

ATTACHMENT 5

STIPULATED AGREEMENTS WITH
CRITICAL ISSUES COUNCIL

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BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 94-2

CHEHALIS POWER
Chehalis Generation Facility

STIPULATION REGARDING SURFACE
WATER RUNOFF

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

DATED this 14th day of September, 1995.

PRESTON GATES & ELLIS

CONNOLLY, HOLM, TACON & MESERVE

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

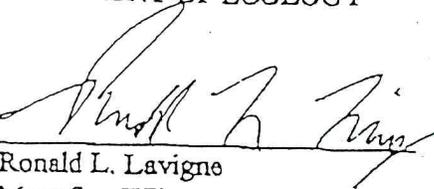
By Allen T. Miller, Jr.
Allen T. Miller, Jr.
Attorney for Critical Issues Council

STIPULATION REGARDING
SURFACE WATER RUNOFF - I
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EXHIBIT _____

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1
2 STATE OF WASHINGTON
3 DEPARTMENT OF ECOLOGY

4
5 By 

6 Ronald L. Lavigne
7 Mary Sue Wilson
8 Attorneys for Department of Ecology

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STIPULATION REGARDING
SURFACE WATER RUNOFF - 2
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7 BEFORE THE STATE OF WASHINGTON
8 ENERGY FACILITY SITE EVALUATION COUNCIL
9

10 In the Matter of
Application No. 94-2

11 CHEHALIS POWER
12 Chehalis Generation Facility
13

STIPULATION REGARDING USE OF
GROUNDWATER

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

18 DATED this 14th day of September, 1995.

19 PRESTON GATES & ELLIS
20

CONNOLLY, HOLM, TACON & MESERVE

21 By Thomas Eli Backer

22 Elizabeth Thomas, WGRA # 11644

23 Thomas Eli Backer, WGRA # 17823

24 Attorneys for Applicant

Chehalis Power
25
26

By Allen T. Miller, Jr.

Allen T. Miller, Jr.

Attorney for Critical Issues Council

STIPULATION REGARDING
USE OF GROUNDWATER - 1

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EXHIBIT _____

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

STIPULATION REGARDING
USE OF GROUNDWATER - 2

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7 BEFORE THE STATE OF WASHINGTON
8 ENERGY FACILITY SITE EVALUATION COUNCIL
9

10 In the Matter of
Application No. 94-2

11 CHEHALIS POWER
12 Chehalis Generation Facility
13

STIPULATION REGARDING WATER
USAGE METERING

14 As evidenced by the signatures of their attorneys appearing below, Chehalis Power and the
15 Critical Issues Council hereby stipulate that usage of water at the Chehalis Generation Facility will be
16 metered, and the meter readings shall be available to the public.
17

18 DATED this 14th day of September, 1995.

19
20 PRESTON GATES & ELLIS

CONNOLLY, HOLM, TACON & MESERVE

21 By Thomas Eli Backer
22 Elizabeth Thomas, WSEA # 11544
Thomas Eli Backer, WSEA # 17623
23 Attorneys for Applicant
Chehalis Power
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By Allen T. Miller, Jr.
Allen T. Miller, Jr.
Attorney for Critical Issues Council

STIPULATION REGARDING
WATER USAGE METERING - 1 EXHIBIT
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6 BEFORE THE STATE OF WASHINGTON
7 ENERGY FACILITY SITE EVALUATION COUNCIL
8

9 In the Matter of
10 Application No. 94-2

11 CHEHALIS POWER
12 Chehalis Generation Facility

STIPULATION REGARDING
DEPOSITION OF SLUDGE

13
14 As evidenced by the signatures of their attorneys appearing below, Chehalis Power and the
15 Critical Issues Council hereby stipulate that Chehalis Power will comply with all applicable state and
16 federal requirements with regard to the final deposition of all sludge produced through the treatment
17 of wastewater and from demineralizing feed water and that all such sludge will go to a site that is
18 allowed by law to receive such material.

19 DATED this 14th day of September, 1995.

20
21 PRESTON GATES & ELLIS

CONNOLLY, HOLM, TACON & MESERVE

22
23 By Thomas Eli Backer
24 Elizabeth Thomas, WESA # 11644
25 Thomas Eli Backer, WESA # 17623
Attorneys for Applicant
Chehalis Power

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

26
STIPULATION REGARDING
DEPOSITION OF SLUDGE - 1

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EXHIBIT _____

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1 BEFORE THE STATE OF WASHINGTON
2 ENERGY FACILITY SITE EVALUATION COUNCIL
3

