

# SPECIAL USE PERMIT APPLICATION

for the

## South Harper Peaking Facility Project Cass County, Missouri

January 2006

Submitted by  
Aquila, Inc.



**Aquila**

Providing Energy For Better Living.™

Defendant's Exhibit 1



**SPECIAL USE PERMIT APPLICATION**

**for the**

**South Harper Peaking Facility Project  
Cass County, Missouri**

**January 2006**

Submitted by:

Aquila, Inc.  
20 W. 9<sup>th</sup> Street  
Kansas City, Missouri 65206

Exhibit No. 126  
Case No(s). EA 2006-6309  
Date 5-3-06 Rptr TM



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- Appendix B – Title Report
- Appendix C - Site Plan



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- Ground Level Emissions Comparison Memos
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## **1.0 SPECIAL USE PERMIT APPLICATION**

### **1.1 REQUEST FOR SPECIAL USE PERMIT**

Aquila, Inc. (Aquila) has prepared a Special Use Permit (SUP) application and is submitting it on behalf of itself, as lessee and operator, and the City of Peculiar, Missouri (City) as owner.

Aquila, on behalf of the City, requests a SUP for an Electric Power Generation facility pursuant to Article 8 – Special Use Permits, Cass County, Missouri Zoning Order Subdivision Regulations dated February 1, 2005, Appendix A, Group 49, SIC No. 491, Electric Services and Power Generation – including wind systems. This Zoning Order was adopted under the authority granted by R.S.Mo. 64.211 (and 64-905) et. seq. as amended. According to the Zoning Order, Appendix A, Electric Services & Power Generation (Group No. 49, SIC Code 4911) is a permitted use on property zoned as an Agricultural District (A), as long as a SUP is obtained. The subject property is currently zoned as “A”. The SUP is being requested for the electric power generating facility known as the South Harper Peaking Facility (Facility). The Facility is located west of South Harper Road and south of 241<sup>st</sup> street in Cass County, Missouri, approximately 2 ½ miles southwest of the City (Figure 1-1). A detailed project description is located in Section 2.0 of this application.

While City is the owner of the Facility as of the date of this application, it is possible ownership may change during Cass County review of this application due to action by the Missouri courts concerning a Chapter 100 bond transaction. If the courts ultimately find the Chapter 100 bond transaction to be invalid, ownership of the Facility will revert from City to Aquila.

The portion of property that the SUP is being requested for is 38.17 acres and is located in the northeast quarter of the northeast quarter of Section 32, Township 45 North, Range 32 West (Property Exhibit Drawing - Appendix A). The legal description for this property is located on the drawing in Appendix A. This 38.17-acre property is the southern portion of a larger parcel owned by the City of Peculiar (Appendix A), which is approximately 73.58 acres. The northern portion of the property is not subject to this SUP request as it is anticipated to remain undeveloped. A legal description for just the northern property has also been included on the drawing.



Aquila

SPECIAL USE PERMIT APPLICATION



Figure 1-1 Project Location Map



**1.2 PURPOSE AND NEED**

The Facility was constructed to partially replace a purchase power contract that expired May 31, 2005. The contract was for 500 megawatts (MW) of capacity during the summer months and 200 MW in the winter. With increasing demand in Aquila Networks' Missouri service area and the need for year-around peaking capability, the Facility's three (3) simple cycle combustion turbines (CTs) provide flexibility to meet the needs of Aquila's customers. Aquila has concluded that ownership of peaking generation is an essential component of its least-cost plan, and has so advised the Missouri Public Service Commission Staff. Aquila's Western Missouri service area includes much of Cass County, a first class noncharter county, which is one of the fastest growing areas served by Aquila. Aquila directly serves approximately half the people of Cass County, and its transmission network serves all the county including customers of other utilities.

**1.3 COMPLETED APPLICATION FORM**

As required, a completed and signed Application Form has been included within this application package and is located after page 1-4 of Section 1.0. The required filing fee is also provided.

**1.4 LAND USE COMPATIBILITY**

The subject property and neighboring properties contain a high-voltage electric transmission line and two (2) Southern Star high-volume natural gas pipelines. Adjacent to the subject property are an existing Southern Star Natural Gas Compressor Station, which is currently exempt from zoning (grandfathered), and a communications tower immediately north of the compressor station. Therefore, the Facility appears to be consistent with current site and neighboring land uses. As noted above, an electric power generation facility is an acceptable use on agriculturally zoned land, which the subject site is currently zoned, subject to obtaining a special use permit.

The Cass County, Missouri Comprehensive Plan Update 2005 (Plan - dated February 1, 2005), designates the eastern portion of the property (along South Harper Road) as a Multi-Use Tier. Multi-Use Tier is described by the Plan (p. 28) as follows:

*"The Multi-Use Tier is representative of development areas within Cass County that exhibit the following characteristics:*



- *Positioned as transition areas from urban to rural densities*
- *Located along rural highways, major arterials and intersections, or close enough to such major roads to provide access for more intense levels of non-agricultural traffic, and*
- *Predominantly developed for a mix of land uses: residential, industrial and commercial purposes.”*

The northern portion of the property that is not subject to the SUP request currently consists of open agricultural lands and one resident. The open agricultural property currently contains farm ponds, hayfields, pastures, and electrical transmission line structures. The residence is currently being leased and occupied by Mr. George Bremer. The eastern portion of the property is designated as a Multi-Use Tier by the Plan; however, the City and Aquila have no current or future plans for developing this area. This entire northern property is anticipated to remain as its' current use.

Adjacent properties within 100 feet of the Facility property are zoned as agricultural and residential, with the exception of the Southern Star Natural Gas Compressor Station, which is currently exempt from zoning (grandfathered).

It is believed that operation of the Facility does not adversely impact local infrastructure (roads, schools, etc.) as the majority of workers are from the region and commute to the Facility from their existing homes.

### **1.5 CERTIFIED LIST OF PROPERTY OWNERS WITHIN 1,000 FEET**

A certified list of property owners within 1,000 feet of the entire 73.58-acre parcel has been included at the end of Section 1.0 (after the Application Form).

### **1.6 TITLE REPORT**

Provided in Appendix B.

CASS COUNTY  
SPECIAL USE PERMIT APPLICATION

Return Form to:  
Office of Zoning Administration  
Cass County Courthouse  
102 East Wall Street  
Harrisonville, MO 64701  
(816) 380-8131  
[(816) 380-8130 Fax]

For Office Use Only  
Case ID.: \_\_\_\_\_  
Public Hearing Date: \_\_\_\_\_  
Date Advertised: \_\_\_\_\_  
Date Notices Sent: \_\_\_\_\_

APPLICANT INFORMATION:

Applicant: Aquila, Inc. Phone: 816/467-3143  
Address: 20 W. 9th St, KC, MO Zip: 64105  
Owner: City of Peculiar, Missouri Phone: 816/779-5212  
Address: 600 Schug Ave, Peculiar, MO Zip: 64078

PROPERTY INFORMATION:

Location of Property: 24900 South Harper Road Peculiar, MO 64078  
Legal Description: See Appendix A Drawing, Tract 1 Description

Present Zoning Classification: Agricultural Acreage: 38.17  
Present Use of Property: Electric Services & Power Generation

Proposed Land Use Activity: Electric Services & Generation

Article, Section and sub-section (if applicable) allowing for said Special Use to be applied for: \_\_\_\_\_  
Appendix A, Group 49, SIC Case 491

CASS COUNTY, MISSOURI - PROCEDURES MANUAL

Article 11 - Special Uses

ADJACENT ZONING AND LAND USE:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Residential &amp; Industrial</u>	<u>RESIDENTIAL</u>
South	<u>Agricultural</u>	<u>AGRICULTURAL</u>
East	<u>Agricultural</u>	<u>NE-RES/SE-AG</u>
West	<u>Agricultural &amp; Residential</u>	<u>AGRICULTURAL</u>

Should this Special Use be valid only for a specific time period? Yes \_\_\_\_\_ No x

If Yes, what length of time? \_\_\_\_\_

DOES THE PROPOSED SPECIAL USE MEET THE FOLLOWING STANDARDS? IF YES, ATTACH A SEPARATE SHEET EXPLAINING WHY.	Yes	No
Does the proposed Special Use complies with all applicable provisions of the regulations, including intensity of use regulations, yard regulations and use limitations?	X	
Does the proposed Special Use at the specified location will not adversely affect the welfare or convenience of the public?	X	
Does the proposed Special Use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located?	X	
Does the location and size of the Special Use, the nature and intensity of the operation involved or conducted in connection with it, and the location of the site with respect to streets giving access to it have been planned so that the Special Use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations?	X	
Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect?	X	
Adequate utility, drainage, and other such necessary facilities will be provided?	X	
Adequate access roads or entrance and exit drives will be provided and designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys?	X	
Adjoining properties and the general public will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises?	X	

**ATTACHMENTS REQUIRED:**

1. A site plan as specified in Section of the Zoning Regulations as well as any other information which would be helpful to the Planning Board in consideration of the application.
2. List of property owners located within 1,000 feet of the property.

