



LONESOME CREEK GAS PLANT PROJECT (PU-14-218) Permit Compliance Final Inspection Report





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1 EXECUTIVE SUMMARY

The North Dakota Public Service Commission (Commission) retained Houston Engineering, Inc. (HEI) to complete a construction inspection of the Lonesome Creek Gas Plant (Project), an energy conversion facility located approximately 13 miles southwest of Watford City in McKenzie County, North Dakota. The plant will process up to 200 million standard cubic feet of gas per day. The Project is owned and operated by ONEOK Rockies Midstream, L.L.C. (ONEOK). The Plant construction was completed in November 2015 (Docket No. 89) and start-up activities began at that time. The last weekly construction progress report was submitted June 13, 2016 for the week ending May 16, 2016 (Docket No. 94) whereby the plant production was steady, ONEOK was continuing to work on warranty items, and the company was working with local USDA to identify suitable areas for tree plantings. At that time, it was noted that full restoration and planting of trees would occur in spring 2016.

HEI reviewed all project documents to identify those aspects of the Project that required compliance. Visual inspection of the project was conducted April 2, 2015 and November 14, 2016. The focus of the first site visit in April 2015 was to assess compliance with the North Dakota Pollutant Discharge Elimination System (NDPDES) Construction Stormwater permit, and Spill Prevention, Control and Countermeasure (SPCC) regulations. Erosion controls and other best management practices were reviewed at that time and no major issues were identified at that time. The focus of the most recent and final field inspection was to assess the site for erosion control issues.

During the final inspection, HEI concluded that the affected areas have not been restored to *as near as is practicable to the condition as it existed prior to the beginning of construction* (Certification Relating to Order provisions, ¶25). Erosion and seeding issues were identified as the majority of the site has not been reseeded and was bare ground. In addition, the southwest portion of the site, south of the retention pond was still being graded by the contractor. All disturbed areas inside the access road, in the western portion of the site were not restored and no voluntary vegetation existed. In contrast, the fenced area on the eastern portion of the site had been restored and no notable problems observed except a couple low spots that were bare, possibly due to previous standing water.

The site is divided into the western and eastern portions divided by a natural drainageway. Scour was observed in this channel, most notably in areas of concentrated flow and where the channel makes a 90-degree turn. At the entrance of the site, the areas were not restored resulting in considerable erosion and damage to the silt fence. Sediment had been removed from behind the silt fence as it prevented sediment from leaving the site. During the field visit, ONEOK representatives expressed that they were in the process of restoring the disturbed areas, although with gas equipment, there are some risks associated with having a mower operating in the area. ONEOK personnel expressed that they were in the process of determining best course of action to finish these areas.

In conclusion, the Project is currently not in compliance with all the provisions set forth by the Commission due to the incomplete site restoration. The Commission may elect to require ONEOK to complete restoration activities and conduct subsequent field verifications to ensuring the establishment of sustainable vegetation at the Project site.



2 INTRODUCTION AND BACKGROUND

2.1 PROJECT BACKGROUND

ONEOK Rockies Midstream, L.L.C. (ONEOK) filed with the Commission an application for a certificate of site compatibility to authorize construction of its proposed Lonesome Creek Gas Plant (Project). The Project is located on a 160-acre tract of land that would be used for the construction, operation, and maintenance of a 200 million standard cubic feet per day gas processing plant in McKenzie County, North Dakota. This energy conversion facility is located approximately 13 miles southwest of Watford City in McKenzie County. The Project will be owned and operated by ONEOK. The Project is under the jurisdiction of the North Dakota Public Service Commission (Commission), which issued its Order in Case No. PU-14-218.

