. Forest Habitat

a. For forest areas that are cleared and that cannot be restored to forest habitat, mitigation shall be by replacement of forest habitat (restoration or creation) in an amount equal to twice the unrestored forest area.

b. For forest areas that are restored in place to forest habitat, mitigation shall be by restoration or creation of additional forest habitat in an amount equal to one-half the restored forest area.

c. In either (1) or (2) above, planting of trees in formerly disturbed herbaceous sites (such as abandoned agricultural fields) shall qualify.

2. Shrub Habitat

a. For shrub areas that are cleared and that cannot be restored to shrub habitat, mitigation shall be by replacement of shrub habitat (restoration or creation) in an amount equal to twice the unrestored shrub area.

b. For shrub areas that are restored in place to shrub habitat, mitigation shall be by restoration or creation of additional shrub habitat in an amount equal to one-half the restored shrub area.

c. In either (1) or (2) above, planting of shrubs in formerly disturbed herbaceous sites (such as abandoned agricultural fields) shall qualify.

3. Native Oak Forest

No native oak habitat is expected to be lost. However, in the event that any native oak habitat values are lost, the Sponsor shall fund, design and implement an off-site oak

restoration project in Lewis County. The specific location of any such oak enhancement efforts shall occur, where feasible, on public lands in Lewis County.

4. Herbaceous Habitat

Disturbance to herbaceous habitat shall be mitigated by restoration of the disturbed areas in place with safeguards against weedy invasive species.

E. Management Plan

The Sponsor shall develop a management plan that will assure the protection and enhancement of wildlife values on the lands that are acquired to replace lost wetland and upland wildlife habitat values. The management plan shall be fully implemented within five years of beginning operation of the CGF. The Sponsor shall provide a draft of the management plan to EFSEC in consultation with WDFW and Ecology.

F. Fugitive Dust

To control fugitive dust during construction, water will be applied as necessary, and access roads will be gravelled or paved as practical.

G. Cultural and Archeological Resources

1. Archaeological studies of the CGF project area did not identify any National Register-eligible cultural resources. Because construction and operation of the facility is not expected to impact cultural resources, no site-specific mitigation measures are required.

2. Because construction of the facility could expose previously unknown cultural resources, the Sponsor shall monitor construction to ensure that any cultural resources are properly identified, evaluated, and, if necessary, impacts are mitigated. Monitoring will be directed by an experienced archaeologist. If cultural resources are discovered during construction monitoring, the archaeologist will request a halt to work in the affected area and contact the Washington State Office of Archaeology and Historic Preservation (OAHP). If a discovered site contains one or more Native American burials, the monitor will notify the appropriate Tribe and discuss mitigation measures with the Sponsor, Tribal representatives and the OAHP.

H. Public Services and Utilities

1. Construction activities shall be coordinated with local police and fire departments, and emergency medical service providers to ensure access to all locations in the project site vicinity and along the water pipeline corridor in the case of an emergency.

2. To help mitigate loss of access and other traffic related impacts, adequate traffic control and signage, indicating closures and alternate routes, shall be provided during construction.

3. Construction vehicle trips in and out of the immediate construction zone shall be coordinated and scheduled away from "rush-hour" periods, to minimize general traffic disruption.

4. During construction, precautions shall be used to ensure that excavations do not damage underground utilities, including communications cables.

PART IV OPERATION MITIGATION

A. Right-of-Way Maintenance Practices

1. The water pipelines are located primarily within existing county, city or state rights-of-way. Right-of-way maintenance procedures will continue to be governed by the agencies with ownership or utility easement rights.

2. Unless prohibited by the holder of the right-of-way or easement, vegetation will be allowed to regrow over the water pipelines.

3. The Sponsor shall develop specific procedures to prevent, where possible, the invasion or spread of undesirable exotic vegetation along the pipeline right-of-way.

B. Noise

The CGF will be designed to meet acceptable State and local noise standards. Following commencement of plant operation, noise monitoring will be conducted to verify the model-predicted levels at the residential areas where increased noise was predicted. If the State and local standards are exceeded, additional noise mitigation measures will be developed.

PART V FURTHER MITIGATION MEASURES

A. Further Mitigation for Generating Facility Site and Water Pipeline Impacts

1. To further mitigate the impacts caused by constructing the water pipelines, the Sponsor shall provide $30,000 (1995 dollars, adjusted by the applicable Consumer Price Index) for the unfunded portion of phase two of the Lewis County Drainage District Dillenbaugh Creek fish and wildlife improvement project, or such other mitigation project mutually agreed upon by the Sponsor and EFSEC in consultation with WDFW.