1. Site plan is provided in Appendix C

2. List of property owners follows in Section 1.0

*[Handwritten Signature]*  
Applicant's Signature

1-19-06  
Date

20 West 9th Street, KC, MO 64105  
Address

816/ 467-3143  
Area Code Telephone Number

HIGHT & ASSOCIATES, LAND TITLES, INC.

WEST SIDE OF SOJARE F.O. BOX 130

HARRISONVILLE, MISSOURI 64701

PHONE 816-397-4512    ARLTON ESCROW OFFICE 322-6076

September 1, 2005

STATE OF MISSOURI,                    )  
  -SS  
County of Cass,                        )

HIGHT & ASSOCIATES, LAND TITLES, INC., does hereby certify that  
the tract shown in RED on the attached plat is owned by the following:

City of Peculiar

that the legal description of the tract is as follows:

SEE ATTACHMENT

and that the property owners within 1000 feet of the tract to be re-  
corded are as indicated on the attached plat and listing.

For your convenience, if the current addresses of those  
persons on the attached list are not known, we have furnished the addresses  
as they appear on the County Tax Rolls.

HIGHT & ASSOCIATES, LAND TITLES, INC.

By *Donald L. Dryden*  
DONALD L. DRYDEN, EXEC. VICE PRESIDENT

ATTACHMENT

A tract of land situated in the Southeast Quarter of the Southeast Quarter of Section 29, Township 45 North, Range 32 West of the Fifth Principal Meridian and the Northeast Quarter of the Northeast Quarter of Section 31, Township 45 North, Range 32 West of the Fifth Principal Meridian, except that part deeded to Cities Service Gas Company by deed recorded in Book 398, Page 518, recorded Cass County, Missouri and except easements of record, all in Township 45, Range 32, all in Cass County, Missouri.

RED - CITY OF PECULIAR

1. Williams Natural Gas  
P.O.Box 2400, Tulsa, OK 74102-2400
2. Laura Reynolds  
14501 E. 215th Ct., Peculiar, MO 64078
3. Laura J. Reynolds  
329 S. Mullen Rd., Belton, MO 64012
4. Kris and Debra Krahenbuhl  
606 Oak Dr., Raymore, MO 64083
5. Steven C. and Teresa L. Patton  
24020 S. Lucille Lane, Peculiar, MO 64078
6. Gresham Custom Homes, Inc.  
907 Trailway Dr., Raymore, MO 64083
7. Patrick J. and Ginger K. Detloff  
23935 S. Lucille Lane, Peculiar, MO 64078
8. Eric B. Thomson  
24005 S. Lucille Lane, Peculiar, MO 64078
9. David and Heather Stewart  
109 W. Sierra Dr., Raymore, MO 64083
10. Scott B. and Nancy L. Manning  
24021 S. Lucille Lane, Peculiar, MO 64078
11. Gresham Custom Homes, Inc.  
907 Trailway Dr., Raymore, MO 64083
12. Stephen D. and Debbie A. Vincent  
9804 E. 241st St., Peculiar, MO 64078
13. Jacqueline B. Thomas  
8707 Belleview Ave., Kansas City, MO 64114
14. Oscar and Lisa McCord  
14713 Grand Summit Blvd., #101, Grandview, MO 64030
15. Patricia A. Kerr  
23919 S. Harper Rd., Peculiar, MO 64078
16. Gary I. and Cheryle Y. Crabtree  
24005 S. Harper Rd., Peculiar, MO 64078
17. Samuel E. and Debra A. Walton  
2401 S. Harper Rd., Peculiar, MO 64078



18. Michael D. Jr. and Sheila T. Gerant  
24107 S. Harper Rd., Peculiar, MO 64078
19. James H. Dillon  
7512 E. 49th St., Kansas City, MO 64129-2041
20. Francis L. Dillon  
14211 S. Harper Rd., Peculiar, MO 64078
21. James E. and Linda K. Doll  
10312 E. 243rd St., Peculiar, MO 64078
22. Darlys M. Bremer  
24305 S. Harper Rd. Peculiar, MO 64078
23. George and Betty Hammond  
14600 S. Harper Rd., Peculiar, MO 64078
24. Mark R. Andrews  
14407 S. Overfelt Rd., Peculiar, MO 64078
25. David and Mary Luttrell  
9801 E. 241st St., Peculiar, MO 64078
26. Vernon W. Miller  
23600 S. Harper Rd., Peculiar, MO 64078

The Cass County Zoning Ordinance requires that you notify any municipality within one and one half (1-1/2) miles of the property and also any political subdivision in which the property is located, which would include but not be limited to the school district, water district, fire district, ambulance district, sewer district and road districts.



**HIGHT & ASSOCIATES, LAND TITLES, INC.**

WEST SIDE OF SQUARE - P.O. BOX 130

HARRISONVILLE, MISSOURI 64701

PHONE 816-380-4512 BELTON ESCROW OFFICE 322-6070

January 6, 2006

**TO WHOM IT MAY CONCERN**

**Re: City of Peculiar Rezoning Certificate dated September 1, 2005 for  
tract of land in Section 5, Township 45, Range 32**

**1. The above referenced certificate is hereby extended to the above  
date with no changes being necessary.**

**HIGHT & ASSOCIATES, LAND TITLES, INC.**

By   
**Donald L. Dryden, Exec. Vice President**

**HIGHT & ASSOCIATES, LAND TITLES, INC.**

WEST SIDE OF SQUARE - P.O. BOX 130  
HARRISONVILLE, MISSOURI 64701

PHONE 816-380-4812 BELTON ESCROW OFFICE 322-6070

September 1, 2005

STATE OF MISSOURI, )  
County of Cass. )  
-88

HIGHT & ASSOCIATES, LAND TITLES, INC., does hereby certify that  
the tract shown in RED on the attached plat is owned by the following:

City of Peculiar

that the legal description of the tract is as follows:

SEE ATTACHMENT

and that the property owners within 1000 feet of the tract to be re-  
zoned are as indicated on the attached plat and listing.

For your convenience, if the current addresses of those  
persons on the attached list are not known, we have furnished the addresses  
as they appear on the County Tax Rolls.

HIGHT & ASSOCIATES, LAND TITLES, INC.

