Before the Wyoming
Industrial Siting Council

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JUN 18 2008

In the matter of:

PacifiCorp Energy

the Applicant

Docket No. DEQ/ISC 08-01

Request for a Permit

Converse County, Wyoming

Permit Number DEQ/ISC 08-01

1. WHEREAS, the Industrial Siting Council (Council) having found:

   a. PacifiCorp Energy (the Applicant) filed a Request for a Waiver of Permit Application on April 9, 2008 in accordance with the Industrial Development Siting and Information Act to construct certain emission controls at its Dave Johnston electricity generation facility in Converse County (the Project).

   b. That the Notice of filing the Permit Application was sent to local governments in the area primarily affected and was published in the Douglas Budget, Glenrock Independent, and Casper Star-Tribune.

   c. That the Council conducted a hearing on May 14, 2008 pursuant to W. S. 35-12-107(g).

   d. That the Request for a Waiver of Permit Application filed by PacifiCorp Energy complies with the requirements of the Wyoming Industrial Development Information and Siting Act and the rules and regulations of the Council; there is reasonable assurance that the activities described in the application can be conducted in compliance with local laws; that activities authorized will not produce an unacceptable environmental, social or economic impact; the applicant has discussed the proposed facilities with all local governments potentially affected by the project; the proposed facilities are in compliance with all local ordinances and land use plans; and local governments which will be affected by the proposed project will receive sufficient tax revenues or mitigation payments to ensure that the facility will not pose a threat of serious injury to the social or economic condition of the local inhabitants.

   e. That after conducting the hearing and considering all testimony and evidence and imposed conditions of this Permit, the Council concluded that the proposed construction will comply with all applicable law; that by

issuance of this permit the applicant has made a commitment to obtain necessary permits and permit revisions from state regulatory agencies and Converse County; that the Project will not pose a threat of serious injury to the environment nor to the social and economic condition of the residents in the affected area; and that the Project will not impair the health, safety, and welfare of the residents of the affected area.

f. That the proposed location of the facility is acceptable, without modification.

2. NOW, THEREFORE, pursuant to the Wyoming Industrial Development Information and Siting Act and the Industrial Siting Rules and Regulations, the Council hereby issues an Industrial Siting Permit to the Applicant for construction and operation of the facilities described in the Request for a Waiver of Permit Application. This Permit shall be deemed to contain and be subject to conditions specified within W. S. 35-12-116 through 35-12-118, including all commitments made in the application, through testimony, mitigation agreements with local units of government, and those conditions attached hereto as Attachment I, and

   a. That the Project authorized by the permit shall be constructed and located at the site described in the application.

   b. That the Permittee shall allow entrance to the facility by authorized representative of the Industrial Siting Division with reasonable prior notice for the purposes of inspection and monitoring.

   c. That construction shall commence and follow the schedule presented in the application.

   d. Unless authorized by Rule 1 (12) of the Industrial Siting Rules, the Permit shall remain in force throughout the useful life of the Project, subject to the determination of the Administrator of the Industrial Siting Division of the Council's jurisdiction over this matter based on the opinion of the Office of the Attorney General. If the Administrator determines that the Council does not have jurisdiction over the Project this permit shall terminate and be deemed null and void.

   e. The conditions and stipulations of this permit shall become effective as of the date of execution hereof.

   f. In accordance with the authority granted to the Industrial Siting Council by W.S. 39-15-111 and 39-16-111 after receiving comments from local units of government, the Council by issuance of this permit establishes the following Impact Assistance Payments Ratio that shall be dependent upon construction of the facility: Converse County: 75.0% and Natrona County: 25%.

DONE this 15th Day of May, 2008

Shawn Warner, Vice Chair
Industrial Siting Council
Herschler Building, Fourth Floor West
122 West 25 Street
Cheyenne, Wyoming 82002
307-777-7369

Attachment I
PacifiCorp Energy Permit Conditions
DEQ/ISC 08-01

The following conditions shall apply to the PacifiCorp Energy Permit DEQ/ISC 08-01:

1. PacifiCorp Energy (Permittee) will obtain and maintain all required State and local permits and approvals in accordance with W.S. 35-12-107(j)(iii), 35-12-113(a)(i) and 35-12-115 during the term of this permit.