2. To further mitigate the impacts caused by the loss of agricultural land on the generating facility site, the Sponsor shall undertake a project or projects valued at $40,000 (1995 dollars, adjusted by the applicable Consumer Price Index) in funds, materials or services. The purpose of such project or projects shall be to implement fish and wildlife habitat improvements. Such improvements may include but are not limited to plantings designed to conserve waters in local creeks and to lower water temperatures; work designed to return the creeks to their natural stream courses; and other restoration measures. Individual projects shall be subject to review and approval by the Sponsor and shall be completed within two years of beginning facility construction, or within such time as mutually agreed upon by the Sponsor and WDFW.

B. Further Mitigation for Surface Water Usage

To further mitigate the potential impact of the project on water resources, the Sponsor shall contribute $10,000 (1995 dollars, adjusted by the applicable Consumer Price Index) to the Chehalis River Council (or to such other organization(s) mutually agreed upon by the Parties) annually for a period of ten years. Upon the mutual agreement of the Sponsor, Lewis County and Ecology, the Sponsor may substitute materials or services for these funds. The primary purpose of such mitigation shall be to improve water resources in the Centralia Reach of the Chehalis River. Individual projects shall be subject to mutual review and approval by the Sponsor, Lewis County and Ecology to ensure consistency with this purpose. The Sponsor shall make the first of such annual payments upon beginning facility construction. Alternatively, the Sponsor shall undertake a project or projects valued at $100,000 (1995 dollars, adjusted by the applicable Consumer Price Index), as mutually agreed upon by the Sponsor, Lewis County and Ecology, and shall complete such project or projects within ten years of beginning facility construction, or on such other schedule as mutually agreed upon by the Sponsor and Ecology.

ATTACHMENT 7

AGREEMENT WITH THE WASHINGTON STATE ENERGY OFFICE

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application No. 94-2 CHEHALIS POWER GENERATING, L.P., Chehalis Generation Facility	SETTLEMENT AGREEMENT BETWEEN WASHINGTON STATE ENERGY OFFICE AND CHEHALIS POWER

I. PARTIES

A. Chehalis Power Generating Limited Partnership ("Chehalis Power") seeks a site certification agreement ("SCA") from the Energy Facility Site Evaluation Council ("EFSEC") to construct and operate the proposed Chehalis Generation Facility ("CGF"). Chehalis Power, Inc. is the general partner of Chehalis Power.

B. The Washington State Energy Office ("WSEO") has a mandate to serve as the official state agency responsible for coordination of energy-related activities and is represented on EFSEC. WSEO is a party to the CGF's site certification adjudication before EFSEC.

II. PURPOSE AND INTENT

Chehalis Power and WSEO (collectively, the "Parties") have been involved in discussions and negotiations related to two issues in this proceeding: whether the CGF's power is needed; and whether the CGF is consistent with both the Northwest Power Planning Council's Power Plan and with the Washington State Energy Strategy. Through this Agreement, the Parties set forth certain

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obligations and restrictions that the Parties intend to have incorporated into the SCA as conditions for the CGF should EFSEC recommend that the CGF be certified. In exchange for Chehalis Power's consent to these conditions in its SCA and Chehalis Power's compliance with the conditions, WSEO agrees to withdraw the issues it has identified for adjudication in this matter and to refrain from expressing opposition to or disapproval of the siting of the CGF as specified in section IV of this agreement.

III. OBLIGATIONS OF CHEHALIS POWER

A. **Need.** Prior to beginning each generating unit of the CGF, Chehalis Power will enter one or more power purchase agreements that provide in the aggregate for the purchase and sale of at least 60% of the design capacity of that unit or units. Any such power purchase agreement shall have a term of at least five (5) years.

B. **Consistency.** Chehalis Power will ensure that at least one of the following conditions is satisfied prior to beginning construction of the CGF. For purposes of this provision, "Purchaser" means any entity that has entered a power purchase agreement with Chehalis Power providing for the purchase and sale of more than 40% of the CGF's design capacity for each generation unit.

