Washington State
Energy Facility Site Evaluation Council

REVISED AGENDA

MONTHLY MEETING
Tuesday September 21, 2021
1:30 PM

CONFERENCE CALL ONLY
Conference number: (253) 372-2181 ID: 662593855#

1. Call to Order ……Kathleen Drew, EFSEC Chair

2. Roll Call ……Joan Owens, EFSEC Staff

3. Proposed Agenda ……Kathleen Drew, EFSEC Chair

4. Minutes **Meeting Minutes**……Kathleen Drew, EFSEC Chair

- August 6, 2021 Special Meeting Minutes
- August 17, 2021 Monthly Meeting Minutes
- August 17, 2021 Public Informational Meeting Minutes

5. Projects

a. Kittitas Valley Wind Project

- Operational Updates……Eric Melbardis, EDP Renewables

b. Wild Horse Wind Power Project

- Operational Updates……Jennifer Galbraith, Puget Sound Energy

c. Chehalis Generation Facility

- Operational Updates……Mark Miller, Chehalis Generation
- Title V Air Operating Permit……Kyle Overton, EFSEC Staff

The Council may consider and take FINAL ACTION on issuing the Title V Air Permit for public Comment.

d. Grays Harbor Energy Center

- Operational Updates……Chris Sherin, Grays Harbor Energy

e. Columbia Generating Station

- Operational Updates……Mary Ramos, Energy Northwest

f. WNP – 1/4

- Non-Operational Updates……Mary Ramos, Energy Northwest

g. Desert Claim

- Project Updates……Amy Moon, EFSEC Staff

h. Horse Heaven Wind Farm

- Project Updates……Amy Moon, EFSEC Staff

i. Columbia Solar

- Project Updates……Owen Hurd, Tuusso Energy
- SCA Amendments……Kyle Overton, EFEC Staff

The Council may consider and take FINAL ACTION on 5 Columbia Solar SCA Amendment requests.

j. Goose Prairie Solar

- Project Updates……Kyle Overton, EFSEC Staff
- Project extension……Ami Hafkemeyer, EFSEC Staff

The Council may consider and take FINAL ACTION on the Goose Prairie request to extend time to process the Application.

6. Adjourn……Kathleen Drew, EFSEC Chair

Note: "FINAL ACTION" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. RCW 42.30.020

Special Meeting

Washington State Energy Facility Site Evaluation Council

August 6, 2021

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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
Friday, August 6th, 2021
11:00 a.m.

Virtual Special Meeting
Verbatim Transcript of Proceedings

DATE TAKEN: AUGUST 6, 2021
REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

APPEARANCES

Councilmembers:
KATHLEEN DREW, Chair
KATE KELLY, Department of Commerce
ROB DENGEL, Department of Ecology
MIKE LIVINGSTON, Department of Fish & Wildlife
LENNY YOUNG, Department of Natural Resources
STACEY BREWSTER, Utilities and Transportation Commission

Administrative Law Judge:

JOHNETTE SULLIVAN

Assistant Attorney General:

JON THOMPSON

Local Government and Optional State Agencies for the Goose Prairie Project, Department of Transportation:
BILL SAURIOL
EFSEC Staff:
Ami Hafkemeyer
Patty Betts
Joan Owens
Kyle Overton
Joe Wood
Also in Attendance:
BILL SHERMAN, The Environment
MEGAN SALLOMI, The Environment
TIM McMAHAN, Stoel Rives
KARA WARNER, Golder Associates
BLAKE BJORNSON, One Energy
MARK HERKE, Yakima County

LACEY, WASHINGTON; AUGUST 6, 2021
11:00 A.M.
--o0o--
P R O C E E D I N G S

CHAIR DREW: Good morning. This is Kathleen Drew, Chair of the Energy Facility Site Evaluation Council calling to order our special meeting for Friday, August 6th, at 11:00 a.m.

This special meeting is for the purpose of reviewing the Goose Prairie Solar Project SEPA determination and expedited process. The Council may consider and take final action on granting expedited processing.

Will the clerk please call the roll?

MS. OWENS: Department of Commerce?

MS. KELLY: Kate Kelly, present.

MS. OWENS: Department of Ecology?

Department of Fish and Wildlife?

MR. LIVINGSTON: Mike Livingston's present.

MS. OWENS: Department of Natural Resources?

MR. YOUNG: Lenny Young, present.

MS. OWENS: Utilities and Transportation Commission?

MS. BREWSTER: Stacey Brewster, present.

MS. OWENS: Local Government and Optional State Agencies for the Goose Prairie Project, Department of Transportation?

MR. SAURIOL: Bill Sauriol, present.

MS. OWENS: Assistant Attorney General?

Administrative Law Judge Johnette Sullivan? Oh, I think you were muted there.

CHAIR DREW: Judge Sullivan?

JUDGE SULLIVAN: My apologies, present.

MS. OWENS: Thank you.

Okay. For EFSEC Council, Sonia Bumpus?

CHAIR DREW: Excused.

MS. OWENS: Thank you.

Ami Hafkemeyer?

MS. HAFKEMEYER: Present.

MS. OWENS: Amy Moon?

MS. HAFKEMEYER: Amy Moon is out of the office this afternoon -- or this morning.

MS. OWENS: Thank you.

Kyle Overton?

MR. OVERTON: Kyle Overton, here.

MS. OWENS: Joe Wood?

MR. WOOD: Joe Wood, present.

MS. OWENS: Sean Chisholm?

MS. HAFKEMEYER: Sean is also unavailable

this morning.
MS. OWENS: Thank you.
Patty Betts?
MS. BETTS: Present.
MS. OWENS: Stew Henderson?
Stephen Posner?
And our court reporter?
THE COURT REPORTER: Tayler Garlinghouse, present.
MS. OWENS: Thank you.
Counsel for The Environment?
MR. SHERMAN: Bill Sherman and Megan Sallomi.
MS. OWENS: Thank you.
Chair, there is a quorum for the regular Council and the Goose Prairie Council.
CHAIR DREW: Thank you.
If there is anyone else on the call in the meeting who would like to introduce themselves, please do so.
MR. DENGEL: This is Rob Dengel. I wasn't able to get on until now. So Ecology, present.
CHAIR DREW: Thank you.
MR. THOMPSON: Chair Drew, this is Jon Thompson, Assistant Attorney General for EFSEC. Just

joining late, sorry.
CHAIR DREW: Thank you.
MR. HERKE: I'm Mark Herke, Yakima County Farm Bureau.
CHAIR DREW: Thank you.
MR. BJORNSON: Blake Bjornson with One Energy Renewables.
MR. MCMAHAN: Tim McMahan representing One Energy Renewables.
CHAIR DREW: Okay.
MS. WARNER: This is Kara Warner with Golder Associates.
CHAIR DREW: Thank you.
Okay. With that, let's proceed to our agenda. We will get an update on the Goose Prairie Project from Ms. Hafkemeyer.
MS. HAFKEMEYER: Thank you, Chair Drew. Good morning, EFSEC Council. To give you some background, EFSEC received an application for site certification, or ASC, on January 19th of 2021 for the Goose Prairie Solar Project.
On January 21st, following the receipt of the ASC, a request for expedited processing was received in accordance with WAC 463-43 -- 463-43.
Per WAC 463-43-050, a decision on expedited

processing is requested to be made 120 days after receipt of application for expedited processing or such later time as is mutually agreed upon by the applicant and Council. The 120-day timeframe was extended from May 21st to July 20th and further extended again to August 6th by the Council with the agreement of the applicant.
WAC 463-43-040 requires EFSEC to conduct a public informational meeting and a land use consistency hearing within 60 days of receipt of the expedited processing application. This meeting was held on March 30th. During this land use hearing, a letter and certificate of consistency in relation to land use from Yakima County presented by the applicant per WAC 463-26-090.
On July 20th, the Council voted on the issue of land use consistency and found the project proposal to meet the conditions of consistency identified in WAC 463-26.
June 24th, the SEPA official, Sonia Bumpus, issued a mitigated determination of nonsignificance for comment. The comment period ran for two weeks, from June 24th through July 8th, and 16 comments were received. The comments received resulted in identification of a new mitigation measure and two

clarification items. After incorporating these revisions, a revised MDNS was issued on July 30th.
Are there any questions so far? Hearing none --
CHAIR DREW: Are there any questions from Councilmembers?
Okay. Go ahead.
MS. HAFKEMEYER: All right. So to determine if the project is eligible for expedited processing, two questions must be answered per WAC 463-43-030. The first being if the project is consistent and in compliance with local land use regulations; the second is if the environmental impact of the proposed project is nonsignificant or can be mitigated to a nonsignificant level under the State Environmental Policy Act.
With the decision regarding land use consistency made on July 20th and a revised MDNS issued on July 30th, both criteria have now been met. Having met the requirements of WAC 463-43, EFSEC Staff are requesting the Council to make a determination on the January 21st request for expedited processing of the Goose Prairie Solar ASC.
And the Staff are available if the Council have any questions.

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CHAIR DREW: Are there any questions? We did receive a packet of information, which included all of this as well as a draft order. Councilmembers, you've had a chance to review the information, are there questions about any of the information and background or about the draft order?

MS. HAFKEMEYER: If I could jump in really quick, Chair Drew. I realize I misspoke a moment ago. The public informational meeting and land use consistency hearing for the Goose Prairie Project was held on March 16th, not March 30th.

CHAIR DREW: Oh, okay. Certainly. Thank you.

So in the packet on page 24 of 34 is the order granting expedited processing. Councilmembers, are there questions or comments?

MS. KELLY: Chair -- Chair Drew, this is Kate Kelly.

CHAIR DREW: Go ahead.

MS. KELLY: I -- I don't have a question, I just wanted to -- I read closely all of the materials that were shared with us and just very much appreciate the background that we got and the thoroughness with which they were written. So that might explain why there's no questions. It had everything we needed and I

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believe I did. So very much appreciate that.

I would -- and you may be going to do this after we get through our business, but it would be good to hear about what our next steps are on this project too.

CHAIR DREW: Okay. We -- let's put that onto -- we'll talk about that after this.

I would like to say -- I think I will -- do we have -- oh, there's the order in front of us right now, and for those of you who can -- are on Teams and can see it, it's about ten pages, which goes through the background and findings of fact that One Energy Washington Solar One LL -- LCC submitted an application for site certification, as you heard, for a solar PV, photovoltaic project with an optional battery storage system on 1568 leased acres in Yakima County on June 22nd. Oh, I'm sorry. On -- that was January 19th, 2021, and then updated the application on June 22nd.

And you heard the information about the consistency hearing, the expedited processing request, the certificate for local authority to testing the facilities the consistency and compliance with land use plans and zoning.

I would like to read the portion that the Council orders. OER Washington Solar One LCC's request

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for expedited processing is granted. EFSEC will evaluate OER Washington Solar One LCC's application for site certification of the Goose Prairie Solar Project in an expedited process consistent with the requirements of RCW 80.50.075 and WAC Chapter 463-43.

In addition, Staff will develop a means to receive information akin to what the County would receive during a conditional use hearing as to site-specific conditions and criteria.

I wanted to read that aloud for those of you who are participating in the meeting, members of the public, because even though we have a consistency with land use, that's at the high level that it would qualify for a conditional use permit were it going through the County process. And so we will then have a process that would be similar to that in front of the EFSEC Council. So that's a piece that I think is important for the public to understand.

So with that, I would ask the Council if there is a motion to proceed.

MR. YOUNG: This is Lenny Young, I so move.

CHAIR DREW: Okay. Thank you.

And if we could move that the Council approve the applicant's request for expedited process with direction to Staff to update the draft order to

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reflect an updated estimate for the start of construction. Do you approve of --

MR. YOUNG: I so move. I don't see that specific language up on the screen as it's a little bit long, but that's my intention in -- in moving this.

CHAIR DREW: Thank you. Thank you.

Is there a second?

MR. DENGEL: Rob Dengel, second.

CHAIR DREW: Thank you.

And for suggestion purposes, in review of the draft order, it referred to a construction -- start of construction date in the third quarter of 2021. And since we are there now, I thought it was best to ask the Staff to update the draft order working with the applicant to a more realistic timeframe. We don't have to have a month of start of construction, but perhaps a quarter and another future quarter that would be the target for construction at this point in time, because that's a little misleading to think that that's going to occur in the next three months, because our process will be -- will take that long at a minimum.

So just a little bit of explanation on why that language is in, and I do -- as Chair, if this is successful, I will sign the order and I will make sure that's updated so I won't have to come back to the

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Council.
Any further comments from Councilmembers? I know there was a great deal of work that the Staff put in in the work on the SEPA -- SEPA documentation with Fish and Wildlife and the applicant and also in responding to the 16 comments that we received on the draft MDNS. So thank you for -- for work in bringing parties together.
Are there any other comments?
MS. BREWSTER: This is Stacey Brewster. I'd also like to express my appreciation for all the work that Staff has done on this project. I know it's been a lot, and I appreciate the thorough information we've received.
CHAIR DREW: Thank you.
MR. BJORNSON: Hey, Chair Drew, this is Blake Bjornson with One Energy. Can I just make a quick comment?
CHAIR DREW: Sure.
MR. BJORNSON: I just -- yeah, first of all, thank you to everyone for being here today. But on the -- just off the top of this order, I'm seeing that it's LCC and it should be LLC. Looks like it's correct below, but just want to make sure we get that right on the order.

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CHAIR DREW: Thank you for that.
MR. BJORNSON: Yeah, thank you all. I'm here for any questions if you all have some.
CHAIR DREW: Okay. Thank you.
With that, I will ask the clerk to call the roll for the vote of the Council.
MS. OWENS: Thank you.
Department of Commerce?
MS. KELLY: Department of Commerce votes yes.
MS. OWENS: Department of Ecology?
MR. DENGEL: Aye.
MS. OWENS: Fish and Wildlife?
MR. LIVINGSTON: Aye.
MS. OWENS: Department of Natural Resources?
MR. YOUNG: Aye.
MS. OWENS: Utilities and Transportation Commission?
MS. BREWSTER: Aye.
MS. OWENS: Department of Transportation?
MR. SAURIOL: Aye.
MS. OWENS: And Chair?
CHAIR DREW: Aye.
MS. OWENS: The ayes have it.
CHAIR DREW: Thank you. The order is

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approved subject to that one reflection of the change in date.
I think there was a request to talk about what the next steps are. Ms. Hafkemeyer?
MS. HAFKEMEYER: Of course. So Staff will make plans to coordinate a public comment period to receive information akin to what would be received during a land use conditional use permit proceeding through the -- the local siting process, and once that information is received, bring it back to the Council. And the Council may at that time choose to direct Staff to prepare documents to provide to the governor indicating their decision. And if the Council so chooses at that time, Staff may also prepare draft site certification agreement documentation.
And the approximate timeline in the WAC for expedited process would be 60 days from today. So we would be moving fairly quickly to get all this work -- work done and information provided to the Council in a timely manner.
CHAIR DREW: Thank you. So we would -- we would have some period of time for a comment period, potentially a public meeting, which would be remote or, you know, what we do here because we still don't have a situation, unfortunately, due to the Delta variant to

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come together in -- physically in the same location. I think that's not wise yet for all of us.
So I would think we would have an opportunity for that as well as written comments. And then the Council would, upon receiving that, make a determination whether or not to proceed with a recommendation to the governor. And if it's a decision to proceed with a recommendation for approval, that would go with site certification agreement, which is essentially the contract between the proponent -- the applicant, excuse me, One Energy Renewables, and the governor of the State of Washington, which governs the project no matter who owns it, through the life of the facility through decommissioning and site restoration.
Which I -- I'd like everybody to understand that the compliance of that contract rests in the hands of EFSEC and the EFSEC Council through the decommissioning of the project, because I have heard concerns about whether or not there will be challenges with the disposal of materials should this be approved in 30 years or whatever the time of the contract runs out.
And, for example, EFSEC still has the compliance for state environmental laws with Columbia Generating Station, the nuclear facility generating --

electric generating facility, and -- on the Hanford area. And we continue to have compliance and oversight of that facility even though it's been in existence for over 40 years.

So I just want to assure everybody that as we go through the process, it doesn't get handed back to anybody should it be successful in its approval. And the governor will have -- should it be a recommendation anyway, the governor has 60 days to make a determination of whether to approve the project, deny the project, or send it back to the Council for additional work.

So just to give an outline of -- of what's expected in the future since this is a new process to many of the people who are following this.

Ms. Kelly, does that lay out specifics that you were looking for?

MS. KELLY: It does, Chair. Thank you for explaining that. Appreciate it.

CHAIR DREW: Thank you.

So any other comments or questions from Councilmembers?

Hearing none, thank you, Judge Sullivan, for your work on this order, and we will continue to be in touch with you.

Thank you, Councilmembers.

And the order for expedited processing has been approved, and we will see you at our next meeting. This meeting is adjourned.

(Adjourned at 11:23 a.m.)

C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

Tayler Garlinghouse, CCR 3358

Verbatim Transcript of Monthly Council Meeting

Washington State Energy Facility Site Evaluation Council

August 17, 2021

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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
August 17, 2021
Lacey, Washington
1:30 p.m.

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DATE TAKEN: AUGUST 17, 2021
REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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APPEARANCES

Councilmembers:
KATHLEEN DREW, Chair
KATE KELLY, Department of Commerce
ROB DENGEL, Department of Ecology
LENNY YOUNG, Department of Natural Resources
STACEY BREWSTER, Utilities and Transportation Commission
MIKE LIVINGSTON, Department of Fish & Wildlife

Assistant Attorney General:
JON THOMPSON

Local Government and Optional State Agencies for the Goose Prairie Project, Department of Transportation:
BILL SAURIOL

EFSEC Staff:

SONIA BUMPUS
JOAN OWENS
AMI HAFKEMEYER
AMY MOON
KYLE OVERTON
JOE WOOD
SEAN CHISHOLM

Also Present:
MARK MILLER, Chehalis Generation
CHRIS SHERIN, Grays Harbor Energy Center
JENNIFER GALBRAITH, PSE Horse Heaven
MARSHALL SCHMITT, Columbia Generating Station
OWEN HURD, Columbia Solar
ERIC MELBARDIS, Kittitas Valley

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LACEY, WASHINGTON; AUGUST 17, 2021
1:30 P.M.
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P R O C E E D I N G S

CHAIR DREW: Good afternoon. This is Kathleen Drew, Chair of the Energy Facility Site Evaluation Council, and we are now beginning our August monthly meeting.

Ms. Owens, will you call the roll, please?

MS. OWENS: Department of Commerce?

MS. KELLY: Kate Kelly, present.

MS. OWENS: Department of Ecology?

Department of Fish and Wildlife?

MR. LIVINGSTON: Mike Livingston, present.

MS. OWENS: Department of Natural Resources?

MR. YOUNG: Lenny Young, present.

MS. OWENS: Utilities and Transportation Commission?

MS. BREWSTER: Stacey Brewster, present.

MS. OWENS: Local Government and Optional State Agencies for the Goose Prairie Project, Department of Transportation?

MR. SAURIOL: Bill Sauriol, present.

MS. OWENS: For the Horse Heaven Project,

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Department of Agriculture?

Benton County?

Assistant Attorney General?

MR. THOMPSON: This is Jon Thompson, present.

MS. OWENS: Administrative Law Judge Johnette Sullivan?

Adam Torem?

For EFSEC Staff, Sonia Bumpus?

MS. BUMPUS: Joan, I'm present.

MS. OWENS: Ami Hafkemeyer?

MS. HAFKEMEYER: Present.

MS. OWENS: Amy Moon?

MS. MOON: Amy Moon, present.

MS. OWENS: Kyle Overton?

MR. OVERTON: Kyle Overton, here.

MS. OWENS: Joe Wood?

MR. WOOD: Joe Wood, present.

MS. OWENS: Sean Chisholm?

MR. CHISHOLM: Sean Chisholm, present.

MS. OWENS: Patty Betts?

MS. BETTS: Present.

MS. OWENS: Stew Henderson?

Stephen Posner?

Is our court reporter on the line?

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THE COURT REPORTER: Yes. This is Tayler Garlinghouse, present.
CHAIR DREW: And I do see Mr. Dengel from Department of Ecology on my list here now.
MR. DENGEL: Rob Dengel, present.
MS. OWENS: Great.
Moving on to operational updates, Kittitas Valley Wind Project?
Wild Horse Wind Power Project?
MS. GALBRAITH: Jennifer Galbraith, present.
MS. OWENS: Grays Harbor Energy Center?
(Unintelligible)
MS. OWENS: Was that Eric Melbardis I just heard?
I'll try again for Grays Harbor Energy Center?
MR. SHERIN: Chris Sherin is on the line for Grays Harbor Energy Center.
MS. OWENS: Thank you.
Chehalis Generation Facility?
Columbia Generating Station?
MR. SCHMITT: Marshall Schmitt, present.
MS. OWENS: Columbia Solar?
MR. HURD: Owen Hurd, present.
MS. OWENS: Counsel for The Environment,

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Bill Sherman?
Chair, there is a quorum for the EFSEC Council and the Goose Prairie and Horse Heaven Council.
CHAIR DREW: Thank you.
Moving on to our proposed agenda. We have the proposed agenda before us. Is there a motion to adopt the agenda?
MS. BREWSTER: This is Stacey Brewster. I'll move we adopt the agenda.
CHAIR DREW: Second?
MS. KELLY: Kate Kelly, second.
CHAIR DREW: Are there any proposed changes or comments?
Hearing none, all those in favor of adopting the agenda, please say "aye."
COUNCILMEMBERS: Aye.
CHAIR DREW: Opposed? The agenda is adopted.
Moving on to the minutes. We have the meeting minutes from the July 20th, 2021 monthly meeting. You have them in draft form and have had a chance to review them. Is there a motion to approve the minutes?
MS. KELLY: Kate Kelly, move to approve the minutes from July 20th, 2021.

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MS. BREWSTER: Stacey Brewster, second.
CHAIR DREW: Thank you.
I do have a couple of minor corrections that I wanted to see changed in the minutes. On page 23, from between lines 17 and 24, there was conversation with Ami Hafkemeyer, and in the minutes referred to as A-m-y. She is -- spells her name A-m-i, so I would like to see that corrected on page 23.
And then on page 25, on line 10, there's a reference to the transmission work group and the SEPA. Unfortunately, I did not explain what I was saying in the words, but this is actually not S-E-P-A but C-E-S-A, and refers to the Compatible Energy Siting Assessment, which is a contract which we are working with the Department of Commerce on, funded by the Department of Defense. So if we can change the letters there from S-E-P-A to C-E-S-A, I'd appreciate it.
Are there any other changes or corrections?
Hearing none, all those in favor of approving the minutes as amended, please say "aye."
COUNCILMEMBERS: Aye.
CHAIR DREW: Opposed? Minutes are approved as amended. Thank you all.
Moving on to our facility updates. We will start with Kittitas Valley Wind Power Project.

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MR. MELBARDIS: Good afternoon, Chair Drew, EFSEC Council, and Staff. This is Eric Melbardis with EDP Renewables for the Kittitas Valley Wind Power Project. During the month of July, I had nothing nonroutine to report. The only thing out of the ordinary was my annual TAC report, TAC update email that was sent, although that is an annual routine function of our project.
CHAIR DREW: Thank you, Mr. Melbardis. I'm glad you're on the line. I did have a question for you. I see on your report that it was a capacity factor of 63.43 percent.
MR. MELBARDIS: Yes, we had --
CHAIR DREW: I'm not sure I -- I'm not sure I've ever seen the facility at that high a capacity level.
MR. MELBARDIS: Yes, it's been quite a windy summer season for us. We've been near capacity the whole time. And it's a good kind of wind because it's not too high where it stops our turbines so...
CHAIR DREW: Great.
MR. MELBARDIS: Yes, we're doing well. Doing well here.
CHAIR DREW: Great. Thank you.
Moving on to Wild Horse Wind and Solar

Facility.
MS. GALBRAITH: Yes. Thank you, Chair Drew, Councilmembers, and Staff. This is Jennifer Galbraith with Puget Sound Energy at the Wild Horse Wind Facility. The only nonroutine item I have from the month of July is that the renewable energy center or our visitor's center opened to the public on July 1st. Additional safety protocols have been implemented based on Washington State and L&I guidelines as well as specific PSE policies regarding COVID-19 to provide a safe environment for our employees, guests, and others that visit the facility.
CHAIR DREW: Are you requiring that guests wear masks when they're in the facility?
MS. GALBRAITH: We are strongly recommending that in spite of the -- your vaccination status, that you wear a mask, yes. We are requiring -- or not requiring, but strongly recommending it at this time.
CHAIR DREW: Unfortunately, things have changed since July 1st when we thought they were going to continue to open.
MS. GALBRAITH: Yeah, they sure have. And we have our -- reduced the size of our tour groups in half, so...
CHAIR DREW: Thank you. Thank you for what

you do to keep people safe too.
MS. GALBRAITH: Thank you.
CHAIR DREW: Now, Chehalis Generation Facility, Mr. Miller?
MR. MILLER: Good afternoon, Chair Drew, Councilmembers, and Staff. I apologize for being late, I was just getting off another call.
I do have one nonroutine comment to add, and -- and I talked briefly with Staff about water purchase for electric generation purposes here at the Chehalis Generation Facility. Our EFSEC permit conditions require that we constrain or limit those purchases when the Chehalis River flow as measured at the USGS Grand Mound Monitoring Station reaches 165 cubit feet per second or less.
Now, we ceased purchasing water from them in early July, July 8, and then the USGS recalibrated their equipment and it changed that we could have been taking water, but that was the last -- you know, that is the information that we're required to -- to follow is that information from the monitoring station.
And then the river flow as of today is still around 111 cubic feet per second. So we still haven't purchased water for the month of July and then now almost three quarters, so two-thirds of the way through

the month of August.
So our water supply that we maintain on site is -- is going to hopefully get us by so we have some good rain in the Chehalis River Basin because it is a stream -- or it's a rain-fed and -- and the system is not a snow melt system. And so we are getting kind of close and we -- we hopefully will get some rain soon. I know the impacts for the West in general are significant that surprisingly, for us here in Southwest Washington, it is impacting us as well.
So we're still generating around the clock. We still have water reserve on hand, and we're just looking forward to some rain.
CHAIR DREW: So thank you for that more detailed report, because I was -- I did want to ask you a question about that. Have you ever been in this situation and what happens if you do reach a point where you need water but can't draw from the river? Or from the -- I'm sorry, not from the river, but purchase from the City of Chehalis?
MR. MILLER: So we have had periods of time in the last eight years where we have not been able to purchase water from the City of Chehalis. The City of Chehalis takes their water from the north fork of the Newaukum River, which is a tributary to the Chehalis.

And we've gone, you know, maybe three weeks, but this is the longest stretch, you know, since the plant was built where we have not taken water.
And that's why in the original permit, the amount of water storage that was built on site was why it was built, some of those reasons. And also why we imply the use of air-cooled condensers versus the evaporative cooling that typical thermal generating facilities would have.
So our facility, you know, was built more for inherent region, and people sometimes are confused by that. But the primary purpose of that was to manage, you know, water taken from the Chehalis, which impacted the salmonoid species and -- and other, you know, concerns that -- that were discussed and reviewed when the permit was first issued.
It's quite a bit different than the permit that's -- that was originally for the Satsop Washington Public Power Supply Nuclear Station, where they have the large, evaporative cooling towers there and the rainy wells, et cetera. And I believe that they use evaporative cooling down there for combined cycle plants. But our permit is definitely more constrained than what you can take from, you know, ultimately goes into the Chehalis River.

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The City of Chehalis has adequate water supply, they could sell us more, but our permit is very specific that when the river flow at Grand Mound reaches 165 cubic feet per second, we can no longer purchase water.

And I kind of started some conversations with the EFSEC Staff. You know, there may be interest by the company and EFSEC to, you know, look at alternate gauging systems and maybe could be more reflective of, you know, what's available in the basin and for the City of Chehalis. You know, we are, I believe, the second largest consumer of water from the City, and I think National Frozen Foods, which is a seasonal operation where they harvest the peas and corn and wash them and freeze them locally.

So we're a big user and big customer for the City, but we've also managed to pretty -- pretty well our use of water with, you know, these air cool condensers. We manage our leaks and -- our leaks in the heat recovery steam generators the best we can doing tube repairs. We've had a couple short outages that we took early this summer to make sure that we weren't consuming more water than, you know, what the original designs called for.

So we're being very efficient, it's -- the

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best we can within -- what's starting to age of the thermal combined cycle plant.

That was wordy.

CHAIR DREW: No, I appreciate this whole explanation and discussion, because in reading your report, you know, those were the questions that came to my mind.

Councilmembers, are there any other questions or comments?

Thank you, Mr. Miller.

MR. MILLER: All right. Thank you.

CHAIR DREW: Moving on to Grays Harbor Energy Center, Mr. Sherin?

MR. SHERIN: Good afternoon, Chair Drew, Councilmembers, EFSEC Staff. Chris Sherin, the plant manager at Grays Harbor Energy Center. For the month -- reporting period of July, I have no nonroutine items to report.

CHAIR DREW: Thank you.

Columbia Generating Station and Washington Nuclear Project 1/4, Mr. Schmitt.

MR. SCHMITT: Good afternoon, Chair Drew, EFSEC Councilmembers, and Staff. This is Marshall Schmitt reporting for Energy Northwest. I only have a few items for the month of July.

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First, I would like to point out our quarterly environmental compliance audit was completed July 21st. Our next audit is scheduled for October 2021.

Second, we have submitted our proposed minor revisions to the Columbia Generating Station Groundwater Quality Assurance Project Plan, and we have requested EFSEC approval of those revisions by October 31st, 2021, if at all possible.

Finally, I have an organizational note to make. The Energy Northwest executive board has named Robert Schuetz as the new agency CEO. Prior to his appointment as CEO, Mr. Schuetz was the site vice president.

That is all that I have to report.

CHAIR DREW: Thank you.

Are there any questions from Councilmembers?

Moving on to the Columbia Solar Projects, Mr. Hurd?

MR. HURD: Good afternoon, Chair Drew, Councilmembers, and EFSEC Staff. This is Owen Hurd from TUUSSO Energy reporting on the Columbia Solar Projects. The status that were completed to date, we've completed driving piles on Penstemon, the first of the three projects, and completed our medium voltage underground

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work. Puget Sound Energy has also recently begun work upon point of interconnection.

From the second project, Camas, pile driving is now underway and equipment area pads are also in progress.

On Urtica, we've completed our construction surveys for wrapping up the final pieces of those, and working on underground work present.

So environmental compliance, Golder was out on site for inspection today, and Golder and Northwest Code Inspections are ongoing with no issues to report.

Safety compliance, we're having our daily safety tailgate meetings. And wildfire smoke and high heat has been an issue recently. We have N-95 masks on site and we're taking additional water breaks based on different heat levels.

Changes that are upcoming, we will continue to work on the planting plans, and the torque tubes are just now arriving, so that will be the next stage of the racking.

That's all I have to report.

CHAIR DREW: Thank you.

Are there questions from Councilmembers?

Thank you.

Next item on our agenda is -- are we talking

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about the public informational?
MR. OVERTON: Yes, Chair Drew. This is Kyle Overton --
CHAIR DREW: Thank you.
MR. OVERTON: -- site specialist for Columbia Solar. I'll provide an update on the SCA amendment request.
So on July 28th, EFSEC received a request to amend five of the site certificate agreements for the Columbia Solar Projects. The request is for terminating the agreements for the Typha and Fumaria sites and transferring ownership of the Camas, Penstemon, and Fumaria sites.
Additionally, a request was received to transfer overall control of the project from TUUSSO Energy to Greenbacker Renewable Energy.
Per WAC 463-66-100, the transfer of an SCA requires a public informational meeting to be held, which is scheduled for this evening from 5:00 p.m. to 7:00 p.m. Details on the meeting were provided via our mailing list, the local paper, which is the Daily Record, and is available on our website.
The current certificate holder will be presenting an overview of the request, and EFSEC Staff will be speaking to the amendment process during the

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meeting, and then time will be provided at the end of the meeting for the public to make comment. And our online comment database will also be opened for the duration of the meeting as well.
Are there any questions?
CHAIR DREW: Is the comment database that will be opened later or is it open now?
MR. OVERTON: I believe it starts at 5:00 p.m., but I think Joan might be able to speak to that.
MS. OWENS: That's correct. It starts at 5:00 p.m.
CHAIR DREW: Okay. So it's open during the time of the public meeting?
MS. OWENS: That's correct.
CHAIR DREW: Okay. Thank you.
So there will be presentations and those will also be then posted on our website should anyone want to look at those at a later date?
MR. OVERTON: Correct.
CHAIR DREW: Okay. Yeah. But anyone who is interested is welcome to join us at 5 o'clock today and to make comments about the amendment, which includes eliminating the -- dropping the two sites and also change of ownership. So we do welcome participation.
Thank you, Mr. Overton.

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MR. OVERTON: Thank you.
CHAIR DREW: Desert Claim Project update, Ms. Moon?
MS. MOON: Good afternoon, Council Chair Drew and Councilmembers. For the record, this is Amy Moon providing an update on the Desert Claim Project. EFSEC Staff continue to coordinate with Desert Claim; however, currently there are no project updates.
CHAIR DREW: Thank you.
And now we move to Horse Heaven Wind Farm, Ms. Moon.
MS. MOON: All right. Thank you again. Good afternoon, Chair Drew, Councilmembers, on the new project, Horse Heaven. This is Amy Moon again. EFSEC Staff continue to work with the applicant and our contractor, Golder, on data requests. The response to Data Request No. 2 was received on August 16th and is under review. Data Request No. 3 was submitted to the applicant July 22nd and a response is due August 23rd.
This request asks for information and clarification on noise, wildlife, and recreation. The data requests inform the SEPA scoping process and, again, SEPA is the State Environmental Policy Act. So the data requests inform the SEPA scoping process as well as preparation of the draft environmental impact

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statement, which is also known as an EIS.
Part of the data gathering effort has included meetings with EFSEC, EFSEC SEPA contractor, which is Golder, and the applicant to discuss and clarify each data request.
The responses to the three data requests are an important part of preparing the draft EIS as they can close information gaps as well as provide integral information on the project proposal and alternative analysis.
A site visit to the project area was conducted on July 23rd with the Washington Department of Fish and Wildlife, or WDFW. The applicant, EFSEC, and EFSEC contractor, Golder, participated in the site visit. The site visit was conducted at the request of Fish and Wildlife to assist in their review of the project proposal. The site visit included potential wildlife corridors, examples of existing wildlife habitat such as shrub step, grassland, and habitat for species of concern, as well as canyons and proposed utility crossings.
EFSEC continues their work on SEPA scoping and will prepare a recommendation to the EFSEC SEPA responsible official on resource topics to be considered in the draft environmental impact statement. The

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scoping decision by the SEPA responsible official will inform the overall project schedule development.

Information received in the application, responses to data requests, public comments during the SEPA scoping comment period, and agency comments are being used to prepare the recommendation to the EFSEC SEPA responsible official. And once the scope is determined, the draft EIS, also known as the DEIS, will be prepared.

As stated in the July 20, 2021 Council update, Staff are anticipating a 30-day public comment period for the DEIS. Additionally, Staff are coordinating with Judge Torem to schedule the next steps for an adjudicative process.

Does the Council have any questions?

CHAIR DREW: A couple of questions I have. First of all, you mentioned the data requests. Those -- are those available for the public to see?

MS. MOON: Yes, those are on the EFSEC Horse Heaven Wind Project for the public to see. You go to the tab that's for SEPA, I believe, and they're on there. So the -- the request submittals are there as well as the response to Data Request 1 and the response to Data Request 2.

CHAIR DREW: So I know it's -- it's

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challenging for people who are interested in the project to follow along a little bit, but that is one way to follow along because there's a period of time here where we really have to delve into all the questions that the public has raised and the information in the application in order to prepare draft EIS so the public can comment on.

So all of that work is going on, but one way the public can follow it is through the data requests, and then we will have more information when the SEPA-responsible official, which is Ms. Bumpus, makes a determination of -- of the information that we'll be requiring in the draft EIS.

Did I misstate anything there, Ms. Moon?

MS. MOON: Well, for what Sonia Bumpus will be doing is determining the resource topics that are going to go into depth in the draft EIS.

CHAIR DREW: Okay.

MS. MOON: And the data request certainly will give an indication of what those topics are most likely to be.

CHAIR DREW: Okay. That is very helpful. And let's see, did I have any other questions?

Are there questions from Councilmembers?

MR. LIVINGSTON: Chair Drew, this is Mike

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Livingston.

CHAIR DREW: Yes, go ahead.

MR. LIVINGSTON: I don't have a question, I just want to thank and say I appreciate the opportunity that's been provided by EFSEC Staff and the project proponent for WDFW staff to get out there. There's a -- you know, this is a very large project and there's lots of considerations to be analyzed, particularly related to wildlife and habitat corridors. So really appreciate that opportunity that that was provided to the Staff and just wanted to acknowledge that. So thank you.

CHAIR DREW: Thank you. Thank you, yes, there is a lot of work behind the scenes that's difficult for people to see as -- as they follow along with this.

The other comment I wanted to make is we talk about the adjudication, which won't take place until after we receive the draft EIS; is that correct, Ms. Moon?

MS. MOON: So I'm going to have to defer to Ami Hafkemeyer on adjudication, because to -- to be very telling, I have not gone through that process as an EFSEC Staff member, but -- but Ami has, and she's been very involved in setting that up.

CHAIR DREW: Okay.

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MS. HAFKEMEYER: Thank you, Chair Drew and Ms. Moon.

We are currently working with Judge Torem to set a schedule and put a plan in place for the adjudicative process. And based on past experience, we found that it is most helpful for parties to the adjudication and the Council for the adjudication to occur after the draft EIS has come out. And so that is our intent, but there are activities that need to take place prior to the adjudication, and so we are working on scheduling those activities as well with Judge Torem.

CHAIR DREW: Okay. Thank you. Thank you very much. That, I think, helps explain the -- the process we're in and hopefully for members of the public. At this point, we don't plan to have a public meeting in person in the Tri-Cities, but I think that we very much want to do that. But the appropriate time for us really will be to hear comments on the draft EIS.

So that's really what we're -- we're looking towards is during the period of time that there is comment on the draft EIS would be the most productive time to have a meeting in person in the community, and we hope very much that the condition of the pandemic improves so we can do that as well. But that's what we're anticipating.

So I know there have been questions about that in terms of why we haven't had a public meeting yet. Certainly it's been because of the -- the COVID issues, and we do expect to do that as part of the review of the draft EIS, to have that -- a public comment period in -- in the community. So that is our current -- the way we're currently looking at it.

Are there any comments or questions from Councilmembers?

The question came in from the public is when does that draft EIS? It won't be for a few months because we have yet to complete the final scoping of the document and then the areas we want thorough review in the different areas that will be the subject of the EIS. So that will take a few months. So it will be after that period of time when the draft EIS -- and we'll have -- each meeting we should get more information about when -- that -- to confirm that in the schedule as -- as we know the amount of work that needs to be done for the EIS.

Ms. Bumpus, is there anything you want to add or hopefully I've gotten that pretty correct?

MS. BUMPUS: I would just -- I think I would just add that -- or reiterate, rather, that, yeah, the -- the point, Chair Drew, about as we get more

information about what we need to do in the draft EIS, the -- the prospective schedule will start to jell, it will start to take shape, and we will have a better idea over the next several weeks about what that timeframe will look like.

CHAIR DREW: So thank you. Thank you for all of the people who are interested in this project and are following it, and we will keep you posted.

Okay. Moving on to Goose Prairie Solar Project update.

MR. OVERTON: Thank you. Yeah, this is Kyle Overton, the site specialist for the Goose Prairie Project again. Before I get into Goose Prairie, I did have a correction from my Columbia Solar update.

The request for transferring of the SCAs was for the Camas, Penstemon, and Urtica sites. I said that Fumaria is one of them. It was Urtica.

CHAIR DREW: Oh. Thank you.

MR. OVERTON: Yeah. So let's get that out of the way. For Goose Prairie, during the August 6th special Council meeting, the Council voted to approve the January 21st application for expedited processing for the Goose Prairie Solar Project. So at this time, the Staff are coordinating with our AG, Jon Thompson, in preparation of holding a public comment period and

meeting, which we are anticipating to have scheduled before the September Council meeting.

Staff are also in the review of the application materials and are in the early stages of developing a draft recommendation for the Council's review. And that's -- that's kind of where we're at at this point. Are there any questions?

CHAIR DREW: Are there any questions from the Councilmembers about the Goose Prairie Solar Project?

Hearing none, we will expect to hear further from you about the scheduling of the public comment period and public meeting, then.

MR. OVERTON: Yes, will do. Thank you.

CHAIR DREW: Okay. Thanks.

That concludes our agenda for today's meeting. Again, we will have the public informational meeting on the Columbia Solar Site Certification Amendment -- Agreement Amendment at 5:00 p.m. today. For those of you who are interested, please join us then. Our meeting is adjourned. Thank you.

(Adjourned at 2:05 p.m.)

C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

Tayler Garlinghouse, CCR 3358

Columbia Solar Public Informational Meeting

Washington State Energy Facility Site Evaluation Council

August 17, 2021

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5:00 p.m. to 5:46 p.m.

DATE TAKEN: AUGUST 17, 2021
REPORTED BY: CRYSTAL R. McAULIFFE, RPR, CCR 2121

A P P E A R A N C E S
(All parties appeared via videoconference)

Council Members:
Kathleen Drew, UTC, Council Chair
Kate Kelly, Department of Commerce
Robert Dengel, Department of Ecology
Michael F. Livingston, Department of Fish and Wildlife
Lenny Young, Department of Natural Resources
Stacey Brewster, UTC

For Columbia Solar Project:
Owen Hurd
Jacqueline Fedida, Greenbacker Capital

UTC Staff:
Joan Owens
Sonia Bumpus
Ami Hafkemeyer
Kyle Overton

Also Present:
Jonathan Thompson, Assistant Attorney General
Ernesto Avelar (Laborers)
Randy J. Hill

TUESDAY, AUGUST 17, 2021
5:00 P.M.
-o0o-

MS. DREW: Good evening. This is Kathleen Drew, Chair of the Energy Facility Site Evaluation Council, calling to order a special meeting and opportunity for public comment on technical amendments to the Site Certification Agreement for TUUSSO Energy, LLC, and Columbia Solar Project located in Ellensburg, Washington.

Ms. Owens, will you call the role of the Council, please?

MS. OWENS: Department of Commerce.

MS. KELLY: Kate Kelly, present.

MS. OWENS: Department of Ecology.

MR. DENGEL: Rob Dengel, present.

MS. OWENS: Department of Fish and Wildlife.

MR. LIVINGSTON: Michael Livingston, present.

MS. OWENS: Department of Natural Resources.

MR. YOUNG: Lenny Young, present.

MS. OWENS: Utilities and Transportation Commission.

MS. BREWSTER: Stacey Brewster, Present.

MS. OWENS: Thank you.

Chair, there is a quorum for the Council.

And for the Columbia Solar Project?

MS. DREW: Mr. Owen Hurd? Your microphone was not own.

MR. HURD: Owen Hurd, present.

MS. DREW: Thank you.

So I would like to begin by reading through some of the notice so all that are participating know what this is about.

On July 28th, 2021, TUUSSO Energy, LLC, also known as the certificate holder, requested the Energy Facility Site Evaluation Council approve an amendment request to the Columbia Solar site certification agreements for the Camas, Penstemon, Urtica, Typha, and Fumaria sites. Those are the names of the five sites. If approved the amendment would transfer ownership of the Camas, Penstemon, and Urtica sites and terminate the Site Certification Agreement for the Typha and Fumaria sites.

EFSEC invites you to participate in its consideration of this amendment request. If approved, the transfer of control would trigger technical amendments to the SCA to formally recognize the change in ownership and commitments made by the new owner that it has the demonstrated capability to acquire and

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possess the project.
The Council, as the State agency responsible for regulating Columbia Solar, is holding a virtual public special meeting tonight to provide an opportunity for citizens, stakeholders, and interested persons, or organizations to receive information and provide comments on the proposed transfer and terminations in the Site Certification Agreement.
Following the public comment, the Council will consider the information before it, before it acts on the certificate holder's request. And this is pursuant to our Washington Administrative Code 463-66-030.
We do have two ways for people to participate. You can call -- excuse me, you can send an e-mail to efsec@utc.wa.gov if you would like to speak tonight, or you can call 360-664-1345. You may also submit your comments at https://comments.efsec.wa.gov. And the amendment request can be found at our website, www.efsec.wa.gov, under the Columbia Solar tab under the facilities.
So with that, I would invite Mr. Owen Hurd to present information about this amendment request.
MR. HURD: Great. Thank you, Chair Drew.
Good evening, Council Members and EFSEC

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staff. Thank you for making time for the special council meeting, especially over the dinner hour. We will do what we can to make it concise.
As you know, TUUSSO Energy submitted a former request for three actions at the end of last month; and so for the discussion tonight we would like to do two things: One, is kind of step through each of those requested actions; and then, second, introduce Greenbacker, because two of the actions are in relation to the pending sale of Penstemon, Camas, and Urtica projects to a Greenbacker subsidiary.
So, Joan, if you want to go to the -- maybe flip two slides. So we go.
So the first request is around the Typha and Fumaria projects. So as Chair Drew mentioned, there were five projects originally -- all located in the same area but interconnecting at different points of the -- of the power grid. And because of where Typha and Fumaria were located, they faced transmission constraints that were unique to them and did not impact the other projects.
Unfortunately, it is cost prohibitive to remedy these transmission constraints. It would require major upgrades that -- that we just simply can't move forward with and at this point we've exhausted all

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potential solutions to this issue.
So -- so the request here is just for the final and complete termination of these projects.
Are there any questions on that?
MS. DREW: Council Members, are there any questions?
MR. YOUNG: Owen, this is Lenny Young with the Department of Natural Resources.
Without getting too technical, could you give a little bit more of a description of what transmission constraints entails?
MR. HURD: Yeah. I mean, essentially, there was not capacity for -- for the output of these projects and it would be a line coming over the Cascades. So that's why the transmission cost is -- you know, over 10 times what the total project cost would be. Yeah.
MR. YOUNG: Thank you. I appreciate that.
MS. DREW: Any other questions? Thank you. Please continue.
MR. HURD: Great.
Joan, if you want to flip to the next slide.
So these next two actions both are in relation to the pending sale to the Greenbacker. So just some brief context here, we've entered into an agreement with Greenbacker, a Nobel Energy corporation,

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to sell the projects, the three remaining projects -- Penstemon, Camas, and Urtica -- to one of their subsidiaries, CitrinSolar, LLC.
And right now TUUSSO Energy holds the certificate, the SCAs, for each of those projects.
The way the deal is structured is that Greenbacker subsidiary will be acquiring the three project entities. And in order for that to happen, we need to first get the site certification agreements down into those project entities.
So -- so that the second proposed action is the permission to transfer each of these SCAs down to the project companies and then to amend the names accordingly to reflect the new certificate holders, which would be the project companies.
MS. DREW: Any questions from Council Members on the Action No. 2?
Okay. Go ahead, Ms. Kelly.
MS. KELLY: This is Kate Kelly.
Are there bonds or deposits or that kind of thing that go with the Site Certification Agreement or the underlying permits that will need to transfer?
MR. HURD: Yeah, that's a good question.
So there's the site restoration financial assurance, which is a requirement of the SCA. And

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because TUUSSO is the certificate holder for all the projects right now, TUUSSO has provided that in the form of a standby trust backed by a letter of credit. So that has been provided.

Now, when the -- when the projects and the SCAs transfer to Greenbacker, Greenbacker will be bound by all the same requirements that TUUSSO has been bound by. And so I believe the intention is to potentially change the form of that site restoration financial assurance. However, the -- the current instrument will not be released until, you know, the new instrument is in place and EFSEC is comfortable with it and provides kind of written confirmation that any new instrument is sufficient.

So in short, all the same requirements will apply to any new owner. And -- and the current instrument will remain in place until and unless EFSEC has signed off on -- on some other form of -- of financial assurance, which is a guarantee.

MS. KELLY: Okay. Thank you for that.

MS. DREW: Thank you.

Are there any other questions?

Okay. Then moving on to Action No. 3.

MR. HURD: Yeah. Okay. So provided that the second action is approved and the SCAs are moved

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down to the project companies, this action is basically seeking permission from the Council to allow for the indirect transfer of control of these SCAs to CitrinSolar. CitrinSolar is the subsidiary of Greenbacker, and because they will be acquiring the project entities and the project entities will own all of the -- what we call "project assets" -- so that would be the Power Purchase Agreement, the Interconnection Agreement, and with the second action, the Site Certification Agreements -- we're asking for permission for this indirect transfer of control that will naturally occur when the project entities transfer over to Greenbacker.

So -- and -- and that -- that will be -- well, everything we just talked about on the site restoration financial assurance, that will be conditional on that staying in -- the current instrument staying in place or being replaced with something that EFSEC is comfortable with.

MS. DREW: Is there any question on the indirect transfer ownership, Action No. 3?

MR. HURD: Okay. Great. So, Joan, if you want to flip to the next page.

So this just kind of summarizes the current structure and the future structure that we would like to

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go -- that is being proposed here with the three actions.

So currently you see TUUSSO Energy there, which holds all five of these Site Certification Agreements. We're asking that two of them be terminated.

And then the second action is that we're assigning those three remaining Site Certification Agreements down to these project entities that already exist.

And then the third action is the indirect transfer of control, and all three of those move over to CitrinSolar, LLC, the subsidiary of Greenbacker.

So with that, unless there are any other questions, I'll go ahead and pass the mic to Jacqueline Fedida who has joined us tonight. I've been working with Jacquelyn now for -- since the end of 2019 when Greenbacker became involved in these projects in their current capacity, which is as a lender to the projects. And so she's, I guess, new to the Council but very familiar with the project. So thanks for joining us tonight, Jacqueline.

MS. DREW: Thanks. Please go ahead.

MS. FEDIDA: Thank you for the introduction, Owen, and thank you for having me join tonight.

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This is very exciting. As Owen mentioned, I've been working with him on these projects for almost two years now, so it's exciting to see these getting built.

But -- I'm an investment associate on Greenbacker's team. I'm based in New York, though Greenbacker has offices across the country in Denver, Colorado, in Vermont, and in Portland, Maine. But if we flip to, I believe, the next slide, we have an overview of Greenbacker, and I can tell you a little bit briefly about our firm.

So Greenbacker -- next slide.

MR. HURD: Joan, one more slide.

MS. FEDIDA: Perfect. Thank you.

So Greenbacker is an asset management platform that owns and operates both commercial and utility-scale renewable assets across North America. So primarily solar is what our portfolio is comprised of, but we also have wind and storage in there. And we have an objective to generate income, stable income, for our investors.

So on the next slide can give an overview, really, of how that actually works.

So essentially clients, retail institutional investors, will make investments in Greenbacker in one

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of our funds, primarily in our fund GREC (phonetic) and we deploy that capital to acquire projects that generate electricity and have long-term power purchase agreements in place with primarily investment grade off-takers. And then we return that income that the projects generate to our shareholders in the form of distributions.

So to give an idea of where our footprint is across North America, in the next slide -- or maybe it's one more slide, but I can cover this first.

We have about 300 assets currently in 34 states with a total -- that totals about 2 gigawatts of energy right now; then we have, I think, another gigawatt under construction coming next year, and a total investment value of the fund of 1.5 billion.

So if we go to the next slide, this is where we are across the United States. So it's really everywhere, primarily in the northwest and the northeast, where there are, you know, renewable energy market incentives in place.

And then the next slide just did high-level overview of our environmental impact. So a gigawatt of generating capacity, on that 2 gigawatt number, include some assets that are under construction, like, for example, these three sites that we intend to acquire

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from TUUSSO and -- yeah, these are just some fun stats of our positive environmental impact.

But once we acquire the projects from TUUSSO, we will have a dedicated asset manager to -- dedicated to operating these sites and dealing with day-to-day communications with any local regulatory bodies with the local utilities.

So, unfortunately, our asset manager was unable to join me this evening, but that contact information will be relayed in due course.

MS. DREW: So that would be the person that we would then have participate in our monthly meetings for updates on the facility?

MS. FEDIDA: Absolutely. And we generate monthly reports for whoever requires them. Usually for the utility, for the off-taker, any local regulatory bodies, we prepare those reports.

MS. DREW: Okay. Thank you.

MR. HURD: So that was all that we had prepared, I guess. Again, if there's any questions, we would be happy to try to address them.

MS. DREW: Thank you. Are there questions from other council members?

MR. YOUNG: Yes, for Owen or Jacqueline. This is Lenny Young, again, Department of Natural

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Resources.

I'm a complete rooky when it comes to corporate finance and how these things work. But I'm kind of curious as to what extent will the three LLCs retain any sense of an independent identity now that they are all under Greenbacker?

What -- what degree of autonomy or independence or semi-independence do they have in terms of both operations and finance?

Are they still more or less independent entities? Is that a regulatory independence? Is it a financial independence?

I think you can see where I'm going with this.

Could you give me a sense on that?

MS. FEDIDA: From a finance perspective, I'm happy to speak to that, and even from an operations perspective, all of the material project contracts that exist with the LLCs will stay with the LLCs. They will -- the LLCs will be preserved as entities. Greenbacker is really just coming in above and purchasing them at the -- at the TUUSSO level where Greenbacker will stay with no intention of dissolving the project-level companies.

MR. YOUNG: Great. Thank you very much.

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Appreciate that clarification.

MS. DREW: Are there other questions?

MS. KELLY: Sure, Ms. Drew. It's Kate Kelly again.

So I'm just curious -- and you showed the map of the different operations across the country or potential operations.

Is this the way those are set up as well, is sort of like the investment firm and then the operations firm on the ground?

MS. FEDIDA: So the -- the maps that we showed in prior slides, I apologize if that was confusing. That's an asset map. So in terms of where we have wind farms or where we have solar farms or a biomass facility, that's where those are located in the U.S.

In terms of our corporate offices and where most of our employees work out of, that is Denver, New York, Vermont, and -- and Portland, Maine. I think we have a couple employees in San Diego, actually.

But with regard to our asset managers and our construction managers who are overseeing to build out of our construction portfolio, they cover -- even though they are based in one of those offices, they cover general geographic regions so that they can

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generally be on-site when needed.
So, for example, the construction manager for the TUUSSO sites is based in Northern California, so she's close by.
MS. KELLY: So I don't know -- go ahead. Maybe -- yeah.
MR. HURD: Oh, sorry. Well, yeah. I was just going to kind of add on to Jacqueline's comments that -- you know, so Jacqueline is here kind of speaking on behalf of Greenbacker in relation to this transfer because this is kind of the transaction is the -- the aspect of these projects that we're talking about today.
But as she mentioned, I mean, there's a whole other team. So -- so there are other folks that had been involved with the projects that I work with on a -- on an almost daily basis from Greenbacker that are very familiar with the ins and outs of these projects. So we've, you know, come together on all of the landscaping and plantings, the mitigation requirements that we have. And so it's not -- I guess if I put myself in the shoes of Council Members, I can image this seems all quite abrupt that, you know, a new company coming in and do they know about, kind of, all of the ins and outs of the projects.
But as you can see by the map, this has sort

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of been Greenbacker's business, you know, is figuring out how to step into these projects in a way that, you know, keeps everything on track and doesn't disrupt anything.
And so there is a whole other -- there's a whole team of people that are kind of working on this, and they do a good job at working collaboratively with developers. So we'll continue to work on the projects until they are done. I'm not going away, but the -- the ownership of the projects will change.
MS. KELLY: Thank you.
MS. DREW: Other questions from Council Members?
MS. BREWSTER: This is Stacey Brewster. And may be more a question for staff.
Have we had an ownership change like this happen before?
MS. BUMPUS: Yes. This is Sonia Bumpus, for the record.
Yes, Council Member Brewster, we have had a change of ownership, one that was similar to this, I believe was for -- several years ago was for Grays Harbor Energy.
MS. DREW: We lost you, Sonia.
MS. BUMPUS: So I do think we have had

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ownership changes before on different types of projects, just not recently.
MS. BREWSTER: Thank you.
MS. DREW: Okay. Are there other questions?
Okay. Hearing none, let's move on, then, to the staff presentation about the process.
Thank you both very much for your presentations and for answering the questions.
Ms. Hafkemeyer.
MS. HAFKEMEYER: Thank you, Chair Drew.
Welcome, everybody. Thanks for coming to participate this evening.
For the record, my name is Amy Hafkemeyer, the siting and compliance manager with the Energy Facility Site Evaluation Council. And I just have a quick presentation to go over the EFSEC process for those of you who are new to us.
EFSEC was created in 1970 for the siting of thermal power plants, and the intent was to create a one-stop permitting agency for large energy facilities. EFSEC is comprised of state and local members who review each application before making a recommendation to the Governor. This decision preempts other state or local governments.
You can see here that EFSEC is comprised of

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members from several different state level agencies, the Chairperson is appointed by the Governor and there are standing members from five other agencies appointed by those agencies to sit on the Council.
(Dog barking.)
My apologies.
The current Council is made up of Chairwoman Kathleen Drew, Robert Dengel from the Department of Ecology, Mike Livingston from Department of Fish and Wildlife, Kate Kelly from the Department of Commerce, and Lenny Young from the Department of Natural Resources, and Stacey Brewster from the Department of Utilities and Transportation Commission.
There are additional agencies that may elect to appoint a council member during the review of an application. These agencies are the Department of Agriculture, Department of Transportation, Department of Health, and the Military Department.
Local governments also have an option to appoint a council member for the review of a project in their area.
When a project is located at or near a port, a port authority may also appoint a member through this position, and it is a nonvoting position.
As I mentioned previously, EFSEC was created to

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oversee the siting of thermal power plants. Facilities falling into EFSEC's jurisdiction include any nuclear facility where the primary purpose is produce and sell electricity. We also oversee nonhydro, nonnuclear thermal facilities with a capacity of 350 megawatts or greater. There is no threshold for alternative energy sources, such as wind, solar, storage, et cetera, but they may choose to opt in, as well as transmission lines over 115 kilovolts?

Thresholds for pipelines, refineries, and storage facilities that would fall under EFSEC jurisdiction are found in the Revised Code of Washington, RCW 80.50.060.

Here's a map of the facilities currently under EFSEC jurisdiction. You can see marked in red there are five operating facilities; including two natural gas facilities, one nuclear facility, and two wind facilities.

The dark blue mark indicates the project that is the subject of today's meeting, the Columbia Solar projects that are currently under construction, except for, of course, the two that are being requested to be terminated.

And the light blue marks indicate the two additional facilities that are approved but have yet to start construction, both of which are wind facilities.

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The clear circle is the one facility under decommissioning. EFSEC is also currently reviewing applications for two additional facilities marked in green, Forest Haven facility and Goose Prairie facility.

Here's a flow chart of the general process an applicant will go through when they submit to EFSEC. There are three concurrent processes during an application review: land use consistency, the SEPA environmental process, and the permitting process for any applicable environmental permits.

You can see that there are multiple processes that happen concurrently when EFSEC is reviewing an application, and all of these processes ultimately feed into the Council recommendation to the Governor.

The Columbia Solar projects have been through this process with their initial application and completed that process. And the Site Certification Agreements were executed in 2018.

This process is a request for an amendment. And the request for amendment is -- must be made in writing by the certificate holder in reviewing whether proposed amendment is consistent with the public health and safety and welfare, the Council shall consider the short-term and long-term environmental impacts of the proposal.

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In reviewing a proposed amendment, the Council must consider the intent of the original SCA; applicable laws and rules; public health, safety, and welfare; and the provisions of Washington Administrative Code Chapter 463-72, which is a site restoration and preservation.

An approval by the Council may be in the form of resolution. The Council may take final action on an amendment request which does not substantially alter the substance of any provisions in the SCA or which is determined to not have significant detrimental effect upon the environment.

The Council may make a recommendation to the Governor on an amendment which substantially alters the substance of any provision of the SCA or which is determined to have a significant detrimental effect on the environment.

And that wraps up my presentation for this evening.

Before I end, I would like to remind everybody how they may submit comments on this request for amendment.