By Donald L. Dryden  
DONALD L. DRYDEN, EXEC. VICE PRESIDENT

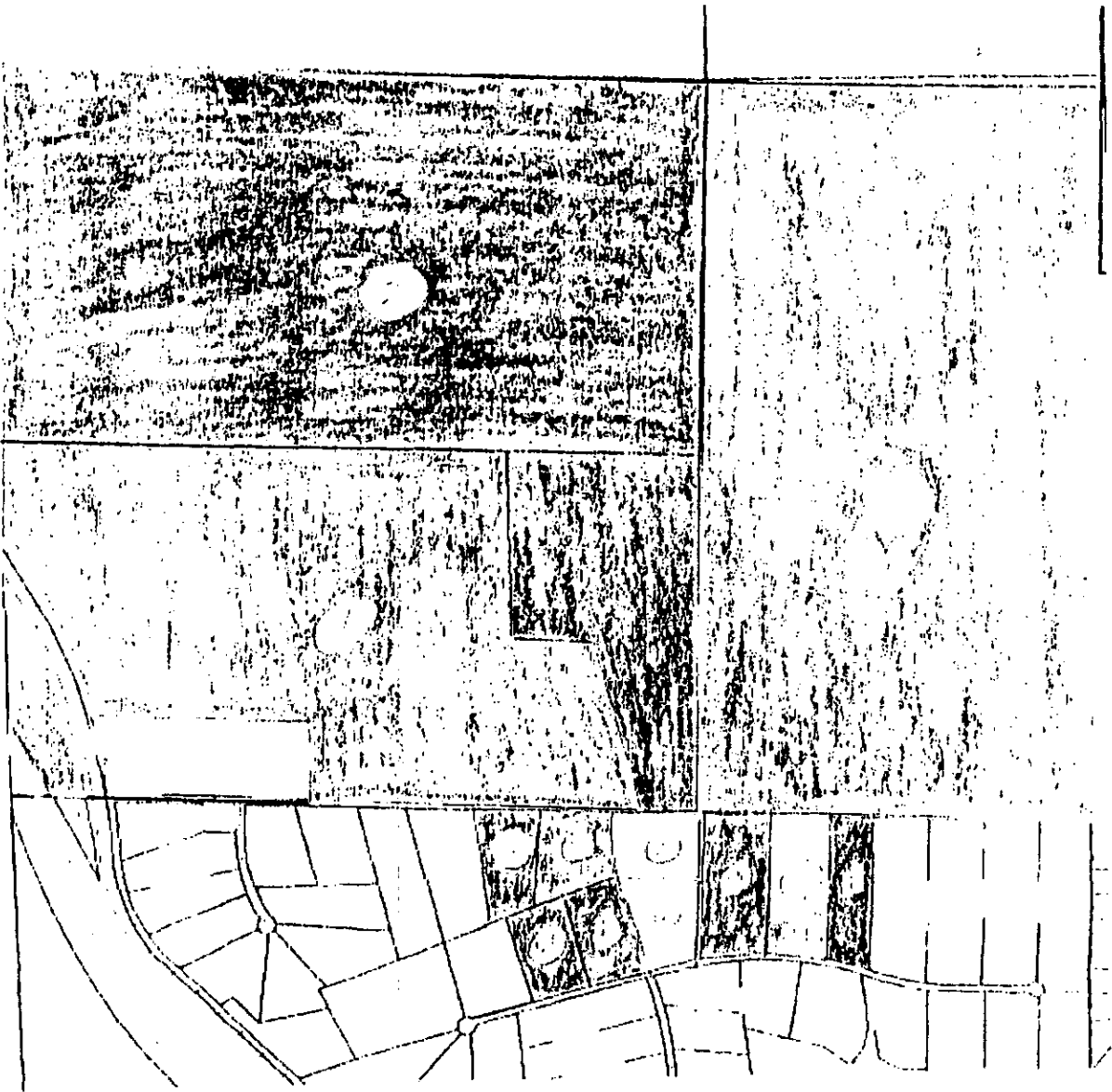
ATTACHMENT

Part of a tract of land described in Book 689, Page 71 in the Office of the Recorder of Deeds in Cass County, Missouri, being part of the Northwest Quarter of Section 5, Township 45, Range 32, Cass County, Missouri, described as beginning at the Northwest Corner of the Northwest Quarter of Section 5, aforesaid, run thence South  $89^{\circ}35'49''$  East along the North line thereof, 400.00 feet; thence South  $17^{\circ}21'24''$  East, 1189.30 feet; thence North  $89^{\circ}43'10''$  East, 570.00 feet; thence South  $0^{\circ}14'25''$  East, parallel with the West line of the Northwest Quarter of said Section 5, 1320.00 feet to a point in an existing fence line as now located; thence South  $89^{\circ}43'10''$  West along said existing fence line, 1320.00 feet to a point in the West line of the Northwest Quarter of said Section 5; thence North  $0^{\circ}14'25''$  West along said West line, 2641.64 feet to the Point of Beginning. Subject to the right-of-way of 203rd Street and South Knight Road, and subject to any existing easements.

RED - CITY OF PECULIAR

1. Effertz Bros, Inc.  
16401 Holmes Rd., Belton, MO 64012
2. L.F. Briton  
20814 S. Harper Rd., Peculiar, MO 64078
3. Allen D. and Shirley J. Bockelman, Trustees  
8407 E. 207th St., Peculiar, MO 64078
4. Jim B. and Kenitha L. Aikman  
14632 W. 141st Dr., Olathe, KS 66062
5. Gale and Shirley Harder  
323 Maple Heights Rd., Marshall, WI 53559
6. Wayne C. and Phyllis M. Buck  
P.O.Box 1746, Gillette, WY 82717
7. Arturo and Rosy M. Borja  
16105 Lawrence Ave., Belton, MO 64012
8. Gregory A. and Rhonda J. Sainer  
209 Arrowhead Dr., Lake Winnebago, MO 64034
9. James A. and Pamela A. Yates  
522 Regina Ct., Raymore, MO 64083
10. Lance P. and Lori D. Paradis  
9101 E. 201st St., Belton, MO 64012
11. Richard B. and Donna K. Brewer  
507 N. Franklin, Raymore, MO 64083
12. Chris M. and Marilyn K. Myers  
900 Trailway, Raymore, MO 64083

The Cass County Zoning Ordinance requires that you notify any municipality within one and one half (1-1/2) miles of the property and also any political subdivision in which the property is located, which would include but not be limited to the school district, water district, fire district, ambulance district, sewer district and road districts.

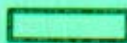
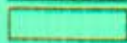
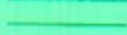
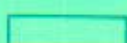



# Cass County, MO

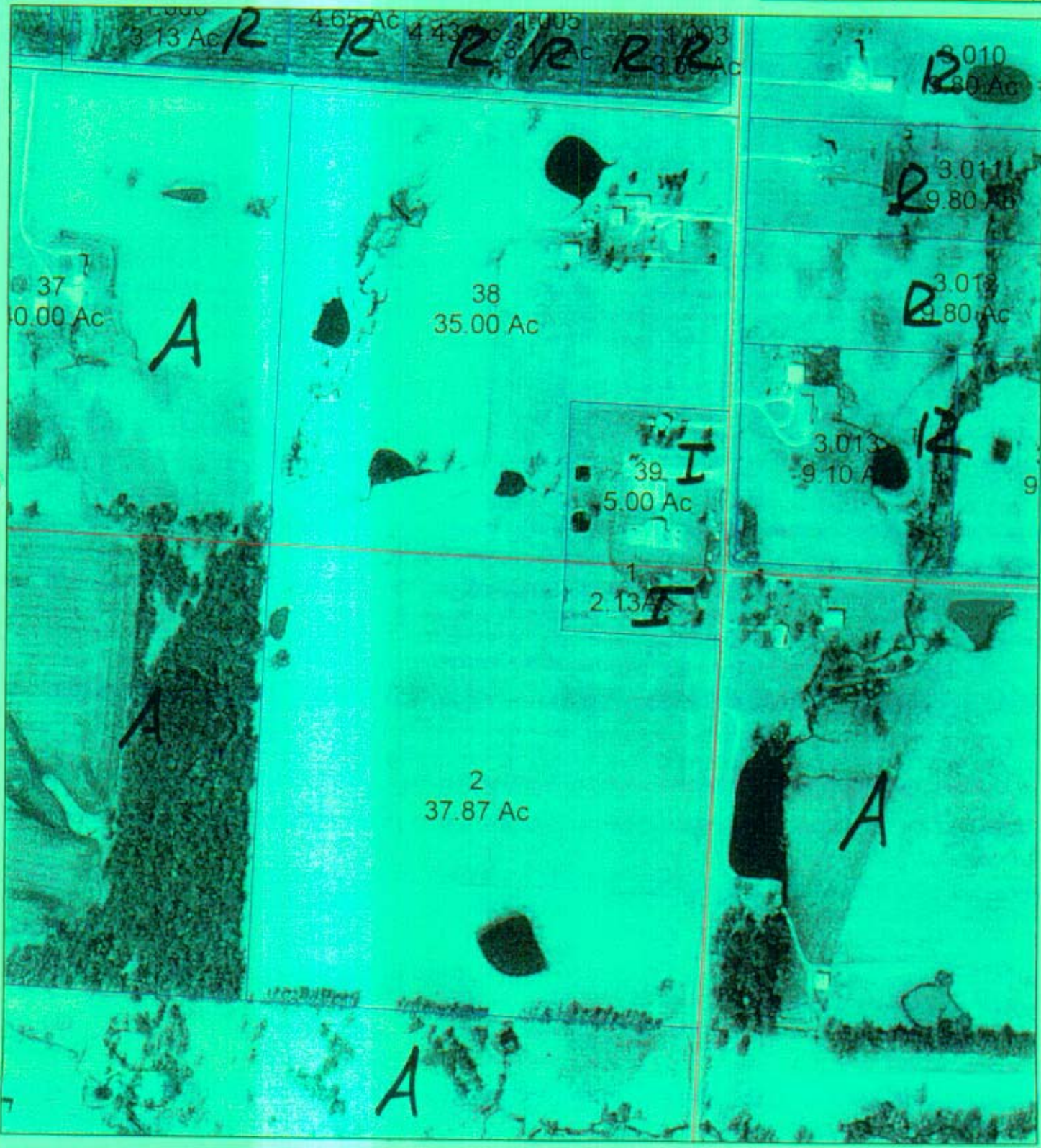
## 243rd & Harper

Map features are representations of original data sources and do not replace or modify land surveys, deeds, or other legal instruments defining land ownership or use.

Prepared by Cass County Assessor  
Curtis L. Koons

-  Townships
-  Sections
-  Roads
-  Parcels
-  Corporate Limits

1 inch equals 400 feet







## 2.0 DEVELOPMENT/SITE PLAN

### 2.1 PROJECT DESCRIPTION

The 38.17-acre southern portion of the property as discussed in Section 1.1 contains the Facility and associated equipment. The Facility (Appendix C) is a natural gas-fueled, simple cycle, peaking electric generating facility that has a capability of approximately 315 megawatts (MW) under summer conditions. The Facility was developed to meet the increasing electrical power consumption requirements in the northwest Missouri region. It consists of three (3) Siemens-Westinghouse 501D5A combustion turbine (CT) generators that are fired solely by natural gas. Each turbine has a capability rating of approximately 105 MW when operating with evaporative coolers in service.

The inlet air evaporative coolers are used to maximize the output of combustion turbines during periods of high ambient temperature when the Facility's energy output is generally be most needed. The evaporative cooling system forces the combustion turbine's inlet air stream to flow through a saturated media. The media acts as a heat exchanger reducing the temperature of the inlet air thus increasing its density. Cooler, denser air results in a greater mass flow through the combustion turbine, which increases the electrical output.

The Facility is permitted to operate up to 5,000 hours in any continuous twelve-month period. In addition, each turbine is allowed to operate up to 2,000 hours in any continuous twelve-month period. It is anticipated that the Facility will primarily operate during the warmest summer months when peak electricity demand is the greatest.