1. If the Purchaser has adopted an integrated resource plan: a) the project is of the type included in the Purchaser's preferred resource acquisition strategy, b) the plan has reviewed commercially available supply and demand side resources and evaluated them on a consistent basis, c) the plan was developed with public participation, and d) the plan was reviewed by the utility's regulatory body.
2. If the Purchaser has not formally adopted an integrated resource plan: The Purchaser has reviewed commercially available supply and demand side resources, or is located in the service territory of a utility that has an integrated resource plan meeting the criteria

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set forth in section III.B.1, or the project is consistent the the priorities and principles expressed in the relevant Northwest Conservation and Electric Power Plan.

C. **Notice.** At least 60 days prior to beginning construction of the CGF, Chehalis Power shall provide EFSEC with sufficient evidence to enable EFSEC to determine that Chehalis Power has satisfied its obligations under this agreement relating to need and consistency. Within 30 days after receiving such evidence, EFSEC shall determine whether such obligations have been satisfied. EFSEC's failure to make an express determination within 30 days shall be deemed to be a determination that the obligations have been satisfied.

D. **Change in Law.** If any change in federal or state statutes, or if any court decision, makes it clear that EFSEC lacks the authority to require an applicant for a site certification agreement for an electric generating project to show that the power from its project is needed or that the project is consistent with state or regional energy plans, then the Parties shall have no further obligations under this Agreement.

IV. OBLIGATIONS OF WSEO

A. **Adjudicative Proceeding.** WSEO stipulates to the withdrawal from the adjudicated hearing in this matter of all issues relating to the need for the CGF and to its consistency with the Northwest Power Planning Council's Power Plan and the Washington State Energy Strategy. WSEO further stipulates that it will not adduce any evidence or present any briefing or argument on these issues.

B. **Related Proceedings.** Provided that the CGF complies with the terms of this Agreement, WSEO shall, for five years from the date of issuance of a site certification for the CGF, refrain from expressing opposition to, or disapproval of, the siting of the CGF in any proceeding before EFSEC, or in any proceeding before any court relating to the siting of the CGF, or by reference to the CGF in any legislative or administrative rule making proceeding. This

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agreement shall not preclude WSEO from expressing an opinion as to whether Chehalis Power or the CGF have satisfied the requirements of this agreement or of any site certification which incorporates the terms of this agreement.

Dated this 11 day of September, 1995.

Paul J. Margaritis, Vice President
Chehalis Power, Inc.

Judith Merchant, Director
Washington State Energy Office

Elizabeth Thomas
Thomas Eli Backer
PRESTON GATES & ELLIS
Attorneys for Chehalis Power

Tommy Prud'homme
Assistant Attorney General
Attorneys for WSEO

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ATTACHMENT 8

AGREEMENTS WITH THE CRITICAL ISSUES COUNCIL

BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 94-2

CHEHALIS POWER
Chehalis Generation Facility

STIPULATION REGARDING WATER USAGE METERING

As evidenced by the signatures of their attorneys appearing below, Chehalis Power and the Critical Issues Council hereby stipulate that usage of water at the Chehalis Generation Facility will be metered, and the meter readings shall be available to the public.

DATED this 14th day of September, 1995.

PRESTON GATES & ELLIS

By Thomas Eli Backer
Elizabeth Thomas, WSBA # 11544
Thomas Eli Backer, WSBA # 17623
Attorneys for Applicant
Chehalis Power

CONNOLLY, HOLM, TACON & MESERVE

By Allen T. Miller, Jr.
Allen T. Miller, Jr.
Attorney for Critical Issues Council

EXHIBIT _____

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BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application No. 94-2 CHEHALIS POWER Chehalis Generation Facility	STIPULATION REGARDING DEPOSITION OF SLUDGE

As evidenced by the signatures of their attorneys appearing below, Chehalis Power and the Critical Issues Council hereby stipulate that Chehalis Power will comply with all applicable state and federal requirements with regard to the final deposition of all sludge produced through the treatment of wastewater and from demineralizing feed water and that all such sludge will go to a site that is allowed by law to receive such material.

DATED this 14th day of September, 1995.

PRESTON GATES & ELLIS

By Thomas Eli Backer
Elizabeth Thomas, WSBA # 11644
Thomas Eli Backer, WSBA # 17823
Attorneys for Applicant
Chehalis Power

CONNOLLY, HOLM, TACON & MESERVE

By Allen T. Miller Jr.
Allen T. Miller, Jr.
Attorney for Critical Issues Council

EXHIBIT _____

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BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application No. 94-2 CHEHALIS POWER Chehalis Generation Facility	STIPULATION REGARDING USE OF GROUNDWATER

As evidenced by the signatures of their attorneys appearing below, Chehalis Power, the Critical Issues Council and the Department of Ecology hereby stipulate that the Chehalis Generation Facility will not use groundwater from wells for cooling or process water.