If you would like to speak this evening, there will be opportunity to give verbal comment at the end of this presentation.

Comments may also be submitted to our online comment database at https://comments.efsec.wa.gov. The

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database is open now and will be open until 7:00 p.m. this evening.

Are there any questions?

MS. DREW: Are there any questions for Ms. Hafkemeyer from Council Members?

At this point, I'd like to ask, Ms. Owens, do we have anyone to sign up to speak?

MS. OWENS: I currently do not have anyone signed up to speak.

MS. DREW: Okay. I think that what we will do -- is there anyone on this call who would like to speak? Please unmute and let us know if you'd like to speak and we'll continue listening for you.

I think if you can go back, perhaps, to that last slide that Ms. Hafkemeyer had -- this one is fine. If you are watching this and would like to make a comment, you can do it either by calling or letting us know if you are online now or through the comments database. And we will be here for the next -- let's say until 5:45. If there are no speakers, we'll continue to wait to see if anyone comes forward to speak.

And then, again, the comment database will be available throughout seven o'clock this evening. So we'll pause in our meeting for right now.

(Pause.)

MS. DREW: Good evening. I'm calling the meeting back to order at 5:44 p.m.

Ms. Owens, do we have anyone signed up to speak at this point in time?

MS. OWENS: I have not received any additional requests to sign up.

MS. DREW: Is there anyone participating in this meeting at this point who would like to make a comment?

Again, I will say that if you would like to comment between now and seven o'clock in writing, you may submit your comment at:

Https://comments.efsec.wa.gov.

And at this point, Council Members, we will have further discussions -- seeing if we have any comments, but we'll have further discussion about this amendment, I expect, at our September meeting. But for tonight, I am adjourning our public informational meeting. And thank you, all, for your participation this evening.

Thank you, Mr. Hurd.

Thank you to Jacqueline from Greenbacker.

And thank you to the staff for participating.

Again, we will have further discussion at

our September monthly meeting. Thank you, all. Good night.

(Public Hearing concluded at 5:46 p.m.)

C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF KITSAP)

I, CRYSTAL R. McAULIFFE, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the Columbia Solar Public Informational Meeting on AUGUST 17, 2021, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of August, 2021.

CRYSTAL R. McAULIFFE, RPR, CCR #2121

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project
Operator: EDP Renewables
Report Date: September 1
Reporting Period: August 2021
Site Contact: Eric Melbardis, Sr Operations Manager
Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 38,538 MWh
- Wind speed: 9.2 m/s
- Capacity Factor: 51.4%

Environmental Compliance

- No incidents

Safety Compliance

- Nothing to report

Current or Upcoming Projects

- Nothing to report

Other

- No sound complaints
- No shadow flicker complaints

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Wild Horse Wind Facility
Operator: Puget Sound Energy
Report Date: September 8, 2021
Report Period: August 2021
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

August generation totaled 63,414 MWh for an average capacity factor of 31.27%.

Environmental Compliance

In accordance with Article VI.A.2 the Operations Spill Prevention, Control and Countermeasure Plan (SPCCP) was updated and submitted to EFSEC staff on 8/17.

Safety Compliance

Nothing to report.

Current or Upcoming Projects

Nothing to report.

Other

Nothing to report.

Chehalis Generation Facility
1813 Bishop Road
Chehalis, Washington 98532
Phone: 360-748-1300

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Chehalis Generation Facility
Operator: PacifiCorp
Report Date: September 13, 2021
Reporting Period: August 2021
Site Contact: Mark A. Miller, Plant Manager
Facility SCA Status: Operational

Operations & Maintenance
-Relevant energy generation information, such as wind speed, number of windy or sunny days, gas line supply updates, etc.

- 259,107 MW-hrs generated in August for year-to-date generation of 1,549,075 MW-hrs and a YTD capacity factor of 54.2%.
- Water purchase for electric generation purposes from the City of Chehalis was curtailed on July 8, 2021. EFSEC Permit conditions require the Chehalis Generation Facility cease water purchases from the City of Chehalis once the Chehalis River flow has reached less than 165 cubic feet per second (CFS) as measured at the United States Geological Survey (USGS) Grand Mound metering station. (#12027500)
  - Storage capacity of water as of August 31, 2021 was at 30% or roughly 22 days of water supply remaining for electric generation.
  - PacifiCorp and EFSEC staff discussed options within the current SCA to purchase water from the City of Chehalis during low flow periods in the Chehalis River.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance
-Permit status if any changes.

- No changes.

-Update on progress or completion of any mitigation measures identified.

- No issues or updates.

-Any EFSEC-related inspections that occurred.

- None.

-Any EFSEC-related complaints or violations that occurred.

- None.

-Brief list of reports submitted to EFSEC during the monthly reporting period.

- Nothing to report.

Safety Compliance
-Safety training or improvements that relate to SCA conditions.

- Zero injuries this reporting period and a total of 2,192 days without a Lost Time Accident.

Current or Upcoming Projects

-Planned site improvements.

- No planned changes.

-Upcoming permit renewals.

- Title V Air Operating Permit Complete Renewal Package submitted on December 23, 2020. Title V AOP expires December 29, 2021.

-Additional mitigation improvements or milestones.

- No issues or updates.

Other

-Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).

- Nothing to report.

-Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).

- The Environmental Analyst for the Chehalis plant position is open and has been posted for re-fill. We are currently reviewing applications for this position.

-Public outreach of interest (e.g., schools, public, facility outreach).

- Nothing to report.

Respectfully,

Mark A. Miller P75451
Manger, Gas Plant
Chehalis Generation Facility

STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL (EFSEC)

TITLE V AIR OPERATING PERMIT (AOP)

Issued To

PACIFICORP

For The

CHEHALIS GENERATION FACILITY

PERMIT #:	**EFSEC/06-01 AOP Rev. 3**
ISSUED:	**Date XXXX**
EXPIRATION:	**To be determined**

ENERGY FACILITY SITE EVALUATION COUNCIL
1300 South Evergreen Park Drive SW
PO Box 43172
Olympia, WA 98504-3172
Telephone: (360) 664-1345

AIR OPERATING PERMIT NUMBER: **EFSEC/06-01-AOP Rev. 3**

ISSUED TO: **PacifiCorp**
1407 West North Temple
Salt Lake City, UT 84116

PLANT SITE: **Chehalis Generation Facility**
1813 Bishop Road
Chehalis, WA 98532

ISSUED BY: **Energy Facility Site Evaluation Council**
1300 South Evergreen Park Drive SW - PO Box 43172
Olympia, WA 98504-3172

NATURE OF BUSINESS:	Electrical Generating Facility
STANDARD INDUSTRIAL CLASSIFICATION CODE (SIC):	4911
NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE (NAICS):	221112
AEROMETRIC INFORMATION RETRIEVAL SYSTEM NUMBER:	53041-00005
EFFECTIVE DATE:	To be determined
EXPIRATION DATE:	5 years following effective date
RENEWAL APPLICATION DUE DATE:	6 months prior to expiration date

PERMIT ENGINEER:

Clinton H. Lamoreaux, P.E. — Date
Air Quality Engineer

REVIEWED BY:

Ami Kidder – EFSEC Manager — Date

Kathleen Drew - EFSEC Chair — Date

TABLE OF CONTENTS

I. ABBREVIATIONS

List of Common Abbreviations

Administrator	EPA Region X Administrator
AOP	Air Operating Permit
BAAQMD	Bay Area Air Quality Management District
BACT	Best Available Control Technology
CO	Carbon monoxide
CAM	Compliance Assurance Monitoring (40 CFR 64)
CFR	Code of Federal Regulations
DAS	Data Acquisition and System
EFSEC	Washington Energy Facility Site Evaluation Council (a.k.a. the Council)
EPA	U.S. Environmental Protection Agency
EU	Emission Unit
EU-#	Refers to a specific emission unit numbered "#"
FCAA	Federal Clean Air Act
G#	Refers to a specific general term and condition numbered "#"
gr/dscf	Grains per dry standard cubic foot
HAP	Hazardous air pollutant
HRSG	Heat Recovery Steam Generator
IEU	Insignificant emission unit
IEU#	Insignificant emission unit numbered "#"
K#	Refers to a specific recordkeeping requirement numbered "#"
M#	Refers to a specific monitoring requirement numbered "#"
NO_X	Oxides of nitrogen
NCASI	National Council of the Paper Industry for Air and Stream Improvement, Inc.
NSPS	New Source Performance Standards (40 CFR 60)
NSR	New source review
Oil	"On-road specification diesel fuel" with a sulfur content of 0.05% or less
O_2	Oxygen
P#	Administrative permit constraint numbered "#"
PM	Particulate matter
ppmvd	Parts per million by volume, dry
PTE	Potential to emit
R#	Refers to a specific reporting requirement numbered "#"
RATA	Relative Accuracy Test Audit
RCW	Revised Code of Washington
Region 10	Region 10 of the U.S. Environmental Protection Agency
Req-#	Applicable requirement numbered "#"
SIP	State implementation plan
SO_2	Sulfur dioxide
SWCAA	Southwest Clean Air Agency
TAP	Toxic air pollutant
tpy	Tons per year
VOC	Volatile organic compound
WAC	Washington Administrative Code

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations.

II. REGULATORY BASIS

This Air Operating Permit, hereafter referred to as the "Permit," is authorized under the procedures established in Washington Administrative Code (WAC) 173-401 as adopted by EFSEC in WAC 463-78 and Title V (US Code §7661 *et seq.*) of the Federal Clean Air Act (FCAA). As used in this Permit, "term," "condition," "standard," and "requirement" have the same meaning as "applicable requirement" specified under 40 CFR 70.2 and WAC 173-401-200.

The Permit is intended to contain a comprehensive list of the local, state, and federal air pollution regulations and standards applicable to the Permittee's facility and to assure and provide for certification of compliance with those requirements. As listed in Sections V through VIII, the requirements describe the emissions limitations, operating requirements, ambient monitoring, recordkeeping requirements, and reporting frequencies for the facility and cite the originating local, state, or federal regulation or requirement. Federal requirements may be direct (e.g. FCAA or CFR citation) or established under the Washington State Implementation Plan (SIP). Each citation in the table also includes one or two effective dates of the cited regulation. Where there are two dates for the same regulatory citation, the underlying requirement is substantially the same, but the date of the regulation used for enforcement purposes would be different (e.g. federally enforceable versus EFSEC enforceable).

EFSEC is the primary authority that can enforce *all* requirements – federal, state, and local requirements – listed in the Permit. However, the EPA and private citizens may also take enforcement actions under the Permit for those requirements that are federally enforceable; federal regulations, regulations that have a SIP date, and terms of Notice of Construction approvals (new source review permits) are federally enforceable. Rules, regulations, and permits that are not SIP approved or federally promulgated are not federally enforceable and are denoted as "*State Only*" to indicate they are only enforceable by EFSEC.

For subparts of 40 CFR 60 and 40 CFR 61 delegated to EFSEC by EPA, all monitoring, reporting, or recordkeeping that is required to be sent to the EPA Administrator must be sent to EFSEC as the delegated authority. For specific subparts that EFSEC has not been delegated implementation and enforcement authority by the EPA, all monitoring, reporting, or recordkeeping that is required to be sent to the EPA Administrator must be sent to both EFSEC and the EPA Administrator.

Federal Regulations	Regulation Version Effective Date	EFSEC Delegation Effective Date
40 CFR 60 Subpart A	Same as Draft Date	Not Delegated
40 CFR 60 Subpart Dc	Same as Draft Date	Not Delegated
40 CFR 60 Subpart GG	Same as Draft Date	Not Delegated
40 CFR 60 Subpart IIII	Same as Draft Date	Not Delegated
40 CFR 61 Subpart A	Same as Draft Date	Not Delegated
40 CFR 61 Subpart M	Same as Draft Date	Not Delegated
40 CFR 63 Subpart A	Same as Draft Date	Not Delegated
40 CFR 63 Subpart YYYY	Same as Draft Date	Not Delegated
40 CFR 63 Subpart ZZZZ	Same as Draft Date	Not Delegated
40 CFR 63 Subpart JJJJJJ	Same as Draft Date	Not Delegated

Federal Regulations	Regulation Version Effective Date	EFSEC Delegation Effective Date
40 CFR 64	July 1, 2000 (this is found in WAC 173-401-615(4))	Not Delegated
40 CFR 68	Same as Draft Date	Not Delegated
40 CFR 72	Same as Draft Date	Not Delegated
40 CFR 75	Same as Draft Date	Not Delegated
40 CFR 82 Subpart B	Same as Draft Date	Not Delegated
40 CFR 82 Subpart F	Same as Draft Date	Not Delegated
40 CFR 98	Same as Draft Date	Not Delegated

State and EFSEC regulations may have both an effective date that is included in the SIP and different effective date as *State* only requirements.

State Regulations	SIP Regulation Version Effective Date	State Regulation Version Effective Date
WAC 173-400-036	12/29/2012	11/25/2018
WAC 173-400-040(2)(a & b) – Visible Emissions	4/1/2011	11/25/2018
WAC 173-400-040(3) - Fallout	—	11/25/2018
WAC 173-400-040(4) – Fugitive Emissions	9/16/2018	11/25/2018
WAC 173-400-040(5) – Odors	—	11/25/2018
WAC 173-400-040(6) - Detrimental Emissions	9/16/2018	11/25/2018
WAC 173-400-040(7) - SO_2 Emissions	9/16/2018	11/25/2018
WAC 173-400-040(8) – Concealment and Masking	9/16/2018	11/25/2018
WAC 173-400-040(9) – Fugitive Dust	9/16/2018	11/25/2018
WAC 173-400-060	11/25/2018	11/25/2018
WAC 173-400-075	—	11/25/2018
WAC 173-400-105	11/25/2018	11/25/2018
WAC 173-400-107	9/20/93	11/25/2018
WAC 173-400-110	12/29/2012 (excluding sections addressing toxics and MTCA)	11/25/2018
WAC 173-400-114	—	11/25/2018
WAC 173-400-117	12/29/2012	11/25/2018
WAC 173-400-700	4/1/2011	11/25/2018
WAC 463-78-115 (Adoption of NSPS rules in effect July 1, 2014)	—	11/25/2018
WAC 173-401	—	9/16/2018

State Regulations	SIP Regulation Version Effective Date	State Regulation Version Effective Date
WAC 173-406	—	12/24/1994
WAC 173-425	10/18/1990	4/13/00
WAC 173-441	—	10/16/2016
WAC 173-460	—	6/20/2009

Regulatory Orders and Prevention of Significant Deterioration (PSD) permits listed in the table below were issued under state/local authority or a federally-approved new source review program; therefore, the terms of these orders and permits are federally enforceable, unless otherwise identified.

Regulatory Orders / Permits	SIP Approval Date	State / Local Effective Date
EFSEC/95-02 Amendment 2	—	7/17/06
EFSEC/2009-01	—	9/4/09

III. EMISSION UNIT IDENTIFICATION

The following table contains emission unit identifications. Descriptions of each emission unit are contained in the Basis Statement for this Air Operating Permit.

EU #	Generating Equipment/Activity	Emission Control
EU-1	Combustion Turbine #1	Oxidation catalyst and selective catalytic reduction system
EU-2	Combustion Turbine #2	Oxidation catalyst and selective catalytic reduction system
EU-3	Auxiliary Boiler	Low emission burners, external flue gas recirculation

IV. PERMIT ADMINISTRATION

P1. Credible Evidence **40 CFR 60.11**
40 CFR 61.12

For the purposes of submitting compliance certifications or establishing whether a violation of any term or condition of this Permit has occurred or is occurring, nothing precludes the use, including the exclusive use, of any credible evidence or information, relevant to whether the Permittee would have been in compliance with a specific term or condition if the appropriate performance or compliance test or procedure would have been performed.

P2. Confidentiality of Records and Information **WAC 173-401-500(5)**
WAC 173-401-620(2)(e)

In the case where the permittee has submitted information to EFSEC under a claim of confidentiality, EFSEC may also require the permittee to submit a copy of such information directly to the Administrator. [WAC 173-401-500(5)]

Upon request, the permittee must also furnish to the permitting authority copies of records required to be kept by the Permittee or, for information claimed to be confidential, the Permittee may furnish such records directly to the EPA along with a claim of confidentiality. Permitting authorities must maintain confidentiality of such information in accordance with RCW 70.94.205. [WAC 173-620(2)(e)]

P3. Insignificant Emission Unit - Permit Revision **WAC 173-401-530(6)**

Any emission unit or activity that qualifies as insignificant solely on the basis of provisions in WAC 173-401-530(1)(a) must not exceed the emissions thresholds specified in WAC 173-401-530(4) until this permit is modified pursuant to WAC 173-401-725.

P4. Standard Provisions **WAC 173-401-620(2)**
WAC 463-78-140(3)

(a) *Duty to comply*. The permittee must comply with all conditions of this Chapter 401 permit. Any permit noncompliance constitutes a violation of Revised Code of Washington (RCW) Chapter 70.94 and, for federally enforceable provisions, a violation of the FCAA. Such violations are grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(b) *Need to halt or reduce activity not a defense*. It must not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(c) *Permit actions*. This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(d) *Property rights*. This permit does not convey any property rights of any sort, or any exclusive privilege.

(e) *Duty to provide information*. The permittee must furnish to the permitting authority, within a reasonable time, any information that the permitting authority may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee must also furnish to the permitting authority copies of records required to be kept by the permittee or, for information claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality. Permitting authorities must maintain confidentiality of such information in accordance with RCW 70A.15.2510.

(f) *Permit fees*. The permittee must pay fees in accordance with 70A.15.2270 as a condition of this permit in accordance with the permitting authority's fee schedule. Failure to pay fees in a timely fashion subjects the permittee to civil and criminal penalties as prescribed in RCW 70A.15.3150 and RCW 70A.15.3160.

(g) *Emissions trading*. No permit revision is required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(h) *Severability*. If any provision of this permit is held to be invalid, all unaffected provisions of the permit remain in effect and enforceable.

(i) *Permit appeals*. This Permit or any conditions in it may be appealed in accordance with the provisions of WAC 463-78-140(3). This provision for appeal in this section is separate from and additional to any federal rights to petition and review under FCAA Section 505(b).

(j) *Permit continuation*. This permit and all terms and conditions contained herein do not expire until the renewal permit has been issued or denied if a timely and complete application has been submitted. An application shield granted pursuant to WAC 173-401-705(2) remains in effect until the renewal permit has been issued or denied if a timely and complete application has been submitted.

P5. Federally Enforceable Requirements WAC 173-401-625

All terms and conditions in a Permit, including any provisions designed to limit a source's potential to emit, are enforceable by the EPA and citizens under the FCAA.

Notwithstanding the above, any terms and conditions included in this Permit that are not required under the FCAA or under any of its applicable requirements are specifically designated as "*State*" and are not federally enforceable under the FCAA. Terms and conditions so designated are not subject to the EPA and affected states review requirements of WAC 173-401-700 through WAC 173-401-820.

P6. Permit Shield WAC 173-401-640

Compliance with the conditions of this Permit must be deemed compliance with all applicable requirements that are specifically identified in this Permit as of the date of Permit issuance. Nothing in this Permit alters or affects the following:

(a) The provisions of section 303 of the FCAA (emergency orders), including the authority of the EPA under that section;

(b) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of Permit issuance;

(c) The applicable requirements of the acid rain program, consistent with section 408(a) of the FCAA;

(d) The ability of the EPA to obtain information from a source pursuant to section 114 of the FCAA; and

(e) The ability of EFSEC to establish or revise requirements for the use of reasonably available control technology (RACT) as defined in RCW 70A.15.

P7. Permit Expiration – Application Shield **WAC 173-401-705(2)**
WAC 173-401-710(3)

Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with WAC 173-401-710(1) and WAC 173-401-500. All terms and conditions of the Permit remain in effect after the Permit expires if a timely and complete permit application has been submitted. Operation under the terms and conditions of the expired Permit will be allowed until EFSEC takes final action on the renewal application.

P8. Permit Revocation **WAC 173-401-710(4)**

EFSEC may revoke a Permit only upon the request of the Permittee or for cause. EFSEC must provide at least thirty days written notice to the Permittee prior to revocation of the Permit or denial of a permit renewal application. Such notice must include an explanation of the basis for the proposed action and afford the Permittee/applicant an opportunity to meet with EFSEC prior to the authority's final decision. A revocation issued under WAC 173-401-710(4) may be issued conditionally with a future effective date and may specify that the revocation will not take effect if the Permittee satisfies the specified conditions before the effective date.

P9. Changes not Requiring Permit Revision/Off Permit Changes **WAC 173-401-722**
WAC 173-401-724

The Permittee may make changes described in WAC 173-401-722 and WAC 173-401-724 without revising this Permit, provided that the changes satisfy the criteria set forth in those sections, including the requirements to notify EFSEC and EPA. Changes made by the Permittee under WAC 173-401-722 may or may not qualify for a Permit shield and changes under WAC 173-401-724 do not qualify for a Permit shield.

P10. Reopenings for Cause **WAC 173-401-730**

This Permit must be reopened and revised under any of the following circumstances:

(a) Additional applicable requirements become applicable to a source with a remaining permit term of 3 or more years. Such a reopening must be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the Permit is due to expire, unless the original Permit or any of its terms and conditions have been extended pursuant to WAC 173-401-620(2)(j);

(b) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the EPA, excess emissions offset plans shall be deemed to be incorporated into the Permit;

(c) EFSEC or the EPA determines that the Permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the Permit; or

(d) EFSEC or the EPA determines that the Permit must be revised or revoked to assure compliance with the applicable requirements.

Proceedings to reopen and issue this Permit must follow the same procedures as apply to initial permit issuance and affect only those parts of the Permit for which cause to reopen exists. Reopenings under this section must not be initiated before a notice of such intent is provided to the source by EFSEC. Such notice must be made at least 30 days in advance of the date that the Permit is to be reopened, except that EFSEC may provide a shorter time period in the case of an emergency.

P12. Unavoidable Excess Emissions WAC 174-400-107(2)

The provisions of WAC 400-107 do not apply to federal standards, emission limits or standards contained in a PSD permit issued solely by EPA, or any event that causes a monitored exceedance of any relevant ambient air quality standard.

Excess emissions which the owner or operator wishes to be considered as unavoidable must be reported to EFSEC as soon as possible. The owner or operator of a "source" has the burden of proving to EFSEC or the decision-making authority in an enforcement action that excess emissions were unavoidable.

(a) *Startup or shutdown.* Excess emissions due to startup or shutdown conditions must be considered unavoidable provided the Permittee reports as required under WAC 173-400-107(3) and adequately demonstrates that:
   (1) Excess emissions could not have been prevented through careful planning and design; and
   (2) If a bypass of control equipment occurs, that such bypass was necessary to prevent loss of life, personal injury, or severe property damage.

(b) *Maintenance.* Excess emissions due to scheduled maintenance must be considered unavoidable if the "source" reports as required under WAC 173-400-107(3) and adequately demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.

(c) *Upsets or malfunctions.* Excess emissions due to upsets or equipment malfunctions must be considered unavoidable provided the Permittee reports as required under of WAC 173-400-107(3) and adequately demonstrates that:
   (1) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
   (2) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and
   (3) The operator took immediate and appropriate corrective action in a manner consistent with safety and good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

V. GENERAL TERMS AND CONDITIONS

G1. Asbestos **40 CFR 61 Subpart M (§61.140)**
WAC 173-400-075 (*State Only*)

The permittee must comply with the provisions of 40 CFR 61 Subpart M when conducting any renovation, demolition or asbestos storage activities at the facility.

G2. Chemical Accident Prevention **40 CFR 68**

The Permittee must comply with the requirements of the Chemical Accident Prevention Provisions of 40 CFR 68 no later than the following dates:

(a) Three years after the date on which a regulated substance, present above the threshold quantity, is first listed under 40 CFR 68.130; or

(b) The date on which a regulated substance is first present above a threshold quantity in a process. [40 CFR 68.10]

G3. Protection of Stratospheric Ozone **40 CFR 82 Subpart B (§82.30)**
40 CFR 82 Subpart F (§82.150)

The Permittee must comply with the standards for recycling and emissions reduction as provided in 40 CFR Part 82, Subparts B and F.

G4. Duty to Supplement or Correct Application **WAC 173-401-500(6)**

The Permittee, upon becoming aware that relevant facts were omitted or incorrect information was submitted in a Permit application, must promptly submit such supplementary facts or corrected information. In addition, an applicant must provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft Permit.

G5. Certification **WAC 173-401-520**

All application forms, reports, and compliance certifications must be certified by a responsible official. Certification must state that, based on information and belief formed after reasonable inquiry, the statements and information contained in the submittal are true, accurate, and complete.

G6. Inspection and Entry **WAC 173-401-630(2)**
WAC 173-400-105(2) & (3)
EFSEC 95/02 – Amendment 2 Condition 23

The Permittee must allow inspection and entry, upon presentation of credentials and other documents as may be required by law, by EFSEC or an authorized representative to perform the following:

(a) Enter upon the Permittee's premises where a source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the Permit;

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

(c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the Permit; and

(d) Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the Permit or applicable requirements.

G7. Schedule of Compliance **WAC 173-401-630(3)**

The Permittee must continue to comply with all applicable requirements with which the source is currently in compliance. The Permittee must meet on a timely basis any applicable requirements that become effective during the permit term. The Permittee must comply with any approved schedule of compliance in accordance with WAC 173-401-510(2)(h)(iii).

G8. Permit Renewal Application **WAC 173-401-710(1)**
WAC 173-401-610

The Permittee must submit a complete permit renewal application to EFSEC no later than the date established in the Permit. Permit expiration terminates the Permittee's right to operate unless a timely and complete renewal application has been submitted consistent with WAC 173-401-710(1) and WAC 173-401-500. All terms and conditions of the Permit remain in effect after the Permit expires if a timely and complete Permit application has been submitted. Operation under the terms and conditions of the expired Permit will be allowed until EFSEC takes final action on the renewal application.

This Permit expires on XX 5 Years from issuance XX. A renewal application is due on XX 12 months prior to expiration date XX and a complete application is due no later than XX 6 months prior to permit expiration XX.

G9. Transfer of Ownership or Operational Control **WAC 173-401-720(1)(d)**

A change in Permittee due to transfer of ownership or operational control of an affected source requires a request for administrative permit amendment as governed by WAC 173-401-720(1)(d).

G10. Reporting of Emissions of Greenhouse Gases **WAC 173-441 (*State Only*)**

WAC 173-441 requires owners and operators of affected facilities to quantify and report emissions of greenhouse gases from applicable source categories listed in WAC 173-441-120. This regulation applies to any facility located in Washington State with total greenhouse gas emissions of ten thousand metric tons of carbon dioxide equivalent (CO_2e) or more per calendar year. The Permittee must prepare and submit greenhouse gas reports to Ecology for each affected facility. All requests, notifications, and communications to Ecology pursuant to chapter

173-441 WAC, other than submittal of the annual GHG report, must be submitted to the following address:

Greenhouse Gas Report
Air Quality Program, Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

G11. Misrepresentation and Tampering **WAC 173-400-105(6) & (8) (*State Only*)**

The Permittee must not make any false material statement, representation or certification in any form, notice, or report required under RCW 70A.15, or any ordinance, resolution, regulation, permit or order in force pursuant thereto.

The Permittee must not render inaccurate any monitoring device or method required under RCW 70A.15, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

G12. Portable Sources **WAC 400-036**
WAC 400-110(6)

A portable source with an order of approval from another Washington permitting authority may be authorized to operate at the facility without obtaining a site-specific permit from EFSEC if EFSEC approves the proposal on a case-by-case basis and all of the conditions of WAC 173-040-036(2) through (4) are met. Operation at any location under this provision is limited to one year or less.

G13. New Source Review **WAC 173-400-110**
WAC 173-400-117
WAC 173-400-720
WAC 173-460-040 (*State Only*)

The permittee must not construct or modify a source which is required to be reviewed under WAC 173-400 or WAC 173-460 without first receiving an approval or permit under such provisions. Portable sources may be exempt from the requirement to obtain a site-specific permit if they fulfill the criteria described in **G12 - Portable Sources**.

G14. Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source **WAC 400-114 (*State Only*)**

Prior to replacing or substantially altering emission control technology installed at an existing stationary source or emission unit, the Permittee must file a notice of construction application with EFSEC. A project to replace or substantially alter emission control technology at an existing stationary source that results in an increase in emissions of any air contaminant is subject to new source review as provided in WAC 173-400-110. Construction must not commence on a project subject to review until EFSEC issues a final approval or other regulatory order. However, any application filed under this section is deemed to be approved without conditions if EFSEC takes no action within thirty (30) days of receipt of a complete application.

G15. Adjustment for Atmospheric Conditions — WAC 173- 400-205

Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant is prohibited, except as directed according to air pollution episode regulations.

G16. Outdoor Burning — WAC 173-425

The permittee is prohibited from conducting outdoor burning except as allowed by WAC 173-425.

VI. OPERATING TERMS AND CONDITIONS

The following table lists federal, state, and/or locally enforceable requirements applicable to the Permittee. The effective date for each applicable requirement is listed in Section II, which also describes the enforceability of the term. Those specific requirements that are enforceable only by EFSEC are denoted with "*State Only.*" Any requirement with "Facilitywide" listed in the Emission Unit column, applies universally to all emission units or activities, regardless of whether identified as an EU or an IEU. Monitoring requirements are used to provide a reasonable assurance of compliance with the applicable requirements and may or may not involve the use of a reference test method

The following table lists all federal, state, and/or locally enforceable operating terms and conditions applicable to the permittee. The legal authority for each requirement is enclosed in brackets below each requirement. Applicable requirements identified as having "plantwide" applicability apply to both EUs and IEUs. Some of the requirements have been partially adopted into the Washington State Implementation Plan (SIP). Only those parts adopted into the Washington SIP are federally enforceable. Requirements which are not required under the FCAA are denoted as "state only." Monitoring requirements are used to provide a reasonable assurance of compliance with the applicable requirements, and may or may not involve the use of a reference test method.

Req. #	Requirement	Emission Point	Monitoring
Req-1	Permittee must not cause or permit any emission which exceeds 20% opacity for more than three minutes, in any one hour. Reference Method: Ecology Method 9A WAC 173-400-040(2)(a) & (b)	Plantwide	M2 Visible Emissions
Req-2	Permittee must not cause or permit fallout of particulate matter beyond the source's property boundary in sufficient quantity to interfere unreasonably with the use and enjoyment of the property on which the fallout occurs. WAC 173-400-040(3) – State Only	Plantwide	M2 Visible Emissions, M3 Fugitive Emissions, M4 Complaints
Req-3	Permittee must take reasonable precautions to prevent the release of fugitive emissions from any emission unit which is a source of fugitive emissions. WAC 173-400-040(4)(a)	Plantwide	M3 Fugitive Emissions
Req-4	Permittee must use recognized good practice and procedures to reduce odors to a reasonable minimum. WAC 173-400-040(5) – State Only	Plantwide	M4 Complaints

Req. #	Requirement	Emission Point	Monitoring
Req-5	Permittee must not cause or permit emissions detrimental to persons or property. WAC 173-400-040(6)	Plantwide	M4 Complaints
Req-1	Permittee shall not cause or permit any emission unit to emit a gas containing sulfur dioxide in excess of 1,000 ppm of sulfur dioxide on a dry basis, corrected to 7% O_2 for combustion sources, and based on an average of 60 minutes. Reference Method: 40 CFR 60 Appendix A Methods 3A & 6 or 6C WAC 173-400-040(7)	Plantwide	M6 CEMS and Process Monitoring, M7 SO_2 General Standard Monitoring
Req-7	Permittee must not cause or permit the installation or use of any means which conceals or masks an emission which would otherwise violate any provisions of WAC 173-400-040. WAC 173-400-040(8)	Plantwide	N/A
Req-8	Permittee must take reasonable precautions to prevent emissions of fugitive dust and operate the source to minimize emissions. Reference Method: Ecology Method 9A WAC 173-400-040(9)(a)	Plantwide	M3 Fugitive Emissions, M4 Complaints
Req-9	Permittee must not cause or allow emissions of particulate matter from a general process unit (excluding combustion) in excess of 0.1 gr/dscf of exhaust gas. Reference Method: EPA Method 5 WAC 173-400-060	Plantwide	M3 Visible Emissions
Req-10	Permittee must maintain and operate equipment in a manner consistent with good air pollution control practices for minimizing emissions. 40 CFR 60.11(d) WAC 463-78-115	EU-1, EU-2, EU-3	N/A
Req-11	Fuel which contains sulfur in excess of 0.8 percent by weight must not be burned in the combustion turbines. 40 CFR 60.333(b) WAC 463-78-115	EU-1, EU-2	M7 SO_2 General Standard Monitoring

Req. #	Requirement	Emission Point	Monitoring
Req-12	The combustion turbines must be fueled only by 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 may be fueled by "on-road specification diesel fuel" (oil) containing no more than 0.05% sulfur by weight, as specified in 40 CFR 80.29 as amended through July 1, 1992. Each turbine may not fire oil more than 720 hours per year. EFSEC/95-02 Amendment 2, Conditions 1.1 & 1.2	EU-1, EU-2	M6 CEMS and Process Monitoring, M7 SO_2 General Standard Monitoring
Req-13	Emissions of nitrogen oxides from each HRSG exhaust stack must not exceed any of the following: (a) 3.0 ppmvd @ 15% O_2 (1-hour average) when firing natural gas (b) 491 pounds per day when firing natural gas (c) 14.0 ppmvd @ 15% O_2 (1-hour average) when firing oil (d) 2,538 pounds per day when firing oil (e) 241 tons per year (annual total rolled monthly, both units combined) The hourly emission limit for oil firing applies in any hour in which both oil and natural gas are fired. If oil and natural gas are fired in the same calendar day, the calendar day emissions must not exceed the weighted average emission limits for natural gas and oil firing, weighted according to the fraction of the day each fuel is fired. Except when reference method source testing is being conducted, these emission limits must be applied on CEM clock hours and calendar days. Reference Method: EPA Method 7E 40 CFR 60.332(a)(1) WAC 463-78-115 EFSEC/95-02 Amendment 2, Conditions 2.1, 2.2, 2.3, & 24	EU-1, EU-2	M5 Performance Testing, M6 CEMS and Process Monitoring

Req. #	Requirement	Emission Point	Monitoring
Req-14	Emissions of carbon monoxide from each HRSG exhaust stack must not exceed any of the following: (a) 3.0 ppmvd @ 15% O_2 (1-hour average) when firing natural gas (b) 7.7 pounds per hour (1-hour average) when firing natural gas (c) 8.0 ppmvd @ 15% O_2 (1-hour average) when firing oil (d) 24.4 pounds per hour (1-hour average) when firing oil The hourly emission limits for oil firing applies in any hour in which both oil and natural gas are fired. Except when reference method source testing is being conducted, these emission limits must be applied on CEM clock hours and calendar days. Reference Method: EPA Method 10 EFSEC/95-02 Amendment 2, Conditions 3.1, 3.2 & 24	EU-1, EU-2	M5 Performance Testing, M6 CEMS and Process Monitoring
Req-15	Emissions of sulfur dioxide from each HRSG exhaust stack must not exceed any of the following: (a) 10.4 pounds per hour when firing natural gas (b) 119 pounds per hour when firing oil The hourly emission limit for oil firing applies to any hour in which both oil and natural gas are fired. EFSEC/95-02 Amendment 2, Conditions 4.1 & 4.2	EU-1, EU-2	M6 Performance Testing, M6 CEMS and Process Monitoring, M7 SO_2 General Standard Monitoring

Req. #	Requirement	Emission Point	Monitoring
Req-16	Emissions of volatile organic compounds from each HRSG exhaust stack must not exceed any of the following: (a) 7.0 pounds per hour or 152 pounds per day, whichever is more restrictive, when firing natural gas (b) 11.5 pounds per hour or 252 pounds per day, whichever is more restrictive, when firing oil The hourly emission limit for oil firing applies to any hour in which both oil and natural gas are fired. If oil and natural gas are fired in the same calendar day, the calendar day emissions must not exceed the weighted average emission limits for natural gas and oil firing, weighted according to the fraction of the day each fuel is fired. Emission rates must be expressed "as propane" unless speciation of the volatile organic compounds has been conducted sufficient to determine actual mass emission rates. Reference Method: EPA Method 18 or 25A EFSEC/95-02 Amendment 2, Conditions 5.1 & 5.2	EU-1, EU-2	M5 Performance Testing, M6 CEMS and Process Monitoring
Req-17	Emissions of filterable PM_{10} from each HRSG exhaust stack must not exceed any of the following: (a) 379 pounds per day when firing natural gas (b) 480 pounds per day when firing oil If oil and natural gas are fired in the same calendar day, the calendar day emissions must not exceed the weighted average emission limits for natural gas and oil firing, weighted according to the fraction of the day each fuel is fired. Reference Method: EPA Method 5 or 201A EFSEC/95-02 Amendment 2, Conditions 6.1 & 6.2	EU-1, EU-2	M5 Performance Testing, M6 CEMS and Process Monitoring

Req. #	Requirement	Emission Point	Monitoring
Req-18	Emissions of H_2SO_4 (sulfuric acid) from each HRSG exhaust stack must not exceed any of the following: (a) 2.0 pounds per hour when firing natural gas (b) 19.0 pounds per hour when firing oil The hourly emission limit for oil firing applies to any hour in which both oil and natural gas are fired. Reference Method: EPA Conditional Test Method 13 (CTM-013 (NCASI Method 8A)) EFSEC/95-02 Amendment 2, Conditions 7.1 & 7.2	EU-1, EU-2	M5 Performance Testing, M6 CEMS and Process Monitoring, M7 SO_2 General Standard Monitoring
Req-19	Opacity from each HRSG exhaust stack must not exceed 10 percent over a six minute average as measured by EPA Reference Method 9, or an equivalent method approved in advance by EFSEC. Reference Method: EPA Method 9 EFSEC/95-02 Amendment 2, Condition 8	EU-1, EU-2	M2 Visible Emissions
Req-20	Emissions of ammonia from each HRSG exhaust stack must not exceed any of the following: (a) 10.0 ppmvd @ 15% O_2 (1-hour average) when firing natural gas (b) 612 pounds per day when firing natural gas (c) 10.0 ppmvd @ 15% O_2 (1-hour average) when firing oil (d) 683 pounds per day when firing oil If oil and natural gas are fired in the same calendar day, the calendar day emissions must not exceed the weighted average emission limits for natural gas and oil firing, weighted according to the fraction of the day each fuel is fired. Reference Method: BAAQMD Method ST-1B EFSEC/95-02 Amendment 2, Conditions 9.1, 9.2, 9.3 & 9.4	EU-1, EU-2	M5 Performance Testing, M6 CEMS and Process Monitoring

Req. #	Requirement	Emission Point	Monitoring
Req-21	Turbine startups and shutdowns include fuel-switching activities. No more than 2 startups per combustion turbine may occur per 24-hour period, and no more than 200 startups per combustion turbine may occur per calendar year (startups resulting from upset conditions are exempted). Startups end when a turbine reaches 60% load, ammonia flow is stabilized, and the selective catalytic reduction and oxidation catalyst systems have reached stable normal operating temperatures, or when one of the following time limits is reached, whichever occurs first: (a) On a cold startup, 5 hours have elapsed since fuel was first fired in the combustion turbine. A cold startup is any startup occurring after the combustion turbine has been shut down for 72 hours or more. (b) For all other startups, 3 hours have elapsed since fuel was first fired in the combustion turbine. Shutdowns are limited to 3 hours per occurrence. Shutdowns begin when the combustion turbine is initially ramped down from normal operation with the intent of shutting the unit down. Shutdowns end when fuel feed to the combustion turbine ceases. EFSEC/95-02 Amendment 2, Conditions 10.2, 10.3, 10.6, & 10.7	EU-1, EU-2	M6 CEMS and Process Monitoring
Req-22	With the exception of the emission limits listed below, the emission and opacity limitations from EFSEC/95-02 – Amendment 2 do not apply during defined startup and shutdown periods. During startup and shutdown, emissions from each HRSG exhaust stack must not exceed any of the following: (a) 263 pounds CO per hour (averaged per occurrence) when firing natural gas (b) 417 pounds CO per hour (averaged per occurrence) when firing oil (c) 292 pounds NO_X per hour (averaged per occurrence) when firing natural gas (d) 407 pounds NO_X per hour (averaged per occurrence) when firing oil Reference Method: EPA Methods 7E and 10 EFSEC/95-02 Amendment 2, Conditions 10.1, 10.4, & 10.5	EU-1, EU-2	M6 CEMS and Process Monitoring

Req. #	Requirement	Emission Point	Monitoring
Req-23	Sampling ports and platforms must be provided on each stack, after the final pollution control device. The ports must meet the requirements of 40 CFR 60, Method 20. EFSEC/95-02 Amendment 2, Condition 12	EU-1, EU-2	N/A
Req-24	Adequate permanent and safe access to the test ports must be provided. Other arrangements may be acceptable if approved by EFSEC prior to installation. Adequate utilities for sampling and testing equipment must be provided. 40 CFR 60.8(e) WAC 463-78-115 EFSEC/95-02 Amendment 2, Condition 13	EU-1, EU-2	N/A
Req-25	Operation and maintenance manuals for all equipment that has the potential to affect emissions to the atmosphere must be developed. Copies of the manuals must be available to EFSEC or the authorized representative of EFSEC. If a failure to follow the requirements of the manuals results in excess emissions that failure may be considered credible evidence that the event was caused by poor or inadequate operation or maintenance for purposes of applying WAC 173-400-107. EFSEC/95-02 Amendment 2, Conditions 19.1 & 19.2	EU-1, EU-2	N/A
Req-26	Permittee must hold SO_2 allowances not less than the total annual emissions of SO_2 for the previous calendar year (see Appendix D Acid Rain Permit). 40 CFR 72.9(c)(1) WAC 173-406-106	EU-1, EU-2	M7 SO_2 General Standard Monitoring
Req-27	Emissions from the Auxiliary Boiler must not exceed: <u>Pollutant</u> — <u>Emission Limit</u> Nitrogen oxides — 12.0 ppmvd @ 3% O_2 (1-hour average) Carbon monoxide — 50 ppmvd @ 3% O_2 (1-hour average) PM_{10} — 0.3 pounds per hour (1-hour average) $PM_{2.5}$ — 0.3 pounds per hour (1-hour average) Reference Methods: EPA Methods 7E, 10, 201A (EPA Method 5 is an alternative if all PM is assumed to be $PM_{2.5}$), and 202. EFSEC/2009-01 Condition 1	EU-3	M8 Auxiliary Boiler Monitoring, M9 Auxiliary Boiler Source Emissions Testing and Performance Monitoring

Req. #	Requirement	Emission Point	Monitoring
Req-28	Opacity of emissions from the Auxiliary Boiler must not exceed zero percent for more than three minutes in any one hour period as determined in accordance with EPA Method 9 utilizing data reduction as described in Ecology Method 9A. Reference Method: EPA Method 9 with data reduction using Ecology Method 9A EFSEC/2009-01 Condition 2	EU-3	M2 Visible Emissions
Req-29	The Auxiliary Boiler must burn only natural gas as fuel. EFSEC/2009-01 Condition 3	EU-3	N/A

VII. MONITORING AND RECORDKEEPING TERMS AND CONDITIONS

The permittee must conduct each of the monitoring and recordkeeping activities listed below. All monitoring information required by this permit must be recorded and readily available on-site for inspection. [WAC 173-401-615(2)]

All records and supporting information required by this Permit must be kept for a minimum period of no less than five years and must be maintained in a form readily available for inspection by EFSEC representatives. [WAC 173-401-615(2)(c), EFSEC/2009-01]

Pursuant to WAC 173-401-530(2)(c), the following monitoring or recordkeeping requirements do not apply to IEUs unless specified.

M1. General Recordkeeping — WAC 173-401-615(2) EFSEC/2009-01, Condition 7

Except for data recorded by an automated system, each record required by this Permit must include, at a minimum, the date and the name of the person making the record entry. For those records required for a control device or process, if the control device or process is not operating during a specific time period, a record must be made to that effect.

The Permittee must keep the following records as applicable:

(a) Inspections and Certifications
  (1) Date and time of the inspection or certification;
  (2) Name and title of the person who conducted the inspection or certification;
  (3) Identification of the unit or activity being inspected or certified;
  (4) Operating conditions of the unit or the type of activity occurring at the time of the inspection or certification;
  (5) Compliance status of each monitored requirement; and

(6) Description of corrective action (if any) taken in response to a discovered permit deviation, excess emission, upset condition, or malfunction, as applicable.

(b) Complaints
(1) Date and time of complaint;
(2) Name of the complainant;
(3) Description of the complaint;
(4) Date and time of follow-up inspection;
(5) The name and title of the person who conducted the follow-up inspection; and
(6) Description of corrective action (if any) taken in response to complaint.

(c) Sampling and Emissions Testing
(1) Date sampling was performed;
(2) Entity that performed the sampling;
(3) Name and title of the person or the entity that performed the sampling or testing;
(4) Analytical techniques used to take the sample;
(5) Operating conditions existing at the time of sampling or measurement;
(6) Date analytical analyses (if any) were performed;
(7) Entity that performed the analyses;
(8) Analytical techniques or methods used;
(9) Results of such analyses;
(10) Compliance status of each monitored requirement; and
(11) Description of corrective action taken in response to permit deviations and when action was initiated.

(d) Periodic Monitoring and Emissions Records
(1) Date and time of parameter observation or emission calculation;
(2) Name of parameter observed or emission calculated;
(3) Observed parameter value or calculated emission value with appropriate units; and
(4) Periods that data was unavailable.

(e) Excess Emissions and Permit Deviations
(1) Date and time of excess emission or permit deviation occurred;
(2) Description of the excess emission or permit deviation and an identification of the affected unit, process, or activity; and
(3) Description of corrective action taken in response to a discovered permit deviation, excess emission, upset condition, or malfunction, as applicable.

(f) Upset Conditions (including excess emissions)
Auxiliary Boiler [EFSEC/2009-01, Condition 6]
(1) Excess emissions, and upset conditions that cause excess emissions, must be recorded for each occurrence.

(g) Maintenance Activities
(1) Date and time of the maintenance activity;
(2) Name of the person/company who performed the maintenance;
(3) Identification of the unit or activity being maintained; and
(4) Description of the maintenance being conducted.

(h) Changes at Source
(1) Date changes were made to the source that resulted in emissions of a regulated air pollutant but not otherwise regulated under the Permit;
(2) Description of the changes made to the source; and
(3) Quantity of emissions resulting from the changes.

M2. Visible Emission Monitoring
WAC 173-401-615(1) - (All sources other than EU-1 and EU-2)
EFSEC/95-02 Amendment 2, Conditions 8.1, 8.2, 8.3, & 8.4 – (EU-1 and EU-2)

The permittee must perform visible emissions monitoring of EU-1 and EU-2 during daylight hours on the following schedule:

(a) Weekly when firing natural gas
(b) Daily when firing fuel oil

Visible emissions from other sources must be monitored if indicated by a complaint or if otherwise unusual emissions are observed.

Visible emissions monitoring must consist of at least 6 minutes of observation using EPA Method 22 or EPA Method 9 and Washington Department of Ecology Method 9A (EPA Methods 9 and 22 may be found at 40 CFR 60, Appendix A). If visible emissions are observed from EU-1 or EU-2 when conducting visible emissions monitoring, both EPA Method 9 and Washington Department of Ecology Method 9A must be utilized to demonstrate compliance with Condition 8 of EFSEC/95-02 Amendment 2 and the State opacity standards respectively. The EPA Method 9 or Washington Department of Ecology Method 9A monitoring must be conducted within 2 non-holiday weekdays of observing visible emissions with EPA Method 22. If a holiday falls during this 2-day period, the monitoring must be performed on the first non-holiday weekday after the holiday. If the turbine is shut down during this 2-day period before monitoring can be conducted, then monitoring must be conducted on the first non-holiday weekday after restarting.

EPA Method 22 may only be used if no visible emissions are observed during the 6-minute observation period.

If visible emissions are observed during visible emissions monitoring of sources other than EU-1 or EU-2, Washington Department of Ecology Method 9A must be used to determine the opacity of emissions.

When visible emissions monitoring with Washington Department of Ecology Method 9A is necessary, a minimum of 6 minutes of observation must be conducted. For every reading in excess of the opacity standard, opacity must be read for an additional 6 minutes to a maximum total of 60 minutes or 13 readings in excess of the opacity standard. For example, if a single reading of 30% opacity is made during the initial 6-minute observation period, then monitoring is required for an additional 6 minutes. If two readings of 30% opacity are recorded during the second observation period, two additional 6-minute observations must be performed. Observations continue in this manner until 60 minutes of observations or 13 readings in excess of the opacity standard have been recorded. Implementation of corrective action does not relieve the permittee from the obligation of reporting permit deviations as specified in WAC 401-615(3).

M3. Fugitive Emissions Monitoring WAC 173-401-615(1)

The permittee must perform monthly inspections of the facility during daylight hours to identify any excess fugitive emissions, including fugitive dust. Inspections must also be conducted if indicated by a complaint or if otherwise unusual emissions are observed. Whenever fugitive emissions, including excessive fugitive dust, are observed during the monthly inspection or any other time, the permittee must verify the source of the emissions. Within 2 hours of discovery the permittee must

initiate investigation of the equipment involved to confirm whether the equipment is or is not experiencing a malfunction, and whether reasonable precautions and good work practices are being employed to minimize emissions.

M4. Complaint Monitoring WAC 173-401-615(1)

The permittee must record, and maintain record of, any air quality related complaints concerning the Chehalis Generation Facility that are received by either the permittee or EFSEC. All complaints must be investigated no later than one workday after the permittee has been notified, and those complaints subject to requirement M2 must be addressed in a timely manner consistent with M2. The permittee must investigate the validity of each complaint and the cause of any emissions that prompted the complaint, and initiate corrective action, if needed, in response to the complaint. Within 24 hours of notification and investigation, the permittee must resolve the subject of the complaint, or notify EFSEC by the next working day of progress made in resolving the complaint.

M5. Performance Testing
EFSEC/95-02 Amendment 2, Conditions 15.1 & 15.2

The permittee must conduct source testing of EU-1 and EU-2 at least once for every eight calendar quarters to quantify emissions of filterable PM_{10}, VOCs, and H_2SO_4. This testing must be completed no more than 720 operating hours after the end of the eighth calendar quarter. An operating quarter is any quarter in which the combustion turbine is operated for 168 or more hours.

Source testing for these parameters is to coincide with the Relative Accuracy Test Audit (RATA) required for each CEMS. If the results of three 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 source testing, then the compliance testing frequency for that pollutant can be reduced to once every four calendar years, until a test indicates noncompliance. When a compliance test for a pollutant indicates noncompliance with the emission limitations for a specific pollutant, the frequency of source testing to quantify emissions of that pollutant must return to once for every eight calendar quarters until the above criteria are met again.

Source testing must consist of a minimum of three 60-minute test runs. All source testing must be conducted at base load. Base load is the normal maximum loading for continuous turbine operation as determined by turbine exhaust temperature levels.

M6. Continuous Emission and Process Monitoring 40 CFR 75
WAC 173-400-105(7)
WAC 173-401-615(2)
WAC 173-401-630(1)
EFSEC/95-02 Amendment 2, Conditions 2.5, 9.5, 14.1, 14.2, 14.3, 14.5, & 16

A CEMS must be installed and maintained to monitor NO_X, CO, and NH_3 emissions from each combustion turbine exhaust stack as follows:

(a) The permittee must install and maintain a system for monitoring the concentration and emission rate of NO_X, emission rates of CO_2, and the concentration of O_2, from each combustion turbine exhaust stack in accordance with the requirements and specifications found in the following regulations:

- 40 CFR 75 – Continuous Emissions Monitoring

In order to provide for a reasonable assurance of compliance with the permitted emission limits, the NO_X CEMS must meet the following performance criteria:

- A Relative Accuracy of 20% when the average reference method value is used in the denominator of Equation A-10 of 40 CFR 75; or a Relative Accuracy of 10% when the applicable emission standard (3.0 ppmvd @ 15% O_2) is used in the denominator of Equation A-10 of 40 CFR 75 in place of the arithmetic mean of the reference method values. For the purposes of this requirement, the Relative Accuracy must be calculated from the CEMS and Reference Method output in units of ppmvd @ 15% O_2.
- The calibration error as defined in 40 CFR 75, Appendix A, Section 7.2.1 must not exceed 5%.

(b) The permittee must install and maintain a system for monitoring the concentration and emission rate of CO from each combustion turbine exhaust stack in accordance with the requirements and specifications found in the following regulations:

- 40 CFR 60, Appendix B - Performance Specification 4A "Specifications and Test Procedures for Carbon Monoxide Continuous Emission Monitoring Systems in Stationary Sources"
- 40 CFR 60, Appendix F "Quality Assurance Procedures"
- WAC 173-400-105(7) "Continuous Emission Monitoring System Operating Requirements"

In order to provide for a reasonable assurance of compliance with the permitted emission limits, the CEMS must meet the following performance criteria:

- A Relative Accuracy of 20% when the average reference method value is used in the denominator of Equation 2-6 of 40 CFR 60, Performance Specification 2; or a Relative Accuracy of 10% when the applicable emission standard (3.0 ppmvd @ 15% O_2) is used in the denominator of Equation 2-6 of 40 CFR 60, Performance Specification 2. For the purposes of this requirement, the Relative Accuracy must be calculated from the CEMS and Reference Method output in units of parts per million, dry volume basis, corrected to 15% O_2.
- The criteria for excessive audit inaccuracy found in Section 5.2.3(2) of 40 CFR 60, Appendix F, Procedure 1 (cylinder gas audits) is replaced by a maximum audit inaccuracy of ±15 percent of the average audit value or 0.5 ppm, whichever is greater.

Notwithstanding the requirements in the above regulations, Relative Accuracy Test Audits (RATAs) must be conducted at least once for every four operating quarters or eight calendar quarters, whichever comes first. RATAs must be completed no later than 720 operating hours after the end of the fourth operating quarter or eighth calendar quarter, whichever comes first. An operating quarter is any quarter in which the combustion turbine is operated for 168 or more hours.

(c) The permittee must install and maintain a system for monitoring the concentration and emission rate of NH_3 from each combustion turbine exhaust stack in accordance with the requirements and specifications found in the following regulations:

- 40 CFR 60, Appendix B - Performance Specification 2 "Specifications and Test Procedures for SO_2 and NO_X Continuous Emission Monitoring Systems in Stationary Sources"
- 40 CFR 60, Appendix F "Quality Assurance Procedures" In order to provide for a reasonable assurance of compliance with the permitted emission limits, the criteria for excessive audit inaccuracy in Section 5.2.3(2) of Procedure 1 (cylinder gas audit) is replaced by a maximum audit inaccuracy of ±15 percent of the average audit value or 1.0 ppm, whichever is greater.
- WAC 173-400-105(7) "Continuous Emission Monitoring System Operating Requirements"

Notwithstanding the requirements in the above regulations, Relative Accuracy Test Audits (RATAs) must be conducted at least once for every four operating quarters or eight calendar quarters, whichever comes first. RATAs must be completed no later than 720 operating hours after the end of the fourth operating quarter or eighth calendar quarter, whichever comes first. An operating quarter is any quarter in which the combustion turbine is operated for 168 or more hours.

(d) For each hour of operation, the following hourly average CEMS/data acquisition system (DAS) data must be collected and recorded for each combustion turbine:

(1) NO_X emission concentration (ppmvd @ 15% O_2, 1-hour average);
(2) NO_X emission rate (pounds per calendar day);
(3) CO emission concentration (ppmvd @ 15% O_2, 1-hour average);
(4) CO emission rate (lb/hr, 1-hour average);
(5) NH_3 emission concentration (ppmvd @ 15% O_2, 1-hour average);
(6) NH_3 emission rate (pounds per calendar day)
(7) NH_3 flow to the SCR system (lb/hr, 1-hour average);
(8) O_2 concentration (dry volume percent, 1-hour average);
(9) Turbine fuel consumption (MMBtu/hr, 1-hour total) and type (gas or oil); and
(10) Turbine generator net electrical output (megawatts, 1-hour total).

This permittee must maintain a record of all information required by 40 CFR Part 75 Sections 57, 58, and 59.

The permittee must maintain a record of all repairs, adjustments, and maintenance performed on the CO and NH_3 monitoring systems. [WAC 173-400-105(7)(e)]

M7. SO_2 General Standard Monitoring

40 CFR 60.334(h)(3)
40 CFR 60.334(i)
WAC 463-78-115
40 CFR 75.11(d)

The permittee must calculate hourly SO_2 emission rates in accordance with 40 CFR Part 75 Appendix D. For pipeline natural gas, an emission factor of 0.0006 lb/MMBtu may be used to calculate emissions. For natural gas that does not qualify as pipeline natural gas, SO_2 emissions must be calculated using equation D-1h of 40 CFR 75 and the results of fuel sulfur content monitoring as provided in 40 CFR 75, Appendix D, Section 2.3.

M8. Auxiliary Boiler Monitoring

40 CFR 60.48c(g)
EFSEC/2009-01 Conditions 4 & 5

The total amount of natural gas consumed by the Auxiliary Boiler must be recorded for each calendar month.

Maintenance activities for the Auxiliary Boiler that affect emissions must be logged for each occurrence.

M9. Auxiliary Boiler Source Emissions Testing and Performance Monitoring

EFSEC/2009-01 Conditions 9 & 10

Source emissions testing of the Auxiliary Boiler must be conducted initially and at least once every 60 calendar months (no later than the end of the calendar month during which the initial source emissions testing was conducted) in accordance with Appendix B of this Permit. Initial source emissions testing must be conducted within 60 days after achieving the maximum operating rate but no later than 180 days after initial operation. The Permittee must provide adequate and safe access to sampling ports meeting the criteria of EPA Method 1 (40 CFR 60, Appendix A).

Performance monitoring of the Auxiliary Boiler must be conducted as described in Appendix C of this Permit no later than the end of April each year in which source emissions testing is not conducted.

VIII. REPORTING TERMS AND CONDITIONS

All required reports must be certified by a responsible official consistent with WAC 173-401-520. Where an applicable requirement requires reporting more frequently than once every six months, the responsible official's certification need only be submitted once every six months, covering all required reporting since the date of the last certification.

Addresses of regulatory agencies are the following, unless otherwise instructed:

Energy Facility Site Evaluation Council 621 Woodland Square Loop SE PO Box 43172 Olympia, WA 98504-3172	Clean Air Act Compliance Manager US EPA Region 10, Mail Stop: 20-C04 1200 Sixth Avenue, Suite 155 Seattle, WA 98101

R1. Deviations from Permit Conditions

WAC 173-400-107
WAC 173-401-615(3)(b)
EFSEC/95-02 Amendment 2, Condition 18
EFSEC/2009-01, Conditions 11 & 13

Deviations from permit requirements must be reported no later than thirty days after the end of the month during which the deviation is discovered. Deviations that represent a potential threat to human health or safety must be reported as soon as possible but no later than twelve hours after the deviation is discovered. Reports of deviations must include:

(a) Identification of the emission unit(s) involved;
(b) The duration of the event including the beginning and end times;
(c) For emission and process parameter excesses, the magnitude of the excess;
(d) Any other agency contacted; and
(e) A brief description of the event, including:
    (1) Whether or not the deviation was due to an upset condition;
    (2) The probable cause of the deviation; and
    (3) The corrective action taken or planned and when the corrective action was, or will be initiated.

In accordance with WAC 400-107, excess emissions that the permittee wishes to be considered unavoidable must be reported as soon as possible. For the Auxiliary Boiler, excess emissions must be reported no later than 48 hours after discovery if the permittee wishes to claim the emissions as unavoidable. The permittee must report the upset condition by telephone, e-mail or facsimile as initial notification to EFSEC.

R2. Complaint Reports WAC 173-401-615(3)

The permittee must report all complaints related to air quality and the Chehalis Generation Facility to EFSEC within three business days of receipt. Complaint reports must include the date and time of the complaint, the name of the complainant, and the nature of the complaint.