On April 21, 2014, ONEOK filed an application for a Certificate of Site Compatibility to authorize construction of the Project (Docket No. 1). On May 1, 2014, the Commission deemed ONEOK's applications complete and issued a Notice of Filings and Notice of Hearing for June 18, 2014 (Docket No. 6 and 7). The Commission issued its Findings of Fact, Conclusions of Law and Order on July 10, 2015 for Case No. PU-14-218, ONEOK Rockies Midstream, L.L.C., Lonesome Creek Gas Plant Project in McKenzie County, North Dakota. The Order granted ONEOK's request and issued the Certificate of Site Compatibility No. 40 designating an energy conversion facility site for ONEOK Rockies Midstream, L.L.C.; and a Certification Relating to Order Provisions-Energy Conversion Facility Siting executed on June 4, 2014 (Docket No. 25).

2.2 PURPOSE OF THIS REPORT

The North Dakota Energy Conversion and Transmission Facility Act (North Dakota Century Code (NDCC) Chapter 49-22) authorizes the Commission to determine that the location, construction, and operation of jurisdictional energy conversion and transmission facilities will produce minimal adverse effects on the environment and the welfare of citizens of North Dakota. Post-construction inspections ensure that such projects are constructed in compliance with the siting laws (NDCC, Chapter 49-22) and rules (North Dakota Administrative Code (NDAC) Article 69-06) and the applicable Commission Findings of Fact, Conclusions of Law, and Order (Order). The Commission retained HEI to complete a construction inspection of the Project.

2.3 METHODS OF INSPECTION

2.3.1 PROJECT COMPLIANCE ITEMS IDENTIFIED & REVIEW OF DOCUMENTATION

HEI identified project provisions in the order and verified compliance through written documentation from observations recorded during on-site inspections and from a desktop review of the online case file no. PU-14-218. The Project *Findings of Fact, Conclusions of Law and Order and the Certification Relating to Order Provisions for Transmission Facility Siting* (July 10, 2014) provides these project provisions (Docket No. 27).



2.3.2 ON SITE INSPECTION

HEI conducted two (2) compliance site visits throughout the construction period, one on April 2, 2015 and the second on November 14, 2016. Inspections were coordination with ONEOK staff and included safety briefing and site tours accompanied by ONEOK staff.

The first site visit was conducted during active construction and was reported to the Commission on April 27, 2015 (Docket No. 64). The focus of the first compliance inspection was to inspect compliance with the NDPDES Construction Stormwater permit and SPCC regulations. Erosion controls and best management practices were reviewed to assess effectiveness and compliance with applicable regulations. Silt fence was in place along the downstream extent of the project as perimeter control. Straw bales and rock checks were spaced within the drainage ditches to slow the flow of water and prevent scour. Steep slopes were temporarily stabilized with an erosion control blanket. Hazardous chemicals and petroleum products used onsite for construction or equipment maintenance were stored in plastic or metal secondary containment systems. Spill kits were positioned at strategic locations around the site. Photographs taken during the first site visit are provided in **Appendix B**.

The main purpose of the final compliance inspection was to assess the restoration activities. Details of that compliance inspection is addressed in **Section 3** of this report. A compliance review based on provisions set forth in the project *Certification Relating to Order Provisions* is summarized in the Compliance Review Table located in **Appendix A**.



3 FINDINGS

3.1 SUMMARY OF FINAL SITE VISIT

The final site inspection was completed on November 14, 2016 by Mr. Andrew Vistad, Civil Engineer, Houston Engineering, Inc. (HEI). Mr. Vistad coordinated with Mr. Chase Edimiston from ONEOK while on site. The final site visit involved a full site tour of the Project areas and observations of the restoration activities. Photographs were taken and locations documented in **Appendix C**, Site Photography; and **Exhibit 1**, Site Map.

Note: ONEOK has a policy for no electronics within the gas plant and no filming inside fenced areas. Due to this policy, photographs documenting the site features are limited.

Photographs 1 and 2 were taken at the site entrance. This area has not been restored and considerable erosion was evident. The silt fence in this area was observed to be in disrepair. The sediment appears to have been removed from behind the silt fence and it appears to be preventing sediment from leaving the site.