2. Construction must commence within two years following the date of the award of this permit.

3. Before engaging in any activity over which the Industrial Siting Council (ISC) has jurisdiction which could significantly affect the environment external to Permittee's permit area, or the social and economic conditions of the area of site influence and which was not evaluated in the permit process, the Permittee shall prepare and file an evaluation of such activity with the ISC. When in the opinion of the Director of the Department of Environmental Quality (Director), the evaluation indicates that such activity may result in significant adverse impacts that were not considered in the permit the Permittee shall file a permit amendment in accordance with W. S. 35-12-106.

4. Permittee shall develop a compliance program to ensure compliance with voluntary commitments of this Permit, testimony, agreements with local governments, and these permit conditions. A compliance coordinator shall be designated and identified to the Industrial Siting Division (ISD) prior to the onset of construction. This individual shall present himself/herself and meet with the ISD staff before construction commences and review the permit requirements with the ISD staff. This coordinator shall assume the responsibility for assuring that contractors and subcontractors are aware of and meet all permit requirements.

5. The ISC may review any adverse social or economic impacts either within or outside Converse County attributed to the Permittee:

    a. Which adversely affect the current level of facilities or services provided by the local community;

    b. Which cannot be alleviated by financing through ordinary sources of revenue, given due consideration to bonding history and capacity of the jurisdiction involved;

    c. Which were not evaluated or foreseen at the time the permit was granted and can be attributed in whole or in part to the permitted facility; and

d. Which are not or cannot be resolved by voluntary measures by industrial representatives in the community,

Then by order issued in accordance with the Wyoming Administrative Procedures Act, the ISC may require additional mitigation by Permittee in cooperation with other basic industries (existing and future) provided that:

a. A local government has requested mitigation assistance; and

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 proposed 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 contribution to the total impacts within the impacted area (as defined by W. S. 35-12-102).

6. The Permittee shall notify Industrial Siting Division when construction commences on the project.

7. The Permittee shall notify Industrial Siting Division when the physical components of the identified project are 90 percent complete.

8. As a means of adhering to W. S. 35-12-107(b)(viii) to provide preference for local and resident hiring, Permittee, contractors and subcontractors shall follow these hiring guidelines:

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

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

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. 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 application schedule; and

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 on-year period.

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 and the first year of operation. Monthly data shall include:

    a. The average and peak number of employees for the Permittee, contractors and subcontractors.

    b. Employee city and state of residency at the time of hire and the employee city and state while employed and type of residence while employed.

    c. The number of new students enrolled by grade level and school district who are related to Permittee employees, identified as either local (no change of residence) and in-migrants.

    d. Wyoming resident versus non-resident mix of workforce.

11. The Permittee shall notify the ISD of proposed significant changes to the scope, purpose, size or schedule of the project. The Director may authorize such changes if he or she finds that:

    a. The change should not result in any significant adverse environmental, social, and economic impacts in the area of site influence; and

    b. The Director has provided public notice of the proposed change and his intent to approve the request; and

    c. No party nor Council Member has requested that the matter be heard before the Council in accordance with the permit procedures of W. S. 35-12-106(c)(d).

12. The Permittee shall notify the ISC and provide an additional socio-economic analysis if actual hiring practices during construction exceed the peak number estimated in the application by more than fifteen percent (15%). If the Director determines that there is potential for significant adverse impacts, a permit amendment will be required.

13. If any cultural materials are discovered during surface disturbing work, work in the area will halt immediately, and Industrial Siting and State Historical Preservation Office staff will be contacted.

Certificate of Service

I, Tom Schroeder, hereby certify that copies (unless so indicated) of the foregoing Industrial Siting Permit and its Attachment I were served by certified mail, return receipt on this 16th Day of May, 2008.

Tom Schroeder

Tom Schroeder, Program Principal

Wyoming Department of Environmental Quality (ORIGINAL)
Industrial Siting Division

John Burbridge – Attorney for the Industrial Siting Division

Mary Throne – Attorney for PacifiCorp Energy (ORIGINAL)

Quentin Richardson – Attorney for Converse County

Eric Nelson – Attorney for Natrona County

Bobbe Fitzhugh – City Administrator

Douglas Thomas – President

Phil Hinds - City of Evansville

Clerk - Town of Glenrock

Clerk - Town of Rolling Hills