Other buildings/equipment at the Facility includes the following and are depicted on the Site Plan in Appendix C:

- Service/Administration building – This is the main facility control building and contains offices, computers, lunch room, restrooms, showers, etc. It also includes a service bay for working on Facility equipment. It is approximately 100 feet by 40 feet in size.
- Switchyard (substation) – This is a 161 kV switchyard/substation approximately 4.16 acres in size. The substation connects the three gas turbines to the 161 KV transmission system and also includes a 161/69 KV transformer. This transformer connects the 69 KV transmission



system to the 161 KV transmission system and thus provides support to the entire 69 KV transmission system in the Peculiar, Raymore and northern Harrisonville areas. All load between Harrisonville and Belton is sourced by the 69 KV transmission system. This includes the city of Harrisonville and the rural electric cooperative load.

- Water storage tank – This is a steel, 100,000 gallon water storage tank that is used to store the water from the evaporative coolers prior to using it for dust suppression or land irrigation purposes. It is approximately 32 feet wide by 35 feet tall.
- Entrance/service roads – The main entrance is off of South Harper Road and the Facility service roads connect to the main entrance road. The service road surrounds the gas turbine power block area and extends into the switchyard on the west side of the property.
- Parking lot – A permanent concrete parking lot on-site that includes eight (8) parking spaces.
- Sewage lagoon – to dispose of sanitary wastewater from the Facility, a wastewater lagoon was constructed per County guidelines and recommendations. The lagoon is 75 x 75 feet and contains an emergency overflow, which is directed to a septic holding tank. If necessary, waste from the holding tank would be collected and hauled off site for proper disposal by a licensed contractor.
- Irrigation system – to dispose of the relatively good quality wastewater from the evaporative coolers, an irrigation system was proposed and permitted through the Missouri Department of Natural Resources (MDNR). For more detail please refer to Section 2.3.

Photos of the plant and surrounding area are provided at the end of this Section 2.1 and in Section 2.2.

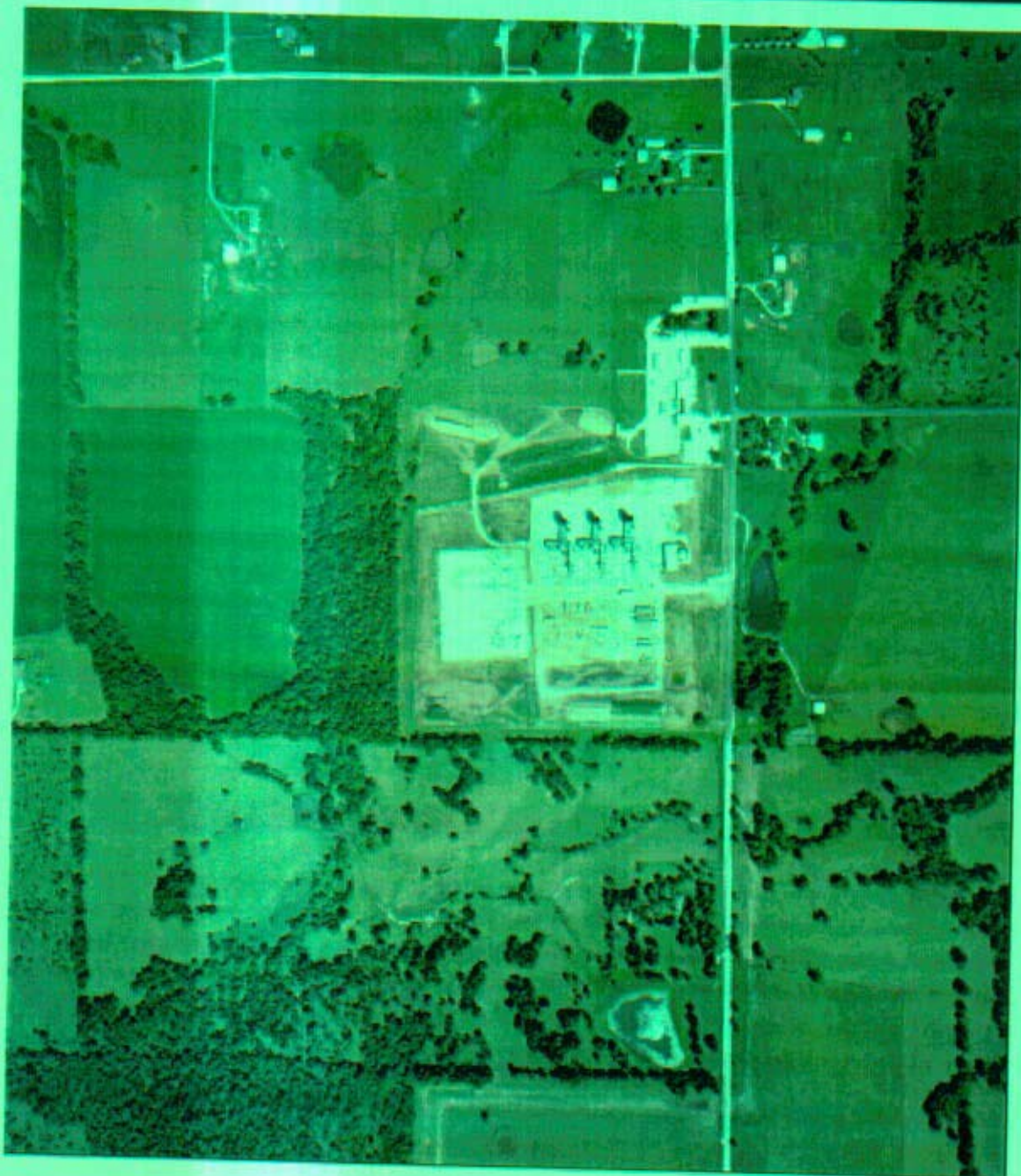


Photo No. 2.1-1 – Aerial view looking at the Facility and surrounding areas.



Photo No. 2.1-2 – View looking south from northern edge of property line along 241<sup>st</sup> Street.



Photo No. 2.1-3 – Units 3 and SS Compressor Station



Photo No. 2.1-4 – Units 2 and 3



Photo No. 2.1-5 – Site laydown area after trailer removal



Photo No. 2.1-6 – Berm Extension Construction Finishing



Photo No. 2.1-7 – Rocks in Front of SHPF and New Paving



## 2.2 LANDSCAPE/VISUAL SCREENING PLANS

An initial landscape/visual screening plan (Appendix D) was developed and implemented for the Facility that included at least five (5) earthen berms that range in height from 10 to 17 feet in height. Four of these berms contain both evergreen and deciduous trees, including 20 foot tall pin oaks. The two (2) berms along South Harper Road (one on each side of the Facility entrance) and the two (2) berms along the north side of the Facility were lined with Northern red oak (*Quercus rubra*) and Eastern red cedar (*Juniperus virginiana*). These four (4) berms, along with the berm on the southern portion of the property were planted with turf-type tall fescue (*Festuca arundinacea*). Vegetation types are subject to change depending upon discussions with nearby residences regarding visual screening. Much of the area to the south and west of the Facility is currently shielded by a healthy stand of native mature trees.

Even though substantial screening efforts have been developed and implemented to date, Aquila acknowledges the possible need for further visual screening for some of the nearby residences. Aquila engaged in discussions with concerned nearby residences to develop a visual screening plan that will satisfy the affected individual residences. As a result, a berm on the north side of the Facility was extended to provide an improved visual screen. An additional landscape design plan and drawing that Aquila is implementing is also included in Appendix D. Aquila commits to working with affected land-owners to define, develop, and implement an adequate screening plan.

Photographs have been included in this Section 2.2 to show current vegetative screening and views from adjacent areas. Photograph No. 2.2-1 is an aerial image that shows the Facility, including berms and landscaped areas, as well as its' location with respect to nearby residences. Other photos of on-site screening are at the end of Section 6.0.



Photo No. 2.2-1 – View looking southeast from southern edge of 241<sup>st</sup> Street, at the property boundary.



Photo No. 2.2-2 – View looking west to southwest from the corner of South Harper Road and 243rd Street (foreground is the existing Southern Star Gas Compressor Station).





Photo No. 2.2-3 – Compressor Station view from South Harper Road

### 2.3 WASTEWATER DISPOSAL PLAN

Process water treatment is summarized in Table 2.1 below.

The Facility operates mostly during peak load demands, so wastewater production will be intermittent. Wastewater generated at the Facility includes evaporative cooler blowdown, which will be disposed of through the proposed on-site land irrigation system (Appendix D). The irrigation system was designed and will be operated such that no portion of the irrigation system water will be discharged from the site to surface waters. Other process waters generated at the Facility include turbine wash water and service building water that will be collected in tanks and disposed of off-site by a licensed contractor. Domestic wastes will be sent to the no-discharge sanitary lagoon.

The Facility is considered a zero discharge, or no-discharge, facility. Missouri regulation 10 CSR 20-6.015.(1).(B).7.A defines no discharge as "to hold or irrigate or otherwise dispose without discharge to surface, or subsurface waters of the state, all process wastes and stormwater flows except for discharges that are caused by catastrophic and chronic storm events." The Facility meets this definition.