3.2 SITE INFORMATION

3.2.1 DESIGNATED LOCATIONS

The Gas Plant was built in the designated location as described and shown in the Application. The as-built map for the Project and the initial engineering drawings presented in the Application coincide except for the access road. It appears the site access was slightly modified to a singular entrance lane which divides into two entry lanes at the entrance to the plant. The as-built drawings were reviewed in relation to the on-the-ground infrastructure of the facility and appeared to coincide.

3.2.2 SITING CRITERIA

Siting criteria were analyzed in detail in the Application for the Project. There were no exclusion areas identified within the site or within the 1-mile study area buffer for the Project. There were no avoidance areas except for woodlands and wetlands located outside of the immediate project area, but within the 1-mile study area from the Project (Docket No. 1, *Certificate Application*, page 16-18). These areas were avoided during the construction of the Project.

3.2.3 LAND USE AND AGRICULTURAL IMPACTS

The Project removed approximately 160 acres of tillable land from agricultural production. This parcel represents the minimum amount of surface area necessary to develop the gas processing capacity with current design specifications while maintaining minimum spacing requirements for the equipment, and installation of the auxiliary equipment and infrastructure including a flare, power substation, roads, and an office building. The property was acquired through a purchase agreement negotiated by ONEOK and the landowner. The project site was re-zoned from a family farm/rangeland land use to an industrial use.



3.3 PROJECT DESIGN AND ENGINEERING

3.3.1 ENGINEERING DESIGN DRAWINGS

Engineering documents were provided to the NDPSC as appendices to the Application for Certificate of Corridor Compatibility (Docket No. 1, Appendix B). As-built alignment drawings were filed on October 31, 2016 (Docket No. 92).

3.4 PRE-CONSTRUCTION

3.4.1 PSC-REQUIRED DOCUMENTS

The Application for Certificate of Site Compatibility was submitted on April 21, 2014. (Docket No. 1). The PSC issued Certificate of Site Compatibility No. 40 on July 10, 2014 (Docket No. 25).

3.4.2 PRE-CONSTRUCTION CONFERENCE/WEEKLY UPDATES

The pre-construction conference call took place July 18, 2014. Meeting minutes from the pre-construction conference call were filed on July 18, 2014 (Docket No. 31). Construction reports were filed weekly during construction (Docket No's. 35-37, 40-41, 43-63, 66, 68-70, 72-94).

3.4.3 PERMITS AND APPROVALS FROM OTHER AGENCIES

No documentation is found within the project file that indicates additional permits were required as part of this Project, and no additional information regarding permitting details was submitted to the Commission.

3.4.4 COMMISSION APPROVAL OF MODIFICATIONS

There were no notifications to modify the energy conversion facility filed to date. Observations of on-the-ground infrastructure coincided with the information contained in the Application.

3.5 CULTURAL RESOURCES

3.5.1 CULTURAL SITE AVOIDANCE

The North Dakota State Historical Society reviewed the Class III Cultural Resources Survey for the project site and concurred with the "No Significant Sites" determination (Docket No. 1), provided the Project remains as described in the Application. HEI concludes that the Project was constructed as described in the Application, resulting in no impacts to cultural resources.

3.5.2 REPORTING OF NEW DISCOVERIES


No new discoveries of cultural, archeological, or historical sites were reported to the Commission during construction, and no discoveries were noted on the weekly construction reports for the Project. Based on this information, it is concluded that no new sites were encountered during construction of the Project.

3.6 NATURAL RESOURCES

3.6.1 WETLANDS, SURFACE WATER, AND FLOODPLAIN

Water resources on the site include one ephemeral stream (drainageway). Field evaluation of this feature determined that this stream lacked the physical characteristics necessary to be considered a regulated





waterway (Certificate Application, page 18). As observed during the most recent field visit, the western fenced area is separated from the eastern fenced area by this drainageway. Storm water that originally travelled through the site and has been rerouted around the site. For the storm water re-routed on the northern portion of the site, concentrated flows have resulted in some scour around the rip-rap that was placed in the channel. Most of the scour occurs where the channel makes a 90-degree turn.

