



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

September XX, 2024

John Hanks
Cypress Creek Renewables
3402 Pico Blvd
Santa Monica, CA 90405

RE: Coverage under the Construction Stormwater General Permit (CSWGP) for the Ostrea Solar facility

Dear Mr. Hanks:

The Energy Facility Site Evaluation Council (EFSEC) received your Notice of Intent (NOI) for coverage under the Washington State Department of Ecology (Ecology) National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit (CSWGP). Revised Code of Washington (RCW) 80.50 and RCW 90.48, and Washington Administrative Code (WAC) 463-76-005 and WAC 463-76-010(27), authorize EFSEC to grant coverage under this general permit issued by Ecology. Permit compliance will be governed by applicable provisions of RCW 80.50, RCW 90.48, WAC 173-201A, WAC 463-76, and WAC 463-70. This is your letter of coverage. Your CSWGP coverage is effective **XX/XX/2024**.

Please retain this permit coverage letter with your permit, stormwater pollution prevention plan (SWPPP), and site log book. These materials are the official record of permit coverage for your site.

Except where noted below, all references to “Ecology” or “the department” within the CSWGP mean “EFSEC” or “the Council.” All references to the “Director” mean the “the Council”. This includes any instances of reporting, documentation requirements, and permissions.

All conditions of the CSWGP apply except as specifically modified below for compliance with EFSEC’s authorities and regulations. Please take time to read the entire permit and contact EFSEC if you have any questions.

Special Conditions Modifications

S2 Application Requirements

1. EFSEC received CCR's NOI as part of an application for site certification under RCW 80.50.060 and WAC 463-76-031. RCW 80.50 governs this application therefore the procedural requirements of **Condition S2** do not apply to this initial coverage. Permittee will follow the requirements in WAC 463-76-061 to reapply for coverage.
2. **Condition S2.A.2** does not apply to this permit coverage.
3. The following sentence is substituted for Condition S2.B in its entirety:
Public notice for this permit coverage is governed by the site certification procedure in RCW 80.50, and, in the case of reissuance, WAC 463-76-041 & 042.

S3.C.2 Compliance with Standards

For the purposes of Special Conditions S3.C.2, S4.B.1, S9.C, and S9.D.13.d; General Condition G25.A.1; as well as for the Definitions in this permit, the referenced stormwater management manuals are those approved by the Ecology.

S4.C.5.b. Monitoring Requirements, Benchmarks, and Reporting Triggers

The following requirement is added to Condition S4.C.5.b.:

When phone reporting is required, dual notification shall be made to both EFSEC and Ecology. Notification to Ecology shall be made in accordance with Special Conditions S4.C.5.b.i. Notification to EFSEC shall be made via phone at (360) 664-1345.

S5.A High Turbidity Reporting

The following requirement is added to Condition S5.A.:

Whenever a report is required under this condition, dual notification to both EFSEC and Ecology shall be made. Notification to EFSEC shall be made via phone at (360) 664-1345. Notification to Ecology shall be made in accordance with Special Condition S5.A.

S5.B Discharge Monitoring Reports

The following requirement is substituted for Condition S5.B. in its entirety:

Permittees required to conduct water quality sampling in accordance with Special Conditions S4.C (Turbidity/Transparency), S4.D (pH), S8 (303(d)/TMDL sampling), and/or G13 (Additional Sampling) must submit the results to both Ecology and EFSEC. The first monitoring period begins at the commencement of construction of the facility. The falsification of information submitted to the Council shall constitute a violation of the terms and conditions of the Site Certification Agreement.

Permittees must submit monitoring data to Ecology electronically using Ecology's WQWebDMR web application accessed through Ecology's Water Quality Permitting Portal. To find out more information and to sign up for WQWebDMR go to: <http://www.ecy.wa.gov/programs/wq/permits/paris/portal.html>.

In addition to reporting through WQWebDMR, permittee must submit a signed paper copy of the DMR to the Council at the following address:

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

Permittees shall submit DMR forms to be received by EFSEC within 15 days following the end of each month.

If there was no discharge during a given monitoring period, all Permittees must submit a DMR as required with "no discharge" entered in place of the monitoring results. DMRs are required for the full duration of permit coverage (from issuance date to termination).