R3. Quarterly Reports

40 CFR 75.64
WAC 173-401-615(3)
WAC 173-400-105(7)
EFSEC/95-02 Amendment 2, Conditions 1.3, 16 & 17

The permittee must submit the following CEMS and process data to EFSEC and EPA for each combustion turbine no later than 30 days after the end of each calendar quarter:

(a) NO_X emission concentration (ppmvd @ 15% O_2, 1-hour average);
(b) NO_X emission rate (pounds per calendar day);
(c) CO emission concentration (ppmvd @ 15% O_2, 1-hour average);
(d) CO emission rate (lb/hr, 1-hour average);
(e) NH_3 emission concentration (ppmvd @ 15% O_2, 1-hour average);
(f) NH_3 emission rate (pounds per calendar day)
(g) NH_3 flow to the SCR system (lb/hr, 1-hour average);
(h) O_2 concentration (dry volume percent, 1-hour average);
(i) Turbine fuel consumption (MMBtu/hr, 1-hour total) and type (gas or oil); and
(j) Turbine generator net electrical output (megawatts, 1-hour total).

The permittee must submit all electronic monitoring reports required by 40 CFR 75 to EFSEC and EPA for each combustion turbine no later than 30 days after the end of each calendar quarter. For each report, a copy of EPA's response must be submitted with each submission to EFSEC.

For each reporting element with an hourly averaging or totalizing period, the permittee must provide data for each clock hour. For each reporting element with a daily totalizing period, the permittee must provide data for each calendar day. The permittee must indicate in each report whether the time is reported as "standard time" or "daylight savings" time.

The permittee must submit all reports required by 40 CFR 75 to EFSEC (in addition to the required electronic submission to EPA's Clean Air Markets Division) in the form (electronic or paper) required by the EPA. The permittee must submit all CEMS and process data listed in "a" through "j" above in an electronic spreadsheet format approved by EFSEC.

The permittee must submit the following CEMS and process data to EFSEC for each combustion turbine CO and NH_3 CEMS no later than 30 days after the end of each calendar quarter: [WAC 173-400-105(7)]

(k) The number of hours that the monitored emission unit operated each month and the number of valid hours of monitoring data that the monitoring system recovered each month;
(l) The date, time period, and cause of each failure to meet the data recovery requirements of WAC 173-400-105(7)(a) and any actions taken to ensure adequate collection of such data;
(m) The date, time period, and cause of each failure to recover valid hourly monitoring data for at least 90 percent of the hours that the turbine was operated each day; and
(n) The results of all cylinder gas audits conducted during the month.

R4. Semi-annual Reports WAC 173-401-615(3)

Consistent with WAC 173-401-615(3) the permittee must submit to EFSEC by October 15th and April 15th for the six month periods January through June and July through December respectively, a report on the status of all monitoring requirements. All instances of deviation from permit requirements must be clearly identified. The semi-annual report must contain a certification of any reports submitted during the semi-annual period that have not already been certified. The certification must be consistent with WAC 173-401-520.

R5. Annual Compliance Certifications WAC 173-401-630(5)

The permittee must submit to EFSEC and EPA a certification of compliance with all terms and conditions of this permit in accordance with WAC 173-401-630(5)(d). The permittee must submit by April 15th of the following year the following information for the period of January through December:

(a) Identification of each term or condition of the permit that is the basis of the certification;
(b) Statement of compliance status;
(c) Whether compliance was continuous or intermittent;
(d) Method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with WAC 173-401-615;
(e) Such other facts as EFSEC may require to determine the compliance status of the source;
(f) The certification must also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR 64 (CAM) occurred; and
(g) Such additional requirements as may be specified pursuant to Sections 114(a)(3) and 504(b) of the FCAA.

R6. Emission Inventory Reports WAC 173-400-105
EFSEC/2009-01, Condition 14

The permittee must submit an inventory of annual emissions from the source each calendar year to EFSEC by April 15th of the following year in accordance with WAC 173-400-105. The inventory must include stack and fugitive emissions of NO_X, SO_2, CO, VOC, PM, and toxic air pollutants identified in WAC 173-460.

The following emissions related records for the Auxiliary Boiler must be reported to EFSEC by March 15th for the previous calendar year:

(a) The total amount of natural gas consumed by the Auxiliary Boiler;
(b) Air emissions of criteria air pollutants, volatile organic compounds, hazardous air pollutants, and toxic air pollutants.

R7. Source Test and RATA Reports 40 CFR 75.60(b)
EFSEC/95-02 Amendment 2, Condition 17.5
EFSEC/2009-01, Condition 12
WAC 173-401-630(1)

Reports of all required source ~~or~~ emissions testing and Relative Accuracy Test Audits of the combustion turbines must be submitted to EFSEC no later than 30 days after the end of the calendar quarter during which the testing was performed. For relative accuracy test audits conducted to comply with 40 CFR 75 requirements, if requested in writing (or by electronic mail) by EPA Regional X or EFSEC, the designated representative must submit a hardcopy report to EPA Region X or EFSEC within 45 days after test completion or within 15 days of receiving the request, whichever is later.

The results of all source emissions testing of the Auxiliary Boiler must be reported to EFSEC within 45 days of test completion.

IX. NON-APPLICABLE REQUIREMENTS WAC 173-401-640(2)

This section lists all federal, state, and/or local requirements which might reasonably apply to the permittee, but are deemed nonapplicable after review by EFSEC. In accordance with WAC 173-401-640, the permittee is provided a permit shield for not complying with the requirements described below where they have been identified to be non-applicable to specific emission units.

N1. Registration Program WAC 463-78-100

The permittee is under the jurisdiction of Washington's Energy Facility Site Evaluation Council (EFSEC) and is therefore required to register with EFSEC pursuant to WAC 463-39-100 (SIP), however the latest version adopted by EFSEC in WAC 463-78-100 (effective 8/27/2020) exempts air operating permit sources from the registration requirements.

N2. Requirements for Sources in Nonattainment Areas WAC 173-400-112

The permittee is not located in a nonattainment area for any criteria pollutant. Therefore, this regulation is not applicable.

N3. Bubble Rules WAC 173-400-120

The permittee has not requested an emission bubble for any regulated pollutant. Therefore, this regulation is not applicable.

N4. Issuance of Emission Reduction Credits WAC 173-400-131

The permittee has not sought emission reduction credits (ERCs). Therefore, this regulation is not applicable.

N5. Use of Emission Reduction Credits WAC 173-400-136

The permittee has not sought to use emission reduction credits (ERCs). Therefore, this regulation is not applicable.

N6. National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines 40 CFR Part 63.6080 et seq. Subpart YYYY

Subpart YYYY applies to combustion turbines built after January 14, 2003 and located at major sources of HAP emissions. The combustion turbines at this facility were built and installed prior to January 14, 2003, and this facility is not a major source of HAP emissions, therefore this regulation is not applicable to the combustion turbines at this facility.

N7. Compliance Assurance Monitoring 40 CFR Part 64

Part 64 applies to certain pollutant-specific emissions units at major sources. In general, Part 64 applies to emission units that utilize a control device to achieve compliance with an emission limit for a pollutant that otherwise could be emitted at a rate exceeding the applicable major source threshold (e.g. 100 tpy criteria pollutants and VOCs, 10 tpy individual HAP). Each combustion turbine could emit more than 100 tpy of CO and NO_X if emission controls were not installed, has emission limits for these pollutants, and utilize control equipment in order to achieve compliance with the applicable emission limits.

The NO_X and CO CEMS meet the monitoring design criteria of 40 CFR 64.3(d). NO_X emission limits for the turbines are expressed in ppmvd @ 15% O_2 (1-hour average), lb/day and tons per 12-month period. CO emission limits for the turbines are expressed in ppmvd @ 15% O_2 (1-hour average) and lb/hr. The required CEMS provide CO, NO_X, and O_2 concentrations continuously (which is defined as at least one cycle of measurement every 15 minutes), which allows calculation of the hourly average NO_X and CO concentrations for each hour. In addition, the permittee is required to continuously monitor fuel consumption in accordance with 40 CFR 75 to allow the calculation of pollutant mass emission rates. In accordance with requirement M6, the permittee is required to collect and record NO_X and CO emission data in the units of the emissions standards. In accordance with requirement R3, the permittee is required to report NO_X and CO emissions in units of the emission limitations.

Missing data substitution is not used for evaluating compliance with the short term NO_X and CO limits and there are no long-term CO emission limits. In accordance with requirement M6, procedures from 40 CFR 75 apply to the NO_X CEMS, and procedures from 40 CFR 60 apply to the CO CEMS. In accordance with 40 CFR 75, data substitution is used for determining compliance with the long-term NO_X limit unless there is other credible evidence indicating compliance.

N8. Standards of Performance for Stationary Compression Ignition Internal Combustion Engines 40 CFR 60.4200 et seq. Subpart IIII
&
National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines
40 CFR 63.6580 et seq. Subpart ZZZZ

The Permittee operates a diesel-fired compressor engine at the facility. This engine is used for a variety of activities including:

(a) Providing air pressure when all sources of outside power to the facility are turned off for maintenance to prevent the fire control system from activating.
(b) Cleaning the HRSGs.
(c) Running portable equipment (previously used to power a jackhammer).

The following engine details were gathered during a visit to the facility on March 23, 2010:

Engine Make / Model: John Deere / 5030TF270B
Engine Capacity: 61.5 kW (82.5 hp)

Fuel:	Diesel
EPA Emission Certification:	At least Tier 2 (complies with model year 2007 standards)
Ordered:	July 19, 2007
Installed / Delivered:	December 27, 2007

The compressor engine is mobile (mounted on a trailer) and may move from location to location within the facility. If the engine moves from site to site within the facility, never staying at any one site for more than 12 consecutive months, it is a nonroad engine. This engine never stays in the same site for more than 12 consecutive months and is therefore classified as a nonroad engine. Nonroad engines are excluded from the definition of a stationary source and therefore not subject to stationary source standards such as Subpart IIII or Subpart ZZZZ and are not subject to the Air Operating Permit program.

N9. Federal Greenhouse Gas Reporting Requirements 40 CFR Part 98

The EPA greenhouse gas reporting rule was finalized September 22, 2009. In the preamble EPA responds to a question regarding whether it is an applicable requirement for the purposes of Title V:

> *As currently written, the definition of "applicable requirement" in 40 CFR 70.2 and 71.2 does not include a monitoring rule such as today's action, which is promulgated under CAA sections 114(a)(1) and 208.*

These requirements will be enforced directly by the USEPA outside of the Air Operating Permit Program.

N10. National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers - Area Sources
40 CFR 63.11193 et seq. Subpart JJJJJJ

The Permittee operates the following three steam generating units (boilers): Unit #1 Heat Recovery Steam Generator, Unit #2 Heat Recovery Steam Generator, and the Auxiliary Boiler.

The Unit #1 Heat Recovery Steam Generator and the Unit #2 Heat Recovery Steam Generator do not meet the definition of a "boiler" in Subpart JJJJJJ and therefore are not subject to this regulation. The heat recovery steam generators are not fired; all heat utilized by the units originates in the combustion turbines. In accordance with 40 CFR 63.11237, the definition of "boiler" does not include "waste heat boilers." A "waste heat boiler" is defined as "…a device that recovers normally unused energy and converts it to usable heat. Waste heat boilers are also referred to as heat recovery steam generators." Subpart JJJJJJ only applies to boilers as defined in the rule.

The Auxiliary boiler is fired solely on natural gas and therefore is not subject to this regulation. Natural gas fired boilers are not included in the description of the affected sources found in 40 CFR 63.11194. 40 CFR 63.11195(e) specifically lists "gas-fired boilers" as sources that are not subject to this regulation.

APPENDIX A

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY SOURCE TEST METHOD 9A

VISIBLE DETERMINATION OF OPACITY FOR A THREE MINUTE STANDARD

1. Principle

The opacity of emissions from stationary sources is determined visually by a qualified observer.

2. Procedure

The observer must be certified in accordance with the provisions of Section 3 of 40 CFR Part 60, Appendix A, Method 9, as in effect on July 1, 1990, which are hereby adopted by reference.

The observer shall stand at a distance sufficient to provide a clear view of the emissions with the sun oriented in the 140° sector to his/her back. Consistent with maintaining the above requirement, the observer shall, as much as possible, make his/her observations from a position such that his/her line of vision is approximately perpendicular to the plume direction, and when observing opacity of emissions from rectangular outlets (e.g., roof monitors, open baghouses, noncircular stacks), approximately perpendicular to the longer axis of the outlet. The observer's line of sight should not include more than one plume at a time when multiple stacks are involved, and in any case, the observer should make his/her observations with his/her line of sight perpendicular to the longer axis of such a set of multiple stacks (e.g., stub stacks on baghouses).

The observer shall record the name of the plant, emission location, type of facility, observer's name and affiliation, a sketch of the observer's position relative to the source, and the date on a field data sheet. The time, estimated distance to the emission location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), and plume background are recorded on a field data sheet at the time opacity readings are initiated and completed.

The observer should make note of the ambient relative humidity, ambient temperature, the point in the plume that the observations were made, the estimated depth of the plume at the point of observation, and the color and condition of the plume. It is also helpful if pictures of the plume are taken.

Opacity observations shall be made at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. The observer shall not look continuously at the plume, but instead shall observe the plume momentarily at 15 second intervals.

When condensed water vapor is present within the plume as it emerges from the emission outlet, opacity observations shall be made beyond the point in the plume at which condensed water vapor is no longer visible.

When water vapor in the plume condenses and becomes visible at a distinct distance from the emission outlet, the opacity of emissions should be evaluated at the emission outlet prior to the condensation of water vapor and the formation of the steam plume.

Opacity observations shall be recorded to the nearest 5 percent at 15 second intervals on an observational record sheet. Each momentary observation recorded shall be deemed to represent the average opacity of emissions for a 15 second period.

3. Analysis

The opacity of the plume is determined by individual visual observations. Opacity shall be reported as the range of values observed during a specified time period, not to exceed 60 consecutive minutes. The opacity standard is exceeded if there are more than 12 observations, during any consecutive 60-minute period, for which an opacity greater than the standard is recorded.

4. References

Federal Register, Vol. 36, No. 247, page 24895, December 23, 1971.

"Criteria for Smoke and Opacity Training School 1970 - 1971" Oregon-Washington Air quality Committee."

"Guidelines for Evaluation of Visible Emissions" EPA 340/1-75-007

Appendix B
Source Emission Testing Requirements
Auxiliary Boiler

EFSEC/2009-01 Condition 9

1. Introduction:

a. The purpose of this testing is to quantify emissions of nitrogen oxides and carbon monoxide emitted from the Auxiliary Boiler in order to assure compliance with the emission limitations contained in NOC Approval EFSEC/2009-01.

2. Testing Requirements:

a. Source emissions testing of the Auxiliary Boiler must be conducted initially and at least once every 60 calendar months (no later than the end of the calendar month during which the initial source test was conducted). Initial source emissions testing must be conducted within 60 days after achieving the maximum operating rate but no later 180 days after initial operation. The use of an alternative test schedule or method must be pre-approved by EFSEC in writing.

b. A comprehensive test plan must be submitted to EFSEC for review and approval at least 10 business days prior to testing.

c. EFSEC must be notified of the test date at least 5 business days prior to testing.

d. Unless otherwise specified, for each boiler, testing for each constituent must consist of a minimum of three sampling runs of the duration specified below.

Constituent	**Test Method or Equivalent[1]**	**Minimum Test Duration**
Stack gas velocity, flow rate	EPA Methods 1 and 2	N/A
Stack gas dry molecular weight, O_2, CO_2	EPA Method 3A	N/A
Stack gas moisture content	EPA Method 4	60 minutes
Nitrogen oxides	EPA Method 7E	60 minutes
Carbon monoxide	EPA Method 10	60 minutes

[1] The use of an alternate or equivalent test method must be pre-approved by EFSEC in writing.

Appendix B
Source Emission Testing Requirements
Auxiliary Boiler

3. Source Operation:

a. A complete record of production related parameters applicable to the testing, including but not limited to the following must be kept during emissions testing to correlate operations with emissions and must be recorded in the final report of the test results:

1. Unit startups and shutdowns
2. Boiler firing rate (fuel flow rate or fuel consumption rate)

b. Source operations during emissions testing must be representative of the most challenging of the intended operating conditions (e.g. full load).

4. Reporting:

The results of all required testing must be submitted to EFSEC within 45 days of test completion. Each report must be provided in an electronic format acceptable to EFSEC, and as a hard (paper) copy. Each report must include:

a. A description of the source including manufacturer, model number and design capacity of the equipment, and the location of the sample ports or test locations.
b. Time and date of the test and identification and qualifications of the personnel involved.
c. A summary of results, reported in units and averaging periods consistent with the applicable emission standard or limit. CO and NO_X emissions must be reported in units of ppmvd @ 3% O_2 and pounds per hour.
d. A summary of control system or equipment operating conditions.
e. A summary of production related parameters.
f. A description of the test methods or procedures used including all field data, quality assurance/quality control procedures and documentation.
g. A description of the analytical procedures used including all laboratory data, quality assurance/quality control procedures and documentation.
h. Copies of field data and example calculations.
i. Chain of custody information.
j. Calibration documentation.
k. Discussion of any abnormalities associated with the results.
l. A statement signed by the senior management official of the testing firm certifying the validity of the source test report.

Appendix C

Performance Monitoring Requirements
Auxiliary Boiler

EFSEC/2009-01 Condition 10

1. Introduction:

a. The purpose of periodically monitoring the exhaust of the Auxiliary Boiler is to minimize emissions and provide a reasonable assurance that the unit is operating properly.

b. Periodic monitoring may be conducted with an electrochemical cell combustion analyzer, analyzers used for reference method testing, or other analyzers pre-approved by EFSEC.

2. Monitoring Requirements:

a. Monitoring to determine emission concentrations of the following constituents must be conducted for the boiler during each calendar year. The use of an alternative test schedule must be pre-approved by EFSEC in writing.

Constituents to be Measured
Carbon Monoxide (CO)
Nitrogen Oxides (NO_X)
Oxygen (O_2)

b. Source operation during monitoring must be representative of maximum intended operating conditions during that year.

c. Alternative monitoring methodologies must be pre-approved by EFSEC.

3. Minimum Quality Assurance/Quality Control Measures:

a. The analyzer(s) response to span gas of a known concentration must be determined before and after testing. No more than 12 hours may elapse between span gas response checks. The results of the analyzer response check are not valid if the difference between the pre-test and post-test response checks exceeds 10% of the pre-test response value.

b. The CO and NO_X span gas concentrations must be no less than 50% and no more than 200% of the emission concentration corresponding to the permitted emission limit. A lower concentration span gas may be used if it is more representative of measured concentrations. Ambient air may be used to zero the CO and NO_X cells/analyzer(s) and span the oxygen cell/analyzer.

Appendix C
Performance Monitoring Requirements
Auxiliary Boiler

3. Minimum Quality Assurance/Quality Control Measures (continued):

c. Sampling of each exhaust stack must consist of at least 1 test consisting of at least 5 minutes of data collection following a "ramp-up phase." The ramp-up phase ends when analyzer readings have stabilized (less than 5%/minute change in emission concentration). Emission concentrations must be recorded at least once every 30 seconds during testing. All test data collected following the ramp-up phase(s) must be reported to EFSEC. Alternative testing methods may be utilized provided pre-approval is obtained from EFSEC.

If the test results from any monitoring event indicate that emission concentrations may exceed 12 ppmvd NO_X @ 3% O_2 or 50 ppmvd CO @ 3% O_2, the permittee must either perform 60 minutes of additional monitoring to more accurately quantify CO and NO_X emissions, or initiate corrective action. Additional testing or corrective action must be initiated as soon as practical but no later than three days after the potential exceedance is identified. Corrective action includes tuning, maintenance by service personnel, limitation of boiler load, or other action taken to maintain compliance with permitted limits. Monitoring of unit emissions must be conducted within three days following completion of any corrective action to confirm that the corrective action has been effective. Corrective action must be pursued until observed emission concentrations no longer exceed 12 ppmvd NO_X or 50 ppmvd CO, corrected to 3% O_2. Initiation of corrective action does not shield the permittee from enforcement actions by EFSEC.

4. Reporting:

a. All monitoring results must be recorded at the facility and reported to EFSEC. The following information must be included in the report:

(1) Time and date of the emissions evaluation;
(2) Identification of the personnel involved;
(3) A summary of results, reported in units consistent with the applicable emission standard(s) or limit(s);
(4) A summary of equipment operating conditions;
(5) A description of the evaluation methods or procedures used including all field data, quality assurance/quality control procedures and documentation; and
(6) Analyzer response check documentation.

b. Performance monitoring test results must be corrected to 3% O_2.

c. Monitoring results must be reported to EFSEC within 15 calendar days of test completion.

Appendix D
Acid Rain Permit No. EFSEC/06-01-AR Rev. 3

Issued by the Washington State Energy Facility Site Evaluation Council

Issued to:	**Chehalis Generation Facility, Washington**
Operated by:	**PacifiCorp**
Address:	1813 Bishop Road Chehalis, Washington 98532
ORIS code:	55662
Affected units:	CT1 CT2
Effective:	This Acid Rain permit, as part of the Chehalis Generation Facility Title V permit, will become effective upon the effective date of the Title V permit (Date XXXX). The Acid Rain Permit has a permit term ending on XX 5 Years from Issuance XX (the expiration date of Title V Permit No. EFSEC/06-01-AOP Rev. 3)

Acid Rain Permit Contents

1) Statement of Basis

2) SO_2 allowances allocated under this permit and NO_X requirements for each affected unit.

3) Comments, notes and justifications regarding permit decisions and changes made to the permit application forms during the review process, and any additional requirements or conditions as per WAC 173-406-501, "Acid Rain Permit Contents" as adopted by WAC 463-78.

4) The permit application submitted for this source. The owners and operators of the source must comply with the standard requirements and special provisions set forth in the application and in WAC 173-406-106 "Standard Requirements" as adopted by WAC 463-78.

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1) Statement of Basis

Statutory and Regulatory Authorities: In accordance with section 005 of Washington Administrative Code (WAC) 463-78 "General and Operating Permit Regulations for Air Pollution Sources," which adopts 173-406 "Acid Rain Regulation" and WAC 173-401 "Operating Permit Regulation," by reference, the Washington State Energy Facility Site Evaluation Council issues this permit pursuant to WAC 463-78. WAC 173-406 is based on the provisions of Title 40 Code of Federal Regulations (CFR) parts 72-76, which is part of the

requirements established pursuant to Title IV of the Clean Air Act, 40 U.S.C. 7401, et seq., as amended by Public Law 101-549 (November 15, 1990).

2) SO_2 Allowance Allocations and NO_X Requirements for Each Affected Unit

CT1	Facilitywide SO_2 allowances	To be determined [a]
	Acid Rain NO_X limit	N/A [b]
CT2	Facilitywide SO_2 allowances	To be determined [a]
	Acid Rain NO_X limit	N/A [b]

This Acid Rain Permit must not be construed to exempt or exclude an affected unit from compliance with any other provisions of the Clean Air Act consistent with 40 CFR 72.9(h) and WAC 173-406-106(8) as adopted by WAC 463-78. Additional requirements for this facility include those contained in Prevention of Significant Deterioration permit EFSEC/95-02 Amendment 2.

Table Footnotes

[a] Pursuant to 40 CFR 72.9(c)(i) and WAC 173-406-106(3)(a)(i) as adopted by WAC 463-78, this unit is required to hold SO_2 allowances, as of the allowance transfer deadline, in the unit's compliance subaccount not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit. Each combustion turbine has the potential to generate up to 85 tons per year of SO_2 emissions. According to 40 CFR 72.2, a fraction of a ton greater than 0.50 is equal to 1.0 ton and a fraction of a ton less than 0.50 is equal to no tons. Depending on the unit operating hours, each unit could be required to hold between 0 and 85 SO_2 allowances.

[b] Since this unit is not a coal-fired unit, there are no applicable acid rain NO_X emission limits and a Phase II NO_X permit application is not required. A NO_X limitation is included in PSD permit EFSEC/95-02 Amendment 2.

3) Comments, Notes and Justifications

This Acid Rain Permit is deemed to incorporate the definition of terms under WAC 173-406-101 as adopted by WAC 463-78 unless otherwise expressly defined in this permit.

4) Permit Application

The permit renewal application was signed on December 11, 2020. A copy of the application is attached.

Standard Requirements

Permit Requirements

(1) The designated representative of the Chehalis Generation Facility and each affected unit at the Chehalis Generation Facility must:

(i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30 and WAC 173-406-301 as adopted by WAC 463-78; and

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit.

(2) The owners or operators of the Chehalis Generation Facility and each affected unit at the Chehalis Generation Facility must:

(i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and

(ii) Have an Acid Rain permit.

Monitoring Requirements

(1) The owners and operators and, to the extent applicable, designated representative of the Chehalis Generation Facility and each affected unit at the Chehalis Generation Facility must comply with the monitoring requirements as provided in 40 CFR part 75.

(2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 must be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain program.

(3) The requirements of 40 CFR part 75 do not affect the responsibility of the owners and operator to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act, applicable requirements of Title 463 WAC, and other provisions of the operating permit for the Chehalis Generation Facility.

Sulfur Dioxide Requirements

(1) The owners and operator of the Chehalis Generation Facility and each affected unit at the Chehalis Generation Facility must:

(i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the Chehalis Generation Facility; and

(ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.

(2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide constitute a separate violation of the Act.

(3) An affected unit is subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:

(i) Starting January 1, 2000, an affected unit under WAC 173-406-103(1)(b) as adopted by WAC 463-78; or

(ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under WAC 173-406-103(1)(c) as adopted by WAC 463-78.

(4) Allowances must be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.

(5) An allowance must not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.

(6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7, 40 CFR 72.8, WAC 174-406-104 as adopted by WAC 463-78, or WAC 173-406-105 as adopted by WAC 463-78 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such an authorization.

(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements

The owners and operators of the Chehalis Generation Facility and each affected unit at the Chehalis Generation Facility must comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements

(1) The designated representative of an affected unit that has excess emissions in any calendar year must submit a proposed offset plan, as required under 40 CFR part 77.

(2) The owners and operators of an affected unit that has excess emissions in any calendar year must:

(i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and

(ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

(1) Unless otherwise provided, the owners and operators of the Chehalis Generation Facility and each affected unit at the Chehalis Generation Facility must keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:

(i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certification of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents must be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;

(ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period applies;

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and

(iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.

(2) The designated representative of the Chehalis Generation Facility and each affected unit at the Chehalis Generation Facility must submit the reports and compliance certifications required under the Acid Rain Program, including those under WAC 173-406-800 as adopted by WAC 463-78 and 40 CFR part 75.

Liability

(1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7, 40 CFR 72.8, WAC 173-406-104 as adopted by WAC 463-78, or WAC 173-406-105 as adopted by WAC 463-78, including any requirement for the payment of any penalty owed to the United States, will be subject to enforcement pursuant to section 113(c) of the Act and by the permitting authority pursuant to Revised Code of Washington (RCW) 80.50.150.

(2) Any person who knowingly makes any false, material statement in any record, submission, or report under the Acid Rain Program will be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001 and by the permitting authority pursuant to RCW 80.50.150.

(3) No permit revision will excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.

(4) The Chehalis Generation Facility and each affected unit at the Chehalis Generation Facility must meet the requirements of the Acid Rain Program.

(5) Any provision of the Acid Rain Program that applies to the Chehalis Generation Facility (including a provision applicable to the designated representative of an affected unit) also applies to the owners and operators of the Chehalis Generation Facility and to the affected units at the Chehalis Generation Facility.

(6) Any provision of the Acid Rain Program that applies to an affected unit at the Chehalis Generation Facility (including a provision applicable to the designated representative of an affected unit) also applies to the owners and operators of such unit. Except as provided under WAC 173-406-402 (Phase II repowering extension plans) as adopted by WAC 463-78, and 40 CFR part 76, and except with regard to the requirements applicable to a unit with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 40 CFR 75.17, and 40 CFR 75.18), the owners and operators and the designated representative of one affected unit are not be liable for any violation by any other unit of which they are not the owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

(7) Each violation of a provision of WAC 173-406-100 through 173-406-950 as adopted by WAC 463-78 and 40 CFR 72, 73, 75, 76, 77, and 78, and regulations implementing section 410 of the Act by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, are a separate violation of the Act.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7, 40 CFR 72.8, WAC 173-406-104 as adopted by WAC 463-78, or WAC 173-406-105 as adopted by WAC 463-78 shall be construed as:

(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affect unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit will not affect the source's obligation to comply with any other provisions of the Act;

(3) Requiring a change of any kind in any state law regulating electric utility rates and charges, affecting any state law regarding such state regulation, or limiting such state regulation, including any prudence review requirements under such state law;

(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or

(5) Interfering with or impairing any program for competitive bidding for power supply in a state in which such program is established.

United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258
Approval expires 12/31/2021

Acid Rain Permit Application

For more information, see instructions and 40 CFR 72.30 and 72.31.

This submission is: ☐ new ☐ revised ☐ for ARP permit renewal

STEP 1

Identify the facility name, State, and plant (ORIS) code.

Chehalis Generating Facility Facility (Source) Name	Washington State	55662 Plant Code

STEP 2

Enter the unit ID# for every affected unit at the affected source in column "a."

a	b
Unit ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)
CT1	Yes
CT2	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes

EPA Form 7610-16 (Revised 10-2020)

Chehalis Generating Facility
Facility (Source) Name (from STEP 1)

STEP 3

Read the standard requirements.

Permit Requirements

(1) The designated representative of each affected source and each affected unit at the source shall:
   (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
   (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;

(2) The owners and operators of each affected source and each affected unit at the source shall:
   (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
   (ii) Have an Acid Rain Permit.

Monitoring Requirements

(1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.

(2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.

(3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

(1) The owners and operators of each source and each affected unit at the sourceshall:
   (i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
   (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.

(2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.

(3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
   (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
   (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).

(4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.

(5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.

(6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

EPA Form 7610-16 (Revised 10-2020)

Chehalis Generating Facility
Facility (Source) Name (from STEP 1)

STEP 3, Cont'd.

Excess Emissions Requirements

(1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
(2) The owners and operators of an affected source that has excess emissions in any calendar year shall:
   (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
   (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

(1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
   (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
   (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
   (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
   (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
(2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

(1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
(2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
(3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
(4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
(5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
(6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
(7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

EPA Form 7610-16 (Revised 10-2020)

Chehalis Generating Facility Facility (Source) Name (from STEP 1)

STEP 3, Cont'd.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a source can hold; provided, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Act;

(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,

(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

STEP 4

Certification

Read the certification statement, sign, and date.

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name Mark A. Miller	
Signature	December 11, 2020 Date

EPA Form 7610-16 (Revised 10-2020)

STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL (EFSEC)

TITLE V BASIS STATEMENT FOR AIR OPERATING PERMIT – EFSEC/06-01-AOP Rev. 3

Issued To

PACIFICORP

For The

CHEHALIS GENERATION FACILITY

DRAFT: Date XXXX

PERMIT #:	**EFSEC/06-01-AOP Rev. 3**
PREPARED FOR:	**Chehalis Generation Facility** **1813 Bishop Road** **Chehalis, WA 98532**
PLANT SITE:	**Chehalis Generation Facility** **1813 Bishop Road** **Chehalis, WA 98532**
PERMIT ENGINEER:	**Clint H. Lamoreaux – SWCAA Air Quality Engineer**
REVIEWED BY:	**Kyle Overton – EFSEC Energy Facility Site Specialist**

ENERGY FACILITY SITE EVALUATION COUNCIL
1300 South Evergreen Park Drive SW - PO Box 43172
Olympia, WA 98504-3172
Telephone: (360) 664-1345

TABLE OF CONTENTS

I. GENERAL INFORMATION AND CERTIFICATION

Company Name	PacifiCorp
Facility Name	Chehalis Generation Facility
Facility Address	1813 Bishop Road Chehalis, WA 98532
Mailing Address	1813 Bishop Road Chehalis, WA 98532
Parent Company/Address	PacifiCorp 1407 West North Temple Salt Lake City, UT 84116
Standard Industrial Classification	4911
North American Industrial Classification System	221112
Aerometric Information Retrieval System Number	53041-00005
Unified Business Identification	409-000-070
Responsible Official	Mark A. Miller – Gas Plant Manager
Permit Engineer	Clinton H. Lamoreaux – P.E.
Reviewed by	Ami Kidder – EFSEC manager Kathleen Drew – EFSEC Chair

Basis for Title V Applicability

The Chehalis Generation Facility has the potential to emit more than 100 tons per year of sulfur dioxide, nitrogen oxides, particulate matter less than 10 micrometers, and carbon monoxide, all of which are criteria air pollutants listed under the Federal Clean Air Act. A facility with the potential to emit at or above these thresholds is subject to the Title V Air Operating Permit Program. In addition, this facility is required to obtain a Title V Air Operating Permit because it is an affected source under Title IV (Acid Deposition Control) of the federal Clean Air Act.

Facilitywide Potential To Emit Summary

Pollutant	Emissions (tons per year)
Nitrogen oxides	242
Carbon monoxide	487
Volatile organic compounds	59
Sulfur dioxide	170
Particulate Matter	225
PM_{10}	225
$PM_{2.5}$	225
NH_3	226
Combined HAPs	2.0
Individual HAP	2.0 (formaldehyde)
CO_2 equivalent	1,926,911

Current Permitting Action:
This Title V Air Operating Permit is being issued in response to a Title V renewal application submitted by PacifiCorp Energy in accordance with the deadline contained in Air Operating Permit EFSEC/06-01-AOP Rev. 2.

AOP EFSEC/06-01-AOP Rev. 3 (Renewal)

1. Permit Application Due: June 29, 2021
2. Permit Application Submitted: December 23, 2020
3. Permit Application Deemed Complete: January 28, 2021
4. Permit Application Sent to EPA: XXXX
5. Draft Permit Issued: XXXX
6. Proposed Permit Issued: XXXX
7. Final Permit Issued: XXXX
8. Renewal Permit Application Due: XXXX
9. Permit Expiration: XXXX

Attainment Area:
The Chehalis Generation Facility is located in an area that is in attainment status for all criteria pollutants.

Facility Description:
The Chehalis Generation Facility is an air-cooled natural gas-fired combined cycle power plant. The facility includes two combustion turbines and one steam turbine. Exhaust gas from the combustion turbines is routed through heat recovery steam generators (HRSGs) which provide steam to the steam turbine. The combustion turbines and the steam turbine are each coupled to an electric generator. Electrical energy provided by the three generators is supplied to the electric power grid.

The Chehalis Generation Facility began commercial operation (for the purposes of Title IV) in June 2003. The facility has a nameplate capacity of 593.3 MW, an actual net summer capacity of 477 MW, and a net winter capacity of 506 MW. The Site Certification Agreement nominal generating capacity of 520 MW is an accurate representation of the capacity under average

annual conditions. An air-cooled condenser system is used in lieu of a wet cooling tower system to minimize water consumption. A 16.9 MMBtu/hr Auxiliary Boiler was commissioned in 2010 to provide steam to the facility to reduce the duration of startup events. No duct burners, emergency generators, or emergency fire pumps have been installed at this facility.

II. EMISSIONS UNIT DESCRIPTIONS

EU #	Generating Equipment	Emission Control
EU-1	Combustion Turbine #1	Oxidation catalyst and selective catalytic reduction system
EU-2	Combustion Turbine #2	Oxidation catalyst and selective catalytic reduction system
EU-3	Auxiliary Boiler	Low emission burners, external flue gas recirculation

EU-1 Combustion Turbine #1 (CT1)

CT1 consists of one General Electric model 7FAe+ gas turbine (serial number 298136) and an unfired heat recovery steam generator (HRSG). The turbine drives a 60-hertz, 18-kilovolt generator (serial number 338X439). The gas turbine is designed to produce approximately 175 MW of electrical power and the steam turbine is designed to produce approximately 170 MW of electrical power (using steam from both HRSGs). The gas turbine operates primarily on natural gas, however, in the case of a natural gas curtailment, the turbine can operate on low sulfur distillate oil. When firing natural gas, the turbine has a heat input capacity of 2,067 MMBtu/hr at peak load and an estimated annual average heat input capacity of 1,782 MMBtu/hr (51 °F, 60% relative humidity). When firing fuel oil, the turbine has a heat input capacity of 2,067 MMBtu/hr at peak load and an estimated annual average heat input capacity of 1,930 MMBtu/hr (51 °F, 60% relative humidity). An inlet air fogging system was added to this unit in 2005 but subsequently removed.

Emissions from the combustion turbine consist primarily of NO_X, CO, SO_2, PM, and VOC. A Babcock-Hitachi selective catalytic reduction (SCR) system, using ~19% aqueous ammonia as a reducing reagent, controls emissions of nitrogen oxides (NO_X) and causes emissions of ammonia (NH_3). An Engelhard Corporation oxidation catalyst controls carbon monoxide (CO) emissions. Emissions of particulate matter and volatile organic compound emissions are minimized by the use of fuels with low ash contents and optimization of combustion parameters to provide for complete combustion. Combustion gases from the combustion turbine are discharged to the atmosphere through a stack measuring 19 feet 4 inches in diameter by 149 feet tall. CT1 is located to the north of CT2. The stack is located at approximately 46°37'21.09"N, 122°54'52.48"W.

The SCR is comprised of a plate-type catalyst consisting of titanium dioxide (TiO_2), molybdenum trioxide (MoO_3), and vanadium pentoxide (V_2O_5) catalytic material contained in a ceramic fiber binder. Each SCR is comprised of 72 individual blocks arranged in a 4 block wide by 18 block high configuration. Each catalyst block is 1,628 mm (5.34 ft) wide, 706 mm (2.32 ft) thick, and 946 mm (3.10 ft) high with an individual weight of 473 kg (1,043 lb). The combined volume of the 72 blocks comprising one SCR is 49.3 m^3.

When the combustion turbines are fired on natural gas, the SCR NO_X removal efficiency is equal-to-or-greater-than 66.67% at an exhaust gas inlet temperature of 568°F.

The Engelhard carbon monoxide catalytic oxidation system is used to oxidize carbon monoxide (CO) to carbon dioxide (CO_2). The CO converter system consists of a honeycomb-shaped stainless steel substrate core utilizing an alumina and platinum catalytic matrix which oxidizes CO into CO_2.

Each unit includes an oxidation catalyst consisting of 250 modules. The modules are housed in a carbon steel framework and are arranged in the combustion turbine exhaust ductwork in a 10-wide by 25-high configuration. Each catalyst module weighs approximately 30 pounds and is 25.5 inches wide by 26.08 inches high and 2.452 inches deep. The frame housing the CO oxidation modules has an overall width of 24.3 feet and an overall height of 59.3 feet. Under design conditions when firing on natural gas at an ambient temperature of 51°F, the combustion turbine exhaust gas is at a nominal temperature of 627°F (+/-25°F) and the oxidation catalyst has a minimum CO-to-CO_2 conversion efficiency of 59.8%. Similarly, when firing on fuel oil at an ambient temperature of 51°F, the combustion turbine exhaust gas is at a nominal temperature of 630°F (+/-25°F) and the oxidation catalyst has a minimum CO-to-CO_2 conversion efficiency of 44.2%.

CT1 was first fired on May 25, 2003. CT1 commenced commercial operation on June 13, 2003.

CT1 is subject to 40 CFR 60 Subpart GG "Standards of Performance for Stationary Gas Turbines" because its heat input capacity at peak load exceeds 10 MMBtu/hr and it was constructed after the applicability date of October 3, 1977. The turbine has not undergone reconstruction or modification that would trigger the applicability of 40 CFR 60 Subpart KKKK "Standards of Performance for Stationary Combustion Turbines."

CAM Applicability Review

Pollutant	Uncontrolled PTE (tons)	Emission Control Device?	Emission Limit?	Subject to CAM?
NO_X	> 100	Yes	Yes	No. Permit requires CEMS.
CO	> 100	Yes	Yes	No. Permit requires CEMS.
VOC	29.24	No	Yes	No. Uncontrolled PTE < 100 tpy and no emission control device
SO_2	43.59	No	Yes	No. Uncontrolled PTE < 100 tpy and no emission control device
PM_{10}	> 100	No	Yes	No. No emission control device
NH_3	> 100	No	Yes	No. Permit requires CEMS

EU-2 Combustion Turbine #2 (CT2)

CT2 consists of one General Electric model 7FAe+ gas turbine (serial number 298137) and an unfired heat recovery steam generator (HRSG). The turbine drives a 60-hertz, 18-kilovolt generator (serial number 338X440). The gas turbine is designed to produce approximately 175 MW of electrical power and the steam turbine is designed to produce approximately 170 MW of electrical power (using steam from both HRSGs). The gas turbine operates primarily on natural gas, however,

in the case of a natural gas curtailment, the turbine can operate on low sulfur distillate oil. When firing natural gas, the turbine has a heat input capacity of 2,067 MMBtu/hr at peak load and an estimated annual average heat input capacity of 1,782 MMBtu/hr (51 °F, 60% relative humidity). When firing fuel oil, the turbine has a heat input capacity of 2,067 MMBtu/hr at peak load and an estimated annual average heat input capacity of 1,930 MMBtu/hr (51 °F, 60% relative humidity). An inlet air fogging system was added to this unit in 2005 but subsequently removed.

Emissions from the combustion turbine consist primarily of NO_X, CO, SO_2, PM, and VOC. A Babcock-Hitachi selective catalytic reduction (SCR) system, using ~19% aqueous ammonia as a reducing reagent, controls emissions of nitrogen oxides (NO_X) and causes emissions of ammonia (NH_3). An Engelhard Corporation oxidation catalyst controls carbon monoxide (CO) emissions. Emissions of particulate matter and volatile organic compound emissions are minimized by the use of fuels with low ash contents and optimization of combustion parameters to provide for complete combustion. Combustion gases from the combustion turbine are discharged to the atmosphere through a stack measuring 19 feet 4 inches in diameter by 149 feet tall. CT2 is located to the south of CT1. The stack is located at approximately 46°37'19.88"N, 122°54'52.46"W.

The SCR is comprised of a plate-type catalyst consisting of titanium dioxide (TiO_2), molybdenum trioxide (MoO_3), and vanadium pentoxide (V_2O_5) catalytic material contained in a ceramic fiber binder. Each SCR is comprised of 72 individual blocks arranged in a 4 block wide by 18 block high configuration. Each catalyst block is 1,628 mm (5.34 ft) wide, 706 mm (2.32 ft) thick, and 946 mm (3.10 ft) high with an individual weight of 473 kg (1,043 lb). The combined volume of the 72 blocks comprising one SCR is 49.3 m^3.

When the combustion turbines are fired on natural gas, the SCR NO_X removal efficiency is equal-to-or-greater-than 66.67% at an exhaust gas inlet temperature of 568°F.

The Engelhard carbon monoxide catalytic oxidation system is used to oxidize carbon monoxide (CO) to carbon dioxide (CO_2). The CO converter system consists of a honeycomb-shaped stainless steel substrate core utilizing an alumina and platinum catalytic matrix which oxidizes CO into CO_2.

Each unit includes an oxidation catalyst consisting of 250 modules. The modules are housed in a carbon steel framework and are arranged in the combustion turbine exhaust ductwork in a 10-wide by 25-high configuration. Each catalyst module weighs approximately 30 pounds and is 25.5 inches wide by 26.08 inches high and 2.452 inches deep. The frame housing the CO oxidation modules has an overall width of 24.3 feet and an overall height of 59.3 feet. Under design conditions when firing on natural gas at an ambient temperature of 51°F, the combustion turbine exhaust gas is at a nominal temperature of 627°F (+/-25°F) and the oxidation catalyst has a minimum CO-to-CO_2 conversion efficiency of 59.8%. Similarly, when firing on fuel oil at an ambient temperature of 51°F, the combustion turbine exhaust gas is at a nominal temperature of 630°F (+/-25°F) and the oxidation catalyst has a minimum CO-to-CO_2 conversion efficiency of 44.2%.

CT2 was first fired on May 31, 2003. CT2 commenced commercial operation on June 5, 2003.

CT2 is subject to 40 CFR 60 Subpart GG "Standards of Performance for Stationary Gas Turbines" because its heat input capacity at peak load exceeds 10 MMBtu/hr and it was constructed after the

applicability date of October 3, 1977. The turbine has not undergone reconstruction or modification that would trigger the applicability of 40 CFR 60 Subpart KKKK "Standards of Performance for Stationary Combustion Turbines."

CAM Applicability Review

Pollutant	Uncontrolled PTE (tons)	Emission Control Device?	Emission Limit?	Subject to CAM?
NO_X	> 100	Yes	Yes	No. Permit requires CEMS.
CO	> 100	Yes	Yes	No. Permit requires CEMS.
VOC	29.24	No	Yes	No. Uncontrolled PTE < 100 tpy and no emission control device
SO_2	43.59	No	Yes	No. Uncontrolled PTE < 100 tpy and no emission control device
PM_{10}	> 100	No	Yes	No. No emission control device
NH_3	> 100	No	Yes	No. Permit requires CEMS

EU-3 Auxiliary Boiler

Installation of the Auxiliary Boiler was required by Council Order #836 authorizing the transfer of the Chehalis Generation Facility Site Certification Agreement to PacifiCorp. On September 15, 2008 EFSEC received notice that the Chehalis Generation Facility had been merged into PacifiCorp. The Auxiliary Boiler is used to provide steam to the gas turbine generators' support equipment and to reduce the required duration of gas turbine startup events.

The Auxiliary Boiler is a natural gas fired CB NAT-COM package boiler utilizing a low-NO_X model P-17-G-14-0911 burner set. The boiler was built, installed, and commissioned in 2010. The following equipment details were available:

Location:	South of main building, between main building and the air cooled condensers
Startup Date:	December 8, 2010
Make / Model:	Cleaver Brooks – NATCOM / NB-200D-35
Fuel:	Natural gas
Heat Input Capacity:	16.9 MMBtu/hr
Burners:	Model P-17-G-14-0911, serial number 11497, designed to provide ≤ 9 ppmvd NO_X @ 3% O_2 utilizing external flue gas recirculation.
Stack Description:	Exhausts vertically through stack measuring 30" diameter, 88' above grade, 28.1 ft/s, 200 °F. The tallest adjacent structure is 76.75' above grade. Located at approximately 46°37'18.17"N, 122°54'53.56"W

The Auxiliary Boiler is subject to the 40 CFR 60 Subpart Dc "Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units" because its heat input capacity is less than 100 MMBtu/hr and equal to or greater than 10 MMBtu/hr and it was constructed after the applicability date of June 9, 1989.

CAM Applicability Review

Pollutant	Uncontrolled PTE (tons)	Emission Control Device?	Emission Limit?	Subject to CAM?
NO_X	1.08	No	Yes	No. Uncontrolled PTE < 100 tpy and no emission control device
CO	2.73	No	Yes	No. Uncontrolled PTE < 100 tpy and no emission control device
VOC	0.30	No	Yes	No. Uncontrolled PTE < 100 tpy and no emission control device
SO_2	0.41	No	Yes	No. Uncontrolled PTE < 100 tpy and no emission control device
PM_{10}	1.31	No	Yes	No. Uncontrolled PTE < 100 tpy and no emission control device

III. EXPLANATION OF INSIGNIFICANT EMISSIONS UNIT DETERMINATIONS

The following equipment was identified by the permittee as insignificant. Each emission unit listed as insignificant in the permit has been reviewed by EFSEC to confirm its status. None of the listed equipment is a significant source of emissions or is subject to any equipment specific air quality requirements.

Equipment Description	**Size or Capacity**	**Justification**
Fuel Oil (#2 diesel) piping fugitive emissions	Not applicable	WAC 173-401-530(1)(d) – only fugitive emissions
Fuel Oil Storage Tanks (two tanks)	1,700,000 gallons each	WAC 173-401-530(1)(c) – actual vapor pressure less than 5 mm Hg @ 21°C (category listed in WAC 173-533(2)(t)).
Natural Gas Piping	Not applicable	WAC 173-401-530(1)(d) – only fugitive emissions
Inlet Gas Drain Tank	250 gallons	WAC 173-401-530(1)(a) – below emissions thresholds
19% Aqueous Ammonia Storage Tanks	32,000 gallons	WAC 173-401-530(1)(a) – below emissions thresholds
Oil/Water Separator	<500 gallons	WAC 173-401-530(1)(b) – actual vapor pressure less than 550 mm Hg @ 21°C, tank less than 1,100 gallons (category listed in WAC 173-533(2)(b)).
Waste Oil Tank (as separator)	150 gallons	WAC 173-401-530(1)(b) – actual vapor pressure less than 550 mm Hg @ 21 °C, tank less than 1,100 gallons (category listed in WAC 173-533(2)(b)).
Waste Fuel Drain Tanks (2)	500 gallons each	WAC 173-401-530(1)(b) – actual vapor pressure less than 550 mm Hg @ 21°C, tank less than 1,100 gallons (category listed in WAC 173-533(2)(b)).

Equipment Description	Size or Capacity	Justification
Miscellaneous Wastewater Collection Sumps	1,000 – 2,500 gallons each	WAC 173-401-530(1)(b) – categorically exempt equipment listed in WAC 173-401-532(120)
Sanitary Waste Storage Area	3,100 gallons	WAC 173-401-530(1)(b) – categorically exempt as per WAC 173-401-532(6)
Lubricating oil storage tanks	Not applicable	WAC 173-401-530(1)(b) – categorically exempt as per WAC 173-401-532(3)
Pressurized storage tanks containing oxygen, nitrogen, carbon dioxide or inert gases	Not applicable	WAC 173-401-530(1)(b) – categorically exempt as per WAC 173-401-532(5)
Vents from continuous emissions monitors and analyzers	Not applicable	WAC 173-401-530(1)(b) – categorically exempt as per WAC 173-401-532(8)

IV. EXPLANATION OF SELECTED PERMIT PROVISIONS AND GENERAL TERMS AND CONDITIONS

G2. Chemical Accident Prevention

Part 68 requires risk management plans be developed for the substances and thresholds listed in 40 CFR 68.130. Ammonia is a listed substance. The SNCR system utilizes urea rather than ammonia. The permittee uses no other substance listed in 40 CFR 68.130, therefore this standard does currently not apply to this facility.

V. EXPLANATION OF OPERATING TERMS AND CONDITIONS

Req. 1-8 General Standards for Maximum Emissions

[WAC 173-400-040]

WAC 173-400-040 establishes maximum emission standards for various air contaminants. These requirements are general statewide standards, and apply to all sources of air contaminants. Therefore, these requirements apply to all emission units at the source, both EU and IEU. Pursuant to WAC 173-401-530(2)(c), the permit does not contain any testing, monitoring, recordkeeping, or reporting requirements for IEUs except those specifically identified by the underlying requirements.

Req-6 prohibits any concealment or masking. At present, the permittee does not operate any equipment capable of masking emissions, therefore monitoring is limited to the annual compliance certification.

Note that the 1,000 ppmvd SO_2 @ 7% O_2 limitation from WAC 173-400-040(7) cannot be exceeded if the facility burns the approved fuels, therefore no monitoring beyond confirming the fuel type is necessary:

Maximum SO_2 emissions from burning natural gas can be calculated assuming a maximum sulfur content of 20 gr/100 scf. This concentration far exceeds the expected sulfur content of

approximately 0.5 gr/100scf. 20 gr/100 scf is the maximum sulfur tariff for most pipelines and matches the maximum sulfur included under the definition of "natural gas" in 40 CFR 72.

$$\left(\frac{20\ \text{gr}}{100\ \text{ft}^3\ \text{nat.gas}}\right)\left(\frac{1\ \text{ft}^3\ \text{nat.gas}}{1{,}020\ \text{Btu}}\right)\left(\frac{64\ \text{lbs}\ SO_2}{32\ \text{lbs S}}\right)\left(\frac{1\ \text{lb}}{7{,}000\ \text{gr}}\right)\left(\frac{10^6\ \text{Btu}}{8{,}710\ \text{dscf}}\right)\left(\frac{20.9-7\%\ O_2}{20.9\%\ O_2}\right)\left(\frac{1\ \text{lbmol}\ SO_2}{64\ \text{lbs}\ SO_2}\right)\left(\frac{385\ \text{ft}^3\ SO_2}{\text{lbmol}\ SO_2}\right)$$
$$=\left(\frac{26\ \text{ft}^3\ SO_2}{10^6\ \text{ft}^3\ \text{Exhaust}}\right)=26\ \text{ppm @ 7\%}\ O_2$$

When firing distillate oil in the turbines, the maximum allowed fuel sulfur content in the permit is 0.05%. Maximum SO_2 emissions from burning 0.05% sulfur fuel:

$$\left(\frac{0.05\ \text{lb S}}{100\ \text{lbs fuel}}\right)\left(\frac{7.206\ \text{lbs fuel}}{1\ \text{gallon fuel}}\right)\left(\frac{1\ \text{gallon fuel}}{0.138\ \text{MMBtu}}\right)\left(\frac{64\ \text{lbs}\ SO_2}{32\ \text{lbs S}}\right)\left(\frac{\text{MMBtu}}{9{,}190\ \text{dscf}}\right)\left(\frac{20.9-7\%\ O_2}{20.9\%\ O_2}\right)\left(\frac{1\ \text{lbmol}\ SO_2}{64\ \text{lbs}\ SO_2}\right)\left(\frac{385\ \text{ft}^3\ SO_2}{\text{lbmol}\ SO_2}\right)$$
$$=\left(\frac{0.68\ \text{ft}^3\ SO_2}{10^6\ \text{ft}^3\ \text{Exhaust}}\right)=22.7\ \text{ppm @ 7\%}\ O_2$$

Req. 9 Emission Standards for General Process Units

WAC 173-400-060 establishes maximum particulate matter emission standards for general process units. These requirements apply to any general process units at the source, including IEUs. The definition of a "general process unit" excludes combustion units; therefore this requirement does not apply to the exhaust stacks of EU-1, EU-2, or EU-3. Pursuant to WAC 173-401-530(2)(c), the permit does not contain any testing, monitoring, recordkeeping, or reporting requirements for IEUs except those specifically identified by the requirements as applying to IEUs.

At the current time, no general process units have been identified at this facility with the potential to emit particulate matter. This requirement was included in the permit to apply to operations not currently identified or not yet installed at the facility.

Req. 10 Good Air Pollution Control Practices

40 CFR 60.11(d) requires that applicable equipment (the combustion turbines and auxiliary boiler in this case) be operated in a manner consistent with good air pollution control practices for minimizing emissions. This requirement applies to the New Source Performance Standards (NSPS) for the turbines (Subpart GG) and the Auxiliary Boiler (Subpart Dc). This requirement is particularly important during startup, shutdown, and upset periods when the equipment cannot comply with the permit limits that apply during normal operation. 40 CFR 60.11(d) does not explain how to implement this standard, however EFSEC believes that this requirement should be interpreted consistent with more recent MACT/NESHAP rulemakings in which EPA writes "The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved." Consistent with this interpretation, this requirement is reviewed when there is an exceedance of a relevant NSPS limit.

Req. 11 Combustion Turbine Fuel Sulfur Limit

40 CFR 60 Subpart GG limits the sulfur content of fuel burned in applicable combustion turbines to 0.8% by weight. The combustion turbines are only approved to burn "natural gas" and "on-

road specification diesel fuel" (oil) containing no more than 0.05% sulfur by weight…" 20 gr/100 scf is the maximum sulfur tariff for most pipelines and matches the maximum sulfur included under the definition of "natural gas" in 40 CFR 72. 20 gr/100 scf is equivalent to approximately 0.025% by weight. Therefore, the facility will be in compliance with this requirement if burning either of the approved fuels.

Req. 12 – Fuel Firing Restrictions

Conditions 1.1 and 1.2 of EFSEC/95-02 Amendment 2 requires that the combustion turbines be fired on natural gas except when natural gas is not available and during limited test periods. "On-road specification diesel fuel" may be burned during these periods.

"On-road specification diesel fuel" refers to the on-road specifications from 40 CFR 80.29 as amended through July 1, 1992.

Hours of operation on oil for test periods and startup count towards the 720 hour limit of operation on oil.

Req. 13 – NO_X Emission Limits

Conditions 2.1, 2.2, and 2.3 of EFSEC/95-02 Amendment 2 provide NO_X emission limits during both natural gas and oil firing. In accordance with Condition 24 of EFSEC/95-02 Amendment 2, these limits apply on a CEM clock hour or calendar day basis when the CEMS is being used to measure emissions. For days when a turbine is fired on both natural gas and oil, a time-weighted average of the gas and oil firing emission limits applies. The last sentence in this requirement states that the oil-firing limit applies for any hour in which oil is fired. It is not practical to split up emission limits into fractions of an hour according to which fuel is being burned, therefore it was determined that the emission limit would need to apply to any hour in which fuel oil is burned.

40 CFR 60.332(a)(1) provides a parallel NO_X emission limit for combustion turbines, however this limit is far less restrictive that the limits provided by Conditions 2.1 and 2.2 of EFSEC/95-02 Amendment 2. Compliance with the emission limits of Conditions 2.1 and 2.2 will assure compliance with the NO_X emission limit in 40 CFR 60.332(a)(1), therefore only the limits from Conditions 2.1 and 2.2 were listed. 40 CFR 60.332(a)(1) provides for a limit of at least 75 ppmvd @ 15% O_2 (the limit can increase based on the magnitude of any fuel-bound nitrogen allowance and the manufacturer's rated heat rate at manufacturer's rated load).

Req. 14 – CO Emission Limits

Conditions 3.1 and 3.2 of EFSEC/95-02 Amendment 2 provide CO emission limits during both natural gas and oil firing. In accordance with Condition 24 of EFSEC/95-02 Amendment 2, these limits apply on a CEM clock hour or calendar day basis when the CEMS is being used to measure emissions. The last sentence in this requirement states that the oil-firing limit applies for any hour in which oil is fired. It is not practical to split up emission limits into fractions of an hour according to which fuel is being burned, therefore it was determined that the emission limit would need to apply to any hour in which fuel oil is burned.

Req. 15 – SO_2 Emission Limits

Conditions 4.1 and 4.2 of EFSEC/95-02 Amendment 2 provide SO_2 emission limits during both natural gas and oil firing. The last sentence in this requirement states that the oil-firing limit applies for any hour in which oil is fired. It is not practical to split up emission limits into fractions of an hour according to which fuel is being burned, therefore it was determined that the emission limit would need to apply to any hour in which fuel oil is burned.

Req. 16 – VOC Emission Limits

Conditions 5.1 and 5.2 of EFSEC/95-02 Amendment 2 provide VOC emission limits during both natural gas and oil firing. Because the term "volatile organic compounds" (VOCs) describes a large class of compounds, a standard compound (in this case propane) must be used in order to compare emission limits and source test results using EPA Method 25A. If the relative concentrations of each volatile organic species is known, the actual emission rate of each species and the total emission rate of VOCs can be determined. VOC speciation data is not required.

For days when a turbine is fired on both natural gas and oil, a time-weighted average of the gas and oil firing emission limits applies. The last sentence in this requirement states that the oil-firing limit applies for any hour in which oil is fired. It is not practical to split up emission limits into fractions of an hour according to which fuel is being burned, therefore it was determined that the emission limit would need to apply to any hour in which fuel oil is burned.

Req. 17 – PM_{10} Emission Limits

Conditions 6.1 and 6.2 of EFSEC/95-02 Amendment 2 provide PM_{10} emission limits during both natural gas and oil firing. EPA Method 5 was listed as a possible reference test method because it is presumed that all particulate matter generated from this source will have an aerodynamic diameter of 10 μm or less. EPA Method 201A would be considered a superior test method for the determination of PM_{10}, but is not required due to inherent method limitations and the fact that all particulate matter is expected to be PM_{10}. This permit limit is based solely on the filterable component of PM_{10} and does not require consideration or testing of the condensable fraction of PM_{10}.

For days when a turbine is fired on both natural gas and oil, a time-weighted average of the gas and oil firing emission limits applies.