3.6.2 RARE, THREATENED AND ENDANGERED SPECIES REPORTING

There were no reports filed documenting the presence of threatened or endangered species. No bald or golden eagles were sited during construction.

3.6.3 TREE AND SHRUB MITIGATION

The site was originally characterized as having no trees or shrubs. The Project complies with the Tree and Shrub Mitigation Specifications (attached to the Certification Relating to Order Provisions).

3.7 CONSTRUCTION, RECLAMATION & SOILS

3.7.1 EROSION AND SEDIMENTATION CONTROL

A Construction Stormwater permit was obtained by ONEOK (Docket No. 71) and a Construction SWPPP was developed (viewed during the first compliance site visit), though it is not included in the project case file. The SWPPP document is to remain on-site for the duration of the Project construction, and ONEOK is required to implement the provisions in the SWPPP to manage storm water run-off.

As noted during the construction inspection, the site has considerable erosion and restoration issues.

- Revegetation efforts have not been conducted throughout majority of the site.
 - Seeding has occurred in the eastern fenced-in area of the site and appears to be well established, except for a couple low, bare spots.
 - No seeding has occurred in the western portion of the site inside the access road.
- Scour was observed in both the northern portion of the drainage channel and at the channel's 90-degree bend.
- There is a small spoil pile contacting rocks and other soil in the very southwest portion of the site (**Exhibit 1** shows location). Grading activities were still taking place in this area of the project site.
- The on-site retention pond had some water in it as observed during the November 14, 2016 site visit. There was no seeding observed on the bottom or side-slopes of the pond.
- The construction laydown area was covered with scoria, which ONEOK expressed would be removed and the area restored.
- Side slopes around the side of the adjacent lands appear to be steeper than 3:1 slopes. All slopes appear to be well vegetated and have minimal erosion.
- The entrance of the site has not been seeded and there is considerable erosion. The silt fence in this area has not been maintained, though it appears to be functional and is preventing sediment from leaving the site.

3.7.2 RECLAMATION AND ROADS

Roads accessing the site appeared to be in a condition typical for the area and do not appear to have been impacted during construction.



3.7.3 RESEEDING

The Order Provisions stated that reclamation, fertilization, and reseeded is to be done per Natural Resources Conservation Service (NRCS) recommendations, unless otherwise specified by the landowner and approved by the Commission (Certification Relating to Order Provisions, ¶17). ONEOK's obligation for reclamation and maintenance of the approved site will continue throughout the life of the energy conversion facility (Certification Relating to Order Provisions, ¶18). ONEOK agreed to restore the area affected by the construction activities to near pre-construction conditions upon completion of the construction of the energy conversion facility, as soon as practicable (Certification Relating to Order Provisions, ¶25).

The majority of the disturbed areas on the site, except for the areas directly encompassing the gas plant building and associated facilities, have not been restored to their original condition. HEI has observed little evidence of restoration (seeding/reseeding) activities. As such, site restoration is determined to be incomplete.

3.7.4 REPAIRS

No damage to property was observed during the site inspections.

3.7.5 WASTE

The Project area was free of construction debris and equipment.

3.8 OPERATION

3.8.1 OPERATION AND MAINTENANCE

The site appeared to be operated and maintained as described in the Application.

3.8.2 SAFETY AND RECORD-KEEPING

No concerns were identified during the site inspection that would indicate the Project construction or operation was out of compliance with the Application or applicable safety regulations. Weekly construction reports document near-misses and accidents resulting in injury that occurred during the construction of the project; these are listed below. No fatalities resulted in the construction of the project.