4 In the Matter of:

5 AMENDMENT REQUEST NO. 1 TO THE
6 CHEHALIS GENERATION FACILITY SITE
CERTIFICATION AGREEMENT

7 CHEHALIS POWER GENERATING
8 LIMITED PARTNERSHIP

9 CHEHALIS GENERATION FACILITY

STIPULATION NO. 1 BETWEEN
CHEHALIS POWER AND CRITICAL
ISSUES COUNCIL

10
11 Chehalis Power Generating Limited Partnership (Chehalis Power or CP) and the Critical
12 Issues Council (CIC) respectfully submit the following stipulation. Pursuant to the CIC's Answer to
13 Chehalis Power's Motion to Exclude Certain Issues¹ and Chehalis Power's Reply to Ecology's, Fish
14 & Wildlife's, Counsel for the Environment's, and Critical Issues Council's Responses to Chehalis
15 Power's Motion to Exclude Certain Issues from Adjudicative Hearing and to Refine Certain Issues
16 for the Adjudicative Hearing², the Chehalis Power and CIC stipulate as follows:

17 I. Chehalis Power agrees that no new types of chemicals or hazardous materials will be
18 introduced into operations at the Chehalis Generating Facility as a result of the change to an air-
19 cooled system.

20 II. The CIC agrees to withdraw the following issues as stated on Consolidated Issues
21 List No. 1, from the present proceeding:

22 44. What will be the new increased decibels levels and what mitigation is in place? (CIC

23 ¹ See Critical Issues Council's Answer to Chehalis Power's Motion to Exclude Certain Issues, page 13-14 ("The CIC
agrees to withdraw these issues provided Applicant stipulates no new chemicals or other materials will be introduced as
24 result of air cooling.").

25 ² See Chehalis Power's Reply to Ecology's, Fish & Wildlife's, Counsel for the Environment's, and Critical Issues
26 Council's Responses to Chehalis Power's Motion to Exclude Certain Issues from Adjudicative Hearing and to Refine
Certain Issues for the Adjudicative Hearing, page 6, footnote 8 ("Chehalis Power will enter into the stipulation requeste
by the CIC regarding issues 44 and 46, provided that the CIC's withdrawal of the issues operates as a dismissal with
prejudice of the issues.").

STIPULATION NO. 1 BETWEEN
CHEHALIS POWER AND CRITICAL
ISSUES COUNCIL - 1

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Ex. No. 1

1 46. What kinds and amounts of chemical will be used and stored on site for this air
2 cooled facility and what kind of spill proof prevention measures will be taken? ()

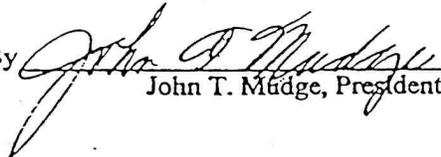
3 III. The parties agree that the withdrawal of issues 44 and 46 operates as a dismissal with
4 prejudice of these issues.

5 DATED this 15 day of May, 2000.

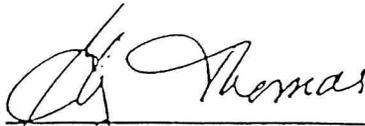
6 CRITICAL ISSUES COUNCIL

PRESTON GATES & ELLIS LLP

7
8
9 By


John T. Mudge, President

By


Elizabeth Thomas, WSBA # 11544
Thomas E. Backer, WSBA # 17623
Myriam Jaidi, WSBA # 28234
Attorneys for Applicant
Chehalis Power Generating, L.P.

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STIPULATION NO. 1 BETWEEN
CHEHALIS POWER AND CRITICAL
ISSUES COUNCIL - 2

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1 BEFORE THE STATE OF WASHINGTON
2 ENERGY FACILITY SITE EVALUATION COUNCIL
3

4 In the Matter of:

5 AMENDMENT REQUEST NO. 1 TO THE
6 CHEHALIS GENERATION FACILITY SITE
CERTIFICATION AGREEMENT

7 CHEHALIS POWER GENERATING
8 LIMITED PARTNERSHIP

9 CHEHALIS GENERATION FACILITY

STIPULATION NO. 2 BETWEEN
CHEHALIS POWER AND CRITICAL
ISSUES COUNCIL

10 Chehalis Power Generating Limited Partnership (Chehalis Power or CP) and the Critical
11 Issues Council (CIC) respectfully submit the following stipulation. Pursuant to the CIC's request at
12 the Prehearing Conference on May 22, 2000, Chehalis Power stipulates that it will provide the CIC
13 with the same notice to be provided to the Department of Fish & Wildlife pursuant to Exhibit 2. In
14 exchange, the CIC agrees to assent to the Council's adoption of the provisions of Exhibit 2.
15

16 DATED this 23rd day of May, 2000.

17 CRITICAL ISSUES COUNCIL

PRESTON GATES & ELLIS LLP

18
19
20 By JS
John T. Mudge, President

By Elizabeth Thomas
Elizabeth Thomas, WSBA # 11544
Thomas Eli Backer, WSBA # 17623
Myriam Jaidi, WSBA # 28234
Attorneys for Applicant
Chehalis Power Generating, L.P.

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STIPULATION NO. 2 BETWEEN
CHEHALIS POWER AND CRITICAL
ISSUES COUNCIL - 1

Exhibit 5, page 1