Req. 18 – Sulfuric Acid Emission Limit

Conditions 7.1 and 7.2 of EFSEC/95-02 Amendment 2 limits sulfuric acid emissions from EU-1 and EU-2. Because of the interference caused by ammonia in the exhaust gas, EPA Method 8 cannot be used without modification to measure sulfuric acid emissions.

The last sentence in this requirement states that the oil-firing limit applies for any hour in which oil is fired. It is not practical to split up emission limits into fractions of an hour according to which fuel is being burned, therefore it was determined that the emission limit would need to apply to any hour in which fuel oil is burned.

Req. 19 – Opacity Limit

Condition 8 of EFSEC/95-02 Amendment 2 limit opacity from the HRSG exhaust stacks to 10 percent or less on a 6-minute average. EPA Method 9 or an equivalent method must be used daily to confirm compliance. When no visible emissions are present, EPA Method 22 is an equivalent method. Both EPA Method 9 (which requires a certified observer) and EPA Method 22 can be used to determine the presence or absence of visible emissions. The presence of visible emissions is highly unlikely at this facility, except during periods of extreme upset conditions.

Req. 20 – Ammonia Emission Limits

Conditions 9.1, 9.2, 9.3, and 9.4 of EFSEC/95-02 Amendment 2 limits ammonia emissions from EU-1 and EU-2. For days when a turbine is fired on both natural gas and oil, a time-weighted average of the gas and oil firing emission limits applies.

Req. 21, 22 – Startup and Shutdown Provisions

Conditions 10.2, 10.3, 10.6, and 10.7 of EFSEC/95-02 Amendment 2 provide for special provisions regarding the duration and number of combustion turbine startup and shutdown events because during startup and shutdown the combustion turbines cannot meet all the emission limits that apply during normal operation. Alternative CO and NO_X emission limits are provided by Conditions 10.4 and 10.5 of EFSEC/95-01 Amendment 2. These alternative limits only apply during the startup and shutdown periods defined in Condition 10.6 of EFSEC/95-01 Amendment 2.

The number of startups per 24-hour period and per year were not limited to assure compliance with ambient air impact limitations. The limits on the number of startups apply to normal startups. Startups resulting from upset conditions (e.g. after emergency shutdowns or unit trips) do not count towards the limitations provided in Conditions 10.2 and 10.3. After a unit trip, the unit can often return to service quickly; to require an extended period of time to elapse before allowing it to return to service (e.g. to get outside of a 1-day period with two startups) could result in a longer cooling period and a longer startup resulting in greater overall emissions.

Condition 10.3 of EFSEC/95-02 Amendment 2 reads: "Each CGT is limited to a maximum of 2 startup and shutdown events per 24 hour period." This wording has been analyzed in context and EFSEC believes the term "24 hour period" was intended to refer to a block period rather than a rolling 24-hour period for the following reasons:

1. Rolling periods are typically clearly denoted as such.
2. A 24-hour block (daily) total would be consistent with Condition 24 of the permit that reads: "Hourly and daily averaging periods throughout this permit may be based on clock hours and calendar days."
3. Compliance with "24-hour" federal standards are commonly determined on a 24-hour block (daily) average. Examples includes 40 CFR 60 Subparts Da and AAAA, and 40 CFR 63 Subpart W. This is clearly illustrated in the definitions section of 40 CFR 60 Subpart Da: "*24-hour period* means the period of time between 12:01 a.m. and 12:00 midnight."
4. The original PSD permit for Grays Harbor Energy, written by the same staff during the same time period, contained the same restrictions "…2 startups per turbine per 24-hour

period." The condition was later changed to "Each CGT is limited to 2 warm startup and shutdown events per calendar day" in a permit revision unrelated to this condition.

5. A 24-hour block (daily) total would be consistent with the time period of ambient monitoring protocols.
6. Most likely the condition was imposed to limit the impact on visibility in Class 1 areas. It is highly unlikely that the model that was used (CalPuff) was run on anything other than a calendar day basis in this time period. Startup emissions did not threaten any ambient air quality standard.

Req. 23 – Sampling Ports and Platforms

This requirement from the PSD permit is similar to the requirement in 40 CFR 60.8(e) regarding minimum performance testing facilities. This facility has been constructed with sample ports and a test platforms that meet the requirements of the PSD permit and 40 CFR 60.8(e).

Req. 24 – Source Emission Sampling Access

40 CFR 60.8(e) requires the owner or operator of an NSPS applicable unit to provide safe access to adequate test ports, and the utilities necessary to conduct applicable sampling required of NSPS applicable units. Both turbines are subject to 40 CFR 60 Subpart GG, and therefore such access is required for the performance of EPA Method 20. Condition 13 of EFSEC/95-02 Amendment 2 requires safe access to test ports, but does not mention providing testing utilities. The sentence in Req. 23 concerning utilities is solely from 40 CFR 60.8(e).

Req. 25 – Operating and Maintenance Manuals

Condition 19 of EFSEC/95-02 Amendment 2 requires the permittee to maintain operation and maintenance manuals for equipment at the facility that can affect emissions. Operations and maintenance manuals may be used to investigate excess emissions events and determine if such events were avoidable. Reasonable inquiry conducted for the annual compliance certification is adequate to assure that these manuals are maintained at the facility.

Req. 26 – SO_2 Allowances

40 CFR 72.9 and WAC 173-406-106 require that the facility hold SO_2 allowances not less than the total annual emissions in tons of SO_2 from the affected units (CT1 and CT2).

Req. 27 – Auxiliary Boiler Emission Limits

Condition 1 of EFSEC/2009-01 establishes concentration emission limits for NO_X and CO and mass emission limits for PM_{10} and $PM_{2.5}$. The emission limits are based on reference method testing that is conducted utilizing 1-hour test runs, therefore the Title V permit clarifies that these emission limits apply on one-hour averages.

The PM_{10} and $PM_{2.5}$ mass emission rate limits are based on total PM emissions (filterable and condensable utilizing EPA Methods 201A and 202). Because natural gas combustion is expected to only produce fine particulate matter, EPA Method 5 can be used in place of EPA Method 201A to measure filterable particulate matter if all PM measured using EPA Method 5 is

assumed to be $PM_{2.5}$. PM_{10} and $PM_{2.5}$ mass emission rate limits are based on a 30 MMBtu/hr boiler, however only a 16.9 MMBtu/hr boiler was installed, therefore compliance with these limits will presumably be by a large margin.

Req. 28 – Auxiliary Boiler Visual Emissions Limit

Condition 2 of EFSEC/2009-01 establishes a zero percent opacity limit (not to be exceed for more than 3 minutes in any one hour period). EPA Method 9 is cited as the monitoring method; however Ecology Method 9A is the method that must be used for the data reduction to determine compliance with this limitation. The data reduction utilized by EPA Method 9 is utilized for determining average opacity. The data reduction of Ecology Method 9A is used to determine compliance with three minute standards such as Condition 2.

Req. 29 – Auxiliary Boiler Fuel Limitation

Natural gas was the only fuel reviewed for use by the Auxiliary Boiler and therefore the only fuel approved for use under the New Source Review permit. No specific monitoring is necessary to demonstrate compliance because compliance can be determined by physically inspecting the boiler.

VI. EXPLANATION OF MONITORING AND RECORDKEEPING TERMS AND CONDITIONS

M1. General Recordkeeping

This recordkeeping section lists how the recordkeeping requirements of WAC 173-401-615(2) apply to inspections and certifications, complaints, upsets, and sampling and emissions testing. Basic Recordkeeping requirements were separated into Sections (a) through (h) to organize the requirements.

M1(c) "Sampling and Emission Testing" applies to source testing and RATA reports.

M2. Visible Emission Monitoring

This monitoring requirement is used to provide a reasonable assurance of compliance with the applicable requirements drawn from WAC 173-400, and EFSEC/95-02 Amendment 2. Visible emissions monitoring of EU-1 and EU-2 is required by Condition 8 of EFSEC/95-02 Amendment 2. Condition 8 requires daily monitoring when firing oil, or weekly monitoring when firing natural gas, utilizing EPA Reference Methods 9, 22, or an equivalent method approved by EFSEC. EPA Method 22 may be used when no visible emissions are observed. It is expected that no visible emissions will be observable during normal operations.

Because EPA Method 9 cannot be used to demonstrate compliance with the 20% opacity standard listed in WAC 173-400-040(1), Washington Department of Ecology Method 9A must be utilized in addition to EPA Method 9 whenever visible emissions are observed when conducting the daily monitoring. This monitoring was added under the "gap-filling" provisions of WAC 173-401. The only significant difference in these two methods is the data reduction methods and the fact that Washington Department of Ecology Method 9A may require a longer period of observation to demonstrate compliance with the opacity standard.

Only the general standards of WAC 173-400 apply to sources of emissions other than EU-1 and EU-2. WAC 173-400 does not directly establish any specific regime of monitoring and recordkeeping. Consequently, EFSEC has implemented monitoring and recordkeeping requirements for these sources under the "gap filling" provisions of WAC 173-401-615. These requirements consist of measuring the opacity of emissions from these sources when indicated by a complaint or if otherwise unusual emissions are observed.

M3. Fugitive Emissions Monitoring

This monitoring requirement is used to provide a reasonable assurance of compliance with the applicable requirements drawn from WAC 173-400 with regard to fugitive emissions. These requirements do not directly establish any specific regime of fugitive emissions monitoring or recordkeeping. Consequently, EFSEC has implemented monitoring and recordkeeping requirements under the "gap filling" provisions of WAC 173-401-615. Because there is not much opportunity for the generation of fugitive emissions at this facility, and most fugitive emissions would be readily noticeable by plant personnel or indicated by a complaint (especially in the event of excessive road dust), monthly monitoring was believed to provide a reasonable assure of compliance.

M2 is designed to assure compliance through a combination of periodic facility inspections and prompt corrective action whenever necessary.

M4. Complaint Monitoring

This monitoring requirement is used to provide a reasonable assurance of compliance with the applicable requirements drawn from WAC 173-400 and EFSEC/95-02 Amendment 2. These requirements do not directly establish any specific regime of complaint monitoring or recordkeeping. Consequently, EFSEC has implemented monitoring and recordkeeping requirements under the "gap filling" provisions of WAC 173-401-615. M3 is designed to assure compliance through prompt complaint response and corrective action whenever necessary.

M5. Performance Testing

This monitoring requirement is used to provide a reasonable assurance of compliance with the emission limits identified in EFSEC/95-02 Amendment 2. Initial source testing for 40 CFR 60 Subpart GG, and all initial testing required by EFSEC/95-02 Amendment 2 was completed in August 2003. The only on-going source testing requirements are found in Condition 15 of EFSEC/95-02 Amendment 2.

M6. Continuous Emissions and Process Monitoring

This monitoring requirement is used to provide a reasonable assurance of compliance with the emission limits identified in EFSEC/95-02 Amendment 2 and the monitoring requirements of 40 CFR 75 (for the Acid Rain program).

EFSEC/95-02 Amendment 2 stated that CEMS for NO_X and O_2, "shall meet the requirements contained in 40 CFR 75, Emissions Monitoring." 40 CFR 75 was designed to achieve the goals of the Acid Rain Program, not demonstrate compliance with the relatively low concentration permit limit of 3.0 ppmvd @ 15% O_2 at this facility. 40 CFR 75 allows for NO_X/O_2 CEMS to have a relative accuracy of 0.020 lb/MMBtu (5.4 ppmvd @ 15% O_2). Similarly, 40 CFR 75 App. B Section 2.1.4(a) does not classify the CEMS as "out of control" until the calibration error exceeds 5.0 ppm (for span values ≤ 50 ppm), or 10.0 ppm (for span values greater than 50 and ≤ 200 ppm). A NO_X/O_2 CEMS needs to be more accurate than this to provide a reasonable assurance of compliance with the 3.0 ppmvd @ 15% O_2 permit limit.

The quality assurance requirements cited in EFSEC/95-02 Amendment 2 for the CO CEMS allow for a relative accuracy of ±5 ppm and a cylinder gas audit accuracy of ±5 ppm. The CO CEMS needs to be more accurate than this to provide a reasonable assurance of compliance with the 3.0 ppmvd @ 15% O_2 permit limit.

The quality assurance requirements cited in EFSEC/95-02 Amendment 2 for the NH_3 CEMS allows for a cylinder gas audit accuracy of ±5 ppm. The NH_3 CEMS needs to be more accurate than this to provide a reasonable assurance of compliance with the 10.0 ppmvd @ 15% O_2 permit limit.

WAC 173-401-630(1) requires that all Air Operating Permits "…contain compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit." To meet this requirement, the following improved CEMS quality assurance requirements were "gap-filled" into the Air Operating Permit.

CEMS	Gap-Filled Quality Assurance Requirements
NO_X/O_2	• Relative accuracy ≤ 20% of reference method or 10% of emission standard for Relative Accuracy Test Audits • The calibration error as defined in 40 CFR 75, Appendix A, Section 7.2.1 must not exceed 5%
CO	• Relative accuracy ≤ 20% of reference method or 10% of emission standard for Relative Accuracy Test Audits • Relative accuracy of cylinder gas audit ±15 percent of the average audit value or 0.5 ppm, whichever is greater
NH_3	• Relative accuracy of cylinder gas audit ±15 percent of the average audit value or 1.0 ppm, whichever is greater

Summary of RATA Requirements

Parameter	Units	Standard
NO_X/O_2	ppmvd NO_X @ 15% O_2	20% Relative Accuracy when the average reference method value is used in the denominator of Equation A-10 of 40 CFR 75; or a Relative Accuracy of 10% when the applicable emission standard (3.0 ppmvd @ 15% O_2 is used in the denominator of Equation A-10 of 40 CFR 75 in place of the arithmetic mean of the reference method values.
NO_X/O_2	lb/MMBtu	7.5% <RA ≤10.0% or ±0.020 lb/mmBtu for semi-annual test frequency, RA ≤7.5% or ±0. 015 lb/mmBtu for annual test frequency [40 CFR 75, Appendix B]
O_2	%vd	7.5% < RA ≤10.0% or ±1.0% CO_2/O_2 for semi-annual test frequency, RA ≤ 7.5% or ±0.7% CO_2/O_2 for annual test frequency [40 CFR 75, Appendix B]
CO	ppmvd @ 15% O_2	20% Relative Accuracy when the average reference method value is used in the denominator of Equation 2-6 of 40 CFR 60, Performance Specification 2; or a Relative Accuracy of 10% when the applicable emission standard is used in the denominator of Equation 2-6 of 40 CFR 60, Performance Specification 2.
NH_3	ppmvd @ 15% O_2	

EFSEC/95-02 Amendment 2 identified the "requirements contained in 40 CFR, Part 60, Appendix B..." for the CO CEMS. The most relevant performance standard in Appendix B is Performance Specification 4A, therefore the requirements of Performance Specification 4A were specifically identified in this monitoring requirement.

EFSEC/95-02 Amendment 2 identified the "requirements contained in 40 CFR, Part 60, Appendix B..." for the NH_3 CEMS. The most relevant performance standard in Appendix B is Performance Specification 2, therefore the requirements of Performance Specification 2 were specifically identified in this monitoring requirement.

Condition 16 of EFSEC/95-02 Amendment 2 requires the permittee to report "CEMS and process data" to EFSEC and EPA Region X. To be reported, this information must be collected by the permittee. The specific CEMS and process data elements were not identified, but must at a minimum, consist of all data necessary to determine compliance with the permitted emission limits. Collection of the relevant CEMS data for NO_X, CO, and NH_3 were required (in units and averaging times consistent with the emission limits), as well as fuel flow data to calculate emissions of all other pollutants. Turbine generator electrical output was required as a quality assurance check on the fuel flow data since turbine heat rates should remain relatively constant at any specific load.

The Acid Rain Program requires that pertinent records be maintained for at least three years from the date of the record. However, the recordkeeping provisions of the Air Operating Permit regulations, WAC 173-401-615(2)(c), require retention of records for a period of five years.

The requirement to maintain records of the CEMS and DAHS data that is required to be collected is mandated by the provisions of WAC 173-401-615(2).

M7. SO_2 General Standard Monitoring

This monitoring requirement is used to provide a reasonable assurance of compliance with the applicable requirements drawn from 40 CFR 60 Subpart GG, 40 CFR 75, and EFSEC/95-02 Amendment 2. 40 CFR 60 Subpart GG limits fuel sulfur content to 0.8% by weight. 40 CFR 60 Subpart GG requires proof that gaseous fuel meet the definition of natural gas, and requires a regime of fuel sulfur content monitoring for liquid fuels (oil). All of the sulfur content monitoring requirements of 40 CFR 60 Subpart GG are satisfied by complying with the sulfur content monitoring requirements of 40 CFR 75 Appendix D.

Pipeline natural gas as defined in 40 CFR 72.2 contains less than 0.5 grains total sulfur per 100 scf. Natural gas as defined in 40 CFR 72.2 contains less than 20 grains total sulfur per 100 scf. In the past, there have been time during which the gas delivered to this facility has met the definition of natural gas, but not pipeline natural gas because the sulfur content was greater than 0.5 grains per 100 scf.

M8. Auxiliary Boiler Monitoring

This monitoring requirement comes directly from 40 CFR 60.48c and EFSEC/2009-01 Conditions 4 and 5. 40 CFR 60.48c and EFSEC/2009-01 Condition 4 both require monthly logging of natural gas consumption. This data will be used to calculate annual emissions.

M9. Auxiliary Boiler Source Emissions Testing and Performance Monitoring

The requirements cited in this monitoring requirement and Appendices B & C of the Permit come directly from EFSEC/2009-01 and provide a reasonable assurance of compliance with the NO_X and CO emission limits of EFSEC/2009-01. In addition, if the CO emission limit is being achieved, PM emissions are likely well below the permitted emission limits.

Performance monitoring of the Auxiliary Boiler with a combustion analyzer or equivalent is required at least annually. It is unlikely that emissions will degrade rapidly enough that more frequent monitoring is necessary to maintain proper operation. In addition, more comprehensive source emissions testing of the Auxiliary Boiler is required initially and at least once every 60 months following the initial source emissions test to provide a reasonable assurance of on-going compliance with the permitted emission limits

VII. EXPLANATION OF REPORTING REQUIREMENTS

R1. Deviations from Permit Conditions

This reporting section is taken directly from WAC 173-400-107, WAC 173-401-615(3), and Condition 18 of EFSEC/95-02 Amendment 2. The permittee is required to report all permit deviations no later than 30 days following the end of the month during which the deviation is discovered in accordance with WAC 173-401-615(3). In accordance with WAC 173-400-

107, the permittee must report permit deviations due to excess emissions as soon as possible if the permittee wishes the deviation to be considered unavoidable. EFSEC may request a full report of any deviation if determined necessary. These deviations are also reported in each semi-annual report.

R2. Complaint Reports

The permittee is required to report all complaints to EFSEC within three business days of receipt to ensure prompt complaint response. This reporting section is based on WAC 173-401-615(3).

R3. Quarterly Reports

Condition 16 of EFSEC/95-02 Amendment 2 requires the permittee to submit reports monthly unless a different testing and reporting schedule has been approved by EFSEC. With issuance of this Title V permit, EFSEC authorizes the use of a quarterly reporting schedule rather than a monthly reporting schedule for the duration of the permit. In addition, with issuance of this Title V permit, EFSEC authorizes the permittee to submit quarterly reports in an electronic format approved by EFSEC. The current practice of submitting quarterly reports in Excel format is approved as of the date of issuance of this permit. The permittee must receive pre-approval from EFSEC to submit the quarterly report in other electronic formats.

As required by EFSEC/95-02 Amendment 2, all CEMS and process data must be reported to both EFSEC and EPA Region X. The specific CEMS and process data elements were not identified, but must at a minimum, consist of all data necessary to determine compliance with the permitted emission limits. The relevant CEMS data for NO_X, CO, and NH_3 was required (in the units and averaging times of the emission limits), as well as fuel flow data to calculate emissions of all other pollutants. Turbine generator electrical output was required as a quality assurance check on the fuel flow data since turbine heat rates should remain relatively constant at a specific load.

R4. Semi-annual Reports

The permittee is required to provide a report on the status of all required monitoring requirements and provide a certification of all reports on a semi-annual basis. Semi-annual reporting and certification of monitoring records is required by WAC 173-401-615(3). A responsible official must certify all reports required by the Title V permit.

The semi-annual report provides information on the status of all required monitoring. The actual results (e.g. CEM data, opacity readings, etc.) do not need to be submitted unless specifically required by the permit.

No report dates are specified in WAC 173-401-615(3), but a report date must be specified to assure timely reporting and make the requirement enforceable. Report dates of April 15th and October 15th were chosen (~3.5 months after the end of the reporting period) so that the semi-annual report for the last six months of the calendar year is due at the same time as the annual compliance certification and the annual emissions inventory report.

R5. Annual Compliance Certifications

Annual Compliance Certification: The permittee is required to report and certify compliance with all permit terms and conditions on an annual basis. Annual compliance certification is required by WAC 173-401-630(5). 40 CFR 60.11(g) requires the permittee to consider credible evidence when submitting compliance certifications for NSPS affected units (EU-1, EU-2, & EU-3). Any deviations from permit conditions or certifications of intermittent compliance need to be accompanied by an explanation.

WAC 173-401 does not provide a deadline date for submission of the annual compliance certification, but a deadline date is necessary to make the requirement enforceable. The April 15th date was chosen because it is the date by which the annual emissions inventory report must be submitted in accordance with WAC 173-400-105.

R6. Emission Inventory Reports

The permittee is required to report an inventory of emissions from the source, and certify compliance with all permit terms and conditions on an annual basis. A complete emissions inventory includes quantifiable emissions from all EUs and IEUs. It is not expected that emissions from the IEUs identified in Section III will be quantifiable.

R7. Source Test and RATA Reports

Condition 17.5 of EFSEC/95-02 Amendment 2 requires submittal of the results of combustion turbine compliance tests as an element of the data that must be submitted along the timeline specified in Condition 16. Consistent with Condition 16, compliance source test reports for the combustion turbines must be submitted no later than 30 days after the end of the calendar quarter during which the testing was conducted. The PSD permit does not include a requirement to submit RATA test reports. WAC 173-401-630(1) requires that the Air Operating Permit include reporting requirements sufficient to assure compliance with the terms and conditions of the permit. Review of RATA reports is an important part of assuring compliance with the CEMS conditions; therefore submittal of RATA reports was required along the same timeline as source emission test reports.

Reports for RATAs conducted pursuant to 40 CFR 75 may be required at an earlier date if requested by EPA Region X or EFSEC.

In accordance with Condition 12 of EFSEC/2009-01, the results of all source emissions testing of the Auxiliary Boiler must be reported to EFSEC within 45 days of test completion.

VIII. EXPLANATION OF FUTURE REQUIREMENTS

No future requirements are anticipated.

IX. EXPLANATION OF OBSOLETE REQUIREMENTS

1. Obsolete Air Emission Permits/Orders

EFSEC/95-02 was issued on June 18, 1997 for construction and operation of the Chehalis Generation Facility. EFSEC/95-02 approved installation of two 230 MW combined cycle combustion turbines and a single auxiliary boiler. The turbines would primarily fire natural gas, but could fire fuel oil when natural gas was not available. SCR was not required.

EFSEC/95-02 Extension 1 was issued on November 16, 1998. EFSEC/95-02 Extension 1 approved an 18 month extension of the PSD approval to begin actual construction of the Chehalis Generation Facility.

EPA Administrative Order On Consent No. CAA-10-2001-0095 was issued March 22, 2001. The Consent Order required the facility to request a PSD permit revision requiring the installation of SCR to control NO_X emissions to 3.0 ppmvd @ 3% O_2 while firing natural gas and 14 ppmvd @ 3% O_2 when firing fuel oil. The Consent Order also allowed the facility to begin actual construction of the facility prior to receiving the revised PSD permit. The Consent Order terminated with issuance of PSD permit EFSEC/95-02 Amendment 1.

EFSEC/95-02 Amendment 1 was issued on April 17, 2001. EFSEC/95-02 Amendment 1 approved a revision of the NO_X emission limit to 3.0 ppmvd @ 3% O_2 while firing natural gas and 14 ppmvd @ 3% O_2 when firing fuel oil.

EFSEC/95-02 Amendment 2 was issued July 17, 2006. EFSEC/95-02 Amendment 2 modified opacity monitoring requirements when firing natural gas, modified the exempted startup time applicable to cold startups and removed references to the previously approved auxiliary boilers (the boilers were never constructed and approval to construct the boilers had expired).

Prevention of Significant Deterioration (PSD) review was conducted for initial installation of Combustion Turbines #1 and #2 resulting in issuance of EFSEC/95-02 on June 18, 1997. Nitrogen oxides, carbon monoxide, sulfur dioxide, particulate matter with an aerodynamic diameter less than 10 micrometers, volatile organic compounds, and sulfuric acid mist underwent PSD review in this permitting action. No permitting action since that time has triggered PSD review.

2. 40 CFR 60.7 "Notification and Record Keeping"

The combustion turbines are subject to 40 CFR 60.330 et seq. (Subpart GG) "Standards of Performance for Stationary Gas Turbines." Therefore, these units are also subject to the notification requirements of 40 CFR, Section 60.7. These requirements have been met as described below.

Combustion Turbine

Notification of construction:	Submitted to EFSEC via letter dated October 25, 2001
Notification of anticipated startup:	Submitted to EFSEC via letter dated March 13, 2003
Notification of actual startup:	Submitted to EFSEC via letter dated June 17, 2003

The Auxiliary Boiler is subject to 40 CFR 60.40c et seq. (Subpart Dc) "Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units." This unit was subject to the initial notification requirements of 40 CFR, Section 60.7. These notifications have been completed as described below:

Notification of construction:	Submitted to EFSEC via letter dated March 5, 2009
Notification of anticipated startup:	Submitted to EFSEC via letter dated November 8, 2010
Notification of actual startup:	Submitted to EFSEC via letter dated January 7, 2011

3. 40 CFR 60.8 "Performance Tests"

The combustion turbines are subject to the NO_X standard described in 40 CFR 60.332. Therefore the unit is also subject to the performance testing requirements of 40 CFR 60.8. These requirements have been met as described below.

Notification of source test dates:	Submitted to EFSEC on July 29, 2003
Initial source test:	Performed on August 20-21, 2003 (CT1)
	Performed on August 23-24, 2003 (CT2)
Source test report:	Initial Report Dated November 25, 2003
	Revised Report Dated April 22, 2004

4. 40 CFR 75.61 "Notifications"

The combustion turbine is subject to the requirements of 40 CFR 75.61 "Notifications." These requirements have been met as described below.

Notification of actual startup date:	Submitted to EFSEC on June 17, 2003
Notification of initial CEMS certification:	Submitted to EFSEC on July 29, 2003
Initial CEMS certification test:	Completed on August 21, 2003 (CT1)
	Completed on August 23, 2003 (CT2)

5. 40 CFR 75.62 "Monitoring Plan"

The combustion turbine is subject to the requirements of 40 CFR 75.62 "Monitoring Plan." The initial monitoring plan required by 40 CFR 75.62 was submitted to EFSEC and EPA on July 15, 2003.

6. 40 CFR 75.63 "Initial Certification or Recertification Application"

The combustion turbine is subject to the requirements of 40 CFR 75.63. The results of the initial CEM certification tests were submitted to EPA on December 23, 2003.

X. EXPLANATION OF APPENDICES

Appendix A contains the method by which visible emissions from the permittee's operations are to be evaluated when performing required monitoring. The federal requirements mandate the use of EPA Method 9. For EPA Method 9, the data reduction procedures detailed in EPA Method 9 must be used, not the procedures listed in Section 3 or Ecology Method 9A.

XI. FACILITY HISTORY

Permit/Regulatory Order Actions

The following table lists each Notice of Construction approval and Regulatory Order issued for this facility. Permits or Regulatory Orders in bold contain no active requirements. The requirements may have been superseded or may have been of limited duration.

Number	Date Issued	Description
EFSEC/95-02	6-18-97	Initial approval for construction and operation of the Chehalis Generation Facility. Approved installation of two 230 MW combined cycle combustion turbines and single auxiliary boiler.
EFSEC/95-02 Extension 1	11-16-98	Approved an 18 month extension of the PSD approval to begin actual construction.
EPA Administrative Order on Consent No. CAA-10-2001-0095	3-22-01	Allowed the facility to begin actual construction prior to receiving PSD permit. Required the facility to request a PSD permit revision requiring the installation of SCR to control NO_X to 3.0 ppmvd @ 3% O_2 when firing natural gas, and 14 ppmvd @ 3% O_2 when firing oil.
EFSEC/95-02 Amendment 1	4-17-01	Approved a revision of the NO_X limits to 3.0 ppmvd @ 3% O_2 when firing natural gas, and 14 ppmvd @ 3% O_2 when firing oil.
EFSEC/95-02 Amendment 2	7-17-06	Modified opacity monitoring requirements when firing natural gas, modified startup provisions for cold startups, removed references to auxiliary boilers (were not constructed, approval had expired).
EFSEC/2009-01	9-4-09	Approval of a natural gas startup boiler with a capacity of up to 30 MMBtu/hr.

Title V Permit Actions

Air Operating Permit **EFSEC/06-01-AOP**

1. Renewal Permit Application Submitted: May 12, 2004
2. Permit Application Deemed Complete: May 25, 2004

3.	Permit Application Sent to EPA:	May 25, 2004
4.	Draft Permit Issued:	April 10, 2006
5.	Proposed Permit Issued:	July 11, 2006
6.	Final Permit Issued:	October 10, 2006

Air Operating Permit **EFSEC/06-01-AOP Rev. 1**

1.	Renewal Permit Application Submitted:	December 15, 2010
2.	Permit Application Deemed Complete:	March 3, 2011
3.	Permit Application Sent to EPA:	March 4, 2011
4.	Draft Permit Issued:	June 24, 2011
5.	Proposed Permit Issued:	August 19, 2011
6.	Final Permit Issued:	October 10, 2011

Air Operating Permit **EFSEC/06-01-AOP Rev. 2**

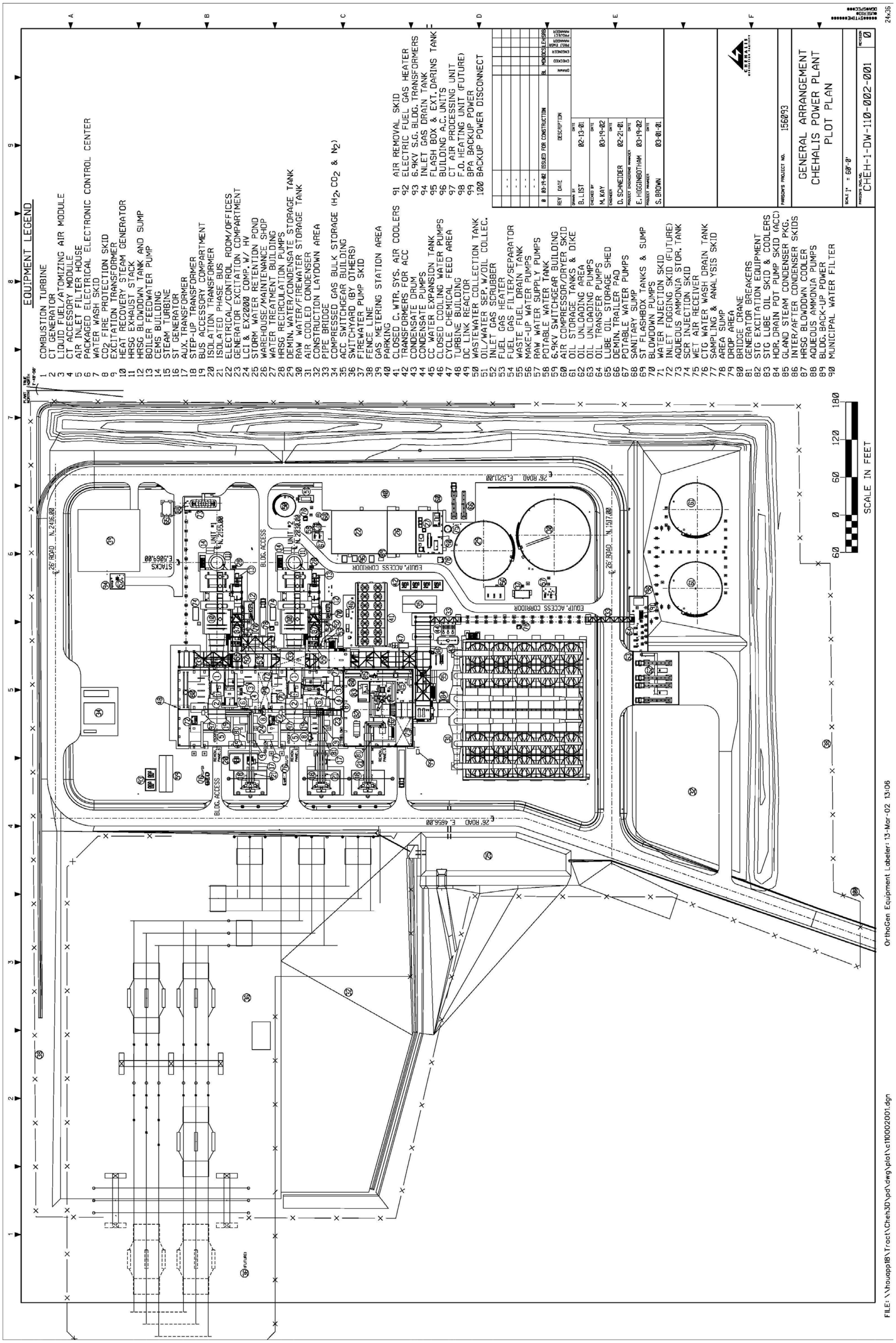
1.	Renewal Permit Application Submitted:	October 6, 2015
2.	Permit Application Deemed Complete:	May 20, 2016
3.	Permit Application Sent to EPA:	July 29, 2016
4.	Draft Permit Issued:	August 25, 2016
5.	Proposed Permit Issued:	October 11, 2016
6.	Final Permit Issued:	December 29, 2016

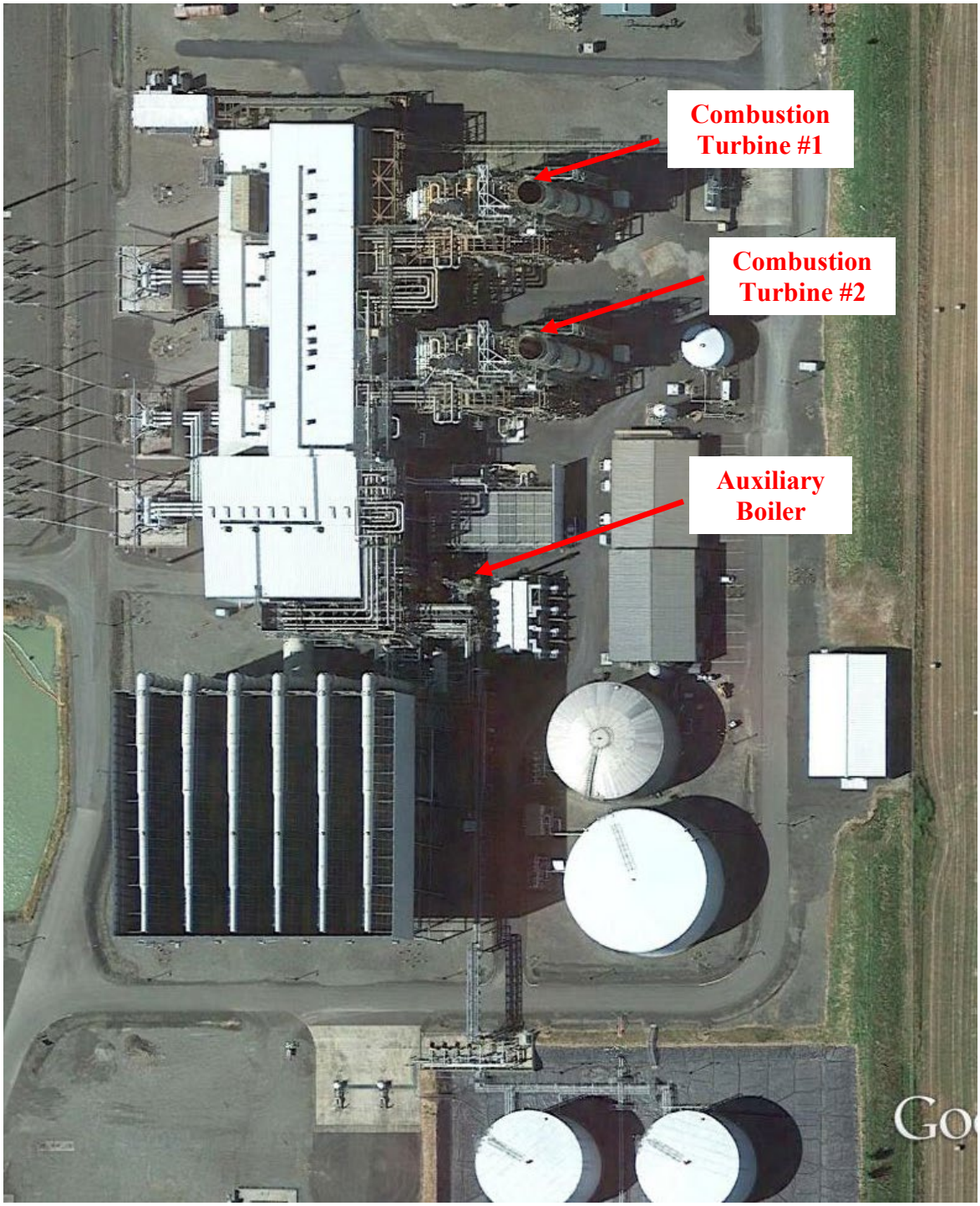
Compliance History

The following permit deviations occurred during the last permit term (December 29, 2016 to present).

		Hours of Exceedance			
Date	**Unit**	**CO**	**NO_X**	**NH_3**	**Notes**
3-26/27-2019	Both				Failed NO_X RATA - Montrose informed plant they passed, later the report indicated differently. Discovered 7/3/2019 by PacifiCorp during report review. Closed out by EFSEC letter dated October 4, 2019.
10/27/2019	2		1		NO_X deviation - CT2 Sunday October 27, 2019. Control logic for ammonia flow needed improvement. Closed out by EFSEC letter dated December 10, 2019.
12/26/2020	1	6	6		Breaker indication mechanical failure, stuck at about 20 MW for extended duration until BPA islanded the plant and they could manually open the breaker. Closed out by EFSEC letter dated January 11, 2021.
12/27/2020	2		1		Failed ammonia control valve. Closed out by EFSEC letter dated January 11, 2021.
5/5/2021	2	1	1		Unplanned runback of CT2 to level below which emission controls operate during startup of CT1.

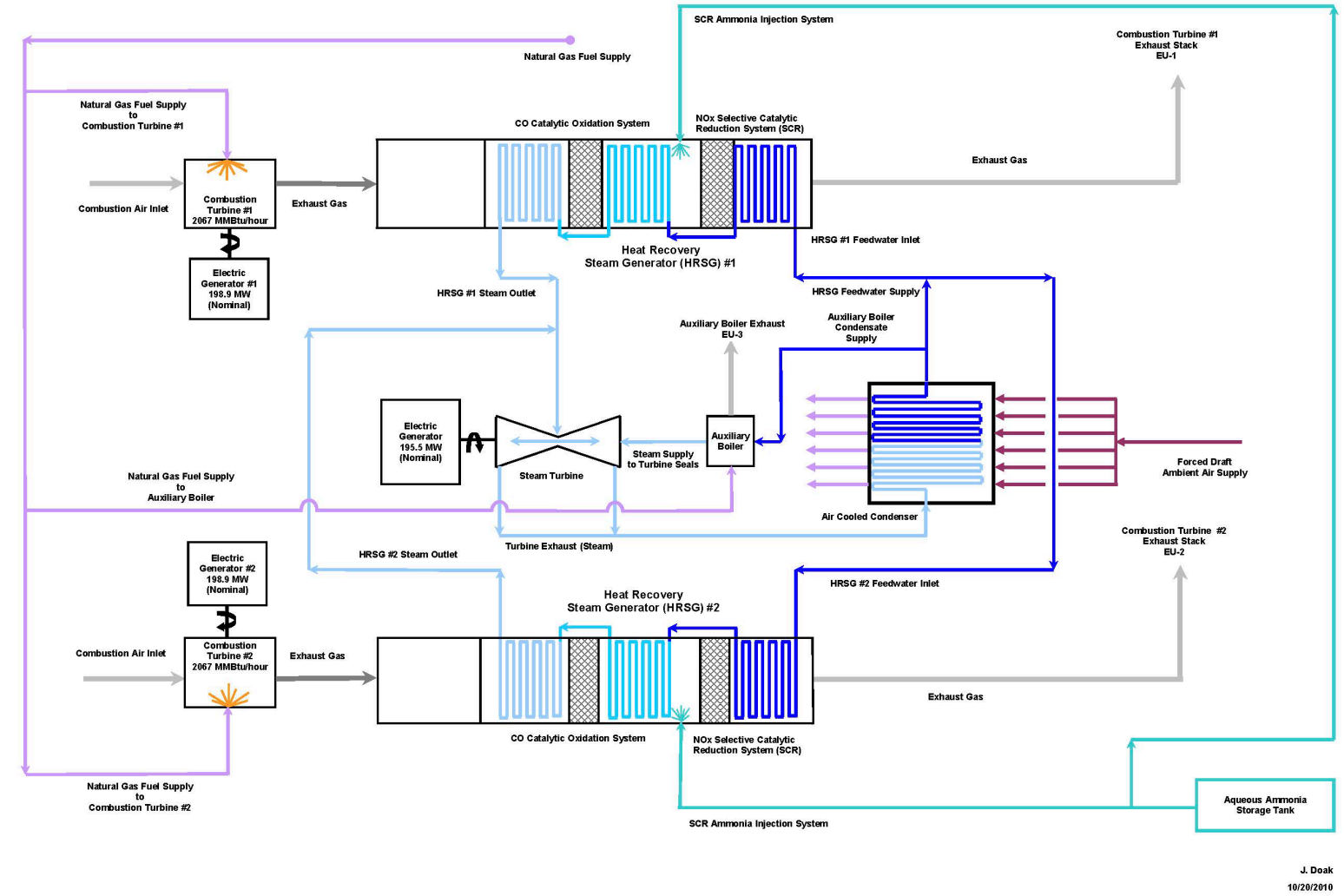
Appendix A: Plant Drawings


EQUIPMENT LEGEND
1 COMBUSTION TURBINE
2 CT GENERATOR
3 LIQUID FUEL/ATOMIZING AIR MODULE
4 CT ACCESSORY MODULE
5 AIR INLET FILTER HOUSE
6 PACKAGED ELECTRICAL ELECTRONIC CONTROL CENTER
7 WATER WASH SKID
8 CO2 FIRE PROTECTION SKID
9 EXCITATION TRANSFORMER
10 HEAT RECOVERY STEAM GENERATOR
11 HRSG EXHAUST STACK
12 HRSG BLOWDOWN TANK AND SUMP
13 BOILER FEEDWATER PUMP
14 CEMS BUILDING
15 STEAM TURBINE
16 ST GENERATOR
17 AUX. TRANSFORMER
18 STEP-UP TRANSFORMER
19 BUS ACCESSORY COMPARTMENT
20 ISOLATION TRANSFORMER
21 ISOLATED PHASE BUS
22 ELECTRICAL/CONTROL ROOM/OFFICES
23 GENERATOR EXCITATION COMPARTMENT
24 LCI & EX2000 COMP. W/ HV
25 STORM WATER RETENTION POND
26 WAREHOUSE/MAINTENANCE SHOP
27 WATER TREATMENT BUILDING
28 HRSG RECIRCULATION PUMPS
29 DEMIN. WATER/CONDENSATE STORAGE TANK
30 RAW WATER/FIREWATER STORAGE TANK
31 AIR COOLED CONDENSER
32 CONSTRUCTION LAYDOWN AREA
33 PIPE BRIDGE
34 COMPRESSED GAS BULK STORAGE (H2, CO2 & N2)
35 ACC SWITCHGEAR BUILDING
36 SWITCHYARD (BY OTHERS)
37 FIREWATER PUMP SKID
38 FENCE LINE
39 GAS METERING STATION AREA
40 PARKING
41 CLOSED C. WTR. SYS. AIR COOLERS
42 TRANSFORMERS FOR ACC
43 CONDENSATE DRUM
44 CONDENSATE PUMPS
45 CC WATER EXPANSION TANK
46 CLOSED COOLING WATER PUMPS
47 CYCLE CHEMICAL FEED AREA
48 TURBINE BUILDING
49 DC LINK REACTOR
50 WASTEWATER COLLECTION TANK
51 OIL/WATER SEP. W/OIL COLLEC.
52 INLET GAS SCRUBBER
53 FUEL GAS HEATER
54 FUEL GAS FILTER/SEPARATOR
55 WASTE FUEL DRAIN TANK
56 MAKE-UP WATER PUMPS
57 RAW WATER SUPPLY PUMPS
58 POTABLE WATER TANK
59 6.9KV SWITCHGEAR BUILDING
60 AIR COMPRESSOR/DRYER SKID
61 OIL STORAGE TANKS & DIKE
62 OIL UNLOADING AREA
63 OIL UNLOADING PUMPS
64 OIL TRANSFER PUMPS
65 LUBE OIL STORAGE SHED
66 DEMIN. TRAILER PAD
67 POTABLE WATER PUMPS
68 SANITARY SUMP
69 ST FLASHBOX TANKS & SUMP
70 BLOWDOWN PUMPS
71 WATER INJECTION SKID
72 INLET FOGGING SKID (FUTURE)
73 AQUEOUS AMMONIA STOR. TANK
74 SCR INJECTION SKID
75 WET AIR RECEIVER
76 CTG WATER WASH DRAIN TANK
77 SAMPLING & ANALYSIS SKID
78 AREA SUMP
79 DROP AREA
80 BRIDGE CRANE
81 GENERATOR BREAKERS
82 STG EXCITATION EQUIPMENT
83 STG LUBE OIL SKID & COOLERS
84 HDR. DRAIN POT PUMP SKID (ACC)
85 GLAND STEAM CONDENSER PKG.
86 INTER/AFTER CONDENSER SKIDS
87 HRSG BLOWDOWN COOLER
88 AQUEOUS AMMONIA PUMPS
89 BLDG. BACK-UP POWER
90 MUNICIPAL WATER FILTER
91 AIR REMOVAL SKID
92 ELECTRIC FUEL GAS HEATER
93 6.9KV S.G. BLDG. TRANSFORMERS
94 INLET GAS DRAIN TANK
95 FLASH BOX & EXT. DARINS TANK
96 BUILDING A.C. UNITS
97 CT AIR PROCESSING UNIT
98 F.O. HEATING UNIT (FUTURE)
99 BPA BACKUP POWER
100 BACKUP POWER DISCONNECT
SCALE IN FEET
60 0 60 120 180
156093
GENERAL ARRANGEMENT
CHEHALIS POWER PLANT
PLOT PLAN
CHEH-1-DW-110-002-001



Google Earth Imagery – July 16, 2014

Chehalis Generating Facility - Process Flow Diagram



Appendix B: Applicable Requirements Review

CFR 60 Subpart Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units		
Requirement	**Title V Permit Location**	**Comments**
60.40c	—	"Applicability and Delegated Authority?" Informational. Subpart applies to boilers between 10 and 100 MMBtu/hr heat input. The Auxiliary Boiler has a heat input rating of 16.9 MMBtu/hr and is subject to this subpart.
60.41c	—	"Definitions." Informational.
60.42c	—	"Standards for sulfur dioxide (SO_2)" None of the standards apply to a boiler that burns only natural gas.
60.43c	—	"Standards for particulate matter." None of the standards apply to a boiler that burns only natural gas.
60.44c	—	"Compliance and performance test methods and procedures for sulfur dioxide." This section is not applicable because there are no applicable standards for sulfur dioxide.
60.45c	—	"Compliance and performance test methods and procedures for particulate matter." This section is not applicable because there are no applicable standards for particulate matter or opacity.
60.46c	—	"Emission monitoring for sulfur dioxide." This section is not applicable because there are no applicable standards for sulfur dioxide.
60.47c	—	"Emission monitoring for particulate matter." This section is not applicable because there are no applicable standards for particulate matter or opacity.
60.48c	"Reporting and recordkeeping requirements."	
60.48c(a)	—	Initial Notification. Notice of construction submitted to EFSEC by letter dated 3/5/2009, notification of anticipated startup submitted to EFSEC via letter dated 11/8/2010, notification of actual startup submitted to EFSEC via letter dated 1/7/2011.
60.48c(b)	—	SO_2 performance test reporting. Not applicable because the SO_2 standard is not applicable.
60.48c(c)	—	Visual emissions - excess emissions reporting. Not applicable because the visual emissions standard is not applicable.
60.48c(d & e)	—	Reports required for facilities subject to the SO_2, fuel oil sulfur limits or percent reduction limits. None of these apply to this facility.
60.48c(f)	—	Required information for fuel supplier certification. No fuel supplier certification is required because the facility is not subject to a relevant emission standard.
60.48c(g)	M8	Fuel usage recordkeeping. In accordance with 60.48c(g)(2), facilities that burn only natural gas (as is the case here) may elect to record and maintain records of the amount of fuel combusted each calendar month.

CFR 60 Subpart Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units		
Requirement	**Title V Permit Location**	**Comments**
60.48c(h)	—	Annual capacity factor calculation. Not applicable because there is no capacity factor limit.
60.48c(i)	—	Reporting period. Not applicable because there are no required reports.

CFR 60 Subpart GG – Standards of Performance for Stationary Gas Turbines		
Requirement	**Title V Permit Location**	**Comments**
60.330	—	"Applicability and designation of affected facility." Informational. Subpart applies the two combustion turbines at this facility.
60.331	—	"Definitions." Informational.
60.332	Req-13	"Standards for nitrogen oxides." The standard in 60.332(a)(1) applies. This standard is vastly less restrictive than the limits in EFSEC/95-02 Amendment 2, therefore only the EFSEC/95-02 Amendment 2 limits is presented. Turbines are rated for 175 MW at peak heat input of 2,067 MMBtu; therefore, "Y" in the equation is 12.46. Standard = 0.0075*(14.4)/12.46 = 0.0087% NO_X @ 15% O_2. Equivalent to 87 ppmvd @ 15% O_2.
60.333	Req-11	"Standard for sulfur dioxide." The standard is either (a) 150 ppmvd @ 15% O2, or a prohibition on burning fuel containing in excess of 0.8% sulfur. The later standard is listed in the permit because it is directly comparable to the fuel limitations in EFSEC/95-02 Amendment 2.
60.334(a, b, & d)	—	"Monitoring of operations." 60.334(a & b) both apply to turbines that use water or steam injection. The turbines at this facility do not use water or steam injection.
60.334(c & e)	—	Allows the use of CEMS as required in paragraph (b) for determining compliance with NO_X limit if the turbine does not use water or steam injection. This monitoring is optional. Note that the CEMS required at this facility meet the standards in paragraph (b).
60.334(f)	—	Continuous parameter monitoring for NO_X. This monitoring is optional. Establishes standards for NO_X parameter monitoring.
60.334(g)	—	Continuous monitoring of parameters. Not applicable because this facility is not required to monitoring any of the applicable parameters addressed by this section.

CFR 60 Subpart GG – Standards of Performance for Stationary Gas Turbines		
Requirement	**Title V Permit Location**	**Comments**
60.334(h)	M7	Fuel sulfur monitoring. The fuel monitoring of 40 CFR 75 satisfies the fuel sulfur monitoring requirements of this section. Note that the owner/operator could elect not to monitor gaseous fuel sulfur content to comply with this requirement if they made the demonstration that the fuel met the definition of "natural gas." The monitoring conducted to demonstrate compliance with 40 CFR 75 (including both daily sulfur monitoring on the pipeline by NW Pipeline and collection and analysis of on-site samples) has produced data sufficient to demonstrate that the gaseous fuel meets the definition of "natural gas."
60.334(i)	M7	Frequency of sulfur and nitrogen content monitoring. The fuel monitoring of 40 CFR 75 satisfies the fuel sulfur monitoring requirements of this section.
60.334(j)	—	Excess emission reporting for units where owner/operator elected to conduct optional monitoring under Subpart GG. This facility does not elect to conduct the optional monitoring referenced, and an exceedance of the sulfur standard (the only analogous monitoring conducted) is not possible, therefore this reporting is not applicable.
60.335	—	Test methods and procedures. All applicable testing has been completed.

EFSEC/95-02 – Amendment 2 (PSD NSR Permit for Combustion Turbines)		
Condition	**Title V Permit Location**	**Comments**
1.1	Req-12	Requirement to utilize natural gas for turbines except for testing and when natural gas is not available.
1.2	Req-12	Turbines may be fueled on diesel when natural gas is not available and during testing.
1.3	R3	Requirement to report diesel fuel use by turbines.
2.1	Req-13	NO_X emission limit.
2.2	Req-13	NO_X emission limit.
2.3	Req-13	NO_X emission limit.
2.4	—	Initial NO_X GG compliance determination. All required initial testing has been completed.
2.5	M6	NO_X emission monitoring requirements.
3.1	Req-14	CO emission limit.
3.2	Req-14	CO emission limit.
3.3	—	Initial CO compliance requirements. All required initial testing has been completed.
3.4	M6	CO emission monitoring requirements.
4.1	Req-15	SO_2 emission limit.
4.2	Req-15	SO_2 emission limit.

EFSEC/95-02 – Amendment 2 (PSD NSR Permit for Combustion Turbines)		
Condition	**Title V Permit Location**	**Comments**
4.3	—	Initial SO_2 compliance requirements. All required initial testing has been completed.
4.4	—	Informational message that continuous monitoring for SO2 not required.
5.1	Req-16	VOC emission limit.
5.2	Req-16	VOC emission limit.
5.3	—	Initial VOC compliance determination method. All required initial testing has been completed.
6.1	Req-17	Filterable PM_{10} emission limit.
6.2	Req-17	Filterable PM_{10} emission limit.
6.3	—	Initial filterable PM_{10} compliance determination method. All required initial testing has been completed.
7.1	Req-18	H_2SO_4 emission limit.
7.2	Req-18	H_2SO_4 emission limit.
7.3	—	Initial H_2SO_4 compliance determination method. All required initial testing has been completed.
8	Req-19	Visual emissions limit
8.1	M2	Compliance determination method for visual emissions limit.
8.2	M2	Alternative compliance determination method for visual emissions limit.
8.3	M2	Frequency of monitoring visual emissions when firing natural gas.
8.4	M2	Frequency of monitoring visual emissions when firing diesel.
8.5	—	States that a COMS may be used if meets requirements of Condition 14.4. The facility has not elected to use a COMS.
9.1	Req-20	Ammonia emission limit.
9.2	Req-20	Ammonia emission limit.
9.3	Req-20	Ammonia emission limit.
9.4	Req-20	Ammonia emission limit.
9.5	M6	Ammonia monitoring requirement.
10.1	Req-22	NO_X, CO, visual emissions limits in Conditions 2, 3, and 8 do not apply during startup and shutdown.
10.2	Req-21	Each turbine is limited to 200 startups per year.
10.3	Req-21	Each turbine is limited to 2 startups/shutdowns per 24-hour period.
10.4	Req-22	CO emission limit during startup and shutdown.
10.5	Req-22	NO_X emission limit during startup and shutdown.
10.6	Req-21	Definition of startup period.
10.7	Req-21	Shutdown time limitation, and definition of shutdown period.
11.1, 11.2, 11.3	—	Initial performance testing requirements. All initial performance testing has been completed.
12	Req-23	Requirement for adequate sampling ports and platform.
13	Req-24	Requirement for adequate and safe access to test ports.
14.1	M6	CO CEMS requirements.

EFSEC/95-02 – Amendment 2 (PSD NSR Permit for Combustion Turbines)		
Condition	**Title V Permit Location**	**Comments**
14.2	M6	NO_X/O_2 CEMS requirements.
14.3	M6	NH_3 CEMS requirements.
14.4	—	Optional COMS requirements. The facility has not elected to install a COMS.
14.5	M6	RATA frequency for NH_3 and CO CEMS.
15.1	M5	Compliance testing frequency for PM_{10}, VOCs, H_2SO_4. Note that all references to PM_{10} in this permit refer to the filterable fraction only, therefore testing is limited to the filterable fraction.
15.2	M5	Criteria for reduced PM10, VOC, H_2SO_4 testing frequency.
16	R3	CEMS and process data reporting schedule.
17	R3	CEMS and process data report format and content.
18	R1	Reporting of deviations from emission limits.
19.1	Req-25	Development and availability of operating and maintenance manuals.
19.2	Req-25	Statement regarding agency use of operating and maintenance manuals.
20	—	18 month limitation on commencement of construction. This is no longer relevant.
21	—	Informational message regarding non-permit obligations.
22	—	Startup notification. This requirement has been completed.
23	G6	Agency access requirement.
24	—	Hourly and daily averaging based on clock hours and calendar days. Informational

EFSEC/2009-01 (Minor NSR Permit for Auxiliary Boiler)		
Condition	**Title V Permit Location**	**Comments**
1	Req-27	NO_X, CO, PM emission limits.
2	Req-28	Visual emissions limit.
3	Req-29	Boiler can only burn natural gas.
4	M8	Fuel consumption monitoring.
5	M8	Maintenance activities monitoring.
6	M1	Excess emissions recording.
7	M1	Recordkeeping details
8	VII	Records must be kept at least three years. This is less stringent than the requirement from WAC 173-401-615(2)(c) in the header of Section VII, therefore only the more stringent five year recordkeeping schedule is listed.
9	Appendix B	Source testing requirement and frequency.
10	Appendix C	Performance monitoring requirement and frequency.
11	R1	Excess emissions reporting. The provision noting that reports must be submitted within 48 hours if the permittee wishes to claim the event as unavoidable is informational in reproduced in

EFSEC/2009-01 (Minor NSR Permit for Auxiliary Boiler)		
Condition	**Title V Permit Location**	**Comments**
12	R7	Source test reporting deadline.
13	R1	Deviation reporting.
14	R6	Emissions inventory related reporting.

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Grays Harbor Energy Center
Operator: Grays Harbor Energy LLC
Report Date: September 21, 2021
Reporting Period: August 2021
Site Contact: Chris Sherin
Facility SCA Status: Operational

Operations & Maintenance
-GHEC generated 409,479MWh during the month and 1,955,323MWh YTD.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance
-There were no emission, outfall, or storm water deviations, during the month.
-Routine monthly and quarterly reporting to EFSEC

- Monthly Outfall Discharge Monitor Report (DMR)

-GHEC submitted a revision to our Relative Accuracy Test Audit (RATA) test plan.

Safety Compliance
-None.

Current or Upcoming Projects
-None.

Other
-None.

EFSEC Monthly Council Meeting – August 2021

Facility Name: **Columbia Generating Station and Washington Nuclear Project 1 and 4 (WNP-1/4)**
Operator: **Energy Northwest**
Report Date: **September 14, 2021 (Rev 1)**
Reporting Period: **August 2021**
Site Contact: **Mary Ramos**
Facility SCA Status: (Pre-construction/Construction/Operational/Decommission): **Operational**

CGS Net Electrical Generation August 2021: **849,376 MW-Hrs**

Environmental Compliance
On August 22, 2021, Columbia Generating Station determined no more than approximately eight (8) gallons of silicone oil was inadvertently released into a plant service water system due to a failed heat exchanger on a plant installed air compressor. The plant service water system provides cooling to non-radioactive equipment in the plant and returns to the circulating water basin, which contains at a minimum 300,000 gallons of water. The circulating water basin serves as the water source for non-contact cooling water, plant service water, and fire protection water. At the time of the release, the circulating water system was estimated to contain approximately six and a half million gallons. The circulating water basin is connected to the Columbia River via a blowdown line. Although not confirmed, it is suspected that an unknown quantity of silicone oil may have been released into the Columbia River. The release was stopped when the air compressor was removed from service. A visual inspection of the circulating water basin did not identify any oil sheen or film. Energy Northwest (EN) determined the potential oil release did not pose a threat to human health or the environment. However, since there could have been a discharge of an unknown quantity of silicone oil into the Columbia River, EN immediately notified the U.S. Coast Guard National Response Center and the Division of Emergency Management in accordance with RCW 90.56.280. In addition, EN provided a courtesy notification to EFSEC. Per recent EFSEC feedback, EN submitted a written report in accordance with the CGS National Pollutant Discharge Elimination System (NPDES) Permit No. WA002515-1 section S3.E.c. Referred to as the 5-day report, the report was submitted to EFSEC and Ecology on 9/14/21 via email and Washington State Department of Ecology's WQWebPortal.