- Week ending August 4, 2015 (Docket No 81): *Gasket failed during a pneumatic test. No injuries or equipment damage occurred.*
- Week ending July 5, 2015 (Docket No. 78): *Tele-handler came into contact with structural steel and damaged a cross beam. A spotter was in use – no injuries.*
- Week ending March 6, 2015 (Docket No. 61): *Contractor smashed pinkie finger between two shackles – 7 stitches required. Employee was released back to work. Reviewed rigging procedures on site to mitigate future incidents.*
- Week ending February 6, 2015 (Docket No. 58): *Near miss – excavator hit an underground, de-energized power line. No injuries or damage to equipment other than the line itself.*
- Week ending January 23, 2015 (Docket No. 56): *Heated argument between two employees led to their dismissal from site.*
- Week ending December 12, 2014 (Docket No. 51): *Near miss – piece of equipment backed into a UTV causing minimal damage to the UTV. No injuries. Stand down to review and emphasize site safety.*
- Week ending December 4, 2014 (Docket No. 51): *Near miss trackhoe slid on ice and made contact with unoccupied UTV. No injuries*



3.8.3 PUBLIC COMPLAINTS

No public complaints regarding the Project have been filed to date.

3.8.4 PUBLIC SAFETY

Access to the Project components is controlled by ONEOK. Access to the Project is controlled with fencing and natural site features. The ONEOK field office provides access control to the Project area. The fenced areas are locked and monitored by ONEOK employees. Before access is allowed into these secure areas, a safety class is required and all proper personal protective equipment (PPE) must be worn. Safety concerns regarding the public appear to be minimal.

4 CONCLUSIONS

4.1 FINAL CONCLUSIONS

Overall, the Project appears to have been constructed as designed, with minimal impacts to the surrounding natural or human environment. ONEOK still must complete the site restoration (Certification Relating to Order Provisions, ¶17). There were erosion and seeding issues observed throughout the site. The Commission may elect to require ONEOK to undergo prompt restoration activities as required under Certification Relating to Order Provisions, ¶25, followed by subsequent field inspections after reclamation has occurred and again after the passing of another growing season. The purpose is to ensure establishment of sustainable vegetation.

There is no tree or shrub mitigation needed.

All permits have been filed and there are no missing permits in the case file, except for the SWPPP.

As such, HEI concludes that the ONEOK Rockies Midstream, L.L.C., Lonesome Creek Gas Plant Project construction is complete except for the site restoration activities. ONEOK should complete the restoration activities in accordance with Order Provisions ¶17 and Order Provision ¶25 as soon as practicable as ordered by the North Dakota Public Service Commission.

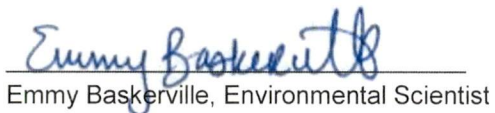


5 SIGNATURES

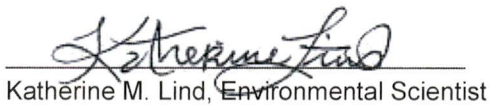
The services provided by HEI scientists and engineers for this Project have been conducted in a manner consistent with the degree of care and technical skill appropriately exercised by professionals currently practicing in this area under similar time and budget constraints. Recommendations and findings contained in this report represent our professional judgement and are based upon available information, our compliance inspections, and technically accepted practices. Other than this, no warranty is implied or expressed.


Barton Schultz, Project Manager

12/21/2016
Date


Emmy Baskerville, Environmental Scientist

12/21/2016
Date


Katherine M. Lind, Environmental Scientist

12/21/2016
Date



6 REFERENCES

North Dakota Public Service Commission (NDPSC) 2016. Online Case Search. Available from: <http://psc.nd.gov/public/casearch/>. Accessed December 4, 2016.

