BEFORE THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
INDUSTRIAL SITING DIVISION

STATE OF WYOMING

IN THE MATTER OF THE INDUSTRIAL SITING PERMIT APPLICATION OF NOVELUTION WIND, LLC CHUGWATER FLATS ENERGY PROJECT	)))))	DOCKET NO. DEQ/ISC 09-04

ORDER CORRECTING PERMIT CONDITION #5 OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS MATTER came before the Industrial Siting Council (Council) upon review of the Industrial Siting Permit awarded to Novelution Wind, LLC, doing business as Chugwater Flats Energy Project, LLC. It has been brought to this Council's attention that the Findings of Fact, Conclusions of Law and Order placing the terms and conditions upon the awarded Industrial Siting Permit contains a mistake regarding Condition #5 which refers to Top of the World Windpower Project. Condition #5 should refer to Chugwater Flats Energy Project, LLC. Please replace page 27 of the Findings of Fact, Conclusions of Law and Order with the attached correction.

DONE this 14 day of May, 2010.

Shawn Warner, Chairman
Industrial Siting Council
Herschler Building, Fourth Floor West
122 West 25th Street
Cheyenne, Wyoming 82002
(307) 777-7170

b. Such adverse impacts were determined to be a result of the activities of the Permittee.

Permittee shall be required to assist in mitigating any impacts that result from construction or operation of the Chugwater Flats Energy Project, LLC (Project), including those resulting from direct and indirect employment. For purposes of determining additional mitigation measures by the Permittee, consideration shall be given to previous mitigation efforts. However, in any event, Permittee shall not be required to provide mitigation in excess of the proportion that the Permittee's activities are contributing to the total impacts within the impacted area (as defined by W. S. 35-12-102).

Condition #6. The Permittee shall give written notice to the ISD when construction commences on each phase of the Project.

Condition #7. The Permittee shall give written notice to the ISD when the physical components of each phase of the Project are 90 percent complete.

Condition #8. As a means of adhering to W. S. 35-12-1O9 (a) (xviii) to provide preference for local and resident hiring, the Permittee, contractors and subcontractors shall follow these hiring guidelines:

a. Procedures to foster local hiring shall be incorporated into the compliance plan.

b. Job postings shall be filed with the local Workforce Center.

Condition #9. The Permittee shall submit an annual report to ISC for the years or portion of a year that includes construction and again for the first year of operation of the facility for each phase. The annual report shall include:

a. Efforts to assure compliance with voluntary commitments, mitigation agreements with local governments, and conditions contained in this permit;

b. The extent to which construction has been completed in accordance with the approved schedule;

c. Any revised time schedules or time tables for construction, operations, and reclamation, and a brief summary of the construction, reclamation, and other activities that will occur in the next one-year period; and

d. Demonstration of compliance with permit conditions.

Condition #10. In order that the ISD may monitor Permittee's performance, the Permittee shall institute the following monitoring program that shall be recorded on a monthly basis and reported to the ISD on a quarterly basis through the construction period of each phase. Monthly data will be in a form prescribed by ISD and shall include:

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing document was served upon the Department of Environmental Quality, Industrial Siting Division and a true and correct copy was served upon the parties by mailing same, postage prepaid, on the 24 day of May, 2010, addressed to the following:

Office of Administrative Hearings
State of Wyoming
Cheyenne, Wyoming 82002

Wyoming Department of Environmental Quality - (ORIGINAL)
Industrial Siting Division
Attn: Tom Schroeder, Program Principal
Herschler Building, Fourth Floor West
122 West 25th Street
Cheyenne, Wyoming 82002

John Burbridge - Attorney for Industrial Siting Division
Assistant Attorney General
123 Capitol Building
Cheyenne, Wyoming 82002

Rex Johnson - Attorney for Applicant
602 10th Street
Wheatland, Wyoming 82201

Eric E. Jones – Attorney for Town of Chugwater
P.O. Drawer 9
Wheatland, Wyoming 82201

Eric E. Jones, Esq.
Prosecuting Attorney for Platte County
P.O. Box 877
Wheatland, Wyoming 82201

Industrial Siting Council