Current or Upcoming Projects
N/A

Other
N/A

Desert Claim Wind Power Project

September 2021 project update

[Place holder]

Horse Heaven Wind Project

September 2021 project update

[Place holder]

EFSEC Monthly Council Meeting Facility Update

Facility Name: Columbia Solar Projects (Penstemon, Camas and Urtica)
Operator: Tuusso Energy, LLC
Report Date: Sept 10, 2021
Reporting Period: 30-days ending Sept 10, 2021
Site Contact: Owen Hurd
Facility SCA Status: Construction

Construction Status

- Penstemon
  - Pile driving complete
  - PSE interconnection work and inverter installation currently underway
  - Torque tubes expected this week; installation to begin immediately thereafter
- Camas
  - Majority of pile driving complete
  - Inverters delivered & installation underway
  - Torque tubes installation underway, remaining deliveries expected this week
- Urtica
  - Pile driving underway; with higher refusal rate than the other two sites
  - Underground boring complete

Environmental Compliance

- Progress on mitigation measures:
  - Weekly Golder visits and ongoing communication with the field team has ensured compliance with our construction SWPPP
  - All sites BMPS are in place
  - Dust mitigation for penstemon: hydroseeding the area. Will have a plan together this week.

- Golder and NW Code inspections ongoing
  - Golder and NW code onsite Sept 8th
  - Strata (geotech) on site this week to inspect trench compaction

- Construction dust on Penstemon has been an issue in recent weeks, due to bare dirt, high-winds and water trucks in high demand due to wildfires.
  - Dirt piles have been removed / placed back in trenches
  - Now planning to hydroseed before construction is complete
  - Talking with water district about using on-site water to minimize dust (esp. if done in conjunction w/ hydroseeding, since water can be used for irrigation purposes)

Safety Compliance

- Daily safety tailgate meetings in progress
- Borrego safety auditing and monitoring occurring daily

Current or Upcoming Projects

- Planting plans – working on seed mixes and sourcing plants

SITE CERTIFICATION AGREEMENT
BETWEEN

THE STATE OF WASHINGTON

AND

TE - CAMAS ENERGY LLC

For the

COLUMBIA SOLAR PROJECT

CAMAS SOLAR SITE

KITTITAS COUNTY, WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

OLYMPIA, WASHINGTON

EXECUTED OCTOBER 17, 2018
AMENDMENT NO. 1 XXX XX, 2021

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SITE CERTIFICATION AGREEMENT

FOR THE COLUMBIA SOLAR PROJECT - CAMAS SOLAR SITE

CONTENTS

Attachments

1. Camas Solar Site – Site-Specific Descriptions, Plans and Conditions

2. August 22, 2018, Report to the Governor, Recommending Approval of the Site Certification entered _____, 2018

3. Council Order No. _____, Order Approving the Amendments Requested for Site Certification Agreement entered _____, 2021

SITE CERTIFICATION AGREEMENT

FOR THE COLUMBIA SOLAR PROJECT - CAMAS SOLAR SITE

between

THE STATE OF WASHINGTON

and

TE - CAMAS, LLC

This Site Certification Agreement (Agreement or SCA) is made pursuant to Revised Code of Washington (RCW) 80.50, by and between the State of Washington, acting by and through the Governor of Washington State, and TE – Camas, LLC (TE Camas or Certificate Holder).

An application was filed with the Energy Facility Site Evaluation Council (EFSEC or Council) for site certification for the construction and operation of five solar powered generation facilities, to be located in Kittitas County, Washington. The Council reviewed Application 2017-01, conducted public meetings, and on August 22, 2018 recommended approval of a modified version of the application and five separate Site Certification Agreements by the Governor. On October 17, 2018, the Governor approved the Site Certification Agreement authorizing the construction and operation the Camas Solar Site (Site).

On XXX XX, 2021 the Council approved technical changes authorizing the transfer of SCA control from TUUSSO Energy LLC to TE – Camas LLC.

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

ARTICLE I: SITE CERTIFICATION

A. Site Description

The Columbia Solar Project comprises five solar sites to be constructed and operated on distinct locations in unincorporated Kittitas County. Certification details applicable to all five sites are discussed in the body of this Site Certification Agreement, while site-specific details relevant only to the Camas Solar Site are presented in Attachment 1.

B. Site Certification

The State of Washington hereby authorizes TE - Camas, LLC, any and all parent companies, and any and all assignees or successors approved by the Council to construct and/or operate the Camas Solar Site as described herein, subject to the terms and conditions set forth in Council Order No. ____, Council Order Recommending Site Certification (Attachment 2 to this Agreement), and this Agreement.

The construction and operation authorized in this Agreement shall be located within the areas designated herein and in the modifications to the Revised Application for Site Certification submitted on January 26, 2018 (Revised Application).

This Agreement authorizes the Certificate Holder to construct the Camas Solar Site such that Substantial Completion is achieved no later than ten (10) years from the date that all final state and federal permits necessary to construct and operate the Site are obtained and associated appeals have been exhausted.

If the Certificate Holder does not begin construction of the Site within five (5) years of the execution of the SCA, the Certificate Holder will report to the Council their intention to continue and will certify that the representations in the Revised Application, environmental conditions, pertinent technology, and regulatory conditions have remained current and applicable, or identify any changes and propose appropriate revisions to the Agreement to address changes. Construction may begin only upon prior Council authorization and approval of such certifications. If the Certificate Holder does not begin construction of the Site within ten (10) years of the execution of the SCA as well as upon final conclusion of any and all appeals of all permits and approvals, all rights under this SCA will cease.

The Certificate Holder may begin Commercial Operation of the Camas Solar Site prior to completing construction of all of the Site components, provided that all necessary Site elements are in place for safe operation of the Site and its operation will not adversely affect any obligations under this Agreement.

C. Project Description

Each of the Columbia Solar Project sites will consist of:

1. A Solar Panel Field. Each site will include north-south-oriented rows of crystalline

silicon PV panels, such as (but not limited to) modules between 325 and 345Wp, mounted on single-axis tracking systems, on galvanized steel support structures.

2. An Electrical Collection and Inverter System. These systems aggregate the output from the PV panels and convert the electricity from direct current (DC) to alternating current (AC), including inverters.

3. Interconnection Equipment. This equipment transforms facility electric output to a voltage of 12.47 kV, and will include a padmount-style transformer manufactured by ABB or similar.

4. Remote Supervisory Control and Data Acquisition (SCADA) Equipment. This monitoring equipment will be incorporated into the process control system to allow unmanned operations.

5. Communications and Grid-protection Equipment. This equipment will be selected by Puget Sound Energy and TE - Camas in order to allow the Sites to connect to the electric grid.

6. A Meteorological Data Collection System. This system will be configured to collect meteorological information roughly at the height of the PV panels.

7. Civil Infrastructure. Infrastructure would include access gates, internal access roads, and secure fencing.

8. Screening Vegetation. Where appropriate, native trees, shrubs, and/or plants in selected locations to provide visual screening.

The location of Site facilities including, but not limited to, the solar panels, electrical collection and distribution system, electrical transformers, electrical generation tie lines, roadways, and other related Site facilities, is generally described in the Revised Application[1], as modified within the Agreement. The final location of the solar panels and other site facilities within the Site Location may vary from the locations shown on the conceptual drawings provided in the Revised Application[2], but shall be consistent with the conditions of this Agreement and in accordance with the final construction plans approved by EFSEC pursuant to Article IV.L.

More detail about the Camas Solar Site is included in Attachment 1.

ARTICLE II: 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: Columbia Solar Project*,

[1] *See* Section 2.3.3.5 and Appendix L of the Revised Application.
[2] Appendix L of the Revised Application.

designated No. 2017-01, submitted on October 16, 2017, as supplemented in the Revised Application filed on January 26, 2018.

2. "Approval" (by EFSEC) means an affirmative action by EFSEC or its authorized agents including those actions and consultations delegated to Council staff regarding documents, plans, designs, programs, or other similar requirements submitted pursuant to this Agreement.

3. "Begin Commercial Operation" or "Beginning of Commercial Operation" means the time when the Site begins generating and delivering electricity to the electric power grid, other than electricity that may be delivered as a part of testing and startup of the Site.

4. "BMPs" means Best Management Practices.

5. "Certificate Holder" means TE - Camas, LLC, any and all parent company(s), or an assignee or successor in interest authorized by the Council.

6. "Checklist" means the Columbia Solar Projects SEPA Environmental Checklist, submitted on October 16, 2017, as supplemented in the Revised Checklist filed January 26, 2018, and as supplemented by the Memorandum RE: Environmental Review and Staff Recommendation for SEPA Determination for Columbia Solar Project issued by EFSEC on February 27, 2018, pursuant to the requirements of the State Environmental Policy Act, and adopted by EFSEC.

7. "Camas Solar Site" or "Site" means those Camas Solar Site facilities described in the Application, including: solar panels and their construction areas; electrical collection/interconnection and communication systems; electrical step-up and interconnection transformers; permanent meteorological towers; access roadways; temporary construction-related facilities; and other related Site facilities. The specific components of the Site are identified in Article I.C, and Attachment 1

8. "Construction" means any of the following activities: any foundation construction including hole excavation, form work, rebar, excavation and pouring of concrete for the inverter pads and switchyard, or erection of any permanent, above-ground structures including any solar tracking assemblies, the transformer, transmission line poles, substation poles, or meteorological towers.

9. "County" means Kittitas County, Washington.

10. "DAHP" means the Washington State Department of Archaeology and Historic Preservation.

11. "Ecology" means the Washington State Department of Ecology.

12. "EFSEC" or "Council" means the State of Washington Energy Facility Site Evaluation Council, or such other agency or agencies of the State of Washington as may hereafter succeed to the powers of EFSEC for the purposes of this Agreement.

13. "EFSEC Costs" means any and all reasonable costs, both direct and indirect, associated with EFSEC activities with respect to this Site Certification Agreement (SCA), including but not limited to monitoring, staffing, and SCA maintenance.

14. "End of Construction" means the time when all Site facilities have been substantially constructed and are in operation.

15. "FAA" means the Federal Aviation Administration.

16. "Force Majeure Event" means any event beyond the control of the Party affected that directly prevents or delays the performance by that Party of any obligation arising under this Agreement, including an event that is within one or more of the following categories: condemnation; expropriation; invasion; plague; drought; landslide; tornado; hurricane; tsunami; flood; lightning; earthquake; fire; explosion; epidemic; quarantine; war (declared or undeclared), terrorism or other armed conflict; material physical damage to the Site caused by third parties; riot or similar civil disturbance or commotion; other acts of God; acts of the public enemy; blockade; insurrection, riot or revolution; sabotage or vandalism; embargoes; and actions of a governmental authority other than EFSEC.

17. "IBC" means the International Building Code.

18. "Micro-siting" means the final technical and engineering process by which the Certificate Holder shall recommend to the Council the final location of solar project facilities on the Site Location.

19. "NPDES Permit" means National Pollutant Discharge Elimination System permit.

20. "PSE" means Puget Sound Energy.

21. "RCW" means the Revised Code of Washington.

22. "Revised Application" means the Columbia Solar Project Revised Application for Site Certification submitted on January 26, 2018.

23. "Revised MDNS" means the Revised Mitigated Determination of Non-Significance issued on April 17, 2018 by EFSEC.

24. "Site Certification Agreement," "SCA" or "Agreement" means this formal written agreement between the Certificate Holder and the State of Washington, including all attachments hereto and exhibits, modifications, amendments, and documents incorporated herein.

25. "Site Location" means the land identified in the Application on which the Camas Solar Site is to be constructed and operated, namely, the 51.21-acre Camas site, as described in greater detail in Attachment 1.

26. "Site Preparation" means any of the following activities: Site Location clearing,

grading, earth moving, cutting or filling, excavation, and preparation of roads and/or laydown areas.

27. "State" or "state" means the State of Washington.

28. "Substantial Completion" means the Site is generating and delivering energy to the electric power grid.

29. "UBC" means the Uniform Building Code of 1997.

30. "WAC" means the Washington Administrative Code.

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

32. "WSDOT" means the Washington State Department of Transportation.

ARTICLE III: GENERAL CONDITIONS

A. Legal Relationship

1. This Agreement shall bind the Certificate Holder, and its successors in interest, and the State and any of its departments, agencies, divisions, bureaus, commissions, boards, and its political subdivisions, subject to all the terms and conditions set forth herein, as to the approval of, and all activities undertaken with respect to the Site or the Site Location. The Certificate Holder shall ensure that any activities undertaken with respect to the Site or the Site Location by its agents (including affiliates), contractors, and subcontractors comply with this Agreement and applicable provisions of Title 463 WAC. The term "affiliates" includes any other person or entity controlling, controlled by, or under common control of or with the Certificate Holder.

2. This Agreement, which includes those commitments made by the Certificate Holder in the Revised Application, constitutes the whole and complete agreement between the State of Washington and the Certificate Holder, and supersedes any other negotiations, representations, or agreements, either written or oral.

B. Enforcement

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

2. This Agreement may be suspended or revoked by EFSEC pursuant to RCW 34.05 and RCW 80.50, for failure by the Certificate Holder to comply with the terms and conditions of this Agreement, for violations of RCW 80.50 and the rules promulgated thereunder, or for violation of any applicable resolutions or orders of EFSEC.

3. When any action of the Council is required by or authorized in this Site Certification Agreement, the Council may, but shall not be legally obligated to, conduct a hearing

pursuant to RCW 34.05.

C. Notices and Filings

Filing of any documents or notices required by this Agreement with EFSEC shall be deemed to have been duly made when delivery is made to EFSEC's offices at Energy Facility Site Evaluation Council, 1300 S. Evergreen Park Dr. SW, P.O. Box 43172, Olympia, WA 98504-3172, in Thurston County.

Notices to be served by EFSEC on the Certificate Holder shall be deemed to have been duly made when deposited in first class mail, postage prepaid, addressed to the Certificate Holder at TE – Camas INSERT MAILING CONTACT FOR CERTIFICATE HOLDER

D. Rights of Inspection

Throughout the duration of this Agreement, the Certificate Holder shall provide access to the Site Location, the Site structures, buildings and facilities, underground and overhead electrical lines, and all records relating to the construction and operation of the Site to designated representatives of EFSEC and EFSEC contractors in the performance of their official duties. Such duties include, but are not limited to, environmental monitoring as provided in this Agreement and monitoring and inspections to verify the Certificate Holder's compliance with this Agreement. EFSEC personnel or any designated representatives of EFSEC shall follow all worker safety requirements observed and enforced on the Site Location by the Certificate Holder and its contractors.

E. Retention of Records

The Certificate Holder shall retain such records as are necessary to demonstrate the Certificate Holder's compliance with this Agreement.

F. Consolidation of Plans and Submittal to EFSEC

Any plans required by this Agreement may be consolidated with other such plans, if such consolidation is approved in advance by EFSEC. This Site Certification Agreement includes time periods for the Certificate Holder to provide certain plans and other information to EFSEC or its designees. The intent of these time periods is to provide sufficient time for EFSEC or its designees to review submittals without delay to the Site construction schedule, provided submittals made to EFSEC and/or its designees are complete.

G. Site Certification Agreement Compliance Monitoring and Costs

The Certificate Holder shall pay to the Council such reasonable monitoring costs as are actually and necessarily incurred during the construction and operation of the Site to assure compliance with the conditions of this Agreement, as required by RCW 80.50. The amount and manner of payment shall be prescribed by EFSEC pursuant to applicable rules and procedures.

The Certificate Holder shall deposit or otherwise guarantee payment of all EFSEC Costs as defined in Article II.15, for the period commensurate with the activities of this Agreement. EFSEC shall provide the Certificate Holder an annual estimate of such costs. Any instrument guaranteeing payment of EFSEC's costs shall be structured in such a manner as to allow EFSEC to collect from a third party and without approval of the Certificate Holder any such costs which the Certificate Holder fails to pay to EFSEC during any preceding billing period.

H. Site Restoration

The Certificate Holder is responsible for site restoration pursuant to the Council's rules, WAC 463-72, in effect at the time of submittal of the Application.

The Certificate Holder shall develop an Initial Site Restoration Plan in accordance with the requirements set out in Article IV.D of this Agreement and in consultation with WDFW, and submit it to EFSEC for approval. The Certificate Holder may not begin Site Preparation or Construction until the Council has approved the Initial Site Restoration Plan, including the posting of all necessary guarantees, securities, or funds associated therewith.

The Certificate Holder shall submit a detailed site restoration plan to EFSEC for approval prior to decommissioning in accordance with the requirements of Article VIII.A of this Agreement.

I. EFSEC Liaison

No later than thirty (30) days from the effective date of this Agreement, the Certificate Holder shall designate a person to act as a liaison between EFSEC and the Certificate Holder.

J. Changes in Project Management Personnel

The Certificate Holder shall notify EFSEC of any change in the primary management personnel, or scope of responsibilities of such personnel, for the Site.

K. Amendment of Site Certification Agreement

1. This Agreement may be amended pursuant to EFSEC rules and procedures applicable at the time of the request for amendment. Any requests by the Certificate Holder for amendments to this Agreement shall be made in writing.

2. No change in ownership or control of the Site shall be effective without prior Council approval pursuant to EFSEC rules and procedures.

3. Unless otherwise required by EFSEC, any change in the terms or conditions of the following Sections or Attachments to this Agreement shall not require amendment of this Site Certification Agreement in the manner prescribed in Section K.1, above, provided the change does not result in a material alteration of the size or location of the Site.

4. Repair, maintenance, and replacement of Site facilities:

    a) The Certificate Holder is permitted, without any further amendment to this agreement, to repair and maintain Site Facilities described in Article I.C and Attachment 1, consistent with the terms of this Agreement.

    b) The Certificate Holder shall notify EFSEC of the replacement of any significant portion of the Site Facilities no later than thirty (30) days prior to the replacement occurring.

5. In circumstances where the Site causes a significant adverse impact on the environment not previously analyzed or anticipated by this Agreement, or where such impacts are imminent, EFSEC shall take all steps it deems reasonably necessary, including imposition of specific conditions or requirements on the Certificate Holder as a consequence of such a situation in addition to the terms and conditions of this Agreement. Such additional conditions or requirements initially shall be effective for not more than ninety (90) days, and may be extended once for an additional ninety (90) day period if deemed necessary by EFSEC to pursue ongoing, or continuing temporary, arrangements under other authority, including but not limited to RCW 34.05, RCW 80.50 RCW, or Title 463 WAC.

L. Order of Precedence

In the event of an inconsistency or apparent ambiguity in this Agreement, the inconsistency or ambiguity shall be resolved by giving precedence in the following order:

1. Applicable Federal statutes and regulations;

2. Applicable State of Washington statutes and regulations;

3. The body of this Site Certification Agreement, including any other provision, term, or material incorporated herein by reference or otherwise attached to, or incorporated in, this Agreement;

4. The application of common sense to effect a result consistent with law and the principles effected in this document.

M. Review and Approval Process; Exceptions

1. Except for the Initial and Final Site Restoration Plans, prior to any site work, the Council may delegate to the EFSEC Manager authority to approve or deny the construction and operational plans required by this Agreement. The EFSEC Manager shall ensure that the construction and operational plans have been sufficiently reviewed prior to approval.

2. The EFSEC Manager may allow temporary exceptions from plan requirements or provisions of the SCA when such exceptions are not contrary to the purposes of the SCA, provided that a record is kept and Council members are immediately notified. Any Council member may within seven (7) days of the notice put the item on a Council meeting agenda for review.

ARTICLE IV: PLANS, APPROVALS AND ACTIONS REQUIRED PRIOR TO CONSTRUCTION

A. Notice of Federal Permit Approvals

No later than thirty (30) days after the effective date of this Agreement, the Certificate Holder shall notify the Council of all Federal permits, not delegated to EFSEC, that are required for construction and operation of the Site, if any, and the anticipated date of permit issuance to the Certificate Holder. The Certificate Holder shall notify the Council when all required federal permits have been obtained, no later than ten (10) business days after the last permit has been issued.

B. Mitigation Measures

During construction, operation, decommissioning, and site restoration of this Site, the Certificate Holder shall implement the mitigation measures set forth in this Agreement, including, but not limited to, those presented in Section 1.10 of the Revised Application, those identified in the Final SEPA Environmental Checklist as commitments made by the Certificate Holder, and those presented in the Revised MDNS. Mitigation measures relevant to all five project sites are set forth below, while site-specific mitigation measures for the Camas Solar Site are presented in Attachment 1.

No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall file with EFSEC a comprehensive list of these mitigation measures. For each of these mitigation measures, the Certificate Holder shall in the same filing further identify the Construction Plan and/or Operation Plan addressing the methodology for its achievement.

The specific plans and submittals listed in the remainder of this Article IV, and Articles V, VI, VII, and VIII, shall incorporate these mitigation measures as applicable.

C. Construction Stormwater Plans

1. Notice of Intent. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall file with EFSEC a Notice of Intent to be covered by a General National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges Associated with Construction Activities.[3]

2. Construction Stormwater Pollution Prevention Plan[4]. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall submit to EFSEC a Construction Stormwater Pollution Prevention Plan (Construction SWPPP), and provide a copy to Ecology for comment. The Construction SWPPP shall meet the requirements of the Ecology stormwater pollution prevention program (WAC 173-230), and the objectives and requirements in Special Condition S.9 of the *National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activities* issued by the Department of Ecology on January 1, 2011 or as revised. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the Construction SWPPP.

   The Construction SWPPP shall identify a regular inspection and maintenance schedule for all erosion control structures. The schedule shall include inspections after significant rainfall events. Any damaged structures shall be addressed immediately. Inspections, and subsequent erosion control structure corrections, shall be documented in writing and available for EFSEC's review on request.

3. Temporary Erosion and Sediment Control Plan[5]. The Certificate Holder shall develop a Temporary Erosion and Sediment Control (TESC) Plan. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall submit the TESC Plan to the Council for approval and provide a copy to Ecology for comment. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the TESC Plan. As an alternative to submitting a separate TESC Plan, the Certificate Holder may include measures for temporary erosion and sedimentation control in the Construction SWPPP required in Article IV, Section C.2, above.

4. Construction Spill Prevention, Control and Countermeasures Plan[6]. The Certificate Holder shall develop a Construction Spill Prevention, Control, and Countermeasures Plan (Construction SPCCP), consistent with the requirements of 40 CFR Part 112. The Construction SPCCP shall include the Site Location, and all access roads. The

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[3] *See* Table 1.10-1, Sections 2.11.1, 2.23.2.3 and 5.2(1) of the Revised Application, and Section B(1)(f) of the Final SEPA Environmental Checklist.
[4] *See* Table 1.10-1, Sections 2.11.1, 2.17.3, 2.23.2.3, 3.1.5.1, 3.4.6.3, 4.4.22.2 and 5.2(1) of the Revised Application, and Sections B(1)(f), B(1)(h), B(3)(c)(2) and B(5)(d) of the Final SEPA Environmental Checklist.
[5] *See* Table 1.10-1, Sections 2.17.3 and 3.1.6 of the Revised Application, and Section B(1)(h) of the Final SEPA Environmental Checklist.
[6] *See* Table 1.10-1, Sections 2.10, 3.4.5.2(h) and 4.1.6 of the Revised Application, and Section B(3)(c)(2) of the Final SEPA Environmental Checklist.

Certificate Holder shall require all contractors working on the facility to have a spill prevention and countermeasure program consistent with 40 CFR Part 112. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall submit the Construction SPCCP to the Council for approval and provide a copy to WDFW and Ecology for comment. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the Construction SPCCP. All applicable elements of the Construction SPCCP shall be implemented prior to the beginning of Site Preparation.

D. Initial Site Restoration Plan

The Certificate Holder is responsible for Site decommissioning and site restoration pursuant to Council rules. The Certificate Holder shall develop an Initial Site Restoration Plan, pursuant to the requirements of WAC 463-72-040 in effect on the date of Application, in consultation with EFSEC staff and WDFW. The Certificate Holder shall submit the Initial Site Restoration Plan to the Council for review at least ninety (90) days prior to the beginning of Site Preparation. The Certificate Holder shall not begin Site Preparation prior to obtaining approval of the Initial Site Restoration Plan from the Council.

The Initial Site Restoration Plan shall be prepared in sufficient detail to identify, evaluate, and resolve all major environmental and public health and safety issues reasonably anticipated by the Certificate Holder on the date the Plan is submitted to EFSEC. The Initial Site Restoration Plan shall describe the process used to evaluate the options and select the measures that will be taken to restore or preserve the Site Location or otherwise protect the public against risks or danger resulting from the Site. The Initial Site Restoration Plan shall include a discussion of economic factors regarding the costs and benefits of various restoration options versus the relative public risk, and shall address provisions for funding or bonding arrangements to meet the Site Location restoration or management costs. The Initial Site Restoration Plan shall be prepared in detail commensurate with the time until site restoration is to begin. The scope of proposed monitoring shall be addressed in the Initial Site Restoration Plan.

The objective of the Plan shall be to restore each Site Location to approximate pre-Project condition or better. The Plan shall require removal of the solar panels and rack mounting system, foundations, cables, and other facilities to a depth of four feet below grade, and restoration of any disturbed soil to the pre-construction condition.

The Plan shall include the following elements:

1. Decommissioning Timing and Scope, as required by Article VIII.C of this Agreement.

2. Decommissioning Funding and Surety, as required by Article VIII.D of this Agreement.

3. Mitigation measures described in the Revised Application[7] and this Agreement.

[7] *See* Sections 1.9, 4.1.9, and Appendix F of the Revised Application.

4. A plan that addresses both the possibility that site restoration will occur prior to, or at the end of, the useful life of the Site and also the possibility of the Site being suspended or terminated during construction.

5. A description of the assumptions underlying the plan. For example, the plan should explain the anticipated useful life of the Site, the anticipated time frame of site restoration, and the anticipated future use of the Site Location.

6. An initial plan for demolishing facilities, salvaging equipment, and disposing of waste materials.

7. Performing an on-site audit, and preparing an initial plan for disposing of hazardous materials (if any) present on the Site Location and remediation of hazardous contamination (if any) at the Site Location. In particular, if the Certificate Holder constructs the Site with solar panels incorporating hazardous materials, such as Cadmium Telluride, then the Certificate Holder shall use appropriate precautions during decommissioning and removal of the solar panels to safely dispose of and to avoid, and, if necessary, remediate any soil contamination resulting from the panels' hazardous materials.

8. An initial plan for restoring the Site Location, including the removal of structures and foundations to four feet below grade and the restoration of disturbed soils.

9. Provisions for preservation or removal of Site facilities if the Site is suspended or terminated during construction.

E. Habitat, Vegetation, and Fish and Wildlife Mitigation

1. Habitat Restoration and Mitigation Plan[8]. Prior to the beginning of Site Preparation, the Certificate Holder shall develop a Habitat Restoration and Mitigation Plan, in consultation with EFSEC staff and WDFW. The Certificate Holder shall submit the Habitat Restoration and Mitigation Plan to EFSEC for approval at least sixty (60) days prior to the beginning of Site Preparation. The Certificate Holder shall not begin Site Preparation prior to obtaining approval of the Habitat Restoration and Mitigation Plan from the Council.

    a) The Certificate Holder and EFSEC staff, in consultation with WDFW, shall develop a map of habitat types found within the Site Location ("Habitat Map"). This Habitat Map shall be based upon Gap Analysis Project (GAP) spatial data and field investigations of the Site Location.

    b) The Plan shall specify the Certificate Holder's Mitigation Obligation. The

[8] *See* Table 1.10-1 and Section 3.4.6 of the Revised Application, and Section B(5)(d) of the Final SEPA Environmental Checklist.

Certificate Holder's Mitigation Obligation will be determined through consultation with WDFW. The Mitigation Obligation will include benchmarks and a timeline for revegetation success, and a plan for monitoring revegetation activities in riparian areas to ensure success.[9] Pre-construction Site layout drawings will show expected permanent and temporary land disturbances.

c) The Plan shall include a process to determine the actual impacts to habitat following the completion of construction. In the event that actual impacts to habitat exceed the expected impacts determined prior to construction, the Habitat Mitigation Plan will include a mechanism for the Certificate Holder to provide supplemental compensatory mitigation (Supplemental Mitigation). Supplemental Mitigation, if any, may take the form of additional on-site habitat enhancement or the payment of an additional fee equivalent to the value of permanently disturbed project acres to WDFW in lieu of mitigation.

d) In consultation with WDFW, the Certificate Holder shall develop the plan to require all temporarily disturbed areas to be reseeded with an appropriate mix of plant species that are adapted to local site conditions and will become established quickly, such as, but not limited to, native plant species, in a manner and sequence that will maximize the likelihood of successful restoration of the area and prevent the spread of noxious weeds. The Plan shall include a restoration schedule that identifies timing windows during which restoration should take place, and an overall timeline for when all restoration activities will be completed.

2. Wetlands, Streams and Riparian Areas[10].

a) Construction of the Site shall be performed in accordance with Mitigating Conditions 1-5 of the Revised MDNS.

b) Prior to construction of the Site, the Certificate Holder shall provide plans to EFSEC for coordination with Ecology to conduct additional wetlands surveys and to identify hydrologic features at each site. A final set of wetlands buffers, setbacks and mitigation standards shall be determined by EFSEC in consultation with Ecology. For identified wetland buffers in the shoreline jurisdiction, buffers shall be determined in accordance with applicable provisions of the Kittitas County Code (KCC) for Shorelines in KCC 17B. For identified wetland buffers outside the shoreline jurisdiction, buffers shall be determined in accordance with applicable provisions of the

[9] *See* Mitigation Measure #3 of the Revised MDNS.
[10] *See* Table 1.10-1, Sections 1.16.1(a), 3.3.5.1, 3.4.3.1, 3.4.5, 3.4.6.3, 3.5.4, 3.5.5 and 3.5.6 of the Revised Application, and Sections B(1)(h), B(5)(d) of the Final SEPA Environmental Checklist.

Kittitas County Code for Critical Areas in KCC 17A. Where supported by the following Ecology guidance documents, EFSEC may require buffers of greater width than would be required under KCC 17B or 17A: Wetland Mitigation in Washington State - Part 1: Agency Policies and Guidance, Ecology Publication #06-06-011a (March 2006); Wetland Mitigation in Washington State - Part 2: Developing Mitigation Plans, Ecology Publication #06-06-011b (March 2006); Update on Wetland Buffers: The State of the Science, Final Report, Ecology Publication #13-06-011 (October 2013). Based upon the final wetlands requirements from EFSEC, the Certificate Holder shall submit a Wetlands Mitigation Plan to EFSEC for approval at least sixty (60) days prior to the beginning of Site Preparation, which shall summarize how the Site is in compliance with those wetlands buffers, setbacks, and mitigation standards.

c) Construction of the Site shall not result in any temporary or permanent disturbances of streams or other surface waters. If unanticipated disturbances of streams or other surface waters occur, the Certificate Holder shall prepare a Waters Restoration Plan in consultation with the Corps and Ecology and submit it to EFSEC for approval. Prior to any construction work affecting the bed or flow in waters of the state (including seasonally dry channels), the Certificate Holder shall consult with and obtain approval from the Corps and Ecology, and provide documentation of such approval to EFSEC. At least sixty (60) days prior to beginning any such channel work, the Certificate Holder shall submit construction drawings to EFSEC for review and approval. The drawings shall specify the exact locations of work to be conducted, buffers that are required, and best management practices and mitigation measures that will be implemented as required by this article. The Certificate Holder shall not begin channel work prior to obtaining approval of the construction drawings from the Council.

3. Wet Season Construction. Construction activities are not restricted to particular seasons. However, the Certificate Holder shall attempt to sequence construction activities in order to minimize temporary earth disturbances during the wet season where practical. In particular, the Certificate Holder shall avoid earth-disturbing activities that result in distinct areas of temporary habitat disturbance in areas when soils are saturated (which commonly occurs from mid-November through April) when possible. If such activities are to take place during periods of soil saturation, the Certificate Holder shall consult with WDFW to develop a specific plan incorporating strategies and best management practices to minimize the environmental impacts of the activities and additional restoration measures to ensure successful restoration of the disturbed habitat.

4. Avian Protection Plan[11]. No later than thirty (30) days prior to beginning construction,

[11] *See* Section 3.4.2 of the Revised Application, Section B(5)(a) of the Final SEPA Environmental Checklist, and

the Certificate Holder shall submit to EFSEC for review and approval an Avian Protection Plan (APP). The APP shall be developed in consultation with the USFWS and WDFW. The purpose of the APP shall be to outline measures to avoid or reduce impacts to avian species and to assess the adequacy of mitigation measures implemented, including any mitigation necessary under the Migratory Bird Treaty Act. The Certificate Holder shall not begin construction prior to obtaining approval of the APP from the Council. The results of these measures shall be reported to EFSEC after construction.

The APP shall provide, at a minimum, that any new electrical poles installed for the Site will be designed to comply with the current Avian Power Line Interaction Committee (APLIC) guidelines. If the APLIC guidelines are not feasible on a pole location, the Certificate Holder will present the reasons to EFSEC and determine appropriate mitigation or monitoring measures.

The Certificate Holder will also take steps to avoid avian attraction to solar panels by planting vegetation around panels, or using other strategies to reduce the risk of avian collisions.

The APP shall further include pre-construction nest survey protocols, active nest avoidance measures, and post-construction habitat mitigation/enhancement measures. The APP shall include nesting surveys for raptors and great blue heron (where appropriate) in the spring of each year of construction, and if found to be active, establish the following seasonal work avoidance buffers:

a) 0.25-mile avoidance buffer during nesting season for raptors. If construction near active raptor nests might occur during the critical use period, the Certificate Holder shall consult with EFSEC and USFWS for appropriate mitigation or monitoring measures.

b) 0.25-mile avoidance buffer from February through May for great blue heron. If construction near active great blue heron nests might occur between February through May, the Certificate Holder shall consult with EFSEC and WDFW for appropriate mitigation or monitoring measures.

In consultation with WDFW and USFWS, the Certificate Holder shall include actions taken to comply with the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) within the APP.

Mitigation Measures #7 and 8 of the Revised MDNS.

F. Construction Traffic Development Standards

Development Standards: The Certificate Holder shall incorporate the following development standards into the design and construction of the Site:

1. Site Access Roads[12]. Interior all-weather access roads consisting of compacted soils and/or gravel within Site Location would be designed to provide access to the major equipment pads from the Site Location entrance. The remainder of the access roads throughout the Site Location would be unpaved vegetated roads.

2. Oversize or Overweight Hauls. The Certificate Holder shall notify EFSEC, at the earliest time possible, of any permits or approvals required to conduct oversize or overweight hauls.

G. Cultural and Archaeological Resources Plan[13]

Prior to construction, the Certificate Holder shall obtain all necessary Department of Archaeology and Historic Preservation (DAHP) permits and perform all necessary archaeological work in order to comply with RCW 27.53.

With the assistance of an experienced archaeologist, and in consultation with EFSEC, DAHP, and the Yakama Nation, the Certificate Holder shall develop a Cultural Resources Monitoring and Mitigation Plan for monitoring construction activities and responding to the discovery of archaeological resources or buried human remains. The Certificate Holder shall provide copies of the draft Plan for comment to other potentially affected tribes, prior to submitting the plan for EFSEC approval.

The Certificate Holder shall submit the Plan to EFSEC for review and approval no later than sixty (60) days prior to the start of Site Preparation. The Certificate Holder shall not begin Site Preparation prior to obtaining approval of the Plan from the Council. All applicable elements of the Plan shall be implemented prior to the start of Site Preparation. The Plan shall include, but not be limited to, the following:

1. The Plan shall include a copy of the final construction and micro-siting plans for the Site, and shall provide for the avoidance of significant archaeological sites where practical. For sites to be avoided, the boundaries of identified cultural resources and buffer zones shall be staked in the field and flagged as no-disturbance areas to avoid inadvertent disturbance during construction. These site markings will be removed following construction. The Plan shall address alternative mitigation measures developed in coordination with DAHP to be implemented if it is not practical to avoid archaeological sites or isolates.

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[12] *See* Sections 2.3.2.6 and 4.3.2.2 of the Revised Application.
[13] *See* Table 1.10-1, Sections 2.23.2.7 and 4.2.11 of the Revised Application, Section B(13)(d) of the Final SEPA Environmental Checklist, and Mitigation Measure #10 of the Revised MDNS.

2. The Plan shall address the possibility of the unanticipated discovery of archaeological artifacts during construction. If any archaeological artifacts, including but not limited to human remains, are observed during construction, then disturbance and/or excavation in that area will cease, and the Certificate Holder shall notify DAHP, EFSEC, the Yakama Nation and any affected tribes and, in the case of human remains, the County Coroner or Medical Examiner. At that time, appropriate treatment and mitigation measures shall be developed in coordination with the agencies and tribes cited above, and implemented following approval by EFSEC. If Site facilities cannot be moved or re-routed to avoid the resources, the Certificate Holder shall contact EFSEC and DAHP for further guidance, which may require the implementation of a treatment plan. If a treatment plan is required, it shall be developed in consultation with DAHP and any affected tribes.

3. Potentially affected tribes shall be notified of earth-disturbing construction activities and if a tribe requests to have its representatives present during earth-disturbing construction activities, the Certificate Holder shall accommodate reasonable requests. In all cases the Certificate Holder shall inform EFSEC of each such tribal request.

H. Construction Emergency Plan

1. Construction Emergency Plan[14]. The Certificate Holder shall retain qualified contractors familiar with the general construction techniques and practices to be used for the Site and its related support facilities. The construction specifications shall require contractors to implement a safety program that includes an Emergency Plan. The Certificate Holder shall prepare and submit a Construction Emergency Plan to EFSEC for review at least sixty (60) days prior to the beginning of Site Preparation. The Certificate Holder shall coordinate development and implementation of the Plan with applicable local and state emergency services providers. The Certificate Holder shall not begin Site Preparation or Construction prior to obtaining EFSEC approval of the Construction Emergency Plan. The Construction Emergency Plan shall include consideration of the following, in such level of detail as reasonable, given the nature and probability of risk:

    a) Medical emergencies;
    b) Construction emergencies;
    c) Site Location evacuation;
    d) Fire protection and prevention;
    e) Flooding;
    f) Extreme weather abnormalities;
    g) Earthquake;
    h) Volcanic eruption;
    i) Facility blackout;

[14] *See* Section 4.1.9 and Appendix M of the Revised Application.

j) Hazardous materials spills;
k) Terrorism, sabotage, or vandalism; and
l) Bomb threat.

2. Fire Control Plan[15]. The Certificate Holder shall develop and implement a Fire Control Plan in coordination with state and local agencies to minimize the risk of accidental fire during construction and to ensure effective response to any fire that does occur on the Site Location at any time. The Certificate Holder shall submit the Fire Control Plan to EFSEC for review and approval at least sixty (60) days prior to Site Preparation and provide a copy to WDFW, and other local and state service providers for comment. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the Fire Control Plan.

I. Construction Management Plan

The Certificate Holder shall, with the assistance of Council staff, develop a detailed Construction Management Plan in consultation with WDFW and other affected state and local agencies. The Plan shall address the primary Site Preparation and Construction phases for the Site, and shall be generally based on the mitigation measures contained in this Agreement and the Revised Application. At least sixty (60) days prior to the start of Site Preparation, the Certificate Holder shall submit the Construction Management Plan to the Council for review and approval. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the Construction Management Plan.

J. Construction Schedule

No later than thirty (30) days prior to the beginning of Site Preparation, the Certificate Holder shall submit to EFSEC an overall construction schedule. Thereafter, the Certificate Holder shall notify EFSEC of any significant changes in the construction schedule.

K. Construction Plans and Specifications

1. At least sixty (60) days prior to the beginning of Construction, the Certificate Holder shall submit to EFSEC or its designated representative for approval of those construction plans, specifications, drawings, and design documents that demonstrate the Site design will be in compliance with the conditions of this Agreement. The Certificate Holder shall also provide copies to WDFW, Ecology, DAHP and other agencies as EFSEC may direct, for comment. The plans shall include the overall project site plans, equipment and material specifications. The Certificate Holder shall not begin Construction prior to obtaining Council approval of the construction plans and specifications.

[15] *See* Table 1.10-1 and Sections 3.4.6.3 and 4.4.8.1 of the Revised Application, and Section B(5)(d), B(7)(a), B(15)(a) of the Final SEPA Environmental Checklist.

2. The construction plans and specifications shall be in compliance with Chapter 17A.07 of Kittitas County's Critical Areas Ordinance for the protection of riparian areas.

3. The construction plans and specifications shall show fencing at a minimum of eight feet in height, with a single line of barbed wire installed at the top of the fence. Razor wire will not be used.[16]

4. The Certificate Holder shall consult with emergency services suppliers prior to preparing final road construction plans, to ensure that interior all-weather access roads are sufficient to provide reliable access by emergency vehicles. In its final design for construction, the Certificate Holder shall maximize the use of existing roads and pathways, and minimize the construction of new roads as much as reasonable and practical, and without disrupting wetlands or other sensitive habitat.[17] The final design shall be subject to approval by EFSEC as part of the overall construction plans and specifications.

5. The construction plans and specifications shall show that structures placed within floodplains are designed so as not to restrict or redirect flows from their natural flow path. If impervious surfaces, such as roads, are placed in the floodplain, the Certificate Holder shall propose measures to mitigate for the lack of floodplain storage.18

ARTICLE V: SITE CONSTRUCTION

A. Environmental Monitoring During Construction

1. Environmental Monitor (EM). EFSEC shall provide on-site environmental monitoring for the construction phase of the Site, at the Certificate Holder's cost. The EM shall be an independent, qualified engineering firm (or a person) selected by EFSEC, and shall report directly to EFSEC.

2. Environmental Compliance Program for Construction Activities. The Certificate Holder shall identify and develop environmental monitoring and "stop-work" criteria in consultation with the EM and other EFSEC designees. At least sixty (60) days prior to the beginning of Construction, the Certificate Holder shall submit these environmental monitoring and stop-work criteria to EFSEC or its designated representative for review and approval.[19] The Certificate Holder shall not begin Construction prior to obtaining Council approval. The Environmental Compliance Program shall cover avoidance of sensitive areas during construction, waste handling and storage, stormwater management, spill prevention and control, habitat restoration efforts begun during the construction phase of the Site, and other mitigation measures required by this

[16] Mitigation Measure #9 of the Revised MDNS.
[17] *See* Table 1.10-1 and Section 3.4.6.3 of the Revised Application.
[18] Mitigation Measure #1 of the Revised MDNS.
[19] *See* Section 4.1.8 of the Revised Application.

Agreement. The Certificate Holder shall implement the program to ensure that construction activities meet the conditions, limits, and specifications set out in the Site Certification Agreement, all Attachments thereto, and all other applicable state and federal environmental regulations.

3. Copies of Plans and Permits Kept On Site. A copy of the Site Certification Agreement, Plans approved by the Council or its designees, and all applicable construction permits shall be kept at the Site Location. The lead Site construction personnel and construction project managers will be required to read, follow, and be responsible for all required compliance activities.

4. Environmental Monitor Monthly Reports. The EM will provide monthly reports to EFSEC regarding adherence to the BMPs, the implementation of environmental mitigation plans, and environmental problems reported or discovered as well as corrective actions taken by the Certificate Holder to resolve these problems. The EM will provide copies to the Certificate Holder of reports submitted to EFSEC.

5. Environmental Violations and Stop-Work Orders. Upon identification of an environmental noncompliance issue, the EM will work with the responsible subcontractor or direct-hire workers to correct the violation. If non-compliance is not corrected in a reasonable period of time, the EM shall request that EFSEC issue a "stop-work" order for that portion of the work not in compliance with Site environmental requirements. EFSEC will promptly notify the EM of any "stop work" orders that have been issued.

B. Quarterly Construction Reports

The Certificate Holder shall submit quarterly construction progress reports to EFSEC no later than thirty (30) days after the end of each calendar quarter. Such reports shall describe the status of construction and identify any changes in the construction schedule.

C. Construction Inspection

EFSEC shall provide plan review and inspection of construction for all Site structures, underground and overhead electrical lines, and other Site facilities to ensure compliance with this Agreement. Construction shall be in accordance with the approved design and construction plans, and other relevant regulations. EFSEC may contract with Kittitas County, another appropriate agency, or an independent firm to provide these services.

D. As-Built Drawings

The Certificate Holder shall maintain a complete set of as-built drawings on file for the life of the Site, and shall allow the Council or its designated representative access to the drawings on request following reasonable notice.

E. Habitat, Vegetation, Fish and Wildlife

1. The Certificate Holder shall use construction techniques and Best Management Practices (BMPs) to minimize potential impacts to habitat and wildlife. In particular, construction of the Site shall be performed in accordance with Mitigating Conditions 2, 7 and 9 of the Revised MDNS.

2. The Certificate Holder shall ensure that the construction team includes a qualified staff person or persons with experience in construction in environments similar to those found in the Site Location.

3. Construction teams shall stake work and clearing limits prior to construction and ground clearing.

4. Any new electrical poles installed for the Site will be designed to comply with the current Avian Power Line Interaction Committee (APLIC) guidelines. If the APLIC guidelines are not feasible on a pole location, the Certificate Holder shall present the reasons to EFSEC and determine appropriate mitigation or monitoring measures.[20]

5. The Certificate Holder shall post, maintain, and enforce reasonable driving speed limits within the Site Location to minimize potential collisions with wildlife during construction.

F. Construction Noise[21]

The Certificate Holder and its contractors and subcontractors shall use industry standard noise attenuation controls during construction to mitigate noise impacts and shall comply with applicable state and local noise emission regulations. The Certificate Holder shall limit loud construction activities to daytime hours (7 a.m. to 10 p.m.), and shall comply with the applicable requirements of WAC 173-60-040 (2) (b) during the hours of 10:00 p.m. and 7:00 a.m.

G. Construction Safety and Security

1. Federal and State Safety Regulations[22]. The Certificate Holder shall comply with applicable federal and state safety regulations (including regulations promulgated under the Federal Occupational Safety and Health Act and the Washington Industrial Safety and Health Act), as well as local and state industrial codes and standards (such as the Uniform Fire Code). The Certificate Holder, its general contractor, and all subcontractors shall make every reasonable effort to maximize safety for individuals working at the Site.

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[20] *See* Mitigation Measure #8 of the Revised MDNS.
[21] *See* Table 1.10-1, Section 3.4.6.2, 4.1.2.2, 4.1.5.1(d) of the Revised Application, and Section B(5)(d) and B(7)(b) of the Final SEPA Environmental Checklist.
[22] *See* Section 4.1.9(4) of the Revised Application.

2. Construction Phase Health and Safety Plan. The Certificate Holder shall develop and implement a Construction Phase Health and Safety Plan prior to the beginning of Site Preparation. The Certificate Holder shall consult with local and state organizations providing emergency response services during the development of the plan to ensure timely response in the event of an emergency. The Certificate Holder shall submit the plan to EFSEC for review and approval no later than sixty (60) days prior to Site Preparation. The Certificate Holder shall not begin Construction prior to obtaining Council approval.

3. Construction Phase Site Security Plan[23]. The Certificate Holder shall develop and implement a construction phase site security plan to effectively monitor the Site Location. The Certificate Holder shall consult with local and state organizations providing emergency response services during the development of the plan to ensure timely response in the event of an emergency. The Certificate Holder shall submit the plan to EFSEC for review and approval no later than sixty (60) days prior to Site Preparation. The Certificate Holder shall not begin Construction prior to obtaining Council approval.

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

H. Fugitive Dust[24]

The Certificate Holder shall implement appropriate mitigation measures to control fugitive dust from roads and construction activities. The Certificate Holder shall use water or a water-based environmentally safe dust palliative such as lignin, for dust control on unpaved roads during Site construction.

I. Contaminated Soils

In the event that contaminated soils are encountered during construction, the Certificate Holder shall notify EFSEC and Ecology as soon as possible. The Certificate Holder shall manage, handle, and dispose of contaminated soils in accordance with applicable local, state, and federal requirements.

J. Light, Glare, and Aesthetics

The Certificate Holder shall implement mitigation measures to minimize light and glare impacts. Landscaping with appropriate vegetation shall be planted, and perimeter fencing shall be erected as described in the Revised Application.[25]

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[23] *See* Section 2.19 of the Revised Application.
[24] *See* Sections 2.6.1, 2.15.3, 3.6.2.1 and 4.4.22.1 of the Revised Application, and Section B(3)(a)(4) of the Final SEPA Environmental Checklist.
[25] *See* Table 1.10-1 of the Revised Application, and Sections B(10)(c) and B(11) of the Final SEPA Environmental

The Certificate Holder shall minimize outdoor lighting to safety and security requirements. Motion sensors shall be used to keep lighting turned off when not required, and lighting shall be equipped with hoods and directed downward.[26] If compliance with any of these requirements is not feasible, the Certificate Holder may seek a waiver from the Council.

K. Construction Wastes and Clean-Up[27]

The Certificate Holder's waste disposal plans and schedule shall be included in the Site Location construction plans and specifications for review and approval by EFSEC. The Certificate Holder shall dispose of sanitary and other wastes generated during construction at facilities authorized to accept such wastes.

The Certificate Holder shall properly dispose of all temporary structures not intended for future use upon completion of construction. The Certificate Holder also shall dispose of used timber, brush, refuse, or flammable materials resulting from the clearing of lands or from construction of the Site.

ARTICLE VI: SUBMITTALS REQUIRED PRIOR TO THE BEGINNING OF COMMERCIAL OPERATION

A. Operations Stormwater Pollution Prevention Plan

1. Operations Stormwater Pollution Prevention Plan[28]. The Certificate Holder shall prepare an Operations Stormwater Pollution Prevention Plan (Operations SWPPP) in consultation with Ecology and submit it to EFSEC for approval at least sixty (60) days prior to the beginning of Commercial Operation. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Operations SWPPP shall include an operations manual for permanent BMPs. The Operations SWPPP shall be prepared in accordance with the guidance provided in the Ecology *Stormwater Management Manual for Eastern Washington, September 2004* or as revised. The Certificate Holder shall periodically review the Operations SWPPP against the guidance provided in the applicable *Ecology Stormwater Management Manual*, and make modifications as necessary to the Operations SWPPP to comply with current requirements for BMPs.

2. Operations Spill Prevention, Control and Countermeasure Plan[29]. The Certificate Holder shall prepare an Operations Spill Prevention, Control and Countermeasures Plan

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Checklist.

[26] *See* Table 1.10-1, Sections 2.3.2.6, 2.19.2 and 4.4.10.2 of the Revised Application, and Sections B(10)(c) and B(11) of the Final SEPA Environmental Checklist.

[27] *See* Table 1.10-1 of the Revised Application, and Section B(10)(c) of the Final SEPA Environmental Checklist.

[28] *See* Sections 2.11.2, 2.23.2.3, 3.1.5.1, 3.4.6.3, 4.4.22.2 and 5.2(1) of the Revised Application, and Sections B(1)(h), B(3)(c)(2) and B(5)(d) of the Final SEPA Environmental Checklist.

[29] *See* Sections 2.10.2, 3.4.5.2(h) and 4.1.7 of the Revised Application, and Section B(3)(c)(2) of the Final SEPA Environmental Checklist.

(Operations SPCCP) in consultation with Ecology and submit it to EFSEC for review and approval at least thirty (30) days prior to the beginning of commercial operation. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Operations SPCCP shall be prepared pursuant to the requirements of 40 CFR Part 112, Sections 311 and 402 of the Clean Water Act, Section 402 (a)(l) of the Federal Water Pollution Control Act (FWPCA), and RCW 90.48.080. The Operations SPCCP shall include the Site Location, all Site structures and facilities on the Site Location, and all access roads. The Operations SPCCP shall be implemented within three (3) months of the beginning of Commercial Operation. The Operations SPCCP must be updated and submitted to the Council every two (2) years.

B. Emergency Plans

1. Operations Emergency Plan[30]. No later than sixty (60) days prior to the beginning of Commercial Operation, the Certificate Holder shall submit for the Council's approval an Operations Emergency Plan for the Site to provide for employee safety in the event of emergencies. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Certificate Holder shall coordinate development of the plan with local and state agencies that provide emergency response services in the Site Location. Periodically, the Certificate Holder shall provide the Council with updated lists of emergency personnel, communication channels, and procedures. The Operations Emergency Plan shall address in detail the procedures to be followed in the event of emergencies listed in Article IV.I.1.

2. Operations Fire Control Plan[31]. The Certificate Holder shall develop an Operations Fire Control Plan in consultation with WDFW, and in coordination with other state and local agencies to minimize the risk of accidental fire during operation and ensure effective response to any fire that does occur. No later than sixty (60) days prior to the beginning of Commercial Operation, the Certificate Holder shall submit the Plan to EFSEC for review and approval. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval.

ARTICLE VII: SITE OPERATION

A. Technical Advisory Committee (TAC)

The purpose of the Technical Advisory Committee (TAC) is to advise EFSEC on the effectiveness of mitigation measures as they have been implemented. TAC will also make recommendations to EFSEC if it deems additional studies or mitigation are warranted to address impacts that were either not foreseen in the Revised Application, or significantly exceed impacts that were projected. In order to make advisory recommendations to EFSEC, the TAC will review

[30] *See* Section 4.1.9 of the Revised Application.
[31] *See* Table 1.10-1 and Sections 3.4.6.3 and 4.4.8.2 of the Revised Application, and Section B(5)(d), B(7)(a), B(15)(a) of the Final SEPA Environmental Checklist.

and consider results of the Site monitoring studies. The TAC will assess whether the post-construction restoration and mitigation and monitoring programs merit further studies or additional mitigation, taking into consideration factors such as the species involved, the nature of the impact, monitoring trends, and new scientific findings.

The TAC may include, but need not be limited to, representatives from WDFW, U.S. Fish and Wildlife Service, Ecology, EFSEC, Kittitas County and the Certificate Holder. EFSEC, at its discretion, may add additional representatives to the TAC from state, local, federal and tribal governments. All TAC members must be approved by EFSEC.

No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall contact the agencies and organizations listed above requesting that they designate a representative to the TAC, and that the agencies or organizations notify EFSEC in writing of their TAC representative and of their member's term of representation. No later than sixty (60) days prior to the beginning of Commercial Operation, the Certificate Holder shall convene the first meeting of the TAC.

The TAC will be convened as determined by EFSEC, except that EFSEC may terminate the TAC if: the TAC determines that all of the pre-permitting, operational and post-operational monitoring has been completed and further monitoring is not necessary; or the TAC members recommend that it be terminated; or, upon request by Certificate Holder, after the first year of operation of the Site.

The ultimate authority to require implementation of additional mitigation measures, including any recommended by the TAC, shall reside with EFSEC.

B. Water Discharge

The Certificate Holder shall ensure that all stormwater control measures and discharges are consistent with the Operations SWPPP, required by Article VI.A.1 and the Ecology *Stormwater Management Manual for Eastern Washington, September 2004* or as revised.

C. Noise Emissions

The Certificate Holder shall operate the Site in compliance with applicable Washington State Environmental Noise Levels, WAC 173-60.

D. Fugitive Dust Emissions

The Certificate Holder shall continue to implement dust abatement measures as necessary.

E. Habitat, Vegetation and Wildlife BMPs

During Site operations, the Certificate Holder shall implement appropriate operational BMPs to minimize impacts to plants and animals, especially impacts to special status species such as giant Palouse earthworm, sharp-tailed snake, Columbia spotted frog, sandhill crane, greater sage-

grouse, and Bald and Golden Eagles.[32]

In addition to those BMPs, the Certificate Holder shall also take the following steps to minimize impacts:

1. Implementation of the Operations Fire Control Plan developed pursuant to Article VI.B.3, in coordination with local fire districts, to avoid accidental wildfires and respond effectively to any fire that might occur.

2. Operational BMPs to minimize storm water runoff and soil erosion.

3. The Certificate Holder shall not use rodenticides to control rodent burrowing around inverter pads. In the event that the Certificate Holder believes the use of rodenticides is necessary, the Certificate Holder shall consult with WDFW and Ecology to develop a plan for appropriate application and use, and submit the plan to EFSEC for approval prior to implementation.

4. The Certificate Holder shall cooperate with WDFW in an effort to exclude deer and elk from the site location through the use of fencing with a minimum height of eight feet, with a single strand of barbed wire on top.[33]

5. The Certificate Holder shall monitor the Site for the first year of operation to determine whether there is any evidence of potential "lake effect." If such an effect is confirmed, mitigation shall be instituted by planting vegetation around panels, or using other strategies to reduce the risk of avian collisions.[34]

F. Safety and Security

1. Personnel Safety[35]. The safety of operating personnel is governed by regulations promulgated under the Federal Occupational Safety and Health Act and the Washington Industrial Safety and Health Act. The Certificate Holder shall comply with applicable federal and state safety laws and regulations (including regulations under the Federal Occupational Safety and Health Act and the Washington Industrial Safety and Health Act) as well as local and industrial codes and standards (such as the Uniform Fire Code).

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[32] *See* Table 1.10-1 and Section 3.4.6 of the Revised Application, and Section B(5)(d) of the Final SEPA Environmental Checklist.
[33] Mitigation Measure #9 of the Revised MDNS.
[34] Mitigation Measure #8 of the Revised MDNS.
[35] *See* Section 4.1.9(4) of the Revised Application.

2. Operations Phase Health and Safety Plan. No later than sixty (60) days before the beginning of Commercial Operation, the Certificate Holder shall develop and, after EFSEC approval, implement an Operations Phase Health and Safety Plan. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Certificate Holder shall consult with local and state organizations providing emergency response services during the development of the plan to ensure timely response in the event of an emergency.

3. Operations Phase Site Security Plan[36]. The Certificate Holder shall develop and implement an Operations Phase Site Security Plan. The Certificate Holder shall submit the Plan to EFSEC for review and approval no later than sixty (60) days before the beginning of Commercial Operation. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Plan shall include, but shall not be limited to, the following elements: controlling access to the Site Location by any visitors, contractors, vendors, or suppliers; installing security lighting and fencing; and securing access to solar panels, pad transformers, pad-mounted switch panels and other outdoor facilities. A copy of the final Security Plan shall be provided to EFSEC and other agencies involved in emergency response.

4. Visitors Safety. The Certificate Holder shall require visitors to observe the safety plans and shall provide them with safety equipment where and when appropriate.

G. Dangerous or Hazardous Materials

The Certificate Holder shall handle, treat, store, and dispose of all dangerous or hazardous materials in accordance with Washington state standards for hazardous and dangerous wastes, WAC 463-40 and WAC 173-303. Following any abnormal seismic activity, volcanic eruption, severe weather activity, flooding, vandalism, or terrorist attacks the Certificate Holder shall inspect areas where hazardous materials are stored to verify that containment systems are operating as designed.

ARTICLE VIII: SITE TERMINATION, DECOMMISSIONING AND SITE RESTORATION

A. Detailed Site Restoration Plan[37]

The Certificate Holder shall submit a Detailed Site Restoration Plan to EFSEC for approval within ninety (90) days from the time the Council is notified of the termination of the Site. The Detailed Site Restoration Plan shall provide for restoration of the Site Location within the timeframe specified in Article VIII.C, taking into account the Initial Site Restoration Plan and the anticipated future use of the Site Location. The Detailed Site Restoration Plan shall address the elements required to be addressed by WAC 463-72-020, and the requirements of the Council

[36] *See* Section 2.19 of the Revised Application.
[37] *See* Sections 1.9, 4.1.9, and Appendix F of the Revised Application.

approved Initial Site Restoration Plan pursuant to Article IV.D of this Agreement. The Certificate Holder shall not begin Site Restoration activities without prior approval from the Council. The Certificate Holder shall consult with WDFW, and Ecology in preparation of the Detailed Site Restoration Plan.