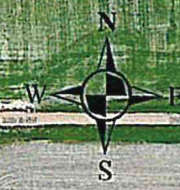




EXHIBIT A: SITE MAP

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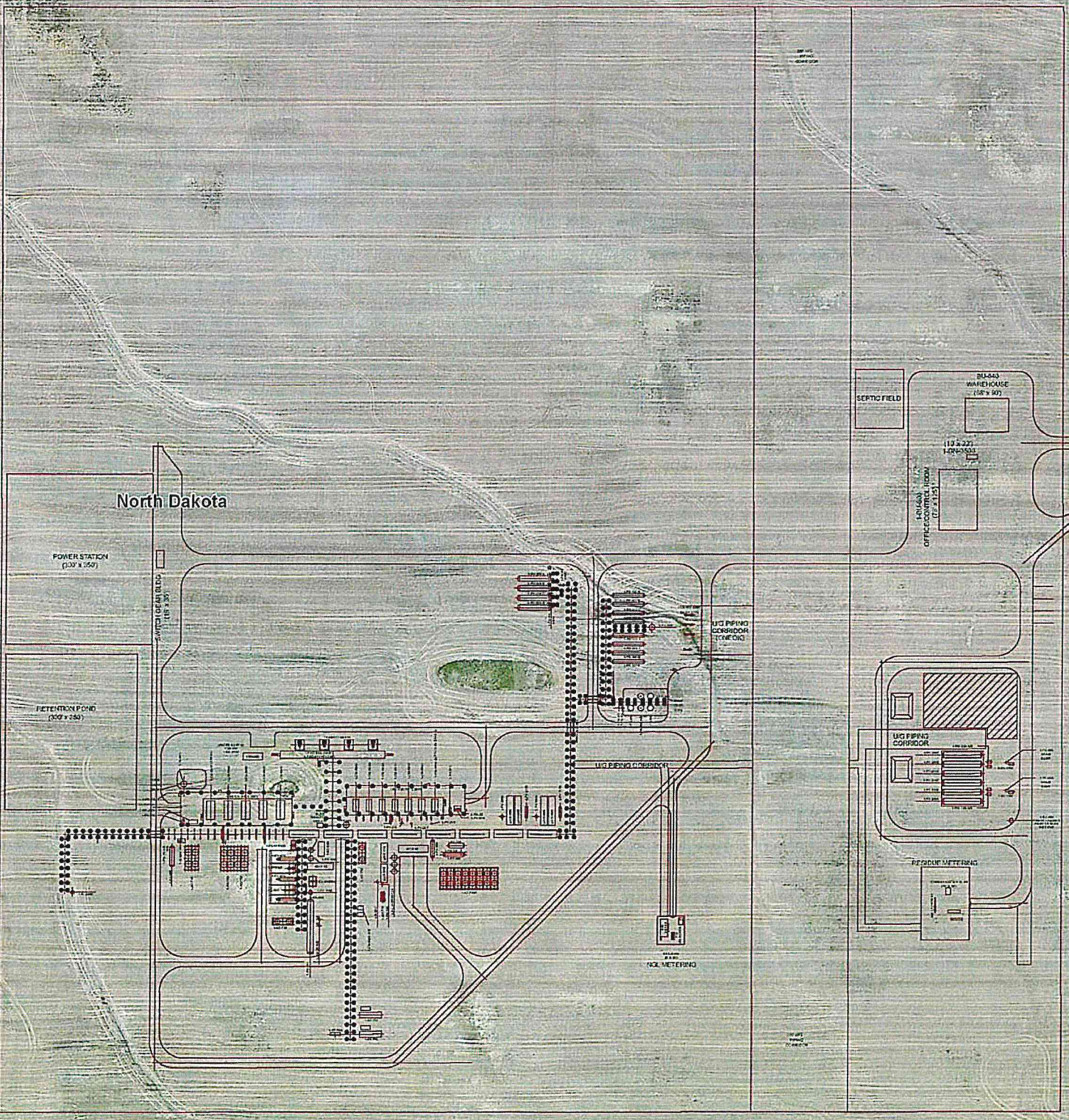


T150N R101W

McKenzie Co.