DATED this 14th day of September, 1995.

PRESTON GATES & ELLIS

By Thomas Eli Backer
Elizabeth Thomas, WSBA # 11644
Thomas Eli Backer, WSBA # 17625
Attorneys for Applicant
Chehalis Power

CONNOLLY, HOLM, TACON & MESERVE

By Allen T. Miller, Jr.
Allen T. Miller, Jr.
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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

By _____
Ronald L. Lavigne
Mary Sue Wilson
Attorneys for Department of Ecology

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BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application No. 94-2 CHEHALIS POWER Chehalis Generation Facility	STIPULATION REGARDING SURFACE WATER RUNOFF

As evidenced by the signatures of their attorneys appearing below, Chehalis Power and the Critical Issues Council hereby stipulate that stormwater management of on-site runoff at the Chehalis Generation Facility will comply with the Best Management Practices as set out in the Stormwater Management Manual for the Puget Sound Basin, February 1992 (WDOE 1992).

DATED this 14th day of September, 1995.

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EXHIBIT _____

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ATTACHMENT 9

INTERIM EFFLUENT LIMITATIONS
AND
COMPLIANCE SCHEDULE

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EFFLUENT LIMITATIONS AND COMPLIANCE SCHEDULE
FOR WASTEWATER DISCHARGES

The Council recognizes its authority to provide regulatory oversight to the CGF as provided in Chapters 80.50 and 90.48 RCW. This regulatory oversight allows the Council to match the needs of the state with the applicable state and federal requirements for wastewater discharge. The CGF will be a benefit to the region by using the City's wastewater as its water source rather than raw municipal water. The CGF must be able to operate in order to provide this benefit to the region.

The NPDES Permit (Attachment 4) does not allow discharge of BOD or ammonia during the months of May through October. This requirement is based on the TMDL Study conducted by the Department of Ecology. However the Council notes the NPDES permit requirements do not contemplate use of reclaimed water use by new energy facilities (e.g. new sources). The Council has considered if it is in the state's best interest to allow a discharge from the CGF that contains some residual BOD (biological oxygen demand) and ammonia which would violate the NPDES permit requirements.

The Council notes that the record established during the adjudicative and NPDES permit hearings shows the primary sources of effluent discharge into the Chehalis Reach of the Chehalis River are from the City of Chehalis and other point sources as well as non-point sources (e.g. agriculture). These sources primarily contribute BOD and ammonia as documented in the TMDL Study.

Chehalis Power has testified that, while operating, the CGF will evaporate approximately 94% of the reclaimed water it receives, returning only 6% to the Chehalis River. Through treating and using water that has been reclaimed from the City of Chehalis' Wastewater Treatment Plant (WWTP), the CGF will remove approximately 85-90% (by weight) of the BOD and ammonia contained in the WWTP's effluent. However, the CGF cannot practicably remove 100% of the BOD and ammonia that it receives from the WWTP. Under normal operating conditions some residual BOD and ammonia will pass through the CGF and would be discharged to the Chehalis River.

To provide the CGF an opportunity to use the wastewater from the WWTP, the CGF shall be allowed to discharge a limited amount of BOD and ammonia above the levels permitted in the NPDES Permit (Attachment 4). The interim levels shall only be for the months of May through October. For the remainder of the year, the BOD and ammonia levels shall be as listed in the NPDES Permit.

The Council has determined that the CGF shall be permitted Interim Limitations for both BOD and ammonia. The interim limits for BOD and ammonia shall be 10%, by weight, of the permitted allowance specified in the WWTP Permit Number WA-002110-5.

Chehalis Power shall take the following actions:

1. Submit a final plan for reducing BOD and ammonia received from the City's WWTP by 95% (by weight) by January, 1 1998.
2. Submit a draft plan to meet the Upper Chehalis River TMDL wasteload allocations by January 1, 2001.
3. Submit a final plan to meet the Upper Chehalis River TMDL wasteload allocations by July 1, 2001.
4. Comply with the Upper Chehalis River TMDL wasteload allocations by July 1, 2003.

If construction of the CGF does not commence before January 1, 1998, discharge of BOD and ammonia from the CGF shall be a maximum of 5% (by weight) of the discharge received from the WWTP.