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**STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT**

TRANSALTA CENTRALIA  
GENERATION LLC,  
  
Plaintiff,

NO.  
CONSENT DECREE

v.

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY,  
  
Defendant.

**I. INTRODUCTION**

1. The mutual objective of the State of Washington Department of Ecology (Ecology) and TransAlta Centralia Generation LLC (TransAlta) under this Decree is to resolve certain issues of state regulation under the state and federal Clean Air Acts (Chapter 70.94 RCW and 42 U.S.C. §§ 7401 to 7671q). These issues were the subject of mediation between Ecology and TransAlta. The mediation was conducted by the Honorable Daniel Berschauer pursuant to the Uniform Mediation Act, Chapter 7.07 RCW. The Settlement Agreement arising from the mediation is attached to this Decree as Exhibit A and its terms are incorporated by reference into this Decree.

2. The Complaint in this action is being filed simultaneously with this Decree. An Answer has not been filed, and there has not been a trial on any issue of fact or law in this case.

1 However, the Parties wish to resolve the issues raised by TransAlta's Complaint. In addition,  
2 the Parties agree that settlement of these matters without litigation is reasonable and in the  
3 public interest, and that entry of this Decree is the most appropriate means of resolving these  
4 matters.

5 3. By signing this Decree, the Parties agree to its entry and agree to be bound by  
6 its terms.

7 4. The Court is fully advised of the reasons for entry of the Decree, and good  
8 cause having been shown:

9 Now, therefore, it is HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

## 10 II. JURISDICTION AND VENUE

11 This Court has jurisdiction over the subject matter and over the Parties pursuant to the  
12 Administrative Procedure Act (Chapter 34.05 RCW) and the Uniform Declaratory Judgments  
13 Act (Chapter 7.24 RCW). This Court is also a proper venue for this dispute.

## 14 III. PARTIES BOUND

15 This Decree shall apply to and be binding upon the Parties to this Decree, their  
16 successors and assigns. The undersigned representative of each party hereby certifies that he  
17 or she is fully authorized to enter into this Decree and to execute and legally bind such party to  
18 comply with this Decree. The Parties agree to undertake all actions required by the terms and  
19 conditions of this Decree.

## 20 IV. DEFINITIONS

21 Unless otherwise specified herein, all definitions in the state and federal Clean Air Acts  
22 shall control the meanings of the terms in this Decree. In addition:

23 1. Parties: Refers to the State of Washington, Department of Ecology and  
24 TransAlta Centralia Generation LLC.

25 2. Consent Decree or Decree: Refers to this Consent Decree and each of the  
26 exhibits to this Decree. All exhibits are integral and enforceable parts of this Consent Decree.



1 understanding, or promise constitutes any part of this Consent Decree or the settlement it  
2 represents, nor shall it be used in construing the terms of this Consent Decree.

3 **VIII. RETENTION OF JURISDICTION**

4 This Court retains jurisdiction over both the subject matter of this Decree and the  
5 Parties for the duration of the performance of the terms and provisions of this Decree for the  
6 purpose of enabling any of the Parties to apply to the Court for such further order, direction,  
7 and relief as may be appropriate or necessary to enforce compliance with its terms or to enable  
8 the Parties to apply to the Court for the material modification of the Decree.

9 **IX. EFFECTIVE DATE**

10 This Decree is effective upon the date it is entered by the Court.

11 **X. WITHDRAWAL OF CONSENT**

12 If the Court withholds or withdraws its consent to this Decree, the accompanying  
13 Complaint shall be dismissed without costs and without prejudice.

14 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

15 WASHINGTON STATE  
16 DEPARTMENT OF ECOLOGY

TRANSALTA CENTRALIA  
GENERATION LLC

17 \_\_\_\_\_  
18 JAY MANNING, Director

\_\_\_\_\_ DOUG JACKSON, President

19 **Approved as to Form:**

20 ROBERT M. MCKENNA

RICHARD L. GRIFFITH LLC

21 \_\_\_\_\_  
22 LAURA J. WATSON, WSBA #28452  
23 Assistant Attorney General

\_\_\_\_\_ RICHARD L. GRIFFITH, WSBA #22115

24 Counsel for State of Washington  
25 Department of Ecology  
26 (360) 586-4614

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Generation LLC  
(303) 534-4615