North Dakota

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Lonesome Creek Plant



APPENDIX A: COMPLIANCE REVIEW

Permit Conditions/Order Provisions	Compliance	Verification and Discussion
SITING and LOCATION		
<p>Findings of Fact, ¶3-6</p> <p><i>“(3) The Plant will have a design capacity of 200 million cubic feet per day. ... (4) The Plant will be constructed on a 160-acre plot in the NE ¼ of Sec. 36, T150N, R101W. (5) The Plant will process associated natural gas from oil production wells connected to ONEOK’s gathering system. ... (6) The Plant will include underground piping, above-ground piping, and above-ground gas processing facilities.”</i></p>	Yes	The project appears to have been constructed as proposed in the project Application and Amendment of Application for Route Permit, and as ordered.
<p>Certification Relating to Order Provisions, ¶4 – Permits</p> <p><i>“...obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the energy conversion facility that requires said license or permit.”</i></p>	Yes, but incomplete case file	The project case file has been reviewed and appears complete with all necessary permits filed. (Docket No’s. 39, 42, 71), with the exception of the project SWPPP.
PRE-CONSTRUCTION		
<p>Certification Relating to Order Provisions, ¶2 – Pre-Construction</p> <p><i>“...preconstruction conference prior to commencement of any construction...”</i></p>	Yes	Preconstruction conference took place on July 18, 2014 and was file that day under the case file, Docket No. 31.
CULTURAL RESOURCES		
<p>Certification Relating to Order Provisions, ¶11 - Cultural</p> <p><i>“...all cultural resource mitigation plans must be submitted to the ND SHPO and approved prior to the start of any fieldwork and construction activity in the affected area.”</i></p>	Yes	The project did not require any cultural resource mitigation plans as there were no cultural resources within the project area.





Permit Conditions/Order Provisions	Compliance	Verification and Discussion
<p>Certification Relating to Order Provisions, ¶12 - Cultural</p> <p><i>"...if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made by the State Historical Society, a report of such examination is filed with the Commission, and clearance to proceed is given by the Commission. "</i></p>	<p>Yes</p>	<p>No cultural resources or paleontological/archeological site were discovered during the construction of the project.</p>
NATURAL RESOURCES		
<p>Certification Relating to Order Provisions, ¶10</p> <p><i>"...report promptly to the Commission the presence in or near the approved site of any critical habitat of threatened species, endangered species, bald eagles, or golden eagles that Company becomes aware of and which were not previously reported to the Commission."</i></p>	<p>Yes</p>	<p>No protected species/habit were encountered during the construction of the project.</p>
CONSTRUCTION and SOILS		
<p>Certification Relating to Order Provisions, ¶13 – Roads</p> <p><i>"...all buried facility crossings of graded roads shall be bored unless the responsible governing agency specifically permits Company to open cut the road."</i></p>	<p>Yes</p>	<p>No road cuts observed.</p>
<p>Certification Relating to Order Provisions, ¶14 – Roads</p> <p><i>"...all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the energy conversion facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition."</i></p>	<p>Yes</p>	<p>All pre-existing roads were observed in conditions to be typical for the area and do not appear to have been adversely impacted by the construction of the project.</p>