Table 2-1  
Process Water Treatment



Discharge Stream	Water Treatment
Evaporative Cooler Blowdown	Land Irrigation/No Discharge
Turbine Wash Water	Off-site Disposal
Service Building Water	Off-site Disposal
Sanitary Wastewater	Sanitary Lagoon
Uncontaminated Storm Water	None

Noncontact cooling wastewater is generated during Facility operation by the use of inlet air evaporative coolers as described in Section 2.1. During periods of operation utilizing inlet air evaporative cooling, approximately one-half of the water consumed by the evaporative coolers will be evaporated into the air. The remaining portion will be used for landscape irrigation, upon completion of the irrigation system, in accordance with Missouri Department of Natural Resources requirements. When the three turbines are operating at full load, it is estimated that the Facility will need to dispose of a maximum of approximately 64,800 gallons per day (total for all three turbines).

The water for the evaporative coolers is supplied by Public Water Supply District No. 7 (PWSD No. 7). Water is cycled through the evaporative cooling system twice; therefore, the wastewater is estimated to be only twice the concentration of the PWSD No. 7 -- supplied water. This process water is considered to be of good enough quality for land irrigation purposes. The irrigation system (Appendix D) that Aquila is permitted to install will use a combination of commercial and conventional scale sprinklers to irrigate portions of the Facility's vegetated areas, including the vegetated berms developed for visual screening purposes.

Permit No. 21-8341 (Case No. MO-0131857) for construction of the land irrigation system was issued by the Missouri Department of Natural Resources on December 20, 2005. (See Appendix H).

## 2.4 FACILITY LIGHTING PLAN

A lighting plan for the Facility was prepared, installed, and implemented (see drawings in Appendix E). Directional (shoe-box) type lights are being used at the Facility, which are controlled manually by a control switch panel as observed in Photo No. 2.4-1. Nighttime photographs were taken in September 2005 (Photo Nos. 2-4.2 through 2-4.5) to demonstrate that light pollution is virtually non-existent at the Facility.

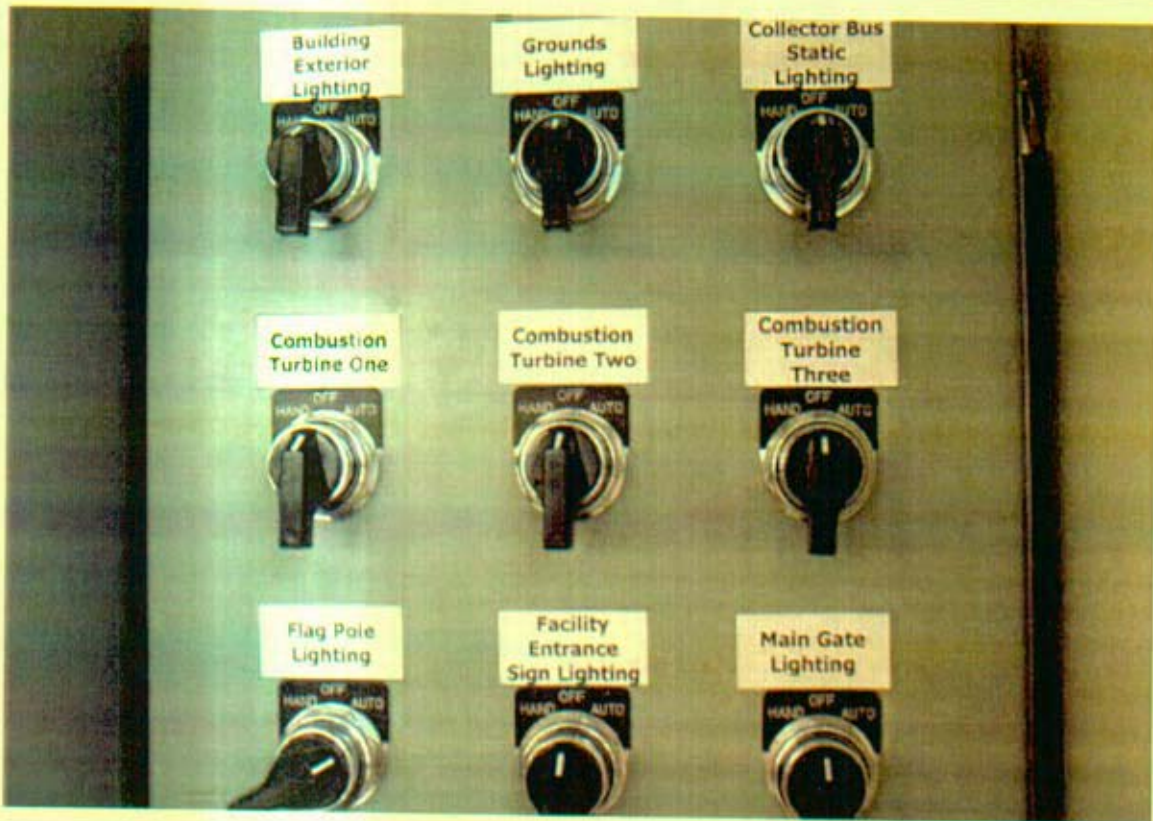


Photo No. 2.4-1 – View of the manual light control panel at the Facility.



Photo No. 2.4-2 – View looking at the northern portion of the Facility at nighttime.

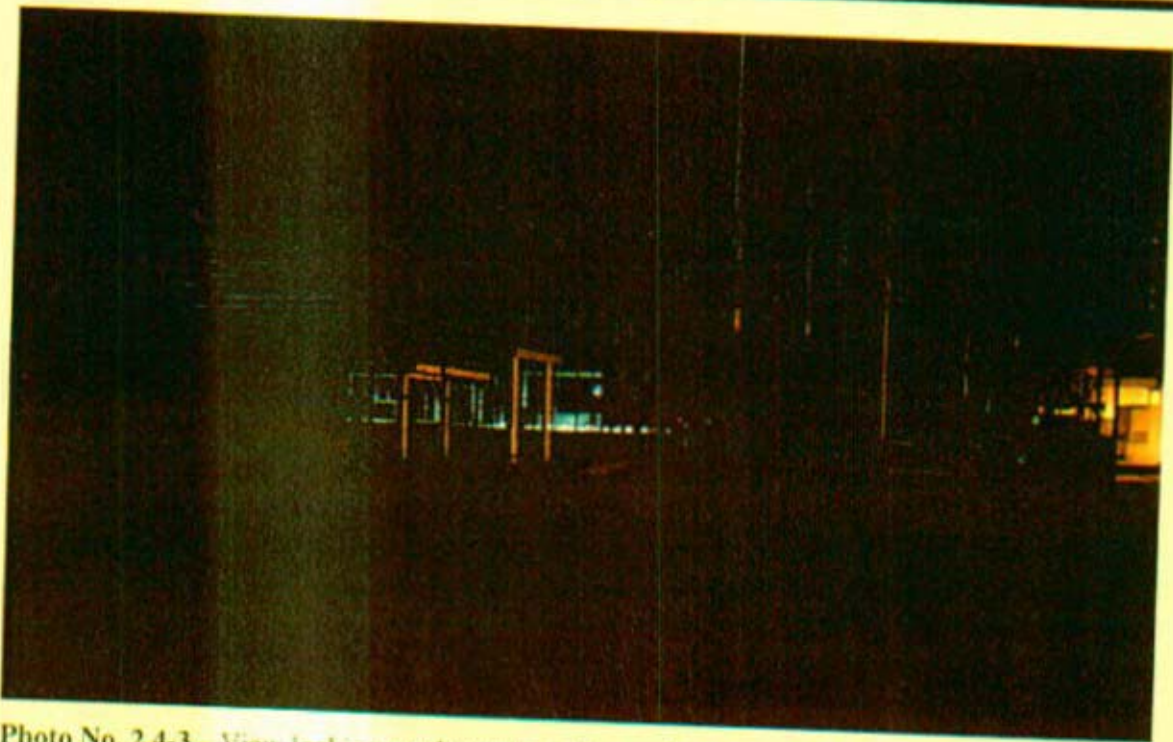


Photo No. 2.4-3 – View looking southwest from the northeast corner of the Facility (nighttime).



Photo No. 2.4-4 – View looking south to southwest from 241<sup>st</sup> Street.



Photo No. 2.4-5 – Moon light view looking southwest from the corner of South Harper Road and 243<sup>rd</sup> Street.



## 2.5 FACILITY SECURITY PLAN

In accordance with Homeland Security measures, a security plan was developed and implemented for this Facility that includes approach, fencing required clear zone, and signage. These items are detailed below. A site plan drawing depicting some of these items is included in Appendix C but labeled "Confidential" as a result of homeland Security measures. Presidential decision directives, laws, regulations and other documents that provide requirements and guidance for the security plan are listed in Appendix F.

### 2.5.1 Approach

Vehicular access to the Facility is gained from South Harper Road. A 90-degree rule is in use; requiring vehicles to slow in order to complete the "right-angle" turns onto the Facility entrance driveway. The entrance driveway off of South Harper Road also contains a locked security gate, which has been converted to pass-code type gate for entry.