B. Site Termination

1. Termination of this Site Certification Agreement, except pursuant to its own terms, is an amendment of this Agreement.

2. The Certificate Holder shall notify EFSEC of its intent to terminate the Site, including by concluding the plant's operations, or by suspending construction and abandoning the Site.

3. The Council may terminate the SCA through the process described in WAC 463-66-090, and the Council may initiate that process where it has objective evidence that a certificate may be abandoned or when it deems such action to be necessary, including at the conclusion of the plant's operating life, or in the event the Site is suspended or abandoned during construction or before it has completed its useful operating life.

C. Site Restoration Timing and Scope

Site Restoration shall be conducted in accordance with the commitments made in the draft Site Restoration Plan attached as Appendix F to the Application, and the Detailed Site Restoration Plan required by Article VIII.A (unless the Certificate Holder fails to submit such a plan), and in accordance with the following measures:

1. Timing. The Certificate Holder shall commence Site Restoration of the Site within twelve (12) months following the termination described in Article VIII.B above.

   The period to perform the Site Restoration may be extended if there is a delay caused by conditions beyond the control of the Certificate Holder including, but not limited to, inclement weather conditions, equipment failure, wildlife considerations, or the availability of cranes or equipment to support decommissioning.

2. Scope. Site Restoration shall involve removal of the solar panels and mounting structures; removal of foundations or other Site facilities to a depth of four (4) feet below grade; restoration of any disturbed soil to pre-construction condition; and removal of Site access roads and overhead poles and transmission lines (except for any roads and/or overhead infrastructure that Site Location landowner wishes to retain) (all of which shall comprise "Site Restoration"). Site Restoration shall occur in the order of removing the solar panels as the first priority and performing the remaining elements immediately thereafter. If the Certificate Holder constructs the Site with solar panels incorporating hazardous materials, such as Cadmium Telluride, Site Restoration shall

also include the use of appropriate precautions during decommissioning and removal of the solar panels to safely dispose of and to avoid, and, if necessary, remediate any soil contamination resulting from the panels' hazardous materials.

3. Monthly Reports. If requested by EFSEC, the Certificate Holder shall provide monthly status reports until this Site Restoration work is completed.

4. Restoration Oversight. At the time of Site Restoration, the Site Location will be evaluated by a qualified biologist to determine the extent of and type of vegetation existing on the Site Location. Success criteria for Site Restoration will be established prior to commencement of decommissioning activities, based on the documented pre-construction conditions, experience gained with re-vegetation during operation and the condition of the Site Location at the time of Site Restoration. The restoration success criteria will be established in the Detailed Site Restoration Plan approved by EFSEC in consultation with the designated biologist. Once restoration of the Site Location is determined to be complete, a final report of restoration activities and results will be submitted to EFSEC in consultation with the designated biologist, for review and approval.

D. Site Restoration Financial Assurance

1. Except as provided in Article VIII.D.3 below, the Certificate Holder or any Transferee, as the case may be, shall provide financial assurance sufficient, based on detailed engineering estimates, for required Site Restoration costs in the form of a surety bond, irrevocable letter of credit, or guaranty. The Certificate Holder shall include a detailed engineering estimate of the cost of Site Restoration in its Initial Site Restoration Plan submitted to EFSEC. The estimate must be based on the costs of the Certificate Holder or Transferee hiring a third party to carry out Site Restoration. The estimate may not be reduced for "net present value" or other adjustments. During the active life of the facility, the Certificate Holder or Transferee must adjust the Site Restoration cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument used to provide financial assurance and must increase the financial assurance amount accordingly to ensure sufficient funds for Site Restoration.

2. The duty to provide such financial assurance shall commence thirty (30) days prior to the beginning of Construction of the Site, and shall be continuously maintained through to the completion of Site Restoration. Construction of the Site shall not commence until adequate financial assurance is provided. On or before the date on which financial assurance must be established, the Certificate Holder shall provide EFSEC with one of the following financial assurance mechanisms that is reasonably acceptable to EFSEC:

    a) *Surety Bond*. The Certificate Holder or any Transferee, as the case may be, shall provide financial security for the performance of its Site Restoration obligations through a Surety Bond issued by a surety listed as acceptable in

Circular 570 of the U.S. Department of the Treasury. The Performance Bond shall be in an amount equal to the Site Restoration costs. A standby trust fund for Site Restoration shall also be established by the Certificate Holder or Transferee to receive any funds that may be paid by the surety to be used to complete Site Restoration. The surety shall become liable for the bond obligation if the Certificate Holder or Transferee fails to perform as guaranteed by the bond. The surety may not cancel the bond until at least one hundred twenty days after the Certificate Holder or Transferee and EFSEC have received notice of cancellation. If the Certificate Holder or Transferee has not provided alternate financial assurance acceptable under this SCA within ninety days of the cancellation notice, the surety shall pay the amount of the bond into the standby Site Restoration trust; or

b) *Irrevocable Letter of Credit*. The Certificate Holder or any Transferee, as the case may be, shall provide financial security for the performance of its Site Restoration obligations through an irrevocable letter of credit payable to or at the direction of EFSEC, that is issued by an institution that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a Federal or State agency. The letter of credit shall be in an amount equal to the Site Restoration costs. A standby trust fund for Site Restoration shall also be established by Certificate Holder or Transferee to receive any funds deposited by the issuing institution resulting from a draw on the letter of credit. The letter of credit shall be irrevocable and issued for a period of at least one year, and renewed annually, unless the issuing institution notifies the Certificate Holder or Transferee and EFSEC at least one hundred twenty days before the current expiration date. If the Certificate Holder or Transferee fails to perform Site Restoration, or if the Certificate Holder or Transferee fails to provide alternate financial assurance acceptable to EFSEC within ninety days after notification that the letter of credit will not be extended, EFSEC may require that the financial institution provide the funds from the letter of credit to be used to complete Site Restoration; or

c) *Guaranty*. Certificate Holder or any Transferee, as the case may be, shall provide financial assurance for the performance of its Site Restoration obligations by delivering a guaranty to fund the Certificate Holder or Transferee's Site Restoration obligations hereunder from an entity that meets the following financial criteria:

   i. A current rating of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's;

   ii. Tangible net worth at least six times the sum of the current Site

Restoration cost estimates;

iii. Tangible net worth of at least ten million dollars; and

iv. Assets in the United States amounting to at least ninety percent of its total assets or at least six times the sum of the current Site Restoration cost estimates.

The guarantor entity's chief financial officer shall provide a corporate guaranty that the corporation passes the financial test at the time the Initial Site Restoration Plan is filed. This corporate guaranty shall be reconfirmed annually ninety days after the end of the corporation's fiscal year by submitting to EFSEC a letter signed by the guaranteeing entity's chief financial officer that:

i. Provides the information necessary to document that the entity passes the financial test;

ii. Guarantees that the funds to finance required Site Restoration activities are available;

iii. Guarantees that required Site Restoration activities will be completed;

iv. Guarantees that within thirty days if written notification is received from EFSEC that the entity no longer meets the above financial criteria, the entity shall provide an alternative form of financial assurance consistent with the requirements of this section;

v. Guarantees that the entity's chief financial officer will notify in writing the Certificate Holder or Transferee and EFSEC within fifteen days any time that the entity no longer meets the above financial criteria or is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy;

vi. Acknowledges that the corporate guaranty is a binding obligation on the corporation and that the chief financial officer has the authority to bind the corporation to the guaranty;

vii. Attaches a copy of the independent certified public accountant's report on examination of the entity's financial statements for the latest completed fiscal year; and

viii. Attaches a special report from the entity's independent certified public accountant (CPA) stating that the CPA has reviewed the information in the letter from the entity's chief financial officer and has determined that the information is true and accurate.

If the Certificate Holder or any Transferee fails to perform Site Restoration covered by the guaranty in accordance with the approved Initial or Final Site Restoration plan, the guarantor will be required to complete the appropriate activities. The guaranty will remain in force unless the guarantor sends notice of cancellation by certified mail to the Certificate Holder or Transferee and EFSEC. Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by the Certificate Holder or Transferee and EFSEC. If the Certificate Holder or Transferee fails to provide alternate financial assurance as specified in this section and obtain the written approval of such alternate assurance from EFSEC within ninety days after receipt of a notice of cancellation of the guaranty from the guarantor, the guarantor will provide such alternative financial assurance in the name of the Certificate Holder or Transferee.

3. If the SCA is transferred after its effective date pursuant to applicable EFSEC laws and regulations, EFSEC has the right to require, consider, and approve other financial security that would provide for the Certificate Holder's performance of its Site Restoration obligations pursuant to Articles VIII.C and VIII.D of this Site Certification Agreement.

ARTICLE IX: SITE CERTIFICATION AGREEMENT - SIGNATURES

Dated and effective this_____day of _____, 2018.

FOR THE STATE OF WASHINGTON

_____

Jay Inslee, Governor

FOR TE - Camas, LLC

_____

INSERT NEW PROJECT REPERSENTATIVE
XXX
TE - Camas, LLC

ATTACHMENT 1
Camas Solar Site
Site-Specific Descriptions, Plans and Conditions

Site Description

The Certificate Holder plans to construct a new photovoltaic (PV) solar facility on approximately 51.21 acres of private agricultural land, which would connect into the existing Puget Sound Energy (PSE) distribution transmission line along Tjossem Road, located southeast of Ellensburg, in unincorporated Kittitas County, Washington. The Camas Solar Site is intended to provide up to 5 MW of solar energy to PSE for use within their service area.

The Camas Solar Site location is active agricultural land, growing alfalfa, located immediately southeast of the intersection of Tjossem Road and Interstate 82 (I-82). The Site would be located approximately 2.25 miles southeast of the Ellensburg city center, in Sections 18 and 19 of Township (T) 17 North (N), Range (R) 19 East (E), Willamette Meridian (Figure 2.1-2). Topography of the site is fairly flat and slopes to the south toward Little Naneum Creek, with surface elevations ranging from 1,465 to 1,455 feet amsl.

The Camas Solar Site location would be located on land zoned as Commercial Agriculture, and would be a permitted conditional use under KCC 17.15.050.01.

Legal Description

TRACT A:

THAT PORTION OF PARCEL 1D OF THAT CERTAIN SURVEY AS RECORDED JUNE 15, 1994 IN BOOK 20 OF SURVEYS AT PAGE 60, UNDER AUDITOR'S FILE NO. 571789, RECORDS OF KITTITAS COUNTY, WASHINGTON, WHICH LIES SOUTHWESTERLY OF THE BULL DITCH RIGHT OF WAY; BEING A PORTION OF PARCEL 1B OF THAT CERTAIN SURVEY AS RECORDED APRIL 29, 1993 IN BOOK 19 OF SURVEYS AT PAGE 74, UNDER AUDITOR'S FILE NO. 559059, RECORDS OF KITTITAS COUNTY, WASHINGTON; LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 17 NORTH, RANGE 19 EAST, W.M., KITTITAS COUNTY, WASHINGTON.

AND

THAT PORTION OF PARCEL 1C OF THAT CERTAIN SURVEY AS RECORDED JUNE 15, 1994 IN BOOK 20 OF SURVEYS AT PAGE 60, UNDER AUDITOR'S FILE NO. 571789, RECORDS OF KITTITAS COUNTY, WASHINGTON, WHICH LIES SOUTHWESTERLY OF THE BULL DITCH RIGHT OF WAY; BEING A PORTION OF PARCEL 1B OF THAT CERTAIN SURVEY AS RECORDED APRIL 29, 1993 IN BOOK 19 OF SURVEYS AT PAGE 74, UNDER AUDITOR'S FILE NO. 559059, RECORDS OF KITTITAS COUNTY, WASHINGTON; LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 17 NORTH, RANGE 19 EAST, W.M., KITTITAS COUNTY, WASHINGTON.

TRACT B:

THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 17 NORTH, RANGE 19 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON, WHICH IS BOUNDED BY A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL A OF THAT CERTAIN SURVEY RECORDED APRIL 22, 1993, IN BOOK 19 OF SURVEYS, PAGE 73, UNDER AUDITOR'S FILE NO. 558819. WHICH IS THE TRUE POINT OF BEGINNING FOR SAID DESCRIBED LINE;

THENCE SOUTHERLY, ALONG THE WEST BOUNDARY OF SAID PARCEL A, WHICH IS ALSO THE EAST RIGHT OF WAY BOUNDARY OF 1-82, TO THE SOUTH BOUNDARY OF SAID NORTH HALF OF THE NORTHEAST QUARTER; THENCE NORTH 87°58'34" EAST, ALONG SAID SOUTH BOUNDARY OF SAID NORTH HALF OF THE NORTHEAST QUARTER, 60.81 FEET TO THE CENTERLINE OF NANEUM CREEK; THENCE NORTHEASTERLY, ALONG SAID NANEUM CREEK CENTERLINE, TO THE NORTH BOUNDARY OF SAID NORTH HALF OF THE NORTHEAST QUARTER; THENCE SOUTH 87°42'10" WEST, ALONG SAID NORTH BOUNDARY, 763.52 FEET TO THE TRUE POINT OF BEGINNING FOR SAID DESCRIBED LINE.

(SAID TRACT BEING A PORTION OF PARCEL A OF THAT CERTAIN SURVEY RECORDED APRIL 22, 1993, IN BOOK 19 OF SURVEYS, PAGE 73, UNDER AUDITOR'S FILE NO. 558819 AND OF LOT 1, OF REDD SHORT PLAT, KITTITAS COUNTY SHORT PLAT NO. SP-93-14, AS RECORDED JANUARY 19, 1994 IN BOOK D OF SHORT PLATS, PAGE 89 AND 90, UNDER AUDITOR'S FILE NO. 567251, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON.)

TRACT C:

THAT PORTION OF PARCELS 1C AND 1D OF THAT CERTAIN SURVEY AS RECORDED JUNE 15, 1994 IN BOOK 20 OF SURVEYS AT PAGE 60, UNDER AUDITOR'S FILE NO. 571789, RECORDS OF KITTITAS COUNTY, WASHINGTON, WHICH LIES NORTHERLY OF THE BULL DITCH RIGHT OF WAY AND NORTHWESTERLY OF THE CENTERLINE OF THE BRANCH OF NANEUM CREEK WHICH FLOWS THROUGH SAID PARCEL 1C; BEING A PORTION OF PARCEL 1B OF THAT CERTAIN SURVEY AS RECORDED APRIL 29, 1993 IN BOOK 19 OF SURVEYS AT PAGE 74, UNDER AUDITOR'S FILE NO. 559059, RECORDS OF KITTITAS COUNTY, WASHINGTON; LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 17 NORTH, RANGE 19 EAST, W.M., KITTITAS COUNTY, WASHINGTON.

CONTAINS 51.21 ACRES.

Site-Specific Conditions

The conditions set forth above apply to this Site Location. In addition, for the sake of clarity, the following conditions apply particularly to the Camas Solar Site.

PLANS, APPROVALS AND ACTIONS REQUIRED PRIOR TO CONSTRUCTION

A. Habitat, Vegetation, and Fish and Wildlife Mitigation

1. Habitat Restoration and Mitigation Plan. Prior to the beginning of Site Preparation, the Certificate Holder shall develop a Habitat Restoration and Mitigation Plan, including the general plans set forth above, as well as the following site-specific plans, in consultation with WDFW.

    a) In consultation with WDFW, the Certificate Holder shall develop the plan to require all temporarily disturbed areas to be reseeded with an appropriate mix of plant species that are adapted to local site conditions and will become established quickly, such as, but not limited to, native plant species, in a manner and sequence that will maximize the likelihood of successful restoration of the area and prevent the spread of noxious weeds. Based on the local conditions at the Camas Solar Site and surrounding area, the plant species may comprise grasses like those currently in production on the Site Location and in surrounding agricultural fields. The Plan shall include a restoration schedule that identifies timing windows during which restoration should take place, and an overall timeline for when all restoration activities will be completed.

    b) The Certificate Holder will also compensate for habitat impacts of the Camas Solar Site by submitting a plan for EFSEC approval detailing riparian habitat enhancement within a 100-foot buffer of Little Naneum Creek. The plan will include the following:

        - Planting native riparian plants within the riparian area buffer where current vegetation has been reduced or eliminated from agricultural practices.
        - Establishing benchmarks and a timeline for revegetation success, and monitoring revegetation activities in the riparian areas to ensure success. [38]

B. Construction Mitigation

1. Construction Stormwater Pollution Prevention Plan

    In addition to the requirements set forth above, the Construction SWPPP prepared for the Camas Solar Site shall provide special attention to control of any and all runoff from the Site and its roads into Little Naneum Creek.

[38] Mitigation Measure #3 of the Revised MDNS.

2. Construction Plans / Specifications

At least sixty (60) days prior to the beginning of Construction, the Certificate Holder shall submit to EFSEC or its designated representative for approval those construction plans, specifications, drawings, and design documents that demonstrate the Site design will be in compliance with the conditions of this Agreement. The plans will satisfy the general criteria set forth above, as well as the following site-specific criteria.

a) The construction plans and specifications shall show that structures placed within floodplains are designed so as not to restrict or redirect flows from their natural flow path. If impervious surfaces, such as roads, are placed in the floodplain, the Certificate Holder will propose measures to mitigate for the lack of floodplain storage, and the Certificate Holder shall not begin Construction prior to obtaining Council approval of such measures.[39]

b) The construction plans and specifications will apply a 100-foot minimum setback from Little Naneum Creek to any electrical generation equipment, and shall comply with Chapter 17A.07 of Kittitas County's Critical Areas Ordinance for the protection of riparian areas.[40]

C. Water Rights

At least sixty (60) days prior to the beginning of Construction, the Certificate Holder shall submit to EFSEC or its designated representative for approval evidence that the landowner of the Camas Solar Site location intends to maintain its shares with the Bull Ditch Company such that those shares will be available at the end of the Camas Solar Site and the land could be returned to its current state, if the landowner so chooses.[41]

PROJECT CONSTRUCTION MITIGATION MEASURES

A. Light, Glare, and Aesthetics

The Certificate Holder shall implement mitigation measures to minimize light and glare impacts. In particular, the Camas Solar Site may be divided into a larger portion to the southwest of Bull Ditch (referred to as Camas A), and a smaller portion to the northeast of Bull Ditch (referred to as Camas B). Along the northern boundary of Camas A, the natural topography of the Camas Solar Site location and existing vegetation present a visual barrier for neighbors viewing the site from Tjossem Road. However, along the northern boundary of Camas B, the Certificate Holder will plant a line of trees and/or shrubs up to 15 feet in height between Tjossem Road and the fence line. Perimeter fencing will be erected around the Site Location.

[39] Mitigation Measure #1 of the Revised MDNS.
[40] Mitigation Measure #2 of the Revised MDNS.
[41] Mitigation Measure #6 of the Revised MDNS.

PROJECT OPERATION MITIGATION MEASURES

A. Noise Emissions

The Certificate Holder shall operate the Site in compliance with applicable Washington State Environmental Noise Levels, WAC 173-60. In particular, a noise monitoring study at the northern boundaries of the Site Location will be performed within sixty (60) days of beginning Commercial Operation, and, if the noise levels exceed the Washington State Environmental Noise Levels, the Certificate Holder shall propose mitigation, such as installing a noise-mitigating barrier, for EFSEC's review and approval.[42]

[42] *See* Table 1.10-1 and Section 4.1.2.2 of the Revised Application, and Section B(7)(b)(3) of the Final SEPA Environmental Checklist.

SITE CERTIFICATION AGREEMENT
BETWEEN

THE STATE OF WASHINGTON

AND

TE - PENSTEMON ENERGY LLC

For the

COLUMBIA SOLAR PROJECT

PENSTEMON SOLAR SITE

KITTITAS COUNTY, WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

OLYMPIA, WASHINGTON

EXECUTED OCTOBER 17, 2018
AMENDMENT NO. 1 XXX XX, 2021

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SITE CERTIFICATION AGREEMENT

FOR THE COLUMBIA SOLAR PROJECT - PENSTEMON SOLAR SITE

CONTENTS

Attachments

1. Penstemon Solar Site – Site-Specific Descriptions, Plans and Conditions

2. August 22, 2018, Report to the Governor, Recommending Approval of the Site Certification entered _____, 2018

3. Council Order No. _____, Order Approving the Amendments Requested for Site Certification Agreement entered _____, 2021

SITE CERTIFICATION AGREEMENT

FOR THE COLUMBIA SOLAR PROJECT - PENSTEMON SOLAR SITE

between

THE STATE OF WASHINGTON

and

TE - PENSTEMON, LLC

This Site Certification Agreement (Agreement or SCA) is made pursuant to Revised Code of Washington (RCW) 80.50, by and between the State of Washington, acting by and through the Governor of Washington State, and TE – Penstemon, LLC (TE Penstemon or Certificate Holder).

An application was filed with the Energy Facility Site Evaluation Council (EFSEC or Council) for site certification for the construction and operation of five solar powered generation facilities, to be located in Kittitas County, Washington. The Council reviewed Application 2017-01, conducted public meetings, and on August 22, 2018, recommended approval of a modified version of the application and five separate Site Certification Agreements by the Governor. On October 17, 2018, the Governor approved the Site Certification Agreement authorizing the construction and operation the Penstemon Solar Site (Site).

On XXX XX, 2021 the Council approved technical changes authorizing the transfer of SCA control from TUUSSO Energy LLC to TE – Penstemon LLC.

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

ARTICLE I: SITE CERTIFICATION

A. Site Description

The Columbia Solar Project comprises five solar sites to be constructed and operated on distinct locations in unincorporated Kittitas County. Certification details applicable to all five sites are discussed in the body of this Site Certification Agreement, while site-specific details relevant only to the Penstemon Solar Site are presented in Attachment 1.

B. Site Certification

The State of Washington hereby authorizes TE - Penstemon, LLC, any and all parent companies, and any and all assignees or successors approved by the Council to construct and/or operate the Penstemon Solar Site as described herein, subject to the terms and conditions set forth in Council Order No. ____, Council Order Recommending Site Certification (Attachment 2 to this Agreement), and this Agreement.

The construction and operation authorized in this Agreement shall be located within the areas designated herein and in the modifications to the Revised Application for Site Certification submitted on January 26, 2018 (Revised Application).

This Agreement authorizes the Certificate Holder to construct the Penstemon Solar Site such that Substantial Completion is achieved no later than ten (10) years from the date that all final state and federal permits necessary to construct and operate the Site are obtained and associated appeals have been exhausted.

If the Certificate Holder does not begin construction of the Site within five (5) years of the execution of the SCA, the Certificate Holder will report to the Council their intention to continue and will certify that the representations in the Revised Application, environmental conditions, pertinent technology, and regulatory conditions have remained current and applicable, or identify any changes and propose appropriate revisions to the Agreement to address changes. Construction may begin only upon prior Council authorization and approval of such certifications. If the Certificate Holder does not begin construction of the Site within ten (10) years of the execution of the SCA as well as upon final conclusion of any and all appeals of all permits and approvals, all rights under this SCA will cease.

The Certificate Holder may begin Commercial Operation of the Penstemon Solar Site prior to completing construction of all of the Site components, provided that all necessary Site elements are in place for safe operation of the Site and its operation will not adversely affect any obligations under this Agreement.

C. Project Description

Each of the Columbia Solar Project sites will consist of:

1. A Solar Panel Field. Each site will include north-south-oriented rows of crystalline

silicon PV panels, such as (but not limited to) modules between 325 and 345Wp, mounted on single-axis tracking systems, on galvanized steel support structures.

2. An Electrical Collection and Inverter System. These systems aggregate the output from the PV panels and convert the electricity from direct current (DC) to alternating current (AC), including inverters.

3. Interconnection Equipment. This equipment transforms facility electric output to a voltage of 12.47 kV, and will include a padmount-style transformer manufactured by ABB or similar.

4. Remote Supervisory Control and Data Acquisition (SCADA) Equipment. This monitoring equipment will be incorporated into the process control system to allow unmanned operations.

5. Communications and Grid-protection Equipment. This equipment will be selected by Puget Sound Energy and TE - Penstemon in order to allow the Sites to connect to the electric grid.

6. A Meteorological Data Collection System. This system will be configured to collect meteorological information roughly at the height of the PV panels.

7. Civil Infrastructure. Infrastructure would include access gates, internal access roads, and secure fencing.

8. Screening Vegetation. Where appropriate, native trees, shrubs, and/or plants in selected locations to provide visual screening.

The location of Site facilities including, but not limited to, the solar panels, electrical collection and distribution system, electrical transformers, electrical generation tie lines, roadways, and other related Site facilities, is generally described in the Revised Application[1], as modified within the Agreement. The final location of the solar panels and other site facilities within the Site Location may vary from the locations shown on the conceptual drawings provided in the Revised Application[2], but shall be consistent with the conditions of this Agreement and in accordance with the final construction plans approved by EFSEC pursuant to Article IV.L.

More detail about the Penstemon Solar Site is included in Attachment 1.

ARTICLE II: 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: Columbia Solar Project*,

[1] *See* Section 2.3.3.5 and Appendix L of the Revised Application.
[2] Appendix L of the Revised Application.

designated No. 2017-01, submitted on October 16, 2017, as supplemented in the Revised Application filed on January 26, 2018.

2. "Approval" (by EFSEC) means an affirmative action by EFSEC or its authorized agents including those actions and consultations delegated to Council staff regarding documents, plans, designs, programs, or other similar requirements submitted pursuant to this Agreement.

3. "Begin Commercial Operation" or "Beginning of Commercial Operation" means the time when the Site begins generating and delivering electricity to the electric power grid, other than electricity that may be delivered as a part of testing and startup of the Site.

4. "BMPs" means Best Management Practices.

5. "Certificate Holder" means TE - Penstemon, LLC, any and all parent company(s), or an assignee or successor in interest authorized by the Council.

6. "Checklist" means the Columbia Solar Projects SEPA Environmental Checklist, submitted on October 16, 2017, as supplemented in the Revised Checklist filed January 26, 2018, and as supplemented by the Memorandum RE: Environmental Review and Staff Recommendation for SEPA Determination for Columbia Solar Project issued by EFSEC on February 27, 2018, pursuant to the requirements of the State Environmental Policy Act, and adopted by EFSEC.

7. "Construction" means any of the following activities: any foundation construction including hole excavation, form work, rebar, excavation and pouring of concrete for the inverter pads and switchyard, or erection of any permanent, above-ground structures including any solar tracking assemblies, the transformer, transmission line poles, substation poles, or meteorological towers.

8. "County" means Kittitas County, Washington.

9. "DAHP" means the Washington State Department of Archaeology and Historic Preservation.

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

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

12. "EFSEC Costs" means any and all reasonable costs, both direct and indirect, associated with EFSEC activities with respect to this Site Certification Agreement (SCA), including but not limited to monitoring, staffing, and SCA maintenance.

13. "End of Construction" means the time when all Site facilities have been substantially constructed and are in operation.

14. “FAA” means the Federal Aviation Administration.

15. “Force Majeure Event” means any event beyond the control of the Party affected that directly prevents or delays the performance by that Party of any obligation arising under this Agreement, including an event that is within one or more of the following categories: condemnation; expropriation; invasion; plague; drought; landslide; tornado; hurricane; tsunami; flood; lightning; earthquake; fire; explosion; epidemic; quarantine; war (declared or undeclared), terrorism or other armed conflict; material physical damage to the Site caused by third parties; riot or similar civil disturbance or commotion; other acts of God; acts of the public enemy; blockade; insurrection, riot or revolution; sabotage or vandalism; embargoes; and actions of a governmental authority other than EFSEC.

16. “IBC” means the International Building Code.

17. “Micro-siting” means the final technical and engineering process by which the Certificate Holder shall recommend to the Council the final location of solar project facilities on the Site Location.

18. “NPDES Permit” means National Pollutant Discharge Elimination System permit.

19. “Penstemon Solar Site” or “Site” means those Penstemon Solar Site facilities described in the Application, including: solar panels and their construction areas; electrical collection/interconnection and communication systems; electrical step-up and interconnection transformers; permanent meteorological towers; access roadways; temporary construction-related facilities; and other related Site facilities. The specific components of the Site are identified in Article I.C, and Attachment 1

20. “PSE” means Puget Sound Energy.

21. “RCW” means the Revised Code of Washington.

22. “Revised Application” means the Columbia Solar Project Revised Application for Site Certification submitted on January 26, 2018.

23. “Revised MDNS” means the Revised Mitigated Determination of Non-Significance issued on April 17, 2018 by EFSEC.

24. “Site Certification Agreement,” “SCA” or “Agreement” means this formal written agreement between the Certificate Holder and the State of Washington, including all attachments hereto and exhibits, modifications, amendments, and documents incorporated herein.

25. “Site Location” means the land identified in the Application on which the Penstemon Solar Site is to be constructed and operated, namely, the 39.38-acre Penstemon site, as described in greater detail in Attachment 1.

26. “Site Preparation” means any of the following activities: Site Location clearing,

grading, earth moving, cutting or filling, excavation, and preparation of roads and/or laydown areas.

27. "State" or "state" means the State of Washington.

28. "Substantial Completion" means the Site is generating and delivering energy to the electric power grid.

29. "UBC" means the Uniform Building Code of 1997.

30. "WAC" means the Washington Administrative Code.

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

32. "WSDOT" means the Washington State Department of Transportation.

ARTICLE III: GENERAL CONDITIONS

A. Legal Relationship

1. This Agreement shall bind the Certificate Holder, and its successors in interest, and the State and any of its departments, agencies, divisions, bureaus, commissions, boards, and its political subdivisions, subject to all the terms and conditions set forth herein, as to the approval of, and all activities undertaken with respect to the Site or the Site Location. The Certificate Holder shall ensure that any activities undertaken with respect to the Site or the Site Location by its agents (including affiliates), contractors, and subcontractors comply with this Agreement and applicable provisions of Title 463 WAC. The term "affiliates" includes any other person or entity controlling, controlled by, or under common control of or with the Certificate Holder.

2. This Agreement, which includes those commitments made by the Certificate Holder in the Revised Application, constitutes the whole and complete agreement between the State of Washington and the Certificate Holder, and supersedes any other negotiations, representations, or agreements, either written or oral.

B. Enforcement

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

2. This Agreement may be suspended or revoked by EFSEC pursuant to RCW 34.05 and RCW 80.50, for failure by the Certificate Holder to comply with the terms and conditions of this Agreement, for violations of RCW 80.50 and the rules promulgated thereunder, or for violation of any applicable resolutions or orders of EFSEC.

3. When any action of the Council is required by or authorized in this Site Certification Agreement, the Council may, but shall not be legally obligated to, conduct a hearing

pursuant to RCW 34.05.

C. Notices and Filings

Filing of any documents or notices required by this Agreement with EFSEC shall be deemed to have been duly made when delivery is made to EFSEC's offices at Energy Facility Site Evaluation Council, 1300 S. Evergreen Park Dr. SW, P.O. Box 43172, Olympia, WA 98504-3172, in Thurston County.

Notices to be served by EFSEC on the Certificate Holder shall be deemed to have been duly made when deposited in first class mail, postage prepaid, addressed to the Certificate Holder at TE – Penstemon INSERT MAILING CONTACT FOR CERTIFICATE HOLDER

D. Rights of Inspection

Throughout the duration of this Agreement, the Certificate Holder shall provide access to the Site Location, the Site structures, buildings and facilities, underground and overhead electrical lines, and all records relating to the construction and operation of the Site to designated representatives of EFSEC and EFSEC contractors in the performance of their official duties. Such duties include, but are not limited to, environmental monitoring as provided in this Agreement and monitoring and inspections to verify the Certificate Holder's compliance with this Agreement. EFSEC personnel or any designated representatives of EFSEC shall follow all worker safety requirements observed and enforced on the Site Location by the Certificate Holder and its contractors.

E. Retention of Records

The Certificate Holder shall retain such records as are necessary to demonstrate the Certificate Holder's compliance with this Agreement.

F. Consolidation of Plans and Submittal to EFSEC

Any plans required by this Agreement may be consolidated with other such plans, if such consolidation is approved in advance by EFSEC. This Site Certification Agreement includes time periods for the Certificate Holder to provide certain plans and other information to EFSEC or its designees. The intent of these time periods is to provide sufficient time for EFSEC or its designees to review submittals without delay to the Site construction schedule, provided submittals made to EFSEC and/or its designees are complete.

G. Site Certification Agreement Compliance Monitoring and Costs

The Certificate Holder shall pay to the Council such reasonable monitoring costs as are actually and necessarily incurred during the construction and operation of the Site to assure compliance with the conditions of this Agreement, as required by RCW 80.50. The amount and manner of payment shall be prescribed by EFSEC pursuant to applicable rules and procedures.

The Certificate Holder shall deposit or otherwise guarantee payment of all EFSEC Costs as defined in Article II.15, for the period commensurate with the activities of this Agreement. EFSEC shall provide the Certificate Holder an annual estimate of such costs. Any instrument guaranteeing payment of EFSEC's costs shall be structured in such a manner as to allow EFSEC to collect from a third party and without approval of the Certificate Holder any such costs which the Certificate Holder fails to pay to EFSEC during any preceding billing period.

H. Site Restoration

The Certificate Holder is responsible for site restoration pursuant to the Council's rules, WAC 463-72, in effect at the time of submittal of the Application.

The Certificate Holder shall develop an Initial Site Restoration Plan in accordance with the requirements set out in Article IV.D of this Agreement and in consultation with WDFW, and submit it to EFSEC for approval. The Certificate Holder may not begin Site Preparation or Construction until the Council has approved the Initial Site Restoration Plan, including the posting of all necessary guarantees, securities, or funds associated therewith.

The Certificate Holder shall submit a detailed site restoration plan to EFSEC for approval prior to decommissioning in accordance with the requirements of Article VIII.A of this Agreement.

I. EFSEC Liaison

No later than thirty (30) days from the effective date of this Agreement, the Certificate Holder shall designate a person to act as a liaison between EFSEC and the Certificate Holder.

J. Changes in Project Management Personnel

The Certificate Holder shall notify EFSEC of any change in the primary management personnel, or scope of responsibilities of such personnel, for the Site.

K. Amendment of Site Certification Agreement

1. This Agreement may be amended pursuant to EFSEC rules and procedures applicable at the time of the request for amendment. Any requests by the Certificate Holder for amendments to this Agreement shall be made in writing.

2. No change in ownership or control of the Site shall be effective without prior Council approval pursuant to EFSEC rules and procedures.

3. Unless otherwise required by EFSEC, any change in the terms or conditions of the following Sections or Attachments to this Agreement shall not require amendment of this Site Certification Agreement in the manner prescribed in Section K.1, above, provided the change does not result in a material alteration of the size or location of the Site.

4. Repair, maintenance, and replacement of Site facilities:

    a) The Certificate Holder is permitted, without any further amendment to this agreement, to repair and maintain Site Facilities described in Article I.C and Attachment 1, consistent with the terms of this Agreement.

    b) The Certificate Holder shall notify EFSEC of the replacement of any significant portion of the Site Facilities no later than thirty (30) days prior to the replacement occurring.

5. In circumstances where the Site causes a significant adverse impact on the environment not previously analyzed or anticipated by this Agreement, or where such impacts are imminent, EFSEC shall take all steps it deems reasonably necessary, including imposition of specific conditions or requirements on the Certificate Holder as a consequence of such a situation in addition to the terms and conditions of this Agreement. Such additional conditions or requirements initially shall be effective for not more than ninety (90) days, and may be extended once for an additional ninety (90) day period if deemed necessary by EFSEC to pursue ongoing, or continuing temporary, arrangements under other authority, including but not limited to RCW 34.05, RCW 80.50 RCW, or Title 463 WAC.

L. Order of Precedence

In the event of an inconsistency or apparent ambiguity in this Agreement, the inconsistency or ambiguity shall be resolved by giving precedence in the following order:

1. Applicable Federal statutes and regulations;

2. Applicable State of Washington statutes and regulations;

3. The body of this Site Certification Agreement, including any other provision, term, or material incorporated herein by reference or otherwise attached to, or incorporated in, this Agreement;

4. The application of common sense to affect a result consistent with law and the principles effected in this document.

M. Review and Approval Process; Exceptions

1. Except for the Initial and Final Site Restoration Plans, prior to any site work, the Council may delegate to the EFSEC Manager authority to approve or deny the construction and operational plans required by this Agreement. The EFSEC Manager shall ensure that the construction and operational plans have been sufficiently reviewed prior to approval.

2. The EFSEC Manager may allow temporary exceptions from plan requirements or provisions of the SCA when such exceptions are not contrary to the purposes of the SCA, provided that a record is kept, and Council members are immediately notified. Any Council member may within seven (7) days of the notice put the item on a Council meeting agenda for review.

ARTICLE IV: PLANS, APPROVALS AND ACTIONS REQUIRED PRIOR TO CONSTRUCTION

A. Notice of Federal Permit Approvals

No later than thirty (30) days after the effective date of this Agreement, the Certificate Holder shall notify the Council of all Federal permits, not delegated to EFSEC, that are required for construction and operation of the Site, if any, and the anticipated date of permit issuance to the Certificate Holder. The Certificate Holder shall notify the Council when all required federal permits have been obtained, no later than ten (10) business days after the last permit has been issued.

B. Mitigation Measures

During construction, operation, decommissioning, and site restoration of this Site, the Certificate Holder shall implement the mitigation measures set forth in this Agreement, including, but not limited to, those presented in Section 1.10 of the Revised Application, those identified in the Final SEPA Environmental Checklist as commitments made by the Certificate Holder, and those presented in the Revised MDNS. Mitigation measures relevant to all five project sites are set forth below, while site-specific mitigation measures for the Penstemon Solar Site are presented in Attachment 1.

No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall file with EFSEC a comprehensive list of these mitigation measures. For each of these mitigation measures, the Certificate Holder shall in the same filing further identify the Construction Plan and/or Operation Plan addressing the methodology for its achievement.

The specific plans and submittals listed in the remainder of this Article IV, and Articles V, VI, VII, and VIII, shall incorporate these mitigation measures as applicable.

C. Construction Stormwater Plans

1. Notice of Intent. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall file with EFSEC a Notice of Intent to be covered by a General National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges Associated with Construction Activities.[3]

2. Construction Stormwater Pollution Prevention Plan[4]. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall submit to EFSEC a Construction Stormwater Pollution Prevention Plan (Construction SWPPP), and provide a copy to Ecology for comment. The Construction SWPPP shall meet the requirements of the Ecology stormwater pollution prevention program (WAC 173-230), and the objectives and requirements in Special Condition S.9 of the *National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activities* issued by the Department of Ecology on January 1, 2011, or as revised. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the Construction SWPPP.

   The Construction SWPPP shall identify a regular inspection and maintenance schedule for all erosion control structures. The schedule shall include inspections after significant rainfall events. Any damaged structures shall be addressed immediately. Inspections, and subsequent erosion control structure corrections, shall be documented in writing and available for EFSEC's review on request.

3. Temporary Erosion and Sediment Control Plan[5]. The Certificate Holder shall develop a Temporary Erosion and Sediment Control (TESC) Plan. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall submit the TESC Plan to the Council for approval and provide a copy to Ecology for comment. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the TESC Plan. As an alternative to submitting a separate TESC Plan, the Certificate Holder may include measures for temporary erosion and sedimentation control in the Construction SWPPP required in Article IV, Section C.2, above.

4. Construction Spill Prevention, Control and Countermeasures Plan[6]. The Certificate Holder shall develop a Construction Spill Prevention, Control, and Countermeasures Plan (Construction SPCCP), consistent with the requirements of 40 CFR Part 112. The Construction SPCCP shall include the Site Location, and all access roads. The

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[3] *See* Table 1.10-1, Sections 2.11.1, 2.23.2.3 and 5.2(1) of the Revised Application, and Section B(1)(f) of the Final SEPA Environmental Checklist.
[4] *See* Table 1.10-1, Sections 2.11.1, 2.17.3, 2.23.2.3, 3.1.5.1, 3.4.6.3, 4.4.22.2 and 5.2(1) of the Revised Application, and Sections B(1)(f), B(1)(h), B(3)(c)(2) and B(5)(d) of the Final SEPA Environmental Checklist.
[5] *See* Table 1.10-1, Sections 2.17.3 and 3.1.6 of the Revised Application, and Section B(1)(h) of the Final SEPA Environmental Checklist.
[6] *See* Table 1.10-1, Sections 2.10, 3.4.5.2(h) and 4.1.6 of the Revised Application, and Section B(3)(c)(2) of the Final SEPA Environmental Checklist.

Certificate Holder shall require all contractors working on the facility to have a spill prevention and countermeasure program consistent with 40 CFR Part 112. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall submit the Construction SPCCP to the Council for approval and provide a copy to WDFW and Ecology for comment. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the Construction SPCCP. All applicable elements of the Construction SPCCP shall be implemented prior to the beginning of Site Preparation.

D. Initial Site Restoration Plan

The Certificate Holder is responsible for Site decommissioning and site restoration pursuant to Council rules. The Certificate Holder shall develop an Initial Site Restoration Plan, pursuant to the requirements of WAC 463-72-040 in effect on the date of Application, in consultation with EFSEC staff and WDFW. The Certificate Holder shall submit the Initial Site Restoration Plan to the Council for review at least ninety (90) days prior to the beginning of Site Preparation. The Certificate Holder shall not begin Site Preparation prior to obtaining approval of the Initial Site Restoration Plan from the Council.

The Initial Site Restoration Plan shall be prepared in sufficient detail to identify, evaluate, and resolve all major environmental and public health and safety issues reasonably anticipated by the Certificate Holder on the date the Plan is submitted to EFSEC. The Initial Site Restoration Plan shall describe the process used to evaluate the options and select the measures that will be taken to restore or preserve the Site Location or otherwise protect the public against risks or danger resulting from the Site. The Initial Site Restoration Plan shall include a discussion of economic factors regarding the costs and benefits of various restoration options versus the relative public risk, and shall address provisions for funding or bonding arrangements to meet the Site Location restoration or management costs. The Initial Site Restoration Plan shall be prepared in detail commensurate with the time until site restoration is to begin. The scope of proposed monitoring shall be addressed in the Initial Site Restoration Plan.

The objective of the Plan shall be to restore each Site Location to approximate pre-Project condition or better. The Plan shall require removal of the solar panels and rack mounting system, foundations, cables, and other facilities to a depth of four feet below grade, and restoration of any disturbed soil to the pre-construction condition.

The Plan shall include the following elements:

1. Decommissioning Timing and Scope, as required by Article VIII.C of this Agreement.

2. Decommissioning Funding and Surety, as required by Article VIII.D of this Agreement.

3. Mitigation measures described in the Revised Application[7] and this Agreement.

[7] *See* Sections 1.9, 4.1.9, and Appendix F of the Revised Application.

4. A plan that addresses both the possibility that site restoration will occur prior to, or at the end of, the useful life of the Site and also the possibility of the Site being suspended or terminated during construction.

5. A description of the assumptions underlying the plan. For example, the plan should explain the anticipated useful life of the Site, the anticipated time frame of site restoration, and the anticipated future use of the Site Location.

6. An initial plan for demolishing facilities, salvaging equipment, and disposing of waste materials.

7. Performing an on-site audit, and preparing an initial plan for disposing of hazardous materials (if any) present on the Site Location and remediation of hazardous contamination (if any) at the Site Location. In particular, if the Certificate Holder constructs the Site with solar panels incorporating hazardous materials, such as Cadmium Telluride, then the Certificate Holder shall use appropriate precautions during decommissioning and removal of the solar panels to safely dispose of and to avoid, and, if necessary, remediate any soil contamination resulting from the panels' hazardous materials.

8. An initial plan for restoring the Site Location, including the removal of structures and foundations to four feet below grade and the restoration of disturbed soils.

9. Provisions for preservation or removal of Site facilities if the Site is suspended or terminated during construction.

E. Habitat, Vegetation, and Fish and Wildlife Mitigation

1. Habitat Restoration and Mitigation Plan[8]. Prior to the beginning of Site Preparation, the Certificate Holder shall develop a Habitat Restoration and Mitigation Plan, in consultation with EFSEC staff and WDFW. The Certificate Holder shall submit the Habitat Restoration and Mitigation Plan to EFSEC for approval at least sixty (60) days prior to the beginning of Site Preparation. The Certificate Holder shall not begin Site Preparation prior to obtaining approval of the Habitat Restoration and Mitigation Plan from the Council.

    a) The Certificate Holder and EFSEC staff, in consultation with WDFW, shall develop a map of habitat types found within the Site Location ("Habitat Map"). This Habitat Map shall be based upon Gap Analysis Project (GAP) spatial data and field investigations of the Site Location.

    b) The Plan shall specify the Certificate Holder's Mitigation Obligation. The

[8] *See* Table 1.10-1 and Section 3.4.6 of the Revised Application, and Section B(5)(d) of the Final SEPA Environmental Checklist.

Certificate Holder's Mitigation Obligation will be determined through consultation with WDFW. The Mitigation Obligation will include benchmarks and a timeline for revegetation success, and a plan for monitoring revegetation activities in riparian areas to ensure success.[9] Pre-construction Site layout drawings will show expected permanent and temporary land disturbances.

c) The Plan shall include a process to determine the actual impacts to habitat following the completion of construction. In the event that actual impacts to habitat exceed the expected impacts determined prior to construction, the Habitat Mitigation Plan will include a mechanism for the Certificate Holder to provide supplemental compensatory mitigation (Supplemental Mitigation). Supplemental Mitigation, if any, may take the form of additional on-site habitat enhancement or the payment of an additional fee equivalent to the value of permanently disturbed project acres to WDFW in lieu of mitigation.

d) In consultation with WDFW, the Certificate Holder shall develop the plan to require all temporarily disturbed areas to be reseeded with an appropriate mix of plant species that are adapted to local site conditions and will become established quickly, such as, but not limited to, native plant species, in a manner and sequence that will maximize the likelihood of successful restoration of the area and prevent the spread of noxious weeds. The Plan shall include a restoration schedule that identifies timing windows during which restoration should take place, and an overall timeline for when all restoration activities will be completed.

2. Wetlands, Streams and Riparian Areas[10].

a) Construction of the Site shall be performed in accordance with Mitigating Conditions 1-5 of the Revised MDNS.

b) Prior to construction of the Site, the Certificate Holder shall provide plans to EFSEC for coordination with Ecology to conduct additional wetlands surveys and to identify hydrologic features at each site. A final set of wetlands buffers, setbacks and mitigation standards shall be determined by EFSEC in consultation with Ecology. For identified wetland buffers in the shoreline jurisdiction, buffers shall be determined in accordance with applicable provisions of the Kittitas County Code (KCC) for Shorelines in KCC 17B. For identified wetland buffers outside the shoreline jurisdiction, buffers shall be determined in accordance with applicable provisions of the

[9] *See* Mitigation Measure #3 of the Revised MDNS.
[10] *See* Table 1.10-1, Sections 1.16.1(a), 3.3.5.1, 3.4.3.1, 3.4.5, 3.4.6.3, 3.5.4, 3.5.5 and 3.5.6 of the Revised Application, and Sections B(1)(h), B(5)(d) of the Final SEPA Environmental Checklist.

Kittitas County Code for Critical Areas in KCC 17A. Where supported by the following Ecology guidance documents, EFSEC may require buffers of greater width than would be required under KCC 17B or 17A: Wetland Mitigation in Washington State - Part 1: Agency Policies and Guidance, Ecology Publication #06-06-011a (March 2006); Wetland Mitigation in Washington State - Part 2: Developing Mitigation Plans, Ecology Publication #06-06-011b (March 2006); Update on Wetland Buffers: The State of the Science, Final Report, Ecology Publication #13-06-011 (October 2013). Based upon the final wetlands requirements from EFSEC, the Certificate Holder shall submit a Wetlands Mitigation Plan to EFSEC for approval at least sixty (60) days prior to the beginning of Site Preparation, which shall summarize how the Site is in compliance with those wetlands buffers, setbacks, and mitigation standards.

c) Construction of the Site shall not result in any temporary or permanent disturbances of streams or other surface waters. If unanticipated disturbances of streams or other surface waters occur, the Certificate Holder shall prepare a Waters Restoration Plan in consultation with the Corps and Ecology and submit it to EFSEC for approval. Prior to any construction work affecting the bed or flow in waters of the state (including seasonally dry channels), the Certificate Holder shall consult with and obtain approval from the Corps and Ecology, and provide documentation of such approval to EFSEC. At least sixty (60) days prior to beginning any such channel work, the Certificate Holder shall submit construction drawings to EFSEC for review and approval. The drawings shall specify the exact locations of work to be conducted, buffers that are required, and best management practices and mitigation measures that will be implemented as required by this article. The Certificate Holder shall not begin channel work prior to obtaining approval of the construction drawings from the Council.

3. Wet Season Construction. Construction activities are not restricted to particular seasons. However, the Certificate Holder shall attempt to sequence construction activities in order to minimize temporary earth disturbances during the wet season where practical. In particular, the Certificate Holder shall avoid earth-disturbing activities that result in distinct areas of temporary habitat disturbance in areas when soils are saturated (which commonly occurs from mid-November through April) when possible. If such activities are to take place during periods of soil saturation, the Certificate Holder shall consult with WDFW to develop a specific plan incorporating strategies and best management practices to minimize the environmental impacts of the activities and additional restoration measures to ensure successful restoration of the disturbed habitat.

4. Avian Protection Plan[11]. No later than thirty (30) days prior to beginning construction,

[11] *See* Section 3.4.2 of the Revised Application, Section B(5)(a) of the Final SEPA Environmental Checklist, and

the Certificate Holder shall submit to EFSEC for review and approval an Avian Protection Plan (APP). The APP shall be developed in consultation with the USFWS and WDFW. The purpose of the APP shall be to outline measures to avoid or reduce impacts to avian species and to assess the adequacy of mitigation measures implemented, including any mitigation necessary under the Migratory Bird Treaty Act. The Certificate Holder shall not begin construction prior to obtaining approval of the APP from the Council. The results of these measures shall be reported to EFSEC after construction.

The APP shall provide, at a minimum, that any new electrical poles installed for the Site will be designed to comply with the current Avian Power Line Interaction Committee (APLIC) guidelines. If the APLIC guidelines are not feasible on a pole location, the Certificate Holder will present the reasons to EFSEC and determine appropriate mitigation or monitoring measures.

The Certificate Holder will also take steps to avoid avian attraction to solar panels by planting vegetation around panels, or using other strategies to reduce the risk of avian collisions.

The APP shall further include pre-construction nest survey protocols, active nest avoidance measures, and post-construction habitat mitigation/enhancement measures. The APP shall include nesting surveys for raptors and great blue heron (where appropriate) in the spring of each year of construction, and if found to be active, establish the following seasonal work avoidance buffers:

a) 0.25-mile avoidance buffer during nesting season for raptors. If construction near active raptor nests might occur during the critical use period, the Certificate Holder shall consult with EFSEC and USFWS for appropriate mitigation or monitoring measures.

b) 0.25-mile avoidance buffer from February through May for great blue heron. If construction near active great blue heron nests might occur between February through May, the Certificate Holder shall consult with EFSEC and WDFW for appropriate mitigation or monitoring measures.

In consultation with WDFW and USFWS, the Certificate Holder shall include actions taken to comply with the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) within the APP.

Mitigation Measures #7 and 8 of the Revised MDNS.

F. Construction Traffic Development Standards

Development Standards: The Certificate Holder shall incorporate the following development standards into the design and construction of the Site:

1. Site Access Roads[12]. Interior all-weather access roads consisting of compacted soils and/or gravel within Site Location would be designed to provide access to the major equipment pads from the Site Location entrance. The remainder of the access roads throughout the Site Location would be unpaved vegetated roads.

2. Oversize or Overweight Hauls. The Certificate Holder shall notify EFSEC, at the earliest time possible, of any permits or approvals required to conduct oversize or overweight hauls.

G. Cultural and Archaeological Resources Plan[13]

Prior to construction, the Certificate Holder shall obtain all necessary Department of Archaeology and Historic Preservation (DAHP) permits and perform all necessary archaeological work in order to comply with RCW 27.53.

With the assistance of an experienced archaeologist, and in consultation with EFSEC, DAHP, and the Yakama Nation, the Certificate Holder shall develop a Cultural Resources Monitoring and Mitigation Plan for monitoring construction activities and responding to the discovery of archaeological resources or buried human remains. The Certificate Holder shall provide copies of the draft Plan for comment to other potentially affected tribes, prior to submitting the plan for EFSEC approval.

The Certificate Holder shall submit the Plan to EFSEC for review and approval no later than sixty (60) days prior to the start of Site Preparation. The Certificate Holder shall not begin Site Preparation prior to obtaining approval of the Plan from the Council. All applicable elements of the Plan shall be implemented prior to the start of Site Preparation. The Plan shall include, but not be limited to, the following:

1. The Plan shall include a copy of the final construction and micro-siting plans for the Site, and shall provide for the avoidance of significant archaeological sites where practical. For sites to be avoided, the boundaries of identified cultural resources and buffer zones shall be staked in the field and flagged as no-disturbance areas to avoid inadvertent disturbance during construction. These site markings will be removed following construction. The Plan shall address alternative mitigation measures developed in coordination with DAHP to be implemented if it is not practical to avoid archaeological sites or isolates.

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[12] *See* Sections 2.3.2.6 and 4.3.2.2 of the Revised Application.
[13] *See* Table 1.10-1, Sections 2.23.2.7 and 4.2.11 of the Revised Application, Section B(13)(d) of the Final SEPA Environmental Checklist, and Mitigation Measure #10 of the Revised MDNS.

2. The Plan shall address the possibility of the unanticipated discovery of archaeological artifacts during construction. If any archaeological artifacts, including but not limited to human remains, are observed during construction, then disturbance and/or excavation in that area will cease, and the Certificate Holder shall notify DAHP, EFSEC, the Yakama Nation and any affected tribes and, in the case of human remains, the County Coroner or Medical Examiner. At that time, appropriate treatment and mitigation measures shall be developed in coordination with the agencies and tribes cited above and implemented following approval by EFSEC. If Site facilities cannot be moved or re-routed to avoid the resources, the Certificate Holder shall contact EFSEC and DAHP for further guidance, which may require the implementation of a treatment plan. If a treatment plan is required, it shall be developed in consultation with DAHP and any affected tribes.

3. Potentially affected tribes shall be notified of earth-disturbing construction activities and if a tribe requests to have its representatives present during earth-disturbing construction activities, the Certificate Holder shall accommodate reasonable requests. In all cases the Certificate Holder shall inform EFSEC of each such tribal request.

H. Construction Emergency Plan

1. Construction Emergency Plan[14]. The Certificate Holder shall retain qualified contractors familiar with the general construction techniques and practices to be used for the Site and its related support facilities. The construction specifications shall require contractors to implement a safety program that includes an Emergency Plan. The Certificate Holder shall prepare and submit a Construction Emergency Plan to EFSEC for review at least sixty (60) days prior to the beginning of Site Preparation. The Certificate Holder shall coordinate development and implementation of the Plan with applicable local and state emergency services providers. The Certificate Holder shall not begin Site Preparation or Construction prior to obtaining EFSEC approval of the Construction Emergency Plan. The Construction Emergency Plan shall include consideration of the following, in such level of detail as reasonable, given the nature and probability of risk:

    a) Medical emergencies;
    b) Construction emergencies;
    c) Site Location evacuation;
    d) Fire protection and prevention;
    e) Flooding;
    f) Extreme weather abnormalities;
    g) Earthquake;
    h) Volcanic eruption;
    i) Facility blackout;

[14] *See* Section 4.1.9 and Appendix M of the Revised Application.

j) Hazardous materials spills;
k) Terrorism, sabotage, or vandalism; and
l) Bomb threat.

2. Fire Control Plan[15]. The Certificate Holder shall develop and implement a Fire Control Plan in coordination with state and local agencies to minimize the risk of accidental fire during construction and to ensure effective response to any fire that does occur on the Site Location at any time. The Certificate Holder shall submit the Fire Control Plan to EFSEC for review and approval at least sixty (60) days prior to Site Preparation and provide a copy to WDFW, and other local and state service providers for comment. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the Fire Control Plan.

I. Construction Management Plan

The Certificate Holder shall, with the assistance of Council staff, develop a detailed Construction Management Plan in consultation with WDFW and other affected state and local agencies. The Plan shall address the primary Site Preparation and Construction phases for the Site, and shall be generally based on the mitigation measures contained in this Agreement and the Revised Application. At least sixty (60) days prior to the start of Site Preparation, the Certificate Holder shall submit the Construction Management Plan to the Council for review and approval. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the Construction Management Plan.

J. Construction Schedule

No later than thirty (30) days prior to the beginning of Site Preparation, the Certificate Holder shall submit to EFSEC an overall construction schedule. Thereafter, the Certificate Holder shall notify EFSEC of any significant changes in the construction schedule.

K. Construction Plans and Specifications

1. At least sixty (60) days prior to the beginning of Construction, the Certificate Holder shall submit to EFSEC or its designated representative for approval of those construction plans, specifications, drawings, and design documents that demonstrate the Site design will be in compliance with the conditions of this Agreement. The Certificate Holder shall also provide copies to WDFW, Ecology, DAHP and other agencies as EFSEC may direct, for comment. The plans shall include the overall project site plans, equipment and material specifications. The Certificate Holder shall not begin Construction prior to obtaining Council approval of the construction plans and specifications.

[15] *See* Table 1.10-1 and Sections 3.4.6.3 and 4.4.8.1 of the Revised Application, and Section B(5)(d), B(7)(a), B(15)(a) of the Final SEPA Environmental Checklist.

2. The construction plans and specifications shall be in compliance with Chapter 17A.07 of Kittitas County's Critical Areas Ordinance for the protection of riparian areas.

3. The construction plans and specifications shall show fencing at a minimum of eight feet in height, with a single line of barbed wire installed at the top of the fence. Razor wire will not be used.[16]

4. The Certificate Holder shall consult with emergency services suppliers prior to preparing final road construction plans, to ensure that interior all-weather access roads are sufficient to provide reliable access by emergency vehicles. In its final design for construction, the Certificate Holder shall maximize the use of existing roads and pathways, and minimize the construction of new roads as much as reasonable and practical, and without disrupting wetlands or other sensitive habitat.[17] The final design shall be subject to approval by EFSEC as part of the overall construction plans and specifications.

5. The construction plans and specifications shall show that structures placed within floodplains are designed so as not to restrict or redirect flows from their natural flow path. If impervious surfaces, such as roads, are placed in the floodplain, the Certificate Holder shall propose measures to mitigate for the lack of floodplain storage.18

ARTICLE V: SITE CONSTRUCTION

A. Environmental Monitoring During Construction

1. Environmental Monitor (EM). EFSEC shall provide on-site environmental monitoring for the construction phase of the Site, at the Certificate Holder's cost. The EM shall be an independent, qualified engineering firm (or a person) selected by EFSEC, and shall report directly to EFSEC.

2. Environmental Compliance Program for Construction Activities. The Certificate Holder shall identify and develop environmental monitoring and "stop-work" criteria in consultation with the EM and other EFSEC designees. At least sixty (60) days prior to the beginning of Construction, the Certificate Holder shall submit these environmental monitoring and stop-work criteria to EFSEC or its designated representative for review and approval.[19] The Certificate Holder shall not begin Construction prior to obtaining Council approval. The Environmental Compliance Program shall cover avoidance of sensitive areas during construction, waste handling and storage, stormwater management, spill prevention and control, habitat restoration efforts begun during the construction phase of the Site, and other mitigation measures required by this

[16] Mitigation Measure #9 of the Revised MDNS.
[17] *See* Table 1.10-1 and Section 3.4.6.3 of the Revised Application.
[18] Mitigation Measure #1 of the Revised MDNS.
[19] *See* Section 4.1.8 of the Revised Application.

Agreement. The Certificate Holder shall implement the program to ensure that construction activities meet the conditions, limits, and specifications set out in the Site Certification Agreement, all Attachments thereto, and all other applicable state and federal environmental regulations.