Permit Conditions/Order Provisions	Compliance	Verification and Discussion
<p>Certification Relating to Order Provisions, ¶16 - Topsoil</p> <p><i>“...all topsoil, at least 12 inches of topsoil, where available (or topsoil to the depth of cultivation, whichever is greater), over and along areas where facilities will be placed must be stripped and segregated from subsoil. Any area on which excavated subsoil will be placed must first be stripped of topsoil. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must not be placed within the footprint of the facilities, and must be placed over areas containing topsoil.”</i></p>	Undetermined	<p>Topsoil activities were not observed during the construction of the facility.</p> <p>In general, the site topography appeared to be maintained and disturbed areas were blended to grade into existing topography.</p>
RESTORATION and MAINTENANCE		
<p>Certification Relating to Order Provisions, ¶17 - Reclamation</p> <p><i>“...reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.”</i></p>	No	Reclamation and seeding activities are incomplete on the site.
<p>Certification Relating to Order Provisions, ¶18 - Reclamation</p> <p><i>“...reclamation and maintenance of the approved site will continue throughout the life of the energy conversion facility.”</i></p>	No	Reclamation and seeding activities are incomplete on the site.
<p>Certification Relating to Order Provisions, ¶19 – Tree & Shrub Mitigation</p> <p><i>“...comply with the Tree and Shrub Mitigation Specifications, attached [to the Certification Relating to Order Provisions – Energy Conversion Facility Siting].”</i></p>	Yes	The site was originally sited to have no shrubs and trees; no mitigation is required.
<p>Certification Relating to Order Provisions, ¶20 – Fences and Gates</p> <p><i>“...repair or replace all fences and gates removed or damaged during all phases of construction and operation of the proposed energy conversion facility.”</i></p>	Yes	There were no fences and gates removed or damaged by the project.
<p>Certification Relating to Order Provisions, ¶21 – Drainage tile</p> <p><i>“...repair or replace all drainage tile broken or damaged as a result of construction and operation of the proposed energy conversion facility.”</i></p>	Yes	There is no discussions of or field observations of drainage tile on the site.



Permit Conditions/Order Provisions	Compliance	Verification and Discussion
<p>Certification Relating to Order Provisions, ¶23 – Staging</p> <p><i>“...staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.”</i></p>	Yes	ONEOK utilized the site for staging. Exhibit 1 shows the location of the Construction Laydown Area, which is where the material was staged for the construction of the gas plant.
<p>Certification Relating to Order Provisions, ¶25 – Reclamation</p> <p><i>“Company...shall, as soon as practicable upon the completion of the construction of the energy conversion facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.”</i></p>	No	The site restoration has been found incomplete. Weekly Construction Reports state Site Prep was completed Sept/Oct 2014; Screw piles/Foundations complete Nov. 2014 (Docket 51); and overall Plant Construction/Buildings complete with startup activities commencing Nov. 2015 (Docket 89). Last submitted Weekly Report (Docket 94 submitted May 2016) notes full restoration and planting of trees etc. will not occur until Spring 2016. HEI's Nov 14, 2016 site visit yielded observations of an unrestored site.
<p>Certification Relating to Order Provisions, ¶24 - Waste</p> <p><i>“...remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.”</i></p>	Yes	No project-generated waste was observed on site.
OPERATIONS		
<p>Certification Relating to Order Provisions, ¶18 - Safety</p> <p><i>“...construct and operate the energy conversion facility in accordance with all applicable safety requirements.”</i></p>	Yes	A review of the project case file shows that the company has following necessary safety requirements during construction. The weekly construction reports document instances of near misses and accidents, though most of the construction process occurred incident free. (Docket No's. 35-37, 40-41, 43-63, 66, 68-70, 72-94)





APPENDIX B: PERMIT COMPLIANCE REPORT 1 PHOTOGRAPHY

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Photo 1:
Downstream
extent of project,
showing erosion
control
measures.



Photo 2:
Looking
upstream at silt
fence and straw
bales across the
primary drainage
from the onsite
activities.



Photo 3:
Barriers and
secondary
containment
systems in place
to prevent spills.



Photo 4: Rock checks in interior drainage ditch.



Photo 5: Interior construction area.



Photo 6: Stormwater pond, which will receive interior drainage, and provide spill containment onsite during operation.

APPENDIX C: FINAL REPORT PHOTOGRAPHY



Photo 1: Entrance to facility, silt fence (facing northeast).

11-14-2016



Photo 2: Facing north entrance to facility, erosion from parking lot runoff.

11-14-2016