### 2.5.2 Fencing

Aquila constructed a security fence, including barbed wire, which surrounds the Facility and associated equipment. An additional fence was constructed around the switchyard/substation. The security fencing will be six (6) feet in height and contain an 18-inch outrigger consisting of three (3) strands of barbed wired extending at 45-degree angle from the top of the fence. The overall fence height, including the outrigger will be approximately seven (7) feet tall. The fence will be chain-link design constructed of nine (9) gage steel and will be supported by a top and bottom support bar for stability. Manual swing gates are secured with Pioneer Latch equipment.

### 2.5.3 Surveillance Cameras

Surveillance cameras are installed at the Facility. Their design and locations are required to remain confidential due to various Homeland Security laws and regulations.

### 2.5.4 Required Clear Zone

In addition to the approach, fencing, and current lighting, the current clear zone along the perimeter fence will be maintained. The clear zone allows for increased visibility near the fence and reduces the potential for undetected intrusion into the Facility.



### 2.5.5 Signage

"No Trespassing" signs were installed approximately every 100 feet along the length of the perimeter fence. Additional signage stating "Aquila Bans Weapons on the Premises" and alerting visitors of the use of video surveillance were installed at all entrances to the Facility. Aquila believes the signs are in compliance with Article 10 – Sign Regulations of the Zoning Order.

## 2.6 FIRE PROTECTION PLAN

On-site fire protection equipment includes a fire water loop, various fire hydrants strategically located on the site, and an automatic FM-200 fire suppression system that automatically protects the various turbine system enclosures. The system also controls motor operated valves that operate automatically to isolate pipeline natural gas from both Southern Star and Panhandle as potential fuel sources in the vent of a fire. In addition, manually operated valves can be used to also isolate fuel gas sources.

Fire protection is provided by The West Peculiar Fire Protection District. Familiarization tours of the Facility have been given to all shifts of the Fire Department personnel. Actual Fire Department drills at the Facility are being planned.

Aquila has partnered with The West Peculiar Fire Protection District on confined space rescue equipment and has reimbursed the Fire District for equipment to support that effort (see Appendix G). In addition, Aquila has provided training for Fire District personnel that meets Aquila's confined space rescue requirements for the South Harper Peaking Facility.

Additional oversight of Aquila's operation of the facility, including appropriate fire protection, is provided by Aquila's insurance carrier FM Global. FM Global performed a site inspection on August 2, 2005 to update the carrier on progress of construction at this facility. Only two recommendations were made – Establish Property Loss Prevention Programs, and Keep Flame Scanners on the three combustion turbines in service. The property loss prevention program is established. The Flame Scanners will also be kept in place. The FM Global report generated after the site visit is provided in Appendix G.

Photos of fire protection equipment are provided in this Section 2.6.



Photo No. 2.6-1 - Fire Suppression System Control Panel, located in Electrical Package.



Photo No. 2.6-2 - Combustion Turbine Enclosure FM-200 Cabinet





Photo No. 2.6-3 - Combustion Turbine Enclosure with FM-200 Bottle.

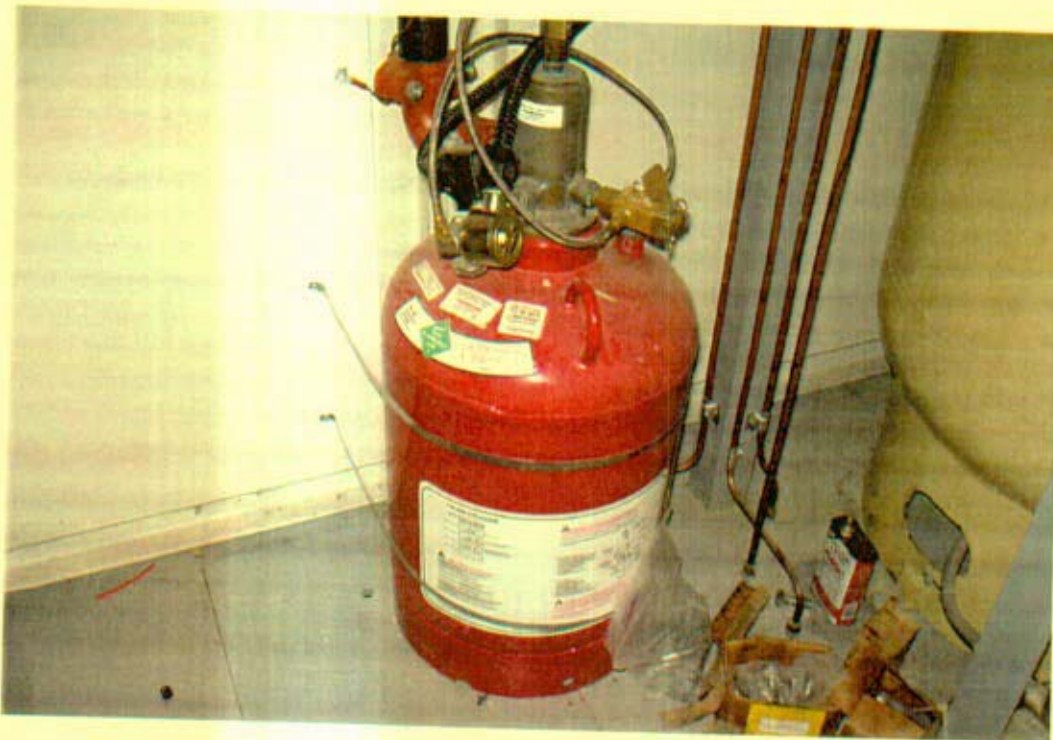


Photo No. 2.6-4 - Mechanical Package FM-200 Bottle.



## 2.7 FACILITY SIGNAGE

Besides the signage used for security purposes Aquila may install an Identification sign near the front entrance the Facility. Aquila commits to developing, constructing, and maintaining the sign in accordance with Article 10 - Sign Regulations of the Zoning Order.

## 2.8 TRAFFIC PLAN

### 2.8.1 Construction Traffic

Most of the craft labor employed by subcontractors of Aquila reside in the local area and primarily commuted to the Facility via Missouri Highway 71; west on North Main Street (County Road (CR)/State Route (SR) J); south on South Main Street (SR C); west on 243rd Street; and south on South Harper Road.

All deliveries were directed to use the primary route as indicated above. Deliveries were planned and managed in compliance with applicable MoDOT and County Road Department requirements. Superloads (oversized or heavy haul) that required a MoDOT permit were identified and required permits were obtained prior to the delivery of all superloads to the site. Such permits require a comprehensive structural analysis and road feasibility study of the proposed route.

### 2.8.2 Operation Traffic

Personnel employed by Aquila for Facility operation are also from local areas and commute to the Facility by the same route as mentioned above for construction traffic. Since only approximately six (6) employees will occupy the Facility during the operational phase, the normal flow of traffic in the area of the Facility should not be impacted.

## 2.9 ROAD MAINTENANCE/REPAIR PLAN

Prior to starting construction the proposed traffic route conditions were reviewed, photographed and documented.

Aquila, at the request of Cass County, maintained 243rd Street for the county all through construction and added gravel and grizzly run to improve the road for heavy haul and construction vehicles. Cass County, in a joint project with Aquila, asphalt paved 243<sup>rd</sup> Street and a short portion of South Harper Road at the end of construction.



Because routine traffic for operation of the Facility as described above in Section 2.8.2 is expected to be limited, no additional repairs are anticipated to be needed. Aquila will contact the County if heavy haul equipment traffic will be required in the future for facility repairs or maintenance.

As a courtesy to local residents, Aquila has also paid to asphalt pave 241<sup>st</sup> Street from South Harper Road to Overfelt, and south on Overfelt to a point parallel with the Facility's south property line. The paving provides dust suppression that would otherwise occur from existing traffic, and provide an offset to any concerns about particulate emissions from the Facility. Cass County, in another joint project with Aquila, performed the work.



### 3.0 PERMITTING

A list of all Cass County building permits obtained by Aquila for the Facility is provided in Figure 3-1 at the end of this Section 3.0. A list of other authorizations and permits is provided in Figure 3-2. The permits, authorizations and clearances are discussed below.

#### 3.1 PHASE I ENVIRONMENTAL SITE ASSESSMENT

Prior to acquiring the property, Aquila contracted Burns & McDonnell Engineering, Inc. (Burns & McDonnell) to conduct a Phase I Environmental Site Assessment (ESA) of the 73.58-acre property. The confidential assessment document indicated that there was no evidence of site contamination.

#### 3.2 PERMIT TO CONSTRUCT (A.K.A. "AIR EMISSION PERMIT")

As a "Major Stationary Source", as defined in the Federal Prevention of Significant Deterioration (PSD) rulemaking promulgated under 40 CFR 52.21 and adopted by the State of Missouri under 10 CSR 10-6.060(8), Aquila was obligated to file an application and obtain an "Authority to Construct" (Permit to Construct - Appendix H (cover page only)) by MDNR for the Facility. The Permit is dated December 29, 2004.