S5.F Noncompliance Notification

The following requirements are **added** to **Condition S5.F.:**

All notifications under this condition shall be made to both Ecology and EFSEC. Notifications to Ecology should follow the procedures in S5.F.1 and S5.F.3.

4. All phone notifications required by this section must also be made to EFSEC via phone at (360) 664-1345. Any notification required to be sent to Ecology via paper copy or via WQWebPortal must also be sent via paper copy to EFSEC at:
EFSEC
P.O. Box 43172
Olympia, WA 98504-3172
5. Sampling and analysis of any violation must be repeated and results submitted to the EFSEC within 30 days of the permittee becoming aware of the violation;
6. A detailed written report must be submitted to EFSEC within 30 days, unless requested earlier by the Council, describing the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

S6. Permit Fees

Condition S6 does not apply to this permit coverage.

S10.B Notice of Termination

The following requirement is **substituted** for **Condition S10.B** in its entirety:

When the site is eligible for termination, the Permittee must submit a complete and accurate Notice of Termination (NOT) form, signed in accordance with General Condition G2, to:

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

EFSEC will review the NOT for consistency with the requirements of Condition S10.A and notify the Permittee if the NOT is approved or denied.

Permittee is required to comply with all conditions and effluent limitations in the permit until the permit has been terminated.

Transfer of coverage may only be authorized by the Council.

General Conditions Modifications

G2. Signatory Requirements

For the purpose of compliance with Condition G2.B, all reports and information requested must be provided to both EFSEC and Ecology, and shall be signed by a person described in Condition G2.A, or by a duly authorized representative of that person. Authorization of a representative is made in writing, and submitted to both EFSEC and Ecology and specifies an individual or position as described in G2.B.2.

For the purpose of compliance with Condition G2.C, in the event of a change in personnel or organization such that the above authorization is no longer accurate, new authorization must be submitted to both EFSEC and Ecology either prior to or together with any reports, information, or applications signed by an authorized representative.

G3. Right of Inspection and Entry

For the purpose of compliance with Condition G3, the permittee must allow inspection and entry by an authorized representative of either Ecology or EFSEC, upon presentation of credentials and other such documents as may be required by law.

G.5 Revocation of Coverage under the Permit

The following is substituted for Condition G5 in its entirety:

Coverage under this permit may be modified, revoked and reissued, or terminated in accordance with the provisions of Washington Administrative Code (WAC) 463-76-062 applicable to individual permit modification, revocation and termination. Grounds for modification, revocation and reissuance, or termination of coverage include, but are not limited to, the causes listed in WAC 463-76-055(2).

G8. Duty to Reapply

For the purpose of compliance with Condition G8, the Permittee must reapply by submitting an NOI to EFSEC, not Ecology, and follow the requirements of WAC 463-76-061.

G13. Penalties for Violating Permit Conditions

The following is **substituted** for **Condition G13** in its entirety:

Enforcement actions for violations of this permit, including the issuance of penalties, shall be consistent with RCW 80.50.150, RCW 80.50.155, RCW 90.48, WAC 463-70 and WAC 463-76.

G23. Appeals

The following is **substituted** for **Condition G23** in its entirety:

The terms and conditions of coverage under this permit, prepared as part of an application for site certification, are subject to judicial review pursuant to RCW 80.50.140. The Council's reissuance, modification, or revocation of the permit is subject to judicial review pursuant to the provisions of RCW 34.05 (WAC 463-76-063).

Questions or Additional Information

If you have questions regarding stormwater management at your construction site, please contact Sara Randolph of EFSEC at (360) 485-1594 or by email.

Sincerely,

Kathleen Drew
Chair
Energy Facility Site Evaluation Council

Attachment: Department of Ecology - Construction Stormwater General Permit

cc: Sonia Bumpus, EFSEC
Ami Hafkemeyer, EFEC
Sara Randolph, EFSEC
John Barnes, EFSEC
Lloyd Stevens, ECY
Mark Peterschmidt, ECY
Nicole Flournoy, CCR
Meredith Weatherly, CCR