3. Copies of Plans and Permits Kept On Site. A copy of the Site Certification Agreement, Plans approved by the Council or its designees, and all applicable construction permits shall be kept at the Site Location. The lead Site construction personnel and construction project managers will be required to read, follow, and be responsible for all required compliance activities.

4. Environmental Monitor Monthly Reports. The EM will provide monthly reports to EFSEC regarding adherence to the BMPs, the implementation of environmental mitigation plans, and environmental problems reported or discovered as well as corrective actions taken by the Certificate Holder to resolve these problems. The EM will provide copies to the Certificate Holder of reports submitted to EFSEC.

5. Environmental Violations and Stop-Work Orders. Upon identification of an environmental noncompliance issue, the EM will work with the responsible subcontractor or direct-hire workers to correct the violation. If non-compliance is not corrected in a reasonable period of time, the EM shall request that EFSEC issue a "stop-work" order for that portion of the work not in compliance with Site environmental requirements. EFSEC will promptly notify the EM of any "stop work" orders that have been issued.

B. Quarterly Construction Reports

The Certificate Holder shall submit quarterly construction progress reports to EFSEC no later than thirty (30) days after the end of each calendar quarter. Such reports shall describe the status of construction and identify any changes in the construction schedule.

C. Construction Inspection

EFSEC shall provide plan review and inspection of construction for all Site structures, underground and overhead electrical lines, and other Site facilities to ensure compliance with this Agreement. Construction shall be in accordance with the approved design and construction plans, and other relevant regulations. EFSEC may contract with Kittitas County, another appropriate agency, or an independent firm to provide these services.

D. As-Built Drawings

The Certificate Holder shall maintain a complete set of as-built drawings on file for the life of the Site, and shall allow the Council or its designated representative access to the drawings on request following reasonable notice.

E. Habitat, Vegetation, Fish and Wildlife

1. The Certificate Holder shall use construction techniques and Best Management Practices (BMPs) to minimize potential impacts to habitat and wildlife. In particular, construction of the Site shall be performed in accordance with Mitigating Conditions 2, 7 and 9 of the Revised MDNS.

2. The Certificate Holder shall ensure that the construction team includes a qualified staff person or persons with experience in construction in environments similar to those found in the Site Location.

3. Construction teams shall stake work and clearing limits prior to construction and ground clearing.

4. Any new electrical poles installed for the Site will be designed to comply with the current Avian Power Line Interaction Committee (APLIC) guidelines. If the APLIC guidelines are not feasible on a pole location, the Certificate Holder shall present the reasons to EFSEC and determine appropriate mitigation or monitoring measures.[20]

5. The Certificate Holder shall post, maintain, and enforce reasonable driving speed limits within the Site Location to minimize potential collisions with wildlife during construction.

F. Construction Noise[21]

The Certificate Holder and its contractors and subcontractors shall use industry standard noise attenuation controls during construction to mitigate noise impacts and shall comply with applicable state and local noise emission regulations. The Certificate Holder shall limit loud construction activities to daytime hours (7 a.m. to 10 p.m.), and shall comply with the applicable requirements of WAC 173-60-040 (2) (b) during the hours of 10:00 p.m. and 7:00 a.m.

G. Construction Safety and Security

1. Federal and State Safety Regulations[22]. The Certificate Holder shall comply with applicable federal and state safety regulations (including regulations promulgated under the Federal Occupational Safety and Health Act and the Washington Industrial Safety and Health Act), as well as local and state industrial codes and standards (such as the Uniform Fire Code). The Certificate Holder, its general contractor, and all subcontractors shall make every reasonable effort to maximize safety for individuals working at the Site.

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[20] *See* Mitigation Measure #8 of the Revised MDNS.
[21] *See* Table 1.10-1, Section 3.4.6.2, 4.1.2.2, 4.1.5.1(d) of the Revised Application, and Section B(5)(d) and B(7)(b) of the Final SEPA Environmental Checklist.
[22] *See* Section 4.1.9(4) of the Revised Application.

2. Construction Phase Health and Safety Plan. The Certificate Holder shall develop and implement a Construction Phase Health and Safety Plan prior to the beginning of Site Preparation. The Certificate Holder shall consult with local and state organizations providing emergency response services during the development of the plan to ensure timely response in the event of an emergency. The Certificate Holder shall submit the plan to EFSEC for review and approval no later than sixty (60) days prior to Site Preparation. The Certificate Holder shall not begin Construction prior to obtaining Council approval.

3. Construction Phase Site Security Plan[23]. The Certificate Holder shall develop and implement a construction phase site security plan to effectively monitor the Site Location. The Certificate Holder shall consult with local and state organizations providing emergency response services during the development of the plan to ensure timely response in the event of an emergency. The Certificate Holder shall submit the plan to EFSEC for review and approval no later than sixty (60) days prior to Site Preparation. The Certificate Holder shall not begin Construction prior to obtaining Council approval.

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

H. Fugitive Dust[24]

The Certificate Holder shall implement appropriate mitigation measures to control fugitive dust from roads and construction activities. The Certificate Holder shall use water or a water-based environmentally safe dust palliative such as lignin, for dust control on unpaved roads during Site construction.

I. Contaminated Soils

In the event that contaminated soils are encountered during construction, the Certificate Holder shall notify EFSEC and Ecology as soon as possible. The Certificate Holder shall manage, handle, and dispose of contaminated soils in accordance with applicable local, state, and federal requirements.

J. Light, Glare, and Aesthetics

The Certificate Holder shall implement mitigation measures to minimize light and glare impacts. Landscaping with appropriate vegetation shall be planted, and perimeter fencing shall be erected as described in the Revised Application.[25]

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[23] *See* Section 2.19 of the Revised Application.
[24] *See* Sections 2.6.1, 2.15.3, 3.6.2.1 and 4.4.22.1 of the Revised Application, and Section B(3)(a)(4) of the Final SEPA Environmental Checklist.
[25] *See* Table 1.10-1 of the Revised Application, and Sections B(10)(c) and B(11) of the Final SEPA Environmental

The Certificate Holder shall minimize outdoor lighting to safety and security requirements. Motion sensors shall be used to keep lighting turned off when not required, and lighting shall be equipped with hoods and directed downward.[26] If compliance with any of these requirements is not feasible, the Certificate Holder may seek a waiver from the Council.

K. Construction Wastes and Clean-Up[27]

The Certificate Holder's waste disposal plans, and schedule shall be included in the Site Location construction plans and specifications for review and approval by EFSEC. The Certificate Holder shall dispose of sanitary and other wastes generated during construction at facilities authorized to accept such wastes.

The Certificate Holder shall properly dispose of all temporary structures not intended for future use upon completion of construction. The Certificate Holder also shall dispose of used timber, brush, refuse, or flammable materials resulting from the clearing of lands or from construction of the Site.

ARTICLE VI: SUBMITTALS REQUIRED PRIOR TO THE BEGINNING OF COMMERCIAL OPERATION

A. Operations Stormwater Pollution Prevention Plan

1. Operations Stormwater Pollution Prevention Plan[28]. The Certificate Holder shall prepare an Operations Stormwater Pollution Prevention Plan (Operations SWPPP) in consultation with Ecology and submit it to EFSEC for approval at least sixty (60) days prior to the beginning of Commercial Operation. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Operations SWPPP shall include an operations manual for permanent BMPs. The Operations SWPPP shall be prepared in accordance with the guidance provided in the Ecology *Stormwater Management Manual for Eastern Washington, September 2004* or as revised. The Certificate Holder shall periodically review the Operations SWPPP against the guidance provided in the applicable *Ecology Stormwater Management Manual* and make modifications as necessary to the Operations SWPPP to comply with current requirements for BMPs.

2. Operations Spill Prevention, Control and Countermeasure Plan[29]. The Certificate Holder shall prepare an Operations Spill Prevention, Control and Countermeasures Plan

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Checklist.

[26] *See* Table 1.10-1, Sections 2.3.2.6, 2.19.2 and 4.4.10.2 of the Revised Application, and Sections B(10)(c) and B(11) of the Final SEPA Environmental Checklist.

[27] *See* Table 1.10-1 of the Revised Application, and Section B(10)(c) of the Final SEPA Environmental Checklist.

[28] *See* Sections 2.11.2, 2.23.2.3, 3.1.5.1, 3.4.6.3, 4.4.22.2 and 5.2(1) of the Revised Application, and Sections B(1)(h), B(3)(c)(2) and B(5)(d) of the Final SEPA Environmental Checklist.

[29] *See* Sections 2.10.2, 3.4.5.2(h) and 4.1.7 of the Revised Application, and Section B(3)(c)(2) of the Final SEPA Environmental Checklist.

(Operations SPCCP) in consultation with Ecology and submit it to EFSEC for review and approval at least thirty (30) days prior to the beginning of commercial operation. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Operations SPCCP shall be prepared pursuant to the requirements of 40 CFR Part 112, Sections 311 and 402 of the Clean Water Act, Section 402 (a)(l) of the Federal Water Pollution Control Act (FWPCA), and RCW 90.48.080. The Operations SPCCP shall include the Site Location, all Site structures and facilities on the Site Location, and all access roads. The Operations SPCCP shall be implemented within three (3) months of the beginning of Commercial Operation. The Operations SPCCP must be updated and submitted to the Council every two (2) years.

B. Emergency Plans

1. Operations Emergency Plan[30]. No later than sixty (60) days prior to the beginning of Commercial Operation, the Certificate Holder shall submit for the Council's approval an Operations Emergency Plan for the Site to provide for employee safety in the event of emergencies. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Certificate Holder shall coordinate development of the plan with local and state agencies that provide emergency response services in the Site Location. Periodically, the Certificate Holder shall provide the Council with updated lists of emergency personnel, communication channels, and procedures. The Operations Emergency Plan shall address in detail the procedures to be followed in the event of emergencies listed in Article IV.I.1.

2. Operations Fire Control Plan[31]. The Certificate Holder shall develop an Operations Fire Control Plan in consultation with WDFW, and in coordination with other state and local agencies to minimize the risk of accidental fire during operation and ensure effective response to any fire that does occur. No later than sixty (60) days prior to the beginning of Commercial Operation, the Certificate Holder shall submit the Plan to EFSEC for review and approval. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval.

ARTICLE VII: SITE OPERATION

A. Technical Advisory Committee (TAC)

The purpose of the Technical Advisory Committee (TAC) is to advise EFSEC on the effectiveness of mitigation measures as they have been implemented. TAC will also make recommendations to EFSEC if it deems additional studies or mitigation are warranted to address impacts that were either not foreseen in the Revised Application, or significantly exceed impacts that were projected. In order to make advisory recommendations to EFSEC, the TAC will review

[30] *See* Section 4.1.9 of the Revised Application.
[31] *See* Table 1.10-1 and Sections 3.4.6.3 and 4.4.8.2 of the Revised Application, and Section B(5)(d), B(7)(a), B(15)(a) of the Final SEPA Environmental Checklist.

and consider results of the Site monitoring studies. The TAC will assess whether the post-construction restoration and mitigation and monitoring programs merit further studies or additional mitigation, taking into consideration factors such as the species involved, the nature of the impact, monitoring trends, and new scientific findings.

The TAC may include, but need not be limited to, representatives from WDFW, U.S. Fish and Wildlife Service, Ecology, EFSEC, Kittitas County and the Certificate Holder. EFSEC, at its discretion, may add additional representatives to the TAC from state, local, federal and tribal governments. All TAC members must be approved by EFSEC.

No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall contact the agencies and organizations listed above requesting that they designate a representative to the TAC, and that the agencies or organizations notify EFSEC in writing of their TAC representative and of their member's term of representation. No later than sixty (60) days prior to the beginning of Commercial Operation, the Certificate Holder shall convene the first meeting of the TAC.

The TAC will be convened as determined by EFSEC, except that EFSEC may terminate the TAC if: the TAC determines that all of the pre-permitting, operational and post-operational monitoring has been completed and further monitoring is not necessary; or the TAC members recommend that it be terminated; or, upon request by Certificate Holder, after the first year of operation of the Site.

The ultimate authority to require implementation of additional mitigation measures, including any recommended by the TAC, shall reside with EFSEC.

B. Water Discharge

The Certificate Holder shall ensure that all stormwater control measures and discharges are consistent with the Operations SWPPP, required by Article VI.A.1 and the Ecology *Stormwater Management Manual for Eastern Washington, September 2004* or as revised.

C. Noise Emissions

The Certificate Holder shall operate the Site in compliance with applicable Washington State Environmental Noise Levels, WAC 173-60.

D. Fugitive Dust Emissions

The Certificate Holder shall continue to implement dust abatement measures as necessary.

E. Habitat, Vegetation and Wildlife BMPs

During Site operations, the Certificate Holder shall implement appropriate operational BMPs to minimize impacts to plants and animals, especially impacts to special status species such as giant Palouse earthworm, sharp-tailed snake, Columbia spotted frog, sandhill crane, greater sage-

grouse, and Bald and Golden Eagles.[32]

In addition to those BMPs, the Certificate Holder shall also take the following steps to minimize impacts:

1. Implementation of the Operations Fire Control Plan developed pursuant to Article VI.B.3, in coordination with local fire districts, to avoid accidental wildfires and respond effectively to any fire that might occur.

2. Operational BMPs to minimize storm water runoff and soil erosion.

3. The Certificate Holder shall not use rodenticides to control rodent burrowing around inverter pads. In the event that the Certificate Holder believes the use of rodenticides is necessary, the Certificate Holder shall consult with WDFW and Ecology to develop a plan for appropriate application and use, and submit the plan to EFSEC for approval prior to implementation.

4. The Certificate Holder shall cooperate with WDFW in an effort to exclude deer and elk from the site location through the use of fencing with a minimum height of eight feet, with a single strand of barbed wire on top.[33]

5. The Certificate Holder shall monitor the Site for the first year of operation to determine whether there is any evidence of potential "lake effect." If such an effect is confirmed, mitigation shall be instituted by planting vegetation around panels, or using other strategies to reduce the risk of avian collisions.[34]

F. Safety and Security

1. Personnel Safety[35]. The safety of operating personnel is governed by regulations promulgated under the Federal Occupational Safety and Health Act and the Washington Industrial Safety and Health Act. The Certificate Holder shall comply with applicable federal and state safety laws and regulations (including regulations under the Federal Occupational Safety and Health Act and the Washington Industrial Safety and Health Act) as well as local and industrial codes and standards (such as the Uniform Fire Code).

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[32] *See* Table 1.10-1 and Section 3.4.6 of the Revised Application, and Section B(5)(d) of the Final SEPA Environmental Checklist.
[33] Mitigation Measure #9 of the Revised MDNS.
[34] Mitigation Measure #8 of the Revised MDNS.
[35] *See* Section 4.1.9(4) of the Revised Application.

2. Operations Phase Health and Safety Plan. No later than sixty (60) days before the beginning of Commercial Operation, the Certificate Holder shall develop and, after EFSEC approval, implement an Operations Phase Health and Safety Plan. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Certificate Holder shall consult with local and state organizations providing emergency response services during the development of the plan to ensure timely response in the event of an emergency.

3. Operations Phase Site Security Plan[36]. The Certificate Holder shall develop and implement an Operations Phase Site Security Plan. The Certificate Holder shall submit the Plan to EFSEC for review and approval no later than sixty (60) days before the beginning of Commercial Operation. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Plan shall include, but shall not be limited to, the following elements: controlling access to the Site Location by any visitors, contractors, vendors, or suppliers; installing security lighting and fencing; and securing access to solar panels, pad transformers, pad-mounted switch panels and other outdoor facilities. A copy of the final Security Plan shall be provided to EFSEC, and other agencies involved in emergency response.

4. Visitors Safety. The Certificate Holder shall require visitors to observe the safety plans and shall provide them with safety equipment where and when appropriate.

G. Dangerous or Hazardous Materials

The Certificate Holder shall handle, treat, store, and dispose of all dangerous or hazardous materials in accordance with Washington state standards for hazardous and dangerous wastes, WAC 463-40 and WAC 173-303. Following any abnormal seismic activity, volcanic eruption, severe weather activity, flooding, vandalism, or terrorist attacks the Certificate Holder shall inspect areas where hazardous materials are stored to verify that containment systems are operating as designed.

ARTICLE VIII: SITE TERMINATION, DECOMMISSIONING AND SITE RESTORATION

A. Detailed Site Restoration Plan[37]

The Certificate Holder shall submit a Detailed Site Restoration Plan to EFSEC for approval within ninety (90) days from the time the Council is notified of the termination of the Site. The Detailed Site Restoration Plan shall provide for restoration of the Site Location within the timeframe specified in Article VIII.C, taking into account the Initial Site Restoration Plan and the anticipated future use of the Site Location. The Detailed Site Restoration Plan shall address the elements required to be addressed by WAC 463-72-020, and the requirements of the Council

[36] *See* Section 2.19 of the Revised Application.
[37] *See* Sections 1.9, 4.1.9, and Appendix F of the Revised Application.

approved Initial Site Restoration Plan pursuant to Article IV.D of this Agreement. The Certificate Holder shall not begin Site Restoration activities without prior approval from the Council. The Certificate Holder shall consult with WDFW, and Ecology in preparation of the Detailed Site Restoration Plan.

B. Site Termination

1. Termination of this Site Certification Agreement, except pursuant to its own terms, is an amendment of this Agreement.

2. The Certificate Holder shall notify EFSEC of its intent to terminate the Site, including by concluding the plant's operations, or by suspending construction and abandoning the Site.

3. The Council may terminate the SCA through the process described in WAC 463-66-090, and the Council may initiate that process where it has objective evidence that a certificate may be abandoned or when it deems such action to be necessary, including at the conclusion of the plant's operating life, or in the event the Site is suspended or abandoned during construction or before it has completed its useful operating life.

C. Site Restoration Timing and Scope

Site Restoration shall be conducted in accordance with the commitments made in the draft Site Restoration Plan attached as Appendix F to the Application, and the Detailed Site Restoration Plan required by Article VIII.A (unless the Certificate Holder fails to submit such a plan), and in accordance with the following measures:

1. Timing. The Certificate Holder shall commence Site Restoration of the Site within twelve (12) months following the termination described in Article VIII.B above.

   The period to perform the Site Restoration may be extended if there is a delay caused by conditions beyond the control of the Certificate Holder including, but not limited to, inclement weather conditions, equipment failure, wildlife considerations, or the availability of cranes or equipment to support decommissioning.

2. Scope. Site Restoration shall involve removal of the solar panels and mounting structures; removal of foundations or other Site facilities to a depth of four (4) feet below grade; restoration of any disturbed soil to pre-construction condition; and removal of Site access roads and overhead poles and transmission lines (except for any roads and/or overhead infrastructure that Site Location landowner wishes to retain) (all of which shall comprise "Site Restoration"). Site Restoration shall occur in the order of removing the solar panels as the first priority and performing the remaining elements immediately thereafter. If the Certificate Holder constructs the Site with solar panels incorporating hazardous materials, such as Cadmium Telluride, Site Restoration shall

also include the use of appropriate precautions during decommissioning and removal of the solar panels to safely dispose of and to avoid, and, if necessary, remediate any soil contamination resulting from the panels' hazardous materials.

3. Monthly Reports. If requested by EFSEC, the Certificate Holder shall provide monthly status reports until this Site Restoration work is completed.

4. Restoration Oversight. At the time of Site Restoration, the Site Location will be evaluated by a qualified biologist to determine the extent of and type of vegetation existing on the Site Location. Success criteria for Site Restoration will be established prior to commencement of decommissioning activities, based on the documented pre-construction conditions, experience gained with re-vegetation during operation and the condition of the Site Location at the time of Site Restoration. The restoration success criteria will be established in the Detailed Site Restoration Plan approved by EFSEC in consultation with the designated biologist. Once restoration of the Site Location is determined to be complete, a final report of restoration activities and results will be submitted to EFSEC in consultation with the designated biologist, for review and approval.

D. Site Restoration Financial Assurance

1. Except as provided in Article VIII.D.3 below, the Certificate Holder or any Transferee, as the case may be, shall provide financial assurance sufficient, based on detailed engineering estimates, for required Site Restoration costs in the form of a surety bond, irrevocable letter of credit, or guaranty. The Certificate Holder shall include a detailed engineering estimate of the cost of Site Restoration in its Initial Site Restoration Plan submitted to EFSEC. The estimate must be based on the costs of the Certificate Holder or Transferee hiring a third party to carry out Site Restoration. The estimate may not be reduced for "net present value" or other adjustments. During the active life of the facility, the Certificate Holder or Transferee must adjust the Site Restoration cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument used to provide financial assurance and must increase the financial assurance amount accordingly to ensure sufficient funds for Site Restoration.

2. The duty to provide such financial assurance shall commence thirty (30) days prior to the beginning of Construction of the Site, and shall be continuously maintained through to the completion of Site Restoration. Construction of the Site shall not commence until adequate financial assurance is provided. On or before the date on which financial assurance must be established, the Certificate Holder shall provide EFSEC with one of the following financial assurance mechanisms that is reasonably acceptable to EFSEC:

    a) *Surety Bond*. The Certificate Holder or any Transferee, as the case may be, shall provide financial security for the performance of its Site Restoration obligations through a Surety Bond issued by a surety listed as acceptable in

Circular 570 of the U.S. Department of the Treasury. The Performance Bond shall be in an amount equal to the Site Restoration costs. A standby trust fund for Site Restoration shall also be established by the Certificate Holder or Transferee to receive any funds that may be paid by the surety to be used to complete Site Restoration. The surety shall become liable for the bond obligation if the Certificate Holder or Transferee fails to perform as guaranteed by the bond. The surety may not cancel the bond until at least one hundred twenty days after the Certificate Holder or Transferee and EFSEC have received notice of cancellation. If the Certificate Holder or Transferee has not provided alternate financial assurance acceptable under this SCA within ninety days of the cancellation notice, the surety shall pay the amount of the bond into the standby Site Restoration trust; or

b) *Irrevocable Letter of Credit*. The Certificate Holder or any Transferee, as the case may be, shall provide financial security for the performance of its Site Restoration obligations through an irrevocable letter of credit payable to or at the direction of EFSEC, that is issued by an institution that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a Federal or State agency. The letter of credit shall be in an amount equal to the Site Restoration costs. A standby trust fund for Site Restoration shall also be established by Certificate Holder or Transferee to receive any funds deposited by the issuing institution resulting from a draw on the letter of credit. The letter of credit shall be irrevocable and issued for a period of at least one year, and renewed annually, unless the issuing institution notifies the Certificate Holder or Transferee and EFSEC at least one hundred twenty days before the current expiration date. If the Certificate Holder or Transferee fails to perform Site Restoration, or if the Certificate Holder or Transferee fails to provide alternate financial assurance acceptable to EFSEC within ninety days after notification that the letter of credit will not be extended, EFSEC may require that the financial institution provide the funds from the letter of credit to be used to complete Site Restoration; or

c) *Guaranty*. Certificate Holder or any Transferee, as the case may be, shall provide financial assurance for the performance of its Site Restoration obligations by delivering a guaranty to fund the Certificate Holder or Transferee's Site Restoration obligations hereunder from an entity that meets the following financial criteria:

   i. A current rating of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's;

   ii. Tangible net worth at least six times the sum of the current Site

Restoration cost estimates;

iii. Tangible net worth of at least ten million dollars; and

iv. Assets in the United States amounting to at least ninety percent of its total assets or at least six times the sum of the current Site Restoration cost estimates.

The guarantor entity's chief financial officer shall provide a corporate guaranty that the corporation passes the financial test at the time the Initial Site Restoration Plan is filed. This corporate guaranty shall be reconfirmed annually ninety days after the end of the corporation's fiscal year by submitting to EFSEC a letter signed by the guaranteeing entity's chief financial officer that:

i. Provides the information necessary to document that the entity passes the financial test;

ii. Guarantees that the funds to finance required Site Restoration activities are available;

iii. Guarantees that required Site Restoration activities will be completed;

iv. Guarantees that within thirty days if written notification is received from EFSEC that the entity no longer meets the above financial criteria, the entity shall provide an alternative form of financial assurance consistent with the requirements of this section;

v. Guarantees that the entity's chief financial officer will notify in writing the Certificate Holder or Transferee and EFSEC within fifteen days any time that the entity no longer meets the above financial criteria or is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy;

vi. Acknowledges that the corporate guaranty is a binding obligation on the corporation and that the chief financial officer has the authority to bind the corporation to the guaranty;

vii. Attaches a copy of the independent certified public accountant's report on examination of the entity's financial statements for the latest completed fiscal year; and

viii. Attaches a special report from the entity's independent certified public accountant (CPA) stating that the CPA has reviewed the information in the letter from the entity's chief financial officer and has determined that the information is true and accurate.

If the Certificate Holder or any Transferee fails to perform Site Restoration covered by the guaranty in accordance with the approved Initial or Final Site Restoration plan, the guarantor will be required to complete the appropriate activities. The guaranty will remain in force unless the guarantor sends notice of cancellation by certified mail to the Certificate Holder or Transferee and EFSEC. Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by the Certificate Holder or Transferee and EFSEC. If the Certificate Holder or Transferee fails to provide alternate financial assurance as specified in this section and obtain the written approval of such alternate assurance from EFSEC within ninety days after receipt of a notice of cancellation of the guaranty from the guarantor, the guarantor will provide such alternative financial assurance in the name of the Certificate Holder or Transferee.

3. If the SCA is transferred after its effective date pursuant to applicable EFSEC laws and regulations, EFSEC has the right to require, consider, and approve other financial security that would provide for the Certificate Holder's performance of its Site Restoration obligations pursuant to Articles VIII.C and VIII.D of this Site Certification Agreement.

ARTICLE IX: SITE CERTIFICATION AGREEMENT - SIGNATURES

Dated and effective this_____day of _____, 2018.

FOR THE STATE OF WASHINGTON

_____

Jay Inslee, Governor

FOR TE - Penstemon, LLC

_____

INSERT NEW PROJECT REPERSENTATIVE
XXX
TE - Penstemon, LLC

ATTACHMENT 1
Penstemon Solar Site
Site-Specific Descriptions, Plans and Conditions

Site Description

The Certificate Holder plans to construct a new photovoltaic (PV) solar facility on approximately 39.38 acres of private agricultural land, which would connect into the existing Puget Sound Energy (PSE) distribution transmission line along Tjossem Road, located southeast of Ellensburg, in unincorporated Kittitas County, Washington. The Penstemon Solar Site is intended to provide up to 5 MW of solar energy to PSE for use within their service area.

The Penstemon Solar Site location is active agricultural land, for growing export hay products (such as timothy and alfalfa), located immediately southwest of the intersection of Tjossem Road and Moe Road. The Site would be located approximately 4 miles southeast of the Ellensburg city center, in Section 17, T17N, R19E, Willamette Meridian (Figure 2.1-4). Topography of the site slopes to the south, with surface elevations ranging from 1,498 to 1,509 feet amsl.

The Penstemon Solar Site location would be located on land zoned as Commercial Agriculture and would be a permitted conditional use under KCC 17.15.050.01.

Legal Description

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 17 NORTH, RANGE 19 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON;

EXCEPT:

RIGHT OF WAY OF TJOSSEM AND MOE COUNTY ROADS.

CONTAINS 39.38 ACRES.

Site-Specific Conditions

The conditions set forth above apply to this Site Location. In addition, for the sake of clarity, the following conditions apply particularly to the Penstemon Solar Site.

PLANS, APPROVALS AND ACTIONS REQUIRED PRIOR TO CONSTRUCTION

A. Actions Prior to Construction

1. Cultural and Archaeological Resources Plan. Prior to construction, the Certificate Holder shall obtain a Department of Archaeology and Historic Preservation (DAHP) excavation permit for site 45KT4012 identified on the Penstemon Solar Site and perform all necessary archaeological work in order to comply with RCW 27.53.[38]

B. Habitat, Vegetation, and Fish and Wildlife Mitigation

1. Habitat Restoration and Mitigation Plan. Prior to the beginning of Site Preparation, the Certificate Holder shall develop a Habitat Restoration and Mitigation Plan, including the general plans set forth above, as well as the following site-specific plans, in consultation with WDFW.

    a) In consultation with WDFW, the Certificate Holder shall develop the plan to require all temporarily disturbed areas to be reseeded with an appropriate mix of plant species that are adapted to local site conditions and will become established quickly, such as, but not limited to, native plant species, in a manner and sequence that will maximize the likelihood of successful restoration of the area and prevent the spread of noxious weeds. Based on the local conditions at the Penstemon Solar Site and surrounding area, the plant species may comprise grasses like those currently in production on the Site Location and in surrounding agricultural fields. The Plan shall include a restoration schedule that identifies timing windows during which restoration should take place, and an overall timeline for when all restoration activities will be completed.

    b) The Certificate Holder will also compensate for habitat impacts of the Penstemon Solar Site by submitting a plan for EFSEC approval detailing riparian habitat enhancement within a 100-foot buffer of Coleman Creek. The plan will include the following:

        - Planting native riparian plants within the riparian area buffer where current vegetation has been reduced or eliminated from agricultural practices.
        - Establishing benchmarks and a timeline for revegetation success, and monitoring revegetation activities in the riparian areas to ensure success.[39]

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[38] *See* Sections 2.23.2.7 and 4.2.11 of the Revised Application, and Mitigation Measure #10 of the Revised MDNS.
[39] Mitigation Measure #3 of the Revised MDNS.

C. **Construction Mitigation**

1. Construction Stormwater Pollution Prevention Plan

In addition to the requirements set forth above, the Construction SWPPP prepared for the Penstemon Solar Site shall provide special attention to control of any and all runoff from the site and its roads into Coleman Creek.

2. Construction Plans / Specifications

At least sixty (60) days prior to the beginning of Construction, the Certificate Holder shall submit to EFSEC or its designated representative for approval those construction plans, specifications, drawings, and design documents that demonstrate the Site design will be in compliance with the conditions of this Agreement. The plans will satisfy the general criteria set forth above, as well as the following site-specific criteria.

a) The construction plans, and specifications will apply a 100-foot minimum setback from Coleman Creek to any electrical generation equipment, and shall comply with Chapter 17A.07 of Kittitas County's Critical Areas Ordinance for the protection of riparian areas.[40]

D. **Water Rights**

At least sixty (60) days prior to the beginning of Construction, the Certificate Holder shall submit to EFSEC or its designated representative for approval evidence that the landowner of the Penstemon Solar Site location intends to maintain its shares with the Ellensburg Water Company such that those shares will be available at the end of the Penstemon Solar Site and the land could be returned to its current state, if the landowner so chooses.[41]

PROJECT CONSTRUCTION MITIGATION MEASURES

A. **Light, Glare, and Aesthetics**

The Certificate Holder shall implement mitigation measures to minimize light and glare impacts. In particular, the Certificate Holder will plant a line of trees and/or shrubs up to 15 feet in height along the western and northern boundaries of the Site Location. Perimeter fencing will be erected around the Site Location.

[40] Mitigation Measure #2 of the Revised MDNS.
[41] Mitigation Measure #6 of the Revised MDNS.

SITE CERTIFICATION AGREEMENT
BETWEEN

THE STATE OF WASHINGTON

AND

TE - URTICA ENERGY LLC

For the

COLUMBIA SOLAR PROJECT

URTICA SOLAR SITE

KITTITAS COUNTY, WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

OLYMPIA, WASHINGTON

EXECUTED OCTOBER 17, 2018
AMENDMENT NO. 1 XXX XX, 2021

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SITE CERTIFICATION AGREEMENT

FOR THE COLUMBIA SOLAR PROJECT - URTICA SOLAR SITE

CONTENTS

Attachments

1. Urtica Solar Site – Site-Specific Descriptions, Plans and Conditions

2. August 22, 2018, Report to the Governor, Recommending Approval of the Site Certification entered _____, 2018

3. Council Order No. _____, Order Approving the Amendments Requested for Site Certification Agreement entered _____, 2021

SITE CERTIFICATION AGREEMENT

FOR THE COLUMBIA SOLAR PROJECT - URTICA SOLAR SITE

between

THE STATE OF WASHINGTON

and

TE - URTICA, LLC

This Site Certification Agreement (Agreement or SCA) is made pursuant to Revised Code of Washington (RCW) 80.50, by and between the State of Washington, acting by and through the Governor of Washington State, and TE – Urtica, LLC (TE Urtica or Certificate Holder).

An application was filed with the Energy Facility Site Evaluation Council (EFSEC or Council) for site certification for the construction and operation of five solar powered generation facilities, to be located in Kittitas County, Washington. The Council reviewed Application 2017-01, conducted public meetings, and on August 22, 2018 recommended approval of a modified version of the application and five separate Site Certification Agreements by the Governor. On October 17, 2018, the Governor approved the Site Certification Agreement authorizing the construction and operation the Urtica Solar Site (Site).

On XXX XX, 2021 the Council approved technical changes authorizing the transfer of SCA control from TUUSSO Energy LLC to TE – Urtica LLC.

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

ARTICLE I: SITE CERTIFICATION

A. Site Description

The Columbia Solar Project comprises five solar sites to be constructed and operated on distinct locations in unincorporated Kittitas County. Certification details applicable to all five sites are discussed in the body of this Site Certification Agreement, while site-specific details relevant only to the Urtica Solar Site are presented in Attachment 1.

B. Site Certification

The State of Washington hereby authorizes TE - Camas, LLC, any and all parent companies, and any and all assignees or successors approved by the Council to construct and/or operate the Urtica Solar Site as described herein, subject to the terms and conditions set forth in Council Order No. ____, Council Order Recommending Site Certification (Attachment 2 to this Agreement), and this Agreement.

The construction and operation authorized in this Agreement shall be located within the areas designated herein and in the modifications to the Revised Application for Site Certification submitted on January 26, 2018 (Revised Application).

This Agreement authorizes the Certificate Holder to construct the Urtica Solar Site such that Substantial Completion is achieved no later than ten (10) years from the date that all final state and federal permits necessary to construct and operate the Site are obtained and associated appeals have been exhausted.

If the Certificate Holder does not begin construction of the Site within five (5) years of the execution of the SCA, the Certificate Holder will report to the Council their intention to continue and will certify that the representations in the Revised Application, environmental conditions, pertinent technology, and regulatory conditions have remained current and applicable, or identify any changes and propose appropriate revisions to the Agreement to address changes. Construction may begin only upon prior Council authorization and approval of such certifications. If the Certificate Holder does not begin construction of the Site within ten (10) years of the execution of the SCA as well as upon final conclusion of any and all appeals of all permits and approvals, all rights under this SCA will cease.

The Certificate Holder may begin Commercial Operation of the Urtica Solar Site prior to completing construction of all of the Site components, provided that all necessary Site elements are in place for safe operation of the Site and its operation will not adversely affect any obligations under this Agreement.

C. Project Description

Each of the Columbia Solar Project sites will consist of:

1. A Solar Panel Field. Each site will include north-south-oriented rows of crystalline

silicon PV panels, such as (but not limited to) modules between 325 and 345Wp, mounted on single-axis tracking systems, on galvanized steel support structures.

2. An Electrical Collection and Inverter System. These systems aggregate the output from the PV panels and convert the electricity from direct current (DC) to alternating current (AC), including inverters.

3. Interconnection Equipment. This equipment transforms facility electric output to a voltage of 12.47 kV, and will include a padmount-style transformer manufactured by ABB or similar.

4. Remote Supervisory Control and Data Acquisition (SCADA) Equipment. This monitoring equipment will be incorporated into the process control system to allow unmanned operations.

5. Communications and Grid-protection Equipment. This equipment will be selected by Puget Sound Energy and TE - Urtica in order to allow the Sites to connect to the electric grid.

6. A Meteorological Data Collection System. This system will be configured to collect meteorological information roughly at the height of the PV panels.

7. Civil Infrastructure. Infrastructure would include access gates, internal access roads, and secure fencing.

8. Screening Vegetation. Where appropriate, native trees, shrubs, and/or plants in selected locations to provide visual screening.

The location of Site facilities including, but not limited to, the solar panels, electrical collection and distribution system, electrical transformers, electrical generation tie lines, roadways, and other related Site facilities, is generally described in the Revised Application[1], as modified within the Agreement. The final location of the solar panels and other site facilities within the Site Location may vary from the locations shown on the conceptual drawings provided in the Revised Application[2], but shall be consistent with the conditions of this Agreement and in accordance with the final construction plans approved by EFSEC pursuant to Article IV.L.

More detail about the Urtica Solar Site is included in Attachment 1.

ARTICLE II: DEFINITIONS

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

[1] *See* Section 2.3.3.5 and Appendix L of the Revised Application.
[2] Appendix L of the Revised Application.

1. "Application" means the *Application for Site Certification: Columbia Solar Project*, designated No. 2017-01, submitted on October 16, 2017, as supplemented in the Revised Application filed on January 26, 2018.

2. "Approval" (by EFSEC) means an affirmative action by EFSEC or its authorized agents including those actions and consultations delegated to Council staff regarding documents, plans, designs, programs, or other similar requirements submitted pursuant to this Agreement.

3. "Begin Commercial Operation" or "Beginning of Commercial Operation" means the time when the Site begins generating and delivering electricity to the electric power grid, other than electricity that may be delivered as a part of testing and startup of the Site.

4. "BMPs" means Best Management Practices.

5. "Certificate Holder" means TE - Urtica, LLC, any and all parent company(s), or an assignee or successor in interest authorized by the Council.

6. "Checklist" means the Columbia Solar Projects SEPA Environmental Checklist, submitted on October 16, 2017, as supplemented in the Revised Checklist filed January 26, 2018, and as supplemented by the Memorandum RE: Environmental Review and Staff Recommendation for SEPA Determination for Columbia Solar Project issued by EFSEC on February 27, 2018, pursuant to the requirements of the State Environmental Policy Act, and adopted by EFSEC.

7. "Construction" means any of the following activities: any foundation construction including hole excavation, form work, rebar, excavation and pouring of concrete for the inverter pads and switchyard, or erection of any permanent, above-ground structures including any solar tracking assemblies, the transformer, transmission line poles, substation poles, or meteorological towers.

8. "County" means Kittitas County, Washington.

9. "DAHP" means the Washington State Department of Archaeology and Historic Preservation.

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

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

12. "EFSEC Costs" means any and all reasonable costs, both direct and indirect, associated with EFSEC activities with respect to this Site Certification Agreement (SCA), including but not limited to monitoring, staffing, and SCA maintenance.

13. "End of Construction" means the time when all Site facilities have been substantially

constructed and are in operation.

14. "FAA" means the Federal Aviation Administration.

15. "Force Majeure Event" means any event beyond the control of the Party affected that directly prevents or delays the performance by that Party of any obligation arising under this Agreement, including an event that is within one or more of the following categories: condemnation; expropriation; invasion; plague; drought; landslide; tornado; hurricane; tsunami; flood; lightning; earthquake; fire; explosion; epidemic; quarantine; war (declared or undeclared), terrorism or other armed conflict; material physical damage to the Site caused by third parties; riot or similar civil disturbance or commotion; other acts of God; acts of the public enemy; blockade; insurrection, riot or revolution; sabotage or vandalism; embargoes; and actions of a governmental authority other than EFSEC.

16. "IBC" means the International Building Code.

17. "Micro-siting" means the final technical and engineering process by which the Certificate Holder shall recommend to the Council the final location of solar project facilities on the Site Location.

18. "NPDES Permit" means National Pollutant Discharge Elimination System permit.

19. "PSE" means Puget Sound Energy.

20. "RCW" means the Revised Code of Washington.

21. "Revised Application" means the Columbia Solar Project Revised Application for Site Certification submitted on January 26, 2018.

22. "Revised MDNS" means the Revised Mitigated Determination of Non-Significance issued on April 17, 2018 by EFSEC.

23. "Site Certification Agreement," "SCA" or "Agreement" means this formal written agreement between the Certificate Holder and the State of Washington, including all attachments hereto and exhibits, modifications, amendments, and documents incorporated herein.

24. "Site Location" means the land identified in the Application on which the Urtica Solar Site is to be constructed and operated, namely, the 51.94-acre Urtica site, as described in greater detail in Attachment 1.

25. "Site Preparation" means any of the following activities: Site Location clearing, grading, earth moving, cutting or filling, excavation, and preparation of roads and/or laydown areas.

26. "State" or "state" means the State of Washington.

27. "Substantial Completion" means the Site is generating and delivering energy to the

electric power grid.

28. "UBC" means the Uniform Building Code of 1997.

29. "Urtica Solar Site" or "Site" means those Urtica Solar Site facilities described in the Application, including: solar panels and their construction areas; electrical collection/interconnection and communication systems; electrical step-up and interconnection transformers; permanent meteorological towers; access roadways; temporary construction-related facilities; and other related Site facilities. The specific components of the Site are identified in Article I.C, and Attachment 1.

30. "WAC" means the Washington Administrative Code.

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

32. "WSDOT" means the Washington State Department of Transportation.

ARTICLE III: GENERAL CONDITIONS

A. Legal Relationship

1. This Agreement shall bind the Certificate Holder, and its successors in interest, and the State and any of its departments, agencies, divisions, bureaus, commissions, boards, and its political subdivisions, subject to all the terms and conditions set forth herein, as to the approval of, and all activities undertaken with respect to the Site or the Site Location. The Certificate Holder shall ensure that any activities undertaken with respect to the Site or the Site Location by its agents (including affiliates), contractors, and subcontractors comply with this Agreement and applicable provisions of Title 463 WAC. The term "affiliates" includes any other person or entity controlling, controlled by, or under common control of or with the Certificate Holder.

2. This Agreement, which includes those commitments made by the Certificate Holder in the Revised Application, constitutes the whole and complete agreement between the State of Washington and the Certificate Holder, and supersedes any other negotiations, representations, or agreements, either written or oral.

B. Enforcement

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

2. This Agreement may be suspended or revoked by EFSEC pursuant to RCW 34.05 and RCW 80.50, for failure by the Certificate Holder to comply with the terms and conditions of this Agreement, for violations of RCW 80.50 and the rules promulgated thereunder, or for violation of any applicable resolutions or orders of EFSEC.

3. When any action of the Council is required by or authorized in this Site Certification

Agreement, the Council may, but shall not be legally obligated to, conduct a hearing pursuant to RCW 34.05.

C. Notices and Filings

Filing of any documents or notices required by this Agreement with EFSEC shall be deemed to have been duly made when delivery is made to EFSEC's offices at Energy Facility Site Evaluation Council, 1300 S. Evergreen Park Dr. SW, P.O. Box 43172, Olympia, WA 98504-3172, in Thurston County.

Notices to be served by EFSEC on the Certificate Holder shall be deemed to have been duly made when deposited in first class mail, postage prepaid, addressed to the Certificate Holder at TE – Urtica INSERT MAILING CONTACT FOR CERTIFICATE HOLDER

D. Rights of Inspection

Throughout the duration of this Agreement, the Certificate Holder shall provide access to the Site Location, the Site structures, buildings and facilities, underground and overhead electrical lines, and all records relating to the construction and operation of the Site to designated representatives of EFSEC and EFSEC contractors in the performance of their official duties. Such duties include, but are not limited to, environmental monitoring as provided in this Agreement and monitoring and inspections to verify the Certificate Holder's compliance with this Agreement. EFSEC personnel or any designated representatives of EFSEC shall follow all worker safety requirements observed and enforced on the Site Location by the Certificate Holder and its contractors.

E. Retention of Records

The Certificate Holder shall retain such records as are necessary to demonstrate the Certificate Holder's compliance with this Agreement.

F. Consolidation of Plans and Submittal to EFSEC

Any plans required by this Agreement may be consolidated with other such plans, if such consolidation is approved in advance by EFSEC. This Site Certification Agreement includes time periods for the Certificate Holder to provide certain plans and other information to EFSEC or its designees. The intent of these time periods is to provide sufficient time for EFSEC or its designees to review submittals without delay to the Site construction schedule, provided submittals made to EFSEC and/or its designees are complete.

G. Site Certification Agreement Compliance Monitoring and Costs

The Certificate Holder shall pay to the Council such reasonable monitoring costs as are actually and necessarily incurred during the construction and operation of the Site to assure compliance with the conditions of this Agreement, as required by RCW 80.50. The amount and manner of payment shall be prescribed by EFSEC pursuant to applicable rules and procedures.

The Certificate Holder shall deposit or otherwise guarantee payment of all EFSEC Costs as defined in Article II.15, for the period commensurate with the activities of this Agreement. EFSEC shall provide the Certificate Holder an annual estimate of such costs. Any instrument guaranteeing payment of EFSEC's costs shall be structured in such a manner as to allow EFSEC to collect from a third party and without approval of the Certificate Holder any such costs which the Certificate Holder fails to pay to EFSEC during any preceding billing period.

H. Site Restoration

The Certificate Holder is responsible for site restoration pursuant to the Council's rules, WAC 463-72, in effect at the time of submittal of the Application.

The Certificate Holder shall develop an Initial Site Restoration Plan in accordance with the requirements set out in Article IV.D of this Agreement and in consultation with WDFW, and submit it to EFSEC for approval. The Certificate Holder may not begin Site Preparation or Construction until the Council has approved the Initial Site Restoration Plan, including the posting of all necessary guarantees, securities, or funds associated therewith.

The Certificate Holder shall submit a detailed site restoration plan to EFSEC for approval prior to decommissioning in accordance with the requirements of Article VIII.A of this Agreement.

I. EFSEC Liaison

No later than thirty (30) days from the effective date of this Agreement, the Certificate Holder shall designate a person to act as a liaison between EFSEC and the Certificate Holder.

J. Changes in Project Management Personnel

The Certificate Holder shall notify EFSEC of any change in the primary management personnel, or scope of responsibilities of such personnel, for the Site.

K. Amendment of Site Certification Agreement

1. This Agreement may be amended pursuant to EFSEC rules and procedures applicable at the time of the request for amendment. Any requests by the Certificate Holder for amendments to this Agreement shall be made in writing.

2. No change in ownership or control of the Site shall be effective without prior Council approval pursuant to EFSEC rules and procedures.

3. Unless otherwise required by EFSEC, any change in the terms or conditions of the following Sections or Attachments to this Agreement shall not require amendment of this Site Certification Agreement in the manner prescribed in Section K.1, above, provided the change does not result in a material alteration of the size or location of the Site.

4. Repair, maintenance, and replacement of Site facilities:

    a) The Certificate Holder is permitted, without any further amendment to this agreement, to repair and maintain Site Facilities described in Article I.C and Attachment 1, consistent with the terms of this Agreement.

    b) The Certificate Holder shall notify EFSEC of the replacement of any significant portion of the Site Facilities no later than thirty (30) days prior to the replacement occurring.

5. In circumstances where the Site causes a significant adverse impact on the environment not previously analyzed or anticipated by this Agreement, or where such impacts are imminent, EFSEC shall take all steps it deems reasonably necessary, including imposition of specific conditions or requirements on the Certificate Holder as a consequence of such a situation in addition to the terms and conditions of this Agreement. Such additional conditions or requirements initially shall be effective for not more than ninety (90) days, and may be extended once for an additional ninety (90) day period if deemed necessary by EFSEC to pursue ongoing, or continuing temporary, arrangements under other authority, including but not limited to RCW 34.05, RCW 80.50 RCW, or Title 463 WAC.

L. Order of Precedence

In the event of an inconsistency or apparent ambiguity in this Agreement, the inconsistency or ambiguity shall be resolved by giving precedence in the following order:

1. Applicable Federal statutes and regulations;

2. Applicable State of Washington statutes and regulations;

3. The body of this Site Certification Agreement, including any other provision, term, or material incorporated herein by reference or otherwise attached to, or incorporated in, this Agreement;

4. The application of common sense to effect a result consistent with law and the principles effected in this document.

M. Review and Approval Process; Exceptions

1. Except for the Initial and Final Site Restoration Plans, prior to any site work, the Council may delegate to the EFSEC Manager authority to approve or deny the construction and operational plans required by this Agreement. The EFSEC Manager shall ensure that the construction and operational plans have been sufficiently reviewed prior to approval.

2. The EFSEC Manager may allow temporary exceptions from plan requirements or provisions of the SCA when such exceptions are not contrary to the purposes of the SCA, provided that a record is kept and Council members are immediately notified. Any Council member may within seven (7) days of the notice put the item on a Council meeting agenda for review.

ARTICLE IV: PLANS, APPROVALS AND ACTIONS REQUIRED PRIOR TO CONSTRUCTION

A. Notice of Federal Permit Approvals

No later than thirty (30) days after the effective date of this Agreement, the Certificate Holder shall notify the Council of all Federal permits, not delegated to EFSEC, that are required for construction and operation of the Site, if any, and the anticipated date of permit issuance to the Certificate Holder. The Certificate Holder shall notify the Council when all required federal permits have been obtained, no later than ten (10) business days after the last permit has been issued.

B. Mitigation Measures

During construction, operation, decommissioning, and site restoration of this Site, the Certificate Holder shall implement the mitigation measures set forth in this Agreement, including, but not limited to, those presented in Section 1.10 of the Revised Application, those identified in the Final SEPA Environmental Checklist as commitments made by the Certificate Holder, and those presented in the Revised MDNS. Mitigation measures relevant to all five project Sites are set forth below, while site-specific mitigation measures for the Urtica Solar Site are presented in Attachment 1.

No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall file with EFSEC a comprehensive list of these mitigation measures. For each of these mitigation measures, the Certificate Holder shall in the same filing further identify the Construction Plan and/or Operation Plan addressing the methodology for its achievement.

The specific plans and submittals listed in the remainder of this Article IV, and Articles V, VI, VII, and VIII, shall incorporate these mitigation measures as applicable.

C. Construction Stormwater Plans

1. Notice of Intent. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall file with EFSEC a Notice of Intent to be covered by a General National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges Associated with Construction Activities.[3]

2. Construction Stormwater Pollution Prevention Plan[4]. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall submit to EFSEC a Construction Stormwater Pollution Prevention Plan (Construction SWPPP), and provide a copy to Ecology for comment. The Construction SWPPP shall meet the requirements of the Ecology stormwater pollution prevention program (WAC 173-230), and the objectives and requirements in Special Condition S.9 of the *National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activities* issued by the Department of Ecology on January 1, 2011 or as revised. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the Construction SWPPP.

   The Construction SWPPP shall identify a regular inspection and maintenance schedule for all erosion control structures. The schedule shall include inspections after significant rainfall events. Any damaged structures shall be addressed immediately. Inspections, and subsequent erosion control structure corrections, shall be documented in writing and available for EFSEC's review on request.

3. Temporary Erosion and Sediment Control Plan[5]. The Certificate Holder shall develop a Temporary Erosion and Sediment Control (TESC) Plan. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall submit the TESC Plan to the Council for approval and provide a copy to Ecology for comment. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the TESC Plan. As an alternative to submitting a separate TESC Plan, the Certificate Holder may include measures for temporary erosion and sedimentation control in the Construction SWPPP required in Article IV, Section C.2, above.

4. Construction Spill Prevention, Control and Countermeasures Plan[6]. The Certificate Holder shall develop a Construction Spill Prevention, Control, and Countermeasures Plan (Construction SPCCP), consistent with the requirements of 40 CFR Part 112. The Construction SPCCP shall include the Site Location, and all access roads. The

[3] *See* Table 1.10-1, Sections 2.11.1, 2.23.2.3 and 5.2(1) of the Revised Application, and Section B(1)(f) of the Final SEPA Environmental Checklist.
[4] *See* Table 1.10-1, Sections 2.11.1, 2.17.3, 2.23.2.3, 3.1.5.1, 3.4.6.3, 4.4.22.2 and 5.2(1) of the Revised Application, and Sections B(1)(f), B(1)(h), B(3)(c)(2) and B(5)(d) of the Final SEPA Environmental Checklist.
[5] *See* Table 1.10-1, Sections 2.17.3 and 3.1.6 of the Revised Application, and Section B(1)(h) of the Final SEPA Environmental Checklist.
[6] *See* Table 1.10-1, Sections 2.10, 3.4.5.2(h) and 4.1.6 of the Revised Application, and Section B(3)(c)(2) of the Final SEPA Environmental Checklist.

Certificate Holder shall require all contractors working on the facility to have a spill prevention and countermeasure program consistent with 40 CFR Part 112. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall submit the Construction SPCCP to the Council for approval and provide a copy to WDFW and Ecology for comment. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the Construction SPCCP. All applicable elements of the Construction SPCCP shall be implemented prior to the beginning of Site Preparation.

D. Initial Site Restoration Plan

The Certificate Holder is responsible for Site decommissioning and site restoration pursuant to Council rules. The Certificate Holder shall develop an Initial Site Restoration Plan, pursuant to the requirements of WAC 463-72-040 in effect on the date of Application, in consultation with EFSEC staff and WDFW. The Certificate Holder shall submit the Initial Site Restoration Plan to the Council for review at least ninety (90) days prior to the beginning of Site Preparation. The Certificate Holder shall not begin Site Preparation prior to obtaining approval of the Initial Site Restoration Plan from the Council.

The Initial Site Restoration Plan shall be prepared in sufficient detail to identify, evaluate, and resolve all major environmental and public health and safety issues reasonably anticipated by the Certificate Holder on the date the Plan is submitted to EFSEC. The Initial Site Restoration Plan shall describe the process used to evaluate the options and select the measures that will be taken to restore or preserve the Site Location or otherwise protect the public against risks or danger resulting from the Site. The Initial Site Restoration Plan shall include a discussion of economic factors regarding the costs and benefits of various restoration options versus the relative public risk, and shall address provisions for funding or bonding arrangements to meet the Site Location restoration or management costs. The Initial Site Restoration Plan shall be prepared in detail commensurate with the time until site restoration is to begin. The scope of proposed monitoring shall be addressed in the Initial Site Restoration Plan.

The objective of the Plan shall be to restore each Site Location to approximate pre-Project condition or better. The Plan shall require removal of the solar panels and rack mounting system, foundations, cables, and other facilities to a depth of four feet below grade, and restoration of any disturbed soil to the pre-construction condition.

The Plan shall include the following elements:

1. Decommissioning Timing and Scope, as required by Article VIII.C of this Agreement.

2. Decommissioning Funding and Surety, as required by Article VIII.D of this Agreement.

3. Mitigation measures described in the Revised Application[7] and this Agreement.

[7] *See* Sections 1.9, 4.1.9, and Appendix F of the Revised Application.

4. A plan that addresses both the possibility that site restoration will occur prior to, or at the end of, the useful life of the Site and also the possibility of the Site being suspended or terminated during construction.

5. A description of the assumptions underlying the plan. For example, the plan should explain the anticipated useful life of the Site, the anticipated time frame of site restoration, and the anticipated future use of the Site Location.

6. An initial plan for demolishing facilities, salvaging equipment, and disposing of waste materials.

7. Performing an on-site audit, and preparing an initial plan for disposing of hazardous materials (if any) present on the Site Location and remediation of hazardous contamination (if any) at the Site Location. In particular, if the Certificate Holder constructs the Site with solar panels incorporating hazardous materials, such as Cadmium Telluride, then the Certificate Holder shall use appropriate precautions during decommissioning and removal of the solar panels to safely dispose of and to avoid, and, if necessary, remediate any soil contamination resulting from the panels' hazardous materials.

8. An initial plan for restoring the Site Location, including the removal of structures and foundations to four feet below grade and the restoration of disturbed soils.

9. Provisions for preservation or removal of Site facilities if the Site is suspended or terminated during construction.

E. Habitat, Vegetation, and Fish and Wildlife Mitigation

1. Habitat Restoration and Mitigation Plan[8]. Prior to the beginning of Site Preparation, the Certificate Holder shall develop a Habitat Restoration and Mitigation Plan, in consultation with EFSEC staff and WDFW. The Certificate Holder shall submit the Habitat Restoration and Mitigation Plan to EFSEC for approval at least sixty (60) days prior to the beginning of Site Preparation. The Certificate Holder shall not begin Site Preparation prior to obtaining approval of the Habitat Restoration and Mitigation Plan from the Council.

    a) The Certificate Holder and EFSEC staff, in consultation with WDFW, shall develop a map of habitat types found within the Site Location ("Habitat Map"). This Habitat Map shall be based upon Gap Analysis Project (GAP) spatial data and field investigations of the Site Location.

    b) The Plan shall specify the Certificate Holder's Mitigation Obligation. The

[8] *See* Table 1.10-1 and Section 3.4.6 of the Revised Application, and Section B(5)(d) of the Final SEPA Environmental Checklist.

Certificate Holder's Mitigation Obligation will be determined through consultation with WDFW. The Mitigation Obligation will include benchmarks and a timeline for revegetation success, and a plan for monitoring revegetation activities in riparian areas to ensure success.[9] Pre-construction Site layout drawings will show expected permanent and temporary land disturbances.

c) The Plan shall include a process to determine the actual impacts to habitat following the completion of construction. In the event that actual impacts to habitat exceed the expected impacts determined prior to construction, the Habitat Mitigation Plan will include a mechanism for the Certificate Holder to provide supplemental compensatory mitigation (Supplemental Mitigation). Supplemental Mitigation, if any, may take the form of additional on-site habitat enhancement or the payment of an additional fee equivalent to the value of permanently disturbed project acres to WDFW in lieu of mitigation.

d) In consultation with WDFW, the Certificate Holder shall develop the plan to require all temporarily disturbed areas to be reseeded with an appropriate mix of plant species that are adapted to local site conditions and will become established quickly, such as, but not limited to, native plant species, in a manner and sequence that will maximize the likelihood of successful restoration of the area and prevent the spread of noxious weeds. The Plan shall include a restoration schedule that identifies timing windows during which restoration should take place, and an overall timeline for when all restoration activities will be completed.

2. Wetlands, Streams and Riparian Areas[10].

a) Construction of the Site shall be performed in accordance with Mitigating Conditions 1-5 of the Revised MDNS.

b) Prior to construction of the Site, the Certificate Holder shall provide plans to EFSEC for coordination with Ecology to conduct additional wetlands surveys and to identify hydrologic features at each site. A final set of wetlands buffers, setbacks and mitigation standards shall be determined by EFSEC in consultation with Ecology. For identified wetland buffers in the shoreline jurisdiction, buffers shall be determined in accordance with applicable provisions of the Kittitas County Code (KCC) for Shorelines in KCC 17B. For identified wetland buffers outside the shoreline jurisdiction, buffers shall be determined in accordance with applicable provisions of the

[9] *See* Mitigation Measure #3 of the Revised MDNS.
[10] *See* Table 1.10-1, Sections 1.16.1(a), 3.3.5.1, 3.4.3.1, 3.4.5, 3.4.6.3, 3.5.4, 3.5.5 and 3.5.6 of the Revised Application, and Sections B(1)(h), B(5)(d) of the Final SEPA Environmental Checklist.

Kittitas County Code for Critical Areas in KCC 17A. Where supported by the following Ecology guidance documents, EFSEC may require buffers of greater width than would be required under KCC 17B or 17A: Wetland Mitigation in Washington State - Part 1: Agency Policies and Guidance, Ecology Publication #06-06-011a (March 2006); Wetland Mitigation in Washington State - Part 2: Developing Mitigation Plans, Ecology Publication #06-06-011b (March 2006); Update on Wetland Buffers: The State of the Science, Final Report, Ecology Publication #13-06-011 (October 2013). Based upon the final wetlands requirements from EFSEC, the Certificate Holder shall submit a Wetlands Mitigation Plan to EFSEC for approval at least sixty (60) days prior to the beginning of Site Preparation, which shall summarize how the Site is in compliance with those wetlands buffers, setbacks, and mitigation standards.

c) Construction of the Site shall not result in any temporary or permanent disturbances of streams or other surface waters. If unanticipated disturbances of streams or other surface waters occur, the Certificate Holder shall prepare a Waters Restoration Plan in consultation with the Corps and Ecology and submit it to EFSEC for approval. Prior to any construction work affecting the bed or flow in waters of the state (including seasonally dry channels), the Certificate Holder shall consult with and obtain approval from the Corps and Ecology, and provide documentation of such approval to EFSEC. At least sixty (60) days prior to beginning any such channel work, the Certificate Holder shall submit construction drawings to EFSEC for review and approval. The drawings shall specify the exact locations of work to be conducted, buffers that are required, and best management practices and mitigation measures that will be implemented as required by this article. The Certificate Holder shall not begin channel work prior to obtaining approval of the construction drawings from the Council.