Under that permit, each of the three turbines at the Facility are allowed to operate a maximum of 2,000 hours in any consecutive 12-month period; however the Facility has a maximum operating limit of 5,000 hours in any consecutive 12-month period. The Facility is also permitted to operate a gas heater and back-up diesel fire pump; however, these pieces of equipment have not been installed as they are not necessary for Facility operation at this time. These have maximum operating limits of 6,000 and 250 hours in any consecutive 12-month period, respectively. The operating limits were based on estimated emissions from the Facility. The following table depicts the Permitted level of air emissions (excluding turbine start-up and shut-down) and actual Facility emissions for the criteria pollutants CO, NOx, and PM10.

Table 3-1  
Air Emission Comparison

Air Emissions	CO(ppmvd) <sup>1</sup>	NOx (ppmvd) <sup>1</sup>	PM10(lbs/hr) <sup>2</sup>
Permitted Levels	25	15	15.25/10 <sup>3</sup>
Actual Levels <sup>4</sup>	22	12	6.1



<sup>1</sup> ppmvd = parts per million by volume

<sup>2</sup> lbs/hr = pounds per hour

<sup>3</sup> 15.25 lbs/hr when utilizing water injection for turbine #1, 10.00 lbs/hr for turbines #2 and #3 when not using water injection

<sup>4</sup> Actual emissions levels were recorded by Air Hygiene, Inc. as part of the equipment guarantee and Permit compliance guarantee (study dated August 2005).

Required testing for formaldehyde was conducted by a contractor (Air Hygiene) in August 2005. Formaldehyde was reported as a "non-detect."

Part of the PSD permitting process included an air dispersion modeling analysis to predict maximum ground level concentrations of criteria pollutants from operation of the Facility. Ground level concentrations were modeled using the permitted levels and reported in the Memorandum to the Permit to Construct. Modeling was also performed using the actual stack-tested emission rates presented in Table 3-1. The actual ground level concentrations based on the actual stack-tested emission rates are significantly lower than the ground level concentrations based on the permitted emission rates. (See Appendix H for permitted ground level concentrations and actual ground level concentrations.)

### **3.3 STATE OPERATING PERMIT**

Within 12 months of the Facility becoming operational, Aquila is required to submit an application to obtain a Facility Operating Permit from MDNR as required by the Federal regulations 40 CFR Part 70, and Missouri regulation 10 CSR 10-6.065. Aquila will comply with the requirement and submit the permit application within the deadline.

### **3.4 NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) LAND DISTURBANCE PERMIT**

As part of Section 402 of the Federal Clean Water Act (CWA), the State of Missouri is delegated by the United States Environmental Protection Agency (EPA) to administer the NPDES General Permit for construction activities that will disturb one (1) or more acres of land within the state. A Missouri State Operating Permit (General Permit No. MO-R101000) for storm water discharges is required in accordance with Missouri regulation 10 CSR 20-6.200. To comply with the Missouri Clean Water Law, Aquila submitted the appropriate application to MDNR and received a General Permit (No. MO-R106798, dated October 1, 2004 – see Appendix H) prior to initiating any earthmoving activities at the site.



The Permit requires a Storm Water Pollution Prevention Plan (SWPPP) be prepared prior to construction to ensure that appropriate best management practices (BMP's) will be implemented during construction to reduce water quality impacts caused by stormwater runoff from construction sites. The SWPPP also requires monitoring of the BMP's to ensure they are functioning properly. Burns & McDonnell prepared the Facility SWPPP, which was retained on-site during construction. The proposed BMP's were implemented and monitored.

### **3.5 NONCONTACT COOLING WATER IRRIGATION PERMIT**

Aquila is currently using a portion of their noncontact cooling wastewater for dust suppression purposes at the Facility. Aquila has informed the MDNR that it will be doing so until it receives an MDNR permit for constructing and operating a proposed land irrigation system, which will be used to dispose of the noncontact cooling wastewater. The Permit application for land irrigation was submitted to MDNR (dated May 17, 2005). The final Permit was issued in December 2005 and is provided in Appendix H.

### **3.6 SANITARY WATER/SEWAGE LAGOON PERMIT**

The Facility is equipped with restrooms, shower, sinks, etc. The wastewater from these facilities is discharged to an on-site sewage lagoon as recommended by the Cass County Health Department (CCHD). A Permit to construct the sewage lagoon was applied for by Segal, Inc. and authorized by the CCHD on February 24, 2005. A temporary Occupancy Permit was also issued by the CCHD (dated August 1, 2005 – see Appendix H). Aquila has requested an extension.

### **3.7 WETLAND DETERMINATION**

To determine if any wetlands were on-site and would be impacted by the project, Aquila engaged Burns & McDonnell to conduct a wetland delineation of the entire property. A few small wetlands, intermittent streams, and farm ponds were identified; however, not in an area that would be impacted by construction. To confirm the delineation, Burns & McDonnell submitted a wetland delineation report to the US Army Corps of Engineers (USACE) for review. The USACE responded with a no permit required determination (dated October 19, 2004 – see Appendix H) as none of the wetlands were being impacted. Because a Section 404 Dredge and



Fill Permit was not required by the USACE, a Section 401 Water Quality Certification was also not required.

### **3.8 THREATENED AND ENDANGERED SPECIES REVIEW**

To determine if the project would impact any federal or state listed threatened or endangered (T&E) species or their respective habitat, Aquila engaged Burns & McDonnell to consult with the Missouri Department of Conservation (MDC) and the US Fish and Wildlife Service (USFWS). Burns & McDonnell completed a habitat review for the site and sent correspondence to MDC and USFWS requesting their comments regarding T&E species or their respective habitat. USFWS responded with a "no objection" (dated October 4, 2004 – see Appendix H), while the MDC concluded that no T&E species or respective habitat appears to exist for the site (dated September 23, 2004 – see Appendix H).

### **3.9 CULTURAL RESOURCES CLEARANCE**

On behalf of Aquila, Burns & McDonnell completed a Phase I Cultural Resources Survey for the site, which included background research and an actual field survey. There were no known significant archaeological sites identified at the site or within one (1) mile of the site. The Phase I Cultural Resources Survey report was submitted to Missouri State Historic Preservation Office (SHPO) for review. Upon review, SHPO provided a letter (dated September 7, 2004 – see Appendix H) stating they concur with the report and that the project may proceed, since no adverse impacts to cultural resources are anticipated.

### **3.10 STRUCTURE HEIGHT NOTIFICATION**

Projects with relatively tall structures often require a Federal Aviation Administration (FAA) notification; Form 7460-1. Structures requiring notification are described in 14 Code of Federal Regulations (CFR), Part 77.13 Construction or Alteration Requiring Notice. None of the structures at this Facility met the criteria/definition for requiring notice (see memo dated August 31, 2005 in Appendix H); hence, Aquila did not prepare and submit a notification. The tallest structures are lightning masts at 74 feet 6 inches above grade and the closest FAA regulated airport is the Lawrence Smith Memorial Airport (LRY) approximately 8.75 miles to the southeast of the Facility; therefore these structures do not require notice to the FAA. This determination



considered elevations of the Facility (970 feet above Mean Sea Level (MSL)) and the airport (915 feet MSL).

### **3.11 FLOOD PLAIN DETERMINATION**

Prior to developing the Facility, a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the site was reviewed to determine if the site or any part thereof was located in a flood plain. According to FEMA FIRM Map No. 290783 0100C (dated May 4, 1992 – see Appendix H) for Cass County, Missouri, the entire site is located in an area designated as Zone X, which is classified as being outside the 500-year flood plain.

### **3.12 CONSTRUCTION PERMITS**

To comply with the Cass County regulations relating to Construction Permits, Aquila (and contractors of Aquila) prepared and submitted applications and obtained building permits (See Appendix H) for applicable structures. The Construction Permits are summarized in Figure 3-1, which includes Permit No., Application No., Application Date, Applicant, Description, and Status. A County Grading Permit for the Facility was deemed not required per correspondence letter dated October 4, 2005 from Cass County (Appendix H).

### **3.13 ROAD AND BRIDGE DRIVEWAY PERMIT**

A road and bridge driveway permit was applied for through Cass County and was received on December 1, 2005 (See Appendix H). This allowed for the construction of the Facility entrance driveway connecting to South Harper Road.

### **3.14 WATER SUPPLY AGREEMENT**

Public Water Supply District Number 7 (PWSD No. 7) has agreed to supply water to the Facility per the New Service Application and Water Users Agreement signed October 21, 2004 (Appendix H). An additional letter of support (dated November 2, 2004) from the PWSD No. 7 has also been included in Appendix H.

As part of the agreement, Aquila committed to substantial PWSD No. 7 water supply infrastructure improvements as part of the PWSD No. 7 five (5) year plan, such as upgrades to eight (8) inch and six (6) inch feed lines, as well as other appurtenant system upgrades (refer to





Utility Map: 5-Year Plan in Appendix H). "Notice to Proceed" documentation for the eight (8) and six (6) - inch feed line upgrades are included in Appendix H.

### **3.15 FIRE PROTECTION AGREEMENT**

Per letters from the West Peculiar Fire Protection District (WPFPD) dated November 2, 2004 and January 4, 2005 (See – Appendix H), WPFPD has agreed to provide fire protection for the Facility. With some revisions, the West Peculiar Fire Protection District will apply the Standard Operating Guidelines for Commercial Structure Fires for the Facility as noted in the correspondence letter dated August 26, 2005 (Appendix H).