3. Wet Season Construction. Construction activities are not restricted to particular seasons. However, the Certificate Holder shall attempt to sequence construction activities in order to minimize temporary earth disturbances during the wet season where practical. In particular, the Certificate Holder shall avoid earth-disturbing activities that result in distinct areas of temporary habitat disturbance in areas when soils are saturated (which commonly occurs from mid-November through April) when possible. If such activities are to take place during periods of soil saturation, the Certificate Holder shall consult with WDFW to develop a specific plan incorporating strategies and best management practices to minimize the environmental impacts of the activities and additional restoration measures to ensure successful restoration of the disturbed habitat.

4. Avian Protection Plan[11]. No later than thirty (30) days prior to beginning construction,

[11] *See* Section 3.4.2 of the Revised Application, Section B(5)(a) of the Final SEPA Environmental Checklist, and

the Certificate Holder shall submit to EFSEC for review and approval an Avian Protection Plan (APP). The APP shall be developed in consultation with the USFWS and WDFW. The purpose of the APP shall be to outline measures to avoid or reduce impacts to avian species and to assess the adequacy of mitigation measures implemented, including any mitigation necessary under the Migratory Bird Treaty Act. The Certificate Holder shall not begin construction prior to obtaining approval of the APP from the Council. The results of these measures shall be reported to EFSEC after construction.

The APP shall provide, at a minimum, that any new electrical poles installed for the Site will be designed to comply with the current Avian Power Line Interaction Committee (APLIC) guidelines. If the APLIC guidelines are not feasible on a pole location, the Certificate Holder will present the reasons to EFSEC and determine appropriate mitigation or monitoring measures.

The Certificate Holder will also take steps to avoid avian attraction to solar panels by planting vegetation around panels, or using other strategies to reduce the risk of avian collisions.

The APP shall further include pre-construction nest survey protocols, active nest avoidance measures, and post-construction habitat mitigation/enhancement measures. The APP shall include nesting surveys for raptors and great blue heron (where appropriate) in the spring of each year of construction, and if found to be active, establish the following seasonal work avoidance buffers:

a) 0.25-mile avoidance buffer during nesting season for raptors. If construction near active raptor nests might occur during the critical use period, the Certificate Holder shall consult with EFSEC and USFWS for appropriate mitigation or monitoring measures.

b) 0.25-mile avoidance buffer from February through May for great blue heron. If construction near active great blue heron nests might occur between February through May, the Certificate Holder shall consult with EFSEC and WDFW for appropriate mitigation or monitoring measures.

In consultation with WDFW and USFWS, the Certificate Holder shall include actions taken to comply with the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) within the APP.

Mitigation Measures #7 and 8 of the Revised MDNS.

F. Construction Traffic Development Standards

Development Standards: The Certificate Holder shall incorporate the following development standards into the design and construction of the Site:

1. Site Access Roads[12]. Interior all-weather access roads consisting of compacted soils and/or gravel within Site Location would be designed to provide access to the major equipment pads from the Site Location entrance. The remainder of the access roads throughout the Site Location would be unpaved vegetated roads.

2. Oversize or Overweight Hauls. The Certificate Holder shall notify EFSEC, at the earliest time possible, of any permits or approvals required to conduct oversize or overweight hauls.

G. Cultural and Archaeological Resources Plan[13]

Prior to construction, the Certificate Holder shall obtain all necessary Department of Archaeology and Historic Preservation (DAHP) permits and perform all necessary archaeological work in order to comply with RCW 27.53.

With the assistance of an experienced archaeologist, and in consultation with EFSEC, DAHP, and the Yakama Nation, the Certificate Holder shall develop a Cultural Resources Monitoring and Mitigation Plan for monitoring construction activities and responding to the discovery of archaeological resources or buried human remains. The Certificate Holder shall provide copies of the draft Plan for comment to other potentially affected tribes, prior to submitting the plan for EFSEC approval.

The Certificate Holder shall submit the Plan to EFSEC for review and approval no later than sixty (60) days prior to the start of Site Preparation. The Certificate Holder shall not begin Site Preparation prior to obtaining approval of the Plan from the Council. All applicable elements of the Plan shall be implemented prior to the start of Site Preparation. The Plan shall include, but not be limited to, the following:

1. The Plan shall include a copy of the final construction and micro-siting plans for the Site, and shall provide for the avoidance of significant archaeological sites where practical. For sites to be avoided, the boundaries of identified cultural resources and buffer zones shall be staked in the field and flagged as no-disturbance areas to avoid inadvertent disturbance during construction. These site markings will be removed following construction. The Plan shall address alternative mitigation measures developed in coordination with DAHP to be implemented if it is not practical to avoid archaeological sites or isolates.

[12] *See* Sections 2.3.2.6 and 4.3.2.2 of the Revised Application.
[13] *See* Table 1.10-1, Sections 2.23.2.7 and 4.2.11 of the Revised Application, Section B(13)(d) of the Final SEPA Environmental Checklist, and Mitigation Measure #10 of the Revised MDNS.

2. The Plan shall address the possibility of the unanticipated discovery of archaeological artifacts during construction. If any archaeological artifacts, including but not limited to human remains, are observed during construction, then disturbance and/or excavation in that area will cease, and the Certificate Holder shall notify DAHP, EFSEC, the Yakama Nation and any affected tribes and, in the case of human remains, the County Coroner or Medical Examiner. At that time, appropriate treatment and mitigation measures shall be developed in coordination with the agencies and tribes cited above, and implemented following approval by EFSEC. If Site facilities cannot be moved or re-routed to avoid the resources, the Certificate Holder shall contact EFSEC and DAHP for further guidance, which may require the implementation of a treatment plan. If a treatment plan is required, it shall be developed in consultation with DAHP and any affected tribes.

3. Potentially affected tribes shall be notified of earth-disturbing construction activities and if a tribe requests to have its representatives present during earth-disturbing construction activities, the Certificate Holder shall accommodate reasonable requests. In all cases the Certificate Holder shall inform EFSEC of each such tribal request.

H. Construction Emergency Plan

1. Construction Emergency Plan[14]. The Certificate Holder shall retain qualified contractors familiar with the general construction techniques and practices to be used for the Site and its related support facilities. The construction specifications shall require contractors to implement a safety program that includes an Emergency Plan. The Certificate Holder shall prepare and submit a Construction Emergency Plan to EFSEC for review at least sixty (60) days prior to the beginning of Site Preparation. The Certificate Holder shall coordinate development and implementation of the Plan with applicable local and state emergency services providers. The Certificate Holder shall not begin Site Preparation or Construction prior to obtaining EFSEC approval of the Construction Emergency Plan. The Construction Emergency Plan shall include consideration of the following, in such level of detail as reasonable, given the nature and probability of risk:

    a) Medical emergencies;
    b) Construction emergencies;
    c) Site Location evacuation;
    d) Fire protection and prevention;
    e) Flooding;
    f) Extreme weather abnormalities;
    g) Earthquake;
    h) Volcanic eruption;
    i) Facility blackout;

[14] *See* Section 4.1.9 and Appendix M of the Revised Application.

j) Hazardous materials spills;
k) Terrorism, sabotage, or vandalism; and
l) Bomb threat.

2. Fire Control Plan[15]. The Certificate Holder shall develop and implement a Fire Control Plan in coordination with state and local agencies to minimize the risk of accidental fire during construction and to ensure effective response to any fire that does occur on the Site Location at any time. The Certificate Holder shall submit the Fire Control Plan to EFSEC for review and approval at least sixty (60) days prior to Site Preparation and provide a copy to WDFW, and other local and state service providers for comment. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the Fire Control Plan.

I. Construction Management Plan

The Certificate Holder shall, with the assistance of Council staff, develop a detailed Construction Management Plan in consultation with WDFW and other affected state and local agencies. The Plan shall address the primary Site Preparation and Construction phases for the Site, and shall be generally based on the mitigation measures contained in this Agreement and the Revised Application. At least sixty (60) days prior to the start of Site Preparation, the Certificate Holder shall submit the Construction Management Plan to the Council for review and approval. The Certificate Holder shall not begin Site Preparation prior to obtaining Council approval of the Construction Management Plan.

J. Construction Schedule

No later than thirty (30) days prior to the beginning of Site Preparation, the Certificate Holder shall submit to EFSEC an overall construction schedule. Thereafter, the Certificate Holder shall notify EFSEC of any significant changes in the construction schedule.

K. Construction Plans and Specifications

1. At least sixty (60) days prior to the beginning of Construction, the Certificate Holder shall submit to EFSEC or its designated representative for approval of those construction plans, specifications, drawings, and design documents that demonstrate the Site design will be in compliance with the conditions of this Agreement. The Certificate Holder shall also provide copies to WDFW, Ecology, DAHP and other agencies as EFSEC may direct, for comment. The plans shall include the overall project site plans, equipment and material specifications. The Certificate Holder shall not begin Construction prior to obtaining Council approval of the construction plans and specifications.

[15] *See* Table 1.10-1 and Sections 3.4.6.3 and 4.4.8.1 of the Revised Application, and Section B(5)(d), B(7)(a), B(15)(a) of the Final SEPA Environmental Checklist.

2. The construction plans and specifications shall be in compliance with Chapter 17A.07 of Kittitas County's Critical Areas Ordinance for the protection of riparian areas.

3. The construction plans and specifications shall show fencing at a minimum of eight feet in height, with a single line of barbed wire installed at the top of the fence. Razor wire will not be used.[16]

4. The Certificate Holder shall consult with emergency services suppliers prior to preparing final road construction plans, to ensure that interior all-weather access roads are sufficient to provide reliable access by emergency vehicles. In its final design for construction, the Certificate Holder shall maximize the use of existing roads and pathways, and minimize the construction of new roads as much as reasonable and practical, and without disrupting wetlands or other sensitive habitat.[17] The final design shall be subject to approval by EFSEC as part of the overall construction plans and specifications.

5. The construction plans and specifications shall show that structures placed within floodplains are designed so as not to restrict or redirect flows from their natural flow path. If impervious surfaces, such as roads, are placed in the floodplain, the Certificate Holder shall propose measures to mitigate for the lack of floodplain storage.18

ARTICLE V: SITE CONSTRUCTION

A. Environmental Monitoring During Construction

1. Environmental Monitor (EM). EFSEC shall provide on-site environmental monitoring for the construction phase of the Site, at the Certificate Holder's cost. The EM shall be an independent, qualified engineering firm (or a person) selected by EFSEC, and shall report directly to EFSEC.

2. Environmental Compliance Program for Construction Activities. The Certificate Holder shall identify and develop environmental monitoring and "stop-work" criteria in consultation with the EM and other EFSEC designees. At least sixty (60) days prior to the beginning of Construction, the Certificate Holder shall submit these environmental monitoring and stop-work criteria to EFSEC or its designated representative for review and approval.[19] The Certificate Holder shall not begin Construction prior to obtaining Council approval. The Environmental Compliance Program shall cover avoidance of sensitive areas during construction, waste handling and storage, stormwater management, spill prevention and control, habitat restoration efforts begun during the construction phase of the Site, and other mitigation measures required by this

[16] Mitigation Measure #9 of the Revised MDNS.
[17] *See* Table 1.10-1 and Section 3.4.6.3 of the Revised Application.
[18] Mitigation Measure #1 of the Revised MDNS.
[19] *See* Section 4.1.8 of the Revised Application.

Agreement. The Certificate Holder shall implement the program to ensure that construction activities meet the conditions, limits, and specifications set out in the Site Certification Agreement, all Attachments thereto, and all other applicable state and federal environmental regulations.

3. Copies of Plans and Permits Kept On Site. A copy of the Site Certification Agreement, Plans approved by the Council or its designees, and all applicable construction permits shall be kept at the Site Location. The lead Site construction personnel and construction project managers will be required to read, follow, and be responsible for all required compliance activities.

4. Environmental Monitor Monthly Reports. The EM will provide monthly reports to EFSEC regarding adherence to the BMPs, the implementation of environmental mitigation plans, and environmental problems reported or discovered as well as corrective actions taken by the Certificate Holder to resolve these problems. The EM will provide copies to the Certificate Holder of reports submitted to EFSEC.

5. Environmental Violations and Stop-Work Orders. Upon identification of an environmental noncompliance issue, the EM will work with the responsible subcontractor or direct-hire workers to correct the violation. If non-compliance is not corrected in a reasonable period of time, the EM shall request that EFSEC issue a "stop-work" order for that portion of the work not in compliance with Site environmental requirements. EFSEC will promptly notify the EM of any "stop work" orders that have been issued.

B. Quarterly Construction Reports

The Certificate Holder shall submit quarterly construction progress reports to EFSEC no later than thirty (30) days after the end of each calendar quarter. Such reports shall describe the status of construction and identify any changes in the construction schedule.

C. Construction Inspection

EFSEC shall provide plan review and inspection of construction for all Site structures, underground and overhead electrical lines, and other Site facilities to ensure compliance with this Agreement. Construction shall be in accordance with the approved design and construction plans, and other relevant regulations. EFSEC may contract with Kittitas County, another appropriate agency, or an independent firm to provide these services.

D. As-Built Drawings

The Certificate Holder shall maintain a complete set of as-built drawings on file for the life of the Site, and shall allow the Council or its designated representative access to the drawings on request following reasonable notice.

E. Habitat, Vegetation, Fish and Wildlife

1. The Certificate Holder shall use construction techniques and Best Management Practices (BMPs) to minimize potential impacts to habitat and wildlife. In particular, construction of the Site shall be performed in accordance with Mitigating Conditions 2, 7 and 9 of the Revised MDNS.

2. The Certificate Holder shall ensure that the construction team includes a qualified staff person or persons with experience in construction in environments similar to those found in the Site Location.

3. Construction teams shall stake work and clearing limits prior to construction and ground clearing.

4. Any new electrical poles installed for the Site will be designed to comply with the current Avian Power Line Interaction Committee (APLIC) guidelines. If the APLIC guidelines are not feasible on a pole location, the Certificate Holder shall present the reasons to EFSEC and determine appropriate mitigation or monitoring measures.[20]

5. The Certificate Holder shall post, maintain, and enforce reasonable driving speed limits within the Site Location to minimize potential collisions with wildlife during construction.

F. Construction Noise[21]

The Certificate Holder and its contractors and subcontractors shall use industry standard noise attenuation controls during construction to mitigate noise impacts and shall comply with applicable state and local noise emission regulations. The Certificate Holder shall limit loud construction activities to daytime hours (7 a.m. to 10 p.m.), and shall comply with the applicable requirements of WAC 173-60-040 (2) (b) during the hours of 10:00 p.m. and 7:00 a.m.

G. Construction Safety and Security

1. Federal and State Safety Regulations[22]. The Certificate Holder shall comply with applicable federal and state safety regulations (including regulations promulgated under the Federal Occupational Safety and Health Act and the Washington Industrial Safety and Health Act), as well as local and state industrial codes and standards (such as the Uniform Fire Code). The Certificate Holder, its general contractor, and all subcontractors shall make every reasonable effort to maximize safety for individuals working at the Site.

[20] *See* Mitigation Measure #8 of the Revised MDNS.
[21] *See* Table 1.10-1, Section 3.4.6.2, 4.1.2.2, 4.1.5.1(d) of the Revised Application, and Section B(5)(d) and B(7)(b) of the Final SEPA Environmental Checklist.
[22] *See* Section 4.1.9(4) of the Revised Application.

2. Construction Phase Health and Safety Plan. The Certificate Holder shall develop and implement a Construction Phase Health and Safety Plan prior to the beginning of Site Preparation. The Certificate Holder shall consult with local and state organizations providing emergency response services during the development of the plan to ensure timely response in the event of an emergency. The Certificate Holder shall submit the plan to EFSEC for review and approval no later than sixty (60) days prior to Site Preparation. The Certificate Holder shall not begin Construction prior to obtaining Council approval.

3. Construction Phase Site Security Plan[23]. The Certificate Holder shall develop and implement a construction phase site security plan to effectively monitor the Site Location. The Certificate Holder shall consult with local and state organizations providing emergency response services during the development of the plan to ensure timely response in the event of an emergency. The Certificate Holder shall submit the plan to EFSEC for review and approval no later than sixty (60) days prior to Site Preparation. The Certificate Holder shall not begin Construction prior to obtaining Council approval.

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

H. Fugitive Dust[24]

The Certificate Holder shall implement appropriate mitigation measures to control fugitive dust from roads and construction activities. The Certificate Holder shall use water or a water-based environmentally safe dust palliative such as lignin, for dust control on unpaved roads during Site construction.

I. Contaminated Soils

In the event that contaminated soils are encountered during construction, the Certificate Holder shall notify EFSEC and Ecology as soon as possible. The Certificate Holder shall manage, handle, and dispose of contaminated soils in accordance with applicable local, state, and federal requirements.

J. Light, Glare, and Aesthetics

The Certificate Holder shall implement mitigation measures to minimize light and glare impacts. Landscaping with appropriate vegetation shall be planted, and perimeter fencing shall be erected as described in the Revised Application.[25]

[23] *See* Section 2.19 of the Revised Application.
[24] *See* Sections 2.6.1, 2.15.3, 3.6.2.1 and 4.4.22.1 of the Revised Application, and Section B(3)(a)(4) of the Final SEPA Environmental Checklist.
[25] *See* Table 1.10-1 of the Revised Application, and Sections B(10)(c) and B(11) of the Final SEPA Environmental

The Certificate Holder shall minimize outdoor lighting to safety and security requirements. Motion sensors shall be used to keep lighting turned off when not required, and lighting shall be equipped with hoods and directed downward.[26] If compliance with any of these requirements is not feasible, the Certificate Holder may seek a waiver from the Council.

K. Construction Wastes and Clean-Up[27]

The Certificate Holder's waste disposal plans and schedule shall be included in the Site Location construction plans and specifications for review and approval by EFSEC. The Certificate Holder shall dispose of sanitary and other wastes generated during construction at facilities authorized to accept such wastes.

The Certificate Holder shall properly dispose of all temporary structures not intended for future use upon completion of construction. The Certificate Holder also shall dispose of used timber, brush, refuse, or flammable materials resulting from the clearing of lands or from construction of the Site.

ARTICLE VI: SUBMITTALS REQUIRED PRIOR TO THE BEGINNING OF COMMERCIAL OPERATION

A. Operations Stormwater Pollution Prevention Plan

1. Operations Stormwater Pollution Prevention Plan[28]. The Certificate Holder shall prepare an Operations Stormwater Pollution Prevention Plan (Operations SWPPP) in consultation with Ecology and submit it to EFSEC for approval at least sixty (60) days prior to the beginning of Commercial Operation. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Operations SWPPP shall include an operations manual for permanent BMPs. The Operations SWPPP shall be prepared in accordance with the guidance provided in the Ecology *Stormwater Management Manual for Eastern Washington, September 2004* or as revised. The Certificate Holder shall periodically review the Operations SWPPP against the guidance provided in the applicable *Ecology Stormwater Management Manual*, and make modifications as necessary to the Operations SWPPP to comply with current requirements for BMPs.

2. Operations Spill Prevention, Control and Countermeasure Plan[29]. The Certificate Holder shall prepare an Operations Spill Prevention, Control and Countermeasures Plan

Checklist.
[26] *See* Table 1.10-1, Sections 2.3.2.6, 2.19.2 and 4.4.10.2 of the Revised Application, and Sections B(10)(c) and B(11) of the Final SEPA Environmental Checklist.
[27] *See* Table 1.10-1 of the Revised Application, and Section B(10)(c) of the Final SEPA Environmental Checklist.
[28] *See* Sections 2.11.2, 2.23.2.3, 3.1.5.1, 3.4.6.3, 4.4.22.2 and 5.2(1) of the Revised Application, and Sections B(1)(h), B(3)(c)(2) and B(5)(d) of the Final SEPA Environmental Checklist.
[29] *See* Sections 2.10.2, 3.4.5.2(h) and 4.1.7 of the Revised Application, and Section B(3)(c)(2) of the Final SEPA Environmental Checklist.

(Operations SPCCP) in consultation with Ecology and submit it to EFSEC for review and approval at least thirty (30) days prior to the beginning of commercial operation. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Operations SPCCP shall be prepared pursuant to the requirements of 40 CFR Part 112, Sections 311 and 402 of the Clean Water Act, Section 402 (a)(l) of the Federal Water Pollution Control Act (FWPCA), and RCW 90.48.080. The Operations SPCCP shall include the Site Location, all Site structures and facilities on the Site Location, and all access roads. The Operations SPCCP shall be implemented within three (3) months of the beginning of Commercial Operation. The Operations SPCCP must be updated and submitted to the Council every two (2) years.

B. Emergency Plans

1. Operations Emergency Plan[30]. No later than sixty (60) days prior to the beginning of Commercial Operation, the Certificate Holder shall submit for the Council's approval an Operations Emergency Plan for the Site to provide for employee safety in the event of emergencies. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Certificate Holder shall coordinate development of the plan with local and state agencies that provide emergency response services in the Site Location. Periodically, the Certificate Holder shall provide the Council with updated lists of emergency personnel, communication channels, and procedures. The Operations Emergency Plan shall address in detail the procedures to be followed in the event of emergencies listed in Article IV.I.1.

2. Operations Fire Control Plan[31]. The Certificate Holder shall develop an Operations Fire Control Plan in consultation with WDFW, and in coordination with other state and local agencies to minimize the risk of accidental fire during operation and ensure effective response to any fire that does occur. No later than sixty (60) days prior to the beginning of Commercial Operation, the Certificate Holder shall submit the Plan to EFSEC for review and approval. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval.

ARTICLE VII: SITE OPERATION

A. Technical Advisory Committee (TAC)

The purpose of the Technical Advisory Committee (TAC) is to advise EFSEC on the effectiveness of mitigation measures as they have been implemented. TAC will also make recommendations to EFSEC if it deems additional studies or mitigation are warranted to address impacts that were either not foreseen in the Revised Application, or significantly exceed impacts that were projected. In order to make advisory recommendations to EFSEC, the TAC will review

[30] *See* Section 4.1.9 of the Revised Application.
[31] *See* Table 1.10-1 and Sections 3.4.6.3 and 4.4.8.2 of the Revised Application, and Section B(5)(d), B(7)(a), B(15)(a) of the Final SEPA Environmental Checklist.

and consider results of the Site monitoring studies. The TAC will assess whether the post-construction restoration and mitigation and monitoring programs merit further studies or additional mitigation, taking into consideration factors such as the species involved, the nature of the impact, monitoring trends, and new scientific findings.

The TAC may include, but need not be limited to, representatives from WDFW, U.S. Fish and Wildlife Service, Ecology, EFSEC, Kittitas County and the Certificate Holder. EFSEC, at its discretion, may add additional representatives to the TAC from state, local, federal and tribal governments. All TAC members must be approved by EFSEC.

No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall contact the agencies and organizations listed above requesting that they designate a representative to the TAC, and that the agencies or organizations notify EFSEC in writing of their TAC representative and of their member's term of representation. No later than sixty (60) days prior to the beginning of Commercial Operation, the Certificate Holder shall convene the first meeting of the TAC.

The TAC will be convened as determined by EFSEC, except that EFSEC may terminate the TAC if: the TAC determines that all of the pre-permitting, operational and post-operational monitoring has been completed and further monitoring is not necessary; or the TAC members recommend that it be terminated; or, upon request by Certificate Holder, after the first year of operation of the Site.

The ultimate authority to require implementation of additional mitigation measures, including any recommended by the TAC, shall reside with EFSEC.

B. Water Discharge

The Certificate Holder shall ensure that all stormwater control measures and discharges are consistent with the Operations SWPPP, required by Article VI.A.1 and the Ecology *Stormwater Management Manual for Eastern Washington, September 2004* or as revised.

C. Noise Emissions

The Certificate Holder shall operate the Site in compliance with applicable Washington State Environmental Noise Levels, WAC 173-60.

D. Fugitive Dust Emissions

The Certificate Holder shall continue to implement dust abatement measures as necessary.

E. Habitat, Vegetation and Wildlife BMPs

During Site operations, the Certificate Holder shall implement appropriate operational BMPs to minimize impacts to plants and animals, especially impacts to special status species such as giant Palouse earthworm, sharp-tailed snake, Columbia spotted frog, sandhill crane, greater sage-

grouse, and Bald and Golden Eagles.[32]

In addition to those BMPs, the Certificate Holder shall also take the following steps to minimize impacts:

1. Implementation of the Operations Fire Control Plan developed pursuant to Article VI.B.3, in coordination with local fire districts, to avoid accidental wildfires and respond effectively to any fire that might occur.

2. Operational BMPs to minimize storm water runoff and soil erosion.

3. The Certificate Holder shall not use rodenticides to control rodent burrowing around inverter pads. In the event that the Certificate Holder believes the use of rodenticides is necessary, the Certificate Holder shall consult with WDFW and Ecology to develop a plan for appropriate application and use, and submit the plan to EFSEC for approval prior to implementation.

4. The Certificate Holder shall cooperate with WDFW in an effort to exclude deer and elk from the site location through the use of fencing with a minimum height of eight feet, with a single strand of barbed wire on top.[33]

5. The Certificate Holder shall monitor the Site for the first year of operation to determine whether there is any evidence of potential "lake effect." If such an effect is confirmed, mitigation shall be instituted by planting vegetation around panels, or using other strategies to reduce the risk of avian collisions.[34]

F. Safety and Security

1. Personnel Safety[35]. The safety of operating personnel is governed by regulations promulgated under the Federal Occupational Safety and Health Act and the Washington Industrial Safety and Health Act. The Certificate Holder shall comply with applicable federal and state safety laws and regulations (including regulations under the Federal Occupational Safety and Health Act and the Washington Industrial Safety and Health Act) as well as local and industrial codes and standards (such as the Uniform Fire Code).

[32] *See* Table 1.10-1 and Section 3.4.6 of the Revised Application, and Section B(5)(d) of the Final SEPA Environmental Checklist.
[33] Mitigation Measure #9 of the Revised MDNS.
[34] Mitigation Measure #8 of the Revised MDNS.
[35] *See* Section 4.1.9(4) of the Revised Application.

2. Operations Phase Health and Safety Plan. No later than sixty (60) days before the beginning of Commercial Operation, the Certificate Holder shall develop and, after EFSEC approval, implement an Operations Phase Health and Safety Plan. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Certificate Holder shall consult with local and state organizations providing emergency response services during the development of the plan to ensure timely response in the event of an emergency.

3. Operations Phase Site Security Plan[36]. The Certificate Holder shall develop and implement an Operations Phase Site Security Plan. The Certificate Holder shall submit the Plan to EFSEC for review and approval no later than sixty (60) days before the beginning of Commercial Operation. The Certificate Holder shall not begin Commercial Operation prior to obtaining Council approval. The Plan shall include, but shall not be limited to, the following elements: controlling access to the Site Location by any visitors, contractors, vendors, or suppliers; installing security lighting and fencing; and securing access to solar panels, pad transformers, pad-mounted switch panels and other outdoor facilities. A copy of the final Security Plan shall be provided to EFSEC and other agencies involved in emergency response.

4. Visitors Safety. The Certificate Holder shall require visitors to observe the safety plans and shall provide them with safety equipment where and when appropriate.

G. Dangerous or Hazardous Materials

The Certificate Holder shall handle, treat, store, and dispose of all dangerous or hazardous materials in accordance with Washington state standards for hazardous and dangerous wastes, WAC 463-40 and WAC 173-303. Following any abnormal seismic activity, volcanic eruption, severe weather activity, flooding, vandalism, or terrorist attacks the Certificate Holder shall inspect areas where hazardous materials are stored to verify that containment systems are operating as designed.

ARTICLE VIII: SITE TERMINATION, DECOMMISSIONING AND SITE RESTORATION

A. Detailed Site Restoration Plan[37]

The Certificate Holder shall submit a Detailed Site Restoration Plan to EFSEC for approval within ninety (90) days from the time the Council is notified of the termination of the Site. The Detailed Site Restoration Plan shall provide for restoration of the Site Location within the timeframe specified in Article VIII.C, taking into account the Initial Site Restoration Plan and the anticipated future use of the Site Location. The Detailed Site Restoration Plan shall address the elements required to be addressed by WAC 463-72-020, and the requirements of the Council

[36] *See* Section 2.19 of the Revised Application.
[37] *See* Sections 1.9, 4.1.9, and Appendix F of the Revised Application.

approved Initial Site Restoration Plan pursuant to Article IV.D of this Agreement. The Certificate Holder shall not begin Site Restoration activities without prior approval from the Council. The Certificate Holder shall consult with WDFW, and Ecology in preparation of the Detailed Site Restoration Plan.

B. Site Termination

1. Termination of this Site Certification Agreement, except pursuant to its own terms, is an amendment of this Agreement.

2. The Certificate Holder shall notify EFSEC of its intent to terminate the Site, including by concluding the plant's operations, or by suspending construction and abandoning the Site.

3. The Council may terminate the SCA through the process described in WAC 463-66-090, and the Council may initiate that process where it has objective evidence that a certificate may be abandoned or when it deems such action to be necessary, including at the conclusion of the plant's operating life, or in the event the Site is suspended or abandoned during construction or before it has completed its useful operating life.

C. Site Restoration Timing and Scope

Site Restoration shall be conducted in accordance with the commitments made in the draft Site Restoration Plan attached as Appendix F to the Application, and the Detailed Site Restoration Plan required by Article VIII.A (unless the Certificate Holder fails to submit such a plan), and in accordance with the following measures:

1. Timing. The Certificate Holder shall commence Site Restoration of the Site within twelve (12) months following the termination described in Article VIII.B above.

   The period to perform the Site Restoration may be extended if there is a delay caused by conditions beyond the control of the Certificate Holder including, but not limited to, inclement weather conditions, equipment failure, wildlife considerations, or the availability of cranes or equipment to support decommissioning.

2. Scope. Site Restoration shall involve removal of the solar panels and mounting structures; removal of foundations or other Site facilities to a depth of four (4) feet below grade; restoration of any disturbed soil to pre-construction condition; and removal of Site access roads and overhead poles and transmission lines (except for any roads and/or overhead infrastructure that Site Location landowner wishes to retain) (all of which shall comprise "Site Restoration"). Site Restoration shall occur in the order of removing the solar panels as the first priority and performing the remaining elements immediately thereafter. If the Certificate Holder constructs the Site with solar panels incorporating hazardous materials, such as Cadmium Telluride, Site Restoration shall

also include the use of appropriate precautions during decommissioning and removal of the solar panels to safely dispose of and to avoid, and, if necessary, remediate any soil contamination resulting from the panels' hazardous materials.

3. Monthly Reports. If requested by EFSEC, the Certificate Holder shall provide monthly status reports until this Site Restoration work is completed.

4. Restoration Oversight. At the time of Site Restoration, the Site Location will be evaluated by a qualified biologist to determine the extent of and type of vegetation existing on the Site Location. Success criteria for Site Restoration will be established prior to commencement of decommissioning activities, based on the documented pre-construction conditions, experience gained with re-vegetation during operation and the condition of the Site Location at the time of Site Restoration. The restoration success criteria will be established in the Detailed Site Restoration Plan approved by EFSEC in consultation with the designated biologist. Once restoration of the Site Location is determined to be complete, a final report of restoration activities and results will be submitted to EFSEC in consultation with the designated biologist, for review and approval.

D. Site Restoration Financial Assurance

1. Except as provided in Article VIII.D.3 below, the Certificate Holder or any Transferee, as the case may be, shall provide financial assurance sufficient, based on detailed engineering estimates, for required Site Restoration costs in the form of a surety bond, irrevocable letter of credit, or guaranty. The Certificate Holder shall include a detailed engineering estimate of the cost of Site Restoration in its Initial Site Restoration Plan submitted to EFSEC. The estimate must be based on the costs of the Certificate Holder or Transferee hiring a third party to carry out Site Restoration. The estimate may not be reduced for "net present value" or other adjustments. During the active life of the facility, the Certificate Holder or Transferee must adjust the Site Restoration cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument used to provide financial assurance and must increase the financial assurance amount accordingly to ensure sufficient funds for Site Restoration.

2. The duty to provide such financial assurance shall commence thirty (30) days prior to the beginning of Construction of the Site, and shall be continuously maintained through to the completion of Site Restoration. Construction of the Site shall not commence until adequate financial assurance is provided. On or before the date on which financial assurance must be established, the Certificate Holder shall provide EFSEC with one of the following financial assurance mechanisms that is reasonably acceptable to EFSEC:

    a) *Surety Bond*. The Certificate Holder or any Transferee, as the case may be, shall provide financial security for the performance of its Site Restoration obligations through a Surety Bond issued by a surety listed as acceptable in

Circular 570 of the U.S. Department of the Treasury. The Performance Bond shall be in an amount equal to the Site Restoration costs. A standby trust fund for Site Restoration shall also be established by the Certificate Holder or Transferee to receive any funds that may be paid by the surety to be used to complete Site Restoration. The surety shall become liable for the bond obligation if the Certificate Holder or Transferee fails to perform as guaranteed by the bond. The surety may not cancel the bond until at least one hundred twenty days after the Certificate Holder or Transferee and EFSEC have received notice of cancellation. If the Certificate Holder or Transferee has not provided alternate financial assurance acceptable under this SCA within ninety days of the cancellation notice, the surety shall pay the amount of the bond into the standby Site Restoration trust; or

b) *Irrevocable Letter of Credit*. The Certificate Holder or any Transferee, as the case may be, shall provide financial security for the performance of its Site Restoration obligations through an irrevocable letter of credit payable to or at the direction of EFSEC, that is issued by an institution that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a Federal or State agency. The letter of credit shall be in an amount equal to the Site Restoration costs. A standby trust fund for Site Restoration shall also be established by Certificate Holder or Transferee to receive any funds deposited by the issuing institution resulting from a draw on the letter of credit. The letter of credit shall be irrevocable and issued for a period of at least one year, and renewed annually, unless the issuing institution notifies the Certificate Holder or Transferee and EFSEC at least one hundred twenty days before the current expiration date. If the Certificate Holder or Transferee fails to perform Site Restoration, or if the Certificate Holder or Transferee fails to provide alternate financial assurance acceptable to EFSEC within ninety days after notification that the letter of credit will not be extended, EFSEC may require that the financial institution provide the funds from the letter of credit to be used to complete Site Restoration; or

c) *Guaranty*. Certificate Holder or any Transferee, as the case may be, shall provide financial assurance for the performance of its Site Restoration obligations by delivering a guaranty to fund the Certificate Holder or Transferee's Site Restoration obligations hereunder from an entity that meets the following financial criteria:

   i. A current rating of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's;

   ii. Tangible net worth at least six times the sum of the current Site

Restoration cost estimates;

iii. Tangible net worth of at least ten million dollars; and

iv. Assets in the United States amounting to at least ninety percent of its total assets or at least six times the sum of the current Site Restoration cost estimates.

The guarantor entity's chief financial officer shall provide a corporate guaranty that the corporation passes the financial test at the time the Initial Site Restoration Plan is filed. This corporate guaranty shall be reconfirmed annually ninety days after the end of the corporation's fiscal year by submitting to EFSEC a letter signed by the guaranteeing entity's chief financial officer that:

i. Provides the information necessary to document that the entity passes the financial test;

ii. Guarantees that the funds to finance required Site Restoration activities are available;

iii. Guarantees that required Site Restoration activities will be completed;

iv. Guarantees that within thirty days if written notification is received from EFSEC that the entity no longer meets the above financial criteria, the entity shall provide an alternative form of financial assurance consistent with the requirements of this section;

v. Guarantees that the entity's chief financial officer will notify in writing the Certificate Holder or Transferee and EFSEC within fifteen days any time that the entity no longer meets the above financial criteria or is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy;

vi. Acknowledges that the corporate guaranty is a binding obligation on the corporation and that the chief financial officer has the authority to bind the corporation to the guaranty;

vii. Attaches a copy of the independent certified public accountant's report on examination of the entity's financial statements for the latest completed fiscal year; and

viii. Attaches a special report from the entity's independent certified public accountant (CPA) stating that the CPA has reviewed the information in the letter from the entity's chief financial officer and has determined that the information is true and accurate.

If the Certificate Holder or any Transferee fails to perform Site Restoration covered by the guaranty in accordance with the approved Initial or Final Site Restoration plan, the guarantor will be required to complete the appropriate activities. The guaranty will remain in force unless the guarantor sends notice of cancellation by certified mail to the Certificate Holder or Transferee and EFSEC. Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by the Certificate Holder or Transferee and EFSEC. If the Certificate Holder or Transferee fails to provide alternate financial assurance as specified in this section and obtain the written approval of such alternate assurance from EFSEC within ninety days after receipt of a notice of cancellation of the guaranty from the guarantor, the guarantor will provide such alternative financial assurance in the name of the Certificate Holder or Transferee.

3. If the SCA is transferred after its effective date pursuant to applicable EFSEC laws and regulations, EFSEC has the right to require, consider, and approve other financial security that would provide for the Certificate Holder's performance of its Site Restoration obligations pursuant to Articles VIII.C and VIII.D of this Site Certification Agreement.

ARTICLE IX: SITE CERTIFICATION AGREEMENT - SIGNATURES

Dated and effective this_____day of _____, 2018.

FOR THE STATE OF WASHINGTON

_____

Jay Inslee, Governor

FOR TE - Urtica, LLC

_____

INSERT NEW PROJECT REPERSENTATIVE
XXX
TE - Urtica, LLC

ATTACHMENT 1
Urtica Solar Site
Site-Specific Descriptions, Plans and Conditions

Site Description

The Certificate Holder plans to construct a new PV solar facility on approximately 51.94 acres of private agricultural land, which would connect into the existing PSE distribution transmission line along Umptanum Road, located southwest of Ellensburg, in unincorporated Kittitas County, Washington. The Urtica Solar Site is intended to provide up to 5 MW of solar energy to PSE for use within their service area.

The Urtica Solar Site location primarily consists of active agricultural land, growing common timothy, located on the west side of Umptanum Road and approximately 0.2 mile southwest of the Yakima River, with McCarl Creek flowing through the site from west to east. The Site would be located approximately 0.2 mile north of the intersection of Umptanum Road and Manastash Road, in Section 10, T17N, R18E, Willamette Meridian (Figure 2.1-6). Topography of the site generally slopes to the east toward Umptanum Road and toward McCarl Creek, which flows through the site. Surface elevation within the project area ranges from 1,539 to 1,575 feet amsl, the lowest elevation being within the eastern portion of the McCarl Creek channel along Umptanum Road and the highest elevation being along the western site boundary.

The Urtica Solar Site location would be located on land zoned as Rural Working – Agriculture 20, and would be a permitted conditional use under KCC 17.15.060.1.

Legal Description

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., KITTITAS COUNTY, STATE OF WASHINGTON, BEING A PORTION OF LOTS 1, 2, 3 AND 4, AND ALL OF LOTS 7, 8, 9, 10, 11, AND 12 OF THAT CERTAIN SURVEY, AS RECORDED IN BOOK 32 OF SURVEYS, PAGE 71, UNDER AUDITOR'S FILE NO. 200602280020, RECORDS OF SAID COUNTY, WHICH IS BOUNDED BY A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 01°15'25" EAST ALONG THE EAST BOUNDARY LINE OF SAID SOUTHWEST QUARTER, 1023.64 FEET;

THENCE NORTH 88°44'35" WEST, 29.10 FEET TO THE TRUE POINT OF BEGINNING OF SAID LINE;

THENCE NORTH 89°14'26" WEST, 453.87 FEET;
THENCE NORTH 87°05'29" WEST, 1325.35 FEET;
THENCE NORTH 04°10'29" WEST, 211.33 FEET;
THENCE NORTH 61°45'24" EAST, 261.93 FEET;
THENCE NORTH 42°39'06" EAST, 113.46 FEET;
THENCE NORTH 31°25'35" EAST, 123.63 FEET;
THENCE NORTH 40°11'01" WEST, 121.12 FEET;
THENCE NORTH 87°43'34" WEST, 128.38 FEET;
THENCE SOUTH 56°41'46" WEST, 155.23 FEET;
THENCE SOUTH 28°15'58" WEST, 100.76 FEET;
THENCE NORTH 87°36'58" WEST, 96.74 FEET;

THENCE SOUTH 63°15’03” WEST, 170.80 FEET;
THENCE SOUTH 33°19’00” WEST, 161.55 FEET;
THENCE SOUTH 88°58’40” WEST, 447.52 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID SOUTHWEST QUARTER;
THENCE NORTH 01°17’45” EAST ALONG SAID WEST BOUNDARY LINE OF SAID SOUTHWEST QUARTER, 801.99 FEET;
THENCE SOUTH 86°51’18” EAST, 1320.00 FEET;
THENCE NORTH 01°17’45” EAST, 7.60 FEET;
THENCE SOUTH 86°50’25” EAST, 1277.79 FEET TO A POINT ON THE EAST BOUNDARY LINE OF SAID SOUTHWEST QUARTER;
THENCE SOUTH 01°18’25” WEST ALONG SAID EAST BOUNDARY LINE OF SAID SOUTHWEST QUARTER, 971.53 FEET TO THE TRUE POINT OF BEGINNING AND TERMINUS OF SAID LINE.

CONTAINS 51.94 ACRES.

Site-Specific Conditions

The conditions set forth above apply to this Site Location. In addition, for the sake of clarity, the following conditions apply particularly to the Urtica Solar Site.

PLANS, APPROVALS AND ACTIONS REQUIRED PRIOR TO CONSTRUCTION

A. Actions Prior to Construction

1. Cultural and Archaeological Resources Plan. Prior to construction, the Certificate Holder, in consultation with DAHP and EFSEC, shall provide final construction and micro-siting plans showing avoidance of impacts to site 45KT4019 identified on the Urtica Solar Site. In the event that construction will not avoid impacts to this site, the Certificate Holder shall obtain a Department of Archaeology and Historic Preservation (DAHP) excavation permit for site 45KT4019 and perform all necessary archaeological work in order to comply with RCW 27.53.[38]

B. Habitat, Vegetation, and Fish and Wildlife Mitigation

1. Habitat Restoration and Mitigation Plan. Prior to the beginning of Site Preparation, the Certificate Holder shall develop a Habitat Restoration and Mitigation Plan, including the general plans set forth above, as well as the following site-specific plans, in consultation with WDFW.

    a) In consultation with WDFW, the Certificate Holder shall develop the plan to require all temporarily disturbed areas to be reseeded with an appropriate mix of plant species that are adapted to local site conditions and will become established quickly, such as, but not limited to, native plant species, in a manner and sequence that will maximize the likelihood of successful restoration of the area and prevent the spread of noxious weeds. Based on the local conditions at the Urtica Solar Site and surrounding area, the plant species may comprise grasses like those currently in production on the Site Location and in surrounding agricultural fields. The Plan shall include a restoration schedule that identifies timing windows during which restoration should take place, and an overall timeline for when all restoration activities will be completed.

    b) The Certificate Holder will also compensate for habitat impacts of the Urtica Solar Site by submitting a plan for EFSEC approval detailing riparian habitat enhancement within a 100-foot buffer of McCarl Creek. The plan will include the following:

        - Planting native riparian plants within the riparian area buffer where current vegetation has been reduced or eliminated from agricultural practices.
        - Establishing benchmarks and a timeline for revegetation success, and monitoring revegetation activities in the riparian areas to ensure

[38] *See* Sections 2.23.2.7 and 4.2.11 of the Revised Application, and Mitigation Measure #10 of the Revised MDNS.

success.[39]

C. **Construction Mitigation**

1. Construction Stormwater Pollution Prevention Plan

In addition to the requirements set forth above, the Construction SWPPP prepared for the Urtica Solar Site shall provide special attention to control of any and all runoff from the site and its roads into McCarl Creek.

2. Construction Plans / Specifications

At least sixty (60) days prior to the beginning of Construction, the Certificate Holder shall submit to EFSEC or its designated representative for approval those construction plans, specifications, drawings, and design documents that demonstrate the Site design will be in compliance with the conditions of this Agreement. The plans will satisfy the general criteria set forth above, as well as the following site-specific criteria.

a) The construction plans and specifications will apply a 100-foot minimum setback from McCarl Creek to any electrical generation equipment, and shall comply with Chapter 17A.07 of Kittitas County's Critical Areas Ordinance for the protection of riparian areas.[40]

D. **Water Rights**

At least sixty (60) days prior to the beginning of Construction, the Certificate Holder shall submit to EFSEC or its designated representative for approval evidence that the landowner of the Urtica Solar Site location intends to maintain its shares with the West Side Irrigation Company such that those shares will be available at the end of the Urtica Solar Site and the land could be returned to its current state, if the landowner so chooses.[41]

SITE CONSTRUCTION MITIGATION MEASURES

A. **Light, Glare, and Aesthetics**

The Certificate Holder shall implement mitigation measures to minimize light and glare impacts. In particular, the Certificate Holder will plant a line of trees and/or shrubs up to 15 feet in height along the southern half of the eastern boundary and along the western half of the northern boundary of the Site Location. Perimeter fencing will be erected around the Site Location.

[39] Mitigation Measure #3 of the Revised MDNS.
[40] Mitigation Measure #2 of the Revised MDNS.
[41] Mitigation Measure #6 of the Revised MDNS.

Attachment 2

BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of:	**COUNCIL ORDER No. 880**
Docket No. EF 170823	
COLUMBIA SOLAR PROJECT	ORDER ON APPLICATION FOR TERMINATION OF SITE CERTIFICATION AGREEMENTS, TRANSFER OF REMAINING SITE CERTIFICATION AGREEMENTS, AND TRANSFER OF CONTROL OF SITE CERTIFICATION AGREEMENTS

Executive Summary

The Columbia Solar Project consists of five separate solar photovoltaic generation facilities in Kittitas County, each of which is subject to a standalone Site Certificate Agreement (SCA) currently held by TUUSSO Energy, LLC ("TUUSSO").

This Order approves TUUSSO and Greenback Renewable Energy's (GREC) July 28, 2021, request for:

(1) termination of the Typha and Fumaria Project SCAs for the Columbia Solar Project pursuant to WAC 463-66-020;

(2) transfer of the Penstemon, Camas, and Urtica Projects SCAs to project companies TE-Penstemon, LLC; TE-Camas, LLC; and TE-Urtica, LLC, pursuant to WAC 463-66-100; and

(3) indirect transfer of the Penstemon, Camas, and Urtica Projects SCAs via the project companies' acquisition by Citrine Solar LLC, a subsidiary of GREC pursuant to WAC 463-66-100.

Background

On October 16, 2017, TUUSSO filed an application with the Energy Facilities Site Evaluation Council (EFSEC or Council) to obtain site certification under RCW 80.50.060 to construct and operate the Columbia Solar Project, consisting of five solar photovoltaic generating facilities and

two generation tie lines. Following review of the application, on August 22, 2018, EFSEC issued its Report to the Governor, recommending approval of the application.

The Governor approved the application and executed five site certification agreements, one for each of the five proposed facilities on October 17, 2018.

The SCAs authorize TUUSSO, any and all parent companies, and any and all assignees or successors approved by the Council, to construct and operate the facilities subject to the terms and conditions set forth in the SCAs. Pursuant to WAC 463-68-030, construction may start any time within ten years of the effective date of the site certification agreement, subject to conditions in the SCA. The SCAs specify that construction must be substantially complete no later than ten years from the date that all final state and federal permits are obtained and appeals exhausted. *See, e.g.,* Site Certification Agreement for the Columbia Solar Project—Camas Solar Site between the State of Washington and TUUSSO Energy, LLC ("Camas SCA"), Art. I.B.

The Columbia Solar SCAs specify plans, approvals and actions required of the certificate holder prior to commencement of construction. *See, e.g., Id.*, Art. IV. One of those requirements is the submission of an Initial Site Restoration Plan and provision of financial assurance that is sufficient, based on detailed engineering estimates, for required site restoration costs in the form of a surety bond, irrevocable letter of credit, or guaranty. *Id.,* Art. VIII.D. "Financial assurance" refers to commitments that ensure funds will be available to restore a site to its original condition at the end of its useful life, or if abandoned. *See* WAC 463-72, WAC 463-60-075.

TUUSSO has submitted and received approval for all requisites for initiation of construction of the Penstemon, Camas, and Urtica Projects. TUUSSO has provided financial security for the performance of its site restoration obligations for the three projects through an irrevocable letter of credit issued by a qualified financial institution. Construction at the three facilities commenced on June 28, 2021, and is currently under way.

TUUSSO has stated that it will not proceed with the construction and operation of the Typha and Fumaria facilities. According to TUUSSO, the reason is the commercial impossibility of interconnecting into the Puget Sound Energy transmission system, due to significant transmission system upgrade costs. TUUSSO states that this impediment is not transitory, but will persist, rendering the construction and operation of these two generation facilities to be impracticable. No construction activities have commenced on the Typha and Fumaria generation sites and TUUSSO has notified the landowners of its intent to terminate the projects. Accordingly, TUUSSO requests termination of the SCAs for the Typha and Fumaria Projects.

TUUSSO has formed three standalone limited liability companies (LLCs), which it has termed the "Project Companies" for the Penstemon, Camas and Urtica facilities. The companies are named TE - Penstemon, LLC; TE – Camas, LLC; and TE – Urtica, LLC. TUUSSO Energy, LLC, is the parent company of TE-Columbia Solar, which is the parent company for the Project Companies. The formation of the separate Project Companies is to allow TUUSSO to construct, own, and operate each of the facilities as separate entities, subject to the contractual requirements for each corresponding SCA, such as securing separate power purchase agreements from Puget Sound Energy for each Project. According to TUUSSO, to arrange construction financing for the facilities, it is important that the SCAs are held by the Project Companies, instead of by

TUUSSO. TUUSSO therefore requests the Council's approval to transfer the Penstemon, Camas, and Urtica SCAs to the respective Project Companies. This would require amending to SCAs to change the name of the certificate holder on each of the SCAs from TUUSSO Energy, LLC, to that of the applicable Project Company.

Assuming the Council's approval of transfer of the Penstemon, Camas, and Urtica SCAs to the Project Companies, Citrine Solar LLC, a company that is owned by Greenbacker Renewable Energy Company (GREC), has agreed to purchase one hundred percent of the membership interests in each of the three Project Companies. GREC and TUUSSO are seeking the Council's approval of an indirect transfer, or change of control, of the Columbia Solar Site Certificates from TUUSSO to GREC.

In conjunction with this transfer, GREC intends to replace the Site Restoration Financial Assurance currently provided by TUUSSO through an irrevocable letter of credit, with a corporate guaranty to be provided by GREC. GREC and TUUSSO both acknowledge that in order for this to happen:

(a) EFSEC would need to first determine that GREC is eligible to provide this type of financial assurance based on GREC's financial creditworthiness,

(b) EFSEC would need to approve the form of this guaranty, and

(c) under no circumstances will this transfer be allowed to take place if doing so would cause any lapse in the Site Restoration Financial Assurance.

Analysis

(1) Request to Terminate the Typha and Fumaria Site Certificate Agreements

Under EFSEC's rules, a request to terminate an SCA is treated as, and follows the same process as a request to amend an SCA. WAC 463-66-020. The request must be made in writing by the certificate holder to the Council. The Council must hold one or more public hearing sessions on the request. WAC 463-66-030.

In reviewing any request for an amendment, the Council considers the intention of the original SCA; applicable laws and rules; the public health, safety, and welfare; and requirements pertaining to site restoration. *Id*.

The changed circumstance described by TUUSSO in regard to the permanent commercial impossibility of constructing and operating the Typha and Fumaria projects negates findings that were essential to the Council's recommendation of approval of site certification for these two projects. Because no construction activities have commenced on the Typha and Fumaria generation sites, EFSEC's requirements pertaining to site restoration are not implicated. It is therefore appropriate that the request to terminate the Typha and Fumaria SCA should be granted.

(2) Application to Transfer the Penstemon, Camas and Urtica Site Certification Agreements to Three Project Companies

WAC 463-66-100 provides that an SCA shall not be transferred except with the Council's approval. A certificate holder seeking to transfer an SCA must file an application with the Council including basic information about the new owner to demonstrate the transferee's organizational, financial, managerial, and technical capability to comply with the terms and conditions of the SCA, including approved plans for termination of the plant and site restoration. WAC 463-66-100(1). The Council may place conditions on its approval of the transfer, including provisions to reserve liability for site restoration in the original certificate holder. *Id.*

TUUSSO represents that transferring the SCAs to the Project Companies is needed to arrange construction financing for facilities through the sale of the Project Companies to GREC's subsidiary. As explained by TUUSSO and GREC, the Membership Interest Purchase and Sale Agreement between the two parties requires that the SCAs be transferred into the name of the respective project companies, TE – Penstemon, LLC; TE – Urtica, LLC; and TE- Camas, LLC.

TUUSSO's proposal to transfer the site certification agreements from itself to its subsidiary Project Companies does not raise issues about the transferees' organizational, managerial or technical capabilities because the transferee Project Companies are wholly owned and controlled by TUUSSO. Neither is financial capability of the Project Companies a concern in this instance, because TUUSSO has already secured financial assurance for site restoration in the form of an irrevocable trust that will continue to apply unless and until EFSEC agrees that sufficient replacement assurance is in place. It is therefore appropriate that transfer of the Penstemon, Camas, and Urtica SCAs to the Project Companies should be granted.

(3) Application for Indirect Transfer of SCAs held by Project Companies TE - Penstemon, LLC, TE - Camas, LLC, and TE - Urtica, LLC via the Project Companies' Acquisition by Citrine Solar LLC, a subsidiary of Greenbacker Renewable Energy Corporation

WAC 463-66-100 requires the Council's approval not only for *direct* transfers or assignments of SCAs (such as the requested transfer of the Penstemon, Camas and Urtica SCAs from TUUSSO to the three Project Companies), but also for any *indirect* transfer of an SCA, such as by a "transfer of control of . . . the site certification agreement owner." Consequently, EFSEC approval is required before ownership and control of the three Project Companies holding the SCAs can be transferred from TUUSSO to Citrine Solar LLC and to the control of its parent GREC. TUUSSO and GREC both request this approval pursuant to WAC 463-66-100(1).

Following a public informational hearing, the Council may approve an application for transfer of an SCA, including indirect transfer of control of an SCA, if it determines (1) that the applicant has provided sufficient information about its organization and affiliations and its financial commitment to the requirements of site restoration and preservation, (2) its entitlement to possession of the energy facility or facilities, and (3) its agreement to abide by all the terms and conditions of the SCA to be transferred and has demonstrated that it has the organizational, financial, managerial, and technical capability and is willing and able to comply with the terms and conditions of the certification agreement being transferred. WAC 463-66-100(4).

WAC 463-66-100(5) provides that the Council "shall issue a formal order either approving or denying the application for transfer of the site certification agreement. If the council denies the request, it shall state the reasons for its denial."

As required by WAC 463-66-100(4), EFSEC held an informational hearing on the application on August 17, 2021 at which representatives of TUUSSO and GREC presented information about GREC and the proposed transaction. No public comments were submitted.

In its written application and during the public informational hearing, TUUSSO and GREC presented information about GREC's organization and history, its considerable assets, and its large portfolio of planned and operational alternative energy projects, all of which evidences to its organizational, financial, managerial, and technical capability to comply with the terms and conditions of the SCAs. TUUSSO represents that it will continue to be involved in the ongoing construction of the facilities following the transfer of the Project Companies to GREC's control.

TUUSSO has consistently described itself as a developer whose projects eventually are sold to entities with the financial means to carry the projects through construction and to provide for operation over their lifetime. Council Order No. 877 (Sept. 5, 2019) temporarily suspended TUUSSO's SCAs when TUUSSO's original agreement to sell the Columbia Solar Project was terminated by the counterparty and TUUSSO became unable to pay costs invoiced by EFSEC and UTC with regard to the Columbia Solar Project. TUUSSO's efforts to find a new partner to take the Columbia Solar project forward through construction are documented in that order, and the subsequent Council Order No. 878 (Dec. 6, 2019) reinstating the SCAs.

The information provided by TUUSSO and GREC supports a determination that GREC has the organizational, financial, managerial, and technical capability and is willing and able to comply with the terms and conditions of the certification agreement being transferred. WAC 463-66-100(4)(c).

The sequencing of the transaction between TUUSSO and GREC requires that EFSEC give its approval for the transfer of the SCAs to the Project Companies, and for the indirect transfer of the SCAs to GREC's control, before GREC will take over the financial assurance commitment that is required by EFSEC to ensure that funds are available for site restoration in the event of abandonment of the projects or at the end of their life.

This "chicken and egg" problem is addressed by TUUSSO and GREC's proposal that EFSEC's final approval of the transfer of the SCAs to GREC's control shall be conditional upon EFSEC's written approval, subsequent to this Order, of the Site Restoration Financial Assurance that will need to be in place before the actual transfer of ownership of the project companies is consummated. For the avoidance of doubt, TUUSSO and GREC agree that the indirect transfer of control shall not be allowed to occur until and unless any and all concerns related to the Site Restoration Financial Assurance have been sufficiently addressed in EFSEC's sole determination.

With these conditions, it is appropriate that the indirect transfer of control of the Penstemon, Camas, and Urtica SCAs by sale of the Project Companies to Citrine Solar LLC and to the control of its parent GREC should be approved.

ORDER

THEREFORE, IT IS HEREBY ORDERED that:

(1) The proposed termination of the Site Certification Agreements between the State of Washington and TUUSSO Energy LLC for the Typha and Fumaria Sites is approved pursuant to WAC 463-66-020.

(2) The proposed transfer of the below named site certification agreements from TUUSSO Energy LLC to the corresponding project entities is approved pursuant to WAC 463-66-100 and the agreements shall be amended accordingly:

a) Site Certification Agreement between State of Washington and TUUSSO Energy LLC for the Columbia Solar Project Penstemon Site to TE - Penstemon, LLC

b) Site Certification Agreement between State of Washington and TUUSSO Energy LLC for the Columbia Solar Project Camas Site to TE - Camas, LLC

c) Site Certification Agreement between State of Washington and TUUSSO Energy LLC for the Columbia Solar Project Urtica Site to TE - Urtica, LLC

(3) The proposed change in control of the Columbia Solar Project from TUUSSO Energy, LLC, to Greenbacker Renewable Energy Corporation via the acquisition of TE – Penstemon, LLC, TE – Camas, LLC, and TE – Urtica, LLC, by Citrine Solar LLC, a subsidiary of Greenbacker Renewable Energy Corporation, is approved pursuant to WAC 463-66-100, provided that Greenbacker provides acceptable financial assurances for site restoration.

(4) Upon the Council's receipt and the EFSEC Manager's approval of the financial assurances from Greenback Renewable Energy Company and notification that the transaction has closed, the Council shall issue a resolution that the condition for final approval of transfer of the SCAs is satisfied.

DATED at Olympia, Washington and effective on this _____ day of September, 2021.

WASHINGTON ENERGY FACILITY
SITE EVALUATION COUNCIL

_____

Kathleen Drew, Chair

Goose Prairie Solar Project

September 2021 project update

[Place holder]

@oneenergyinc

2003 WESTERN AVE.
SUITE 225
SEATTLE, WA 98121
206.922.7072

oneenergy
renewables
.com

September 17, 2021

Washington Energy Facility Site Evaluation Council
c/o Kyle Overton
621 Woodland Square Loop SE
Olympia, WA 98504-3172

Via: kyle.overton@utc.wa.gov

SUBJECT: RECOMMENDATION TO GOVERNOR - EXTENSION REQUEST

DEAR MR. OVERTON:

OER WA Solar 1, LLC ("Applicant") requests an extension of the timeline for EFSEC to transmit a recommendation to the governor for the Goose Prairie Solar project. Per WAC 463-43-08-, EFSEC is required to send such recommendation "within sixty days following the granting of expedited processing or such later time as is mutually agreed by the applicant and the council." Expedited processing was granted on August 6, 2021. Given the current circumstances, the Applicant understands that it is not feasible to transmit the recommendation by October 5 and agrees to extend the timeline to October 31, 2021.

Please let me know if you have any questions or require additional information.

Sincerely,

BLAKE BJORNSON
ASSOCIATE DIRECTOR, PROJECT DEVELOPMENT
206.900.9931 | DIRECT
Blake@OneEnergyRenewables.com