Aquila has partnered with the West Peculiar Fire Protection District on confined space rescue equipment, and has reimbursed the Fire District for equipment to support that effort (see Appendix H). In addition, Aquila has provided training to Fire District personnel that meets Aquila's confined space rescue requirements for the South Harper Peaking Facility.

Permit No.	Application No.	Application Date	Fee (\$)	Applicant / Firm	Description	Status
25012			454.00	Kissick Construction	Temporary Construction Power	Issued 01/19/05.
	241217	12/14/04		Aquila Inc.	Temporary Construction Power	Covered by P/N 25012.
	241218	12/16/04		Siemens Westinghouse	Temporary Construction Power	Covered by P/N 25012.
	250102	01/04/05		Vaughn Mechanical	Temporary Construction Power	Covered by P/N 25012.
	250109	01/14/05		Kissick Construction	Temporary Construction Power	Covered by P/N 25012.
	250114	01/21/05		Kissick Construction	Temporary Construction Power	Covered by P/N 25012.
25013			174.00	Kissick Construction	Temporary Work Enclosure	Issued 01/19/05.
	250110	01/14/05		Kissick Construction	Temporary Work Enclosure	Covered by P/N 25013.
25015			62.00	AZCO Inc.	Temporary Construction Power	Issued 01/07/05.
	250108	01/07/05		AZCO Inc.	Temporary Construction Power	Covered by P/N 25015.
25020			1,112.00	Aquila Inc.	Plant 161-kV Substation Control Enclosure	Issued 02/01/05.
	241219	12/17/04		Aquila Inc.	Plant 161-kV Substation Control Enclosure	Covered by P/N 25020.
25047			12,280.00	Aquila Inc.	Turbine and Plant Service Building Foundations	Issued 02/24/05.
	241206	12/03/04		Aquila Inc.	Power Plant Construction	Covered by P/N 25047 & 25072.
	250206	02/07/05		Aquila Inc.	Turbine and Plant Service Building Construction	Covered by P/N 25047 & 25072.
25072			22,200.00	Aquila Inc.	Turbine and Plant Service Building Construction	Issued 03/21/05.
	241206	12/03/04		Aquila Inc.	Power Plant Construction	Covered by P/N 25047 & 25072.
	250206	02/07/05		Aquila Inc.	Turbine and Plant Service Building Construction	Covered by P/N 25047 & 25072.
25196	250537	05/19/05	473.00	Aquila Inc.	H Occupancy Building Permit	Issued 07/06/05.
25267	250639	07/06/05	822.00	Aquila Inc.	Flammable Storage Building Construction	Issued 09/06/05.
25339	251034	10/28/05	1,414.00	Aquila Inc.	Foundations for transformer sound walls	Issued 10/31/2005

Totals: 38,991.00



Aquila

Figure 3-1  
Acquired Cass County  
Construction Permits

Permit No.	Application No.	Effective Date	Fee (\$)	Applicant / Firm	Agency	Description	Status
122004-017	2004-03-143	12/29/04		Aquila Inc.	Missouri Dep't of Natural Resources	Permit to Construct (Air emissions permit)	Issued 12/29/2004
MO-R106798		10/01/04		Aquila Inc.	Missouri Dep't of Natural Resources	NPDES Land Disturbance Permit	Issued 10/1/2004
		05/19/05		Aquila Inc.	Missouri Dep't of Natural Resources	Dust suppression notification	Letter to MDNR 5/19/2005
MO-0131857				Aquila Inc.	Missouri Dep't of Natural Resources	Permit for sprinkler system	Draft; awaiting final
05-018		02/24/05	200.00	Aquila Inc.	Cass County Health Department	Sanitary Wastewater/Sewage Lagoon Permit	Issued 2/24/2005
		08/01/05		Aquila Inc.	Cass County Health Department	Ninety-Day Temporary Occupancy Permit	Expired 11/1/05
		10/19/04		Burns & McDonnell for Aquila	U.S. Army Corps of Engineers	Section 404 Clean Water Act correspondence	"Department of the Army permit authorization is not required"
		10/4/204		Burns & McDonnell for Aquila	U.S. Fish and Wildlife Service	US Fish and Wildlife Service Correspondence	Concurrence on no adverse impact
		09/23/04		Burns & McDonnell for Aquila	MO Department of Conservation	Heritage Review Report from Missouri Dept of Conservation	"No Records Found" of species/habitats with Federal or State Restrictions
		09/07/04		Burns & McDonnell for Aquila	MO Department of Natural Resources State Historic Preservation Office	Clearance from State Historic Preservation Office	SHPO concurs "no historic properties affected"
		08/31/04		Burns & McDonnell for Aquila	Federal Aviation Administration	Memo from Burns & McDonnell to Aquila, Inc.	FAA Notice of Proposed Construction or Alternation not required
					Federal Emergency Mgt Authority (FEMA)	Map confirming that South Harper Peaking Facility is not in a flood zone	
		12/01/04	25.00	Sega, Inc. for Aquila	Cass County Road and Bridge	Driveway Permit	Approved



Aquila

Figure 3-2  
Other Authorizations and  
Permits



## 4.0 SOUND EMISSIONS

Sound levels at the property boundary comply with Cass County *residential* noise regulations.

### 4.1 NOISE STUDIES

To determine projected noise levels emitting from the Facility and to ensure equipment manufacturing guarantees, Aquila contracted Burns & McDonnell to complete a noise study. The results of the study indicate that the Facility noise levels at the property boundary would be in compliance with the County noise regulations (Cass County, Missouri Ordinance No. 02-20 Noise Disturbance) of 60 dBA during daytime (7:00 AM to 10:00 PM) and 55 dBA during nighttime (10:00 PM to 7:00 AM).

Burns & McDonnell conducted actual noise measurements without the Facility operating (ambient noises) and with the Facility operating at full load. The results are included within the noise study report (Appendix II) that was prepared by Burns & McDonnell. Ambient noise levels ranged from 50.2 dBA to 63.9 dBA, which can largely be attributed to insect noise. Noise measurements at all of the same locations during full load operation of the Facility ranged from 49.0 dBA to 60.4 dBA. This indicates that the Facility has little to no impact on noise in the area. In fact, all but four of the fourteen measurements taken had values recorded during full-load operation that were lower than ambient readings. This can be attributed to the ambient sound source levels (mainly insect noise) during facility operation being lower than during the background readings.

To address potential concerns raised by the Burns & McDonnell study, Aquila contracted ATCO Noise Management ([www.atconoise.com](http://www.atconoise.com)) to perform a more detailed study. For example, sound meters were placed in the yards of six residences near the plant. These meters recorded sound levels for extended periods of time (to include plant operational and non-operational periods) and took into account background noise.

The results of the ATCO study, for the plant in its configuration as of September 20, 2005, show the contribution of the plant to sound levels in the area (including specific residences) in Figure 4-

1. Please note that the plant currently complies with Cass County residential noise requirements at Residence 5; Residence 5 having the highest sound level of all residences measured.



## 4.2 NOISE ATTENUATION

Aquila acknowledges that nearby residents can hear various pieces of equipment during operation. A specific frequency in the 1000 to 1250 Hz range was identified as the audible tone at the residences. As a result, Aquila installed acoustic lagging on one of the air inlet expansion ducts to reduce the audible tone at the residences. Additional near-field noise measurements were recorded on August 22, 2005 to determine the effectiveness of installing the silencer package. The results indicated that the measurement point with the highest near-field (3 feet) overall noise level was reduced by nine (9) dBA. The measured individual frequencies at that point for the attenuated unit realized a reduction of 2.1 to 10.7 dB over the un-attenuated units, with the 1,000 Hz - 8,000 Hz frequencies (the frequencies audible to humans) realizing an average reduction of 9.4 dB. A 10 dB reduction is considered a halving of the sound. Measurement points with lower un-attenuated values did not experience as significant a reduction, but all points did realize a reduction in sound level. Results of this test prompted the installation of this acoustic lagging package on the other two turbines.

In addition to the installation of the acoustic lagging installed on the outside of the air inlet transition ducts, Aquila commissioned ATCO to design, construct and install additional inlet silencers for installation on all three units. Installation of these additional silencers is scheduled for March 2006. ATCO guarantees to Aquila that the noise levels for the turbine air inlet system will be reduced by 15 dB in the 1250 Hz band as a result of the installation of these silencers.

### 4.2.1 Completed and In Progress Noise Attenuation Activities

As noted above, Aquila acknowledges that nearby residents can hear various pieces of equipment during operation even though the plant currently meets Cass County noise regulations in its current configuration. To reduce what the nearby residents can hear, the following sound attenuation activities have been completed:

- Removal of outdoor fire sirens
- Air Inlet expansion duct external silencer package installation on all three units
- Fuel gas vent silencers installed
- Fuel gas yard vent silencers installed



- Starting motor attenuation package installed
- Unit compressed air vent silencers installed

Photographs (Photos Nos. 4.2-1 through 4.2-8, taken September 2005) of completed noise attenuation efforts are included at the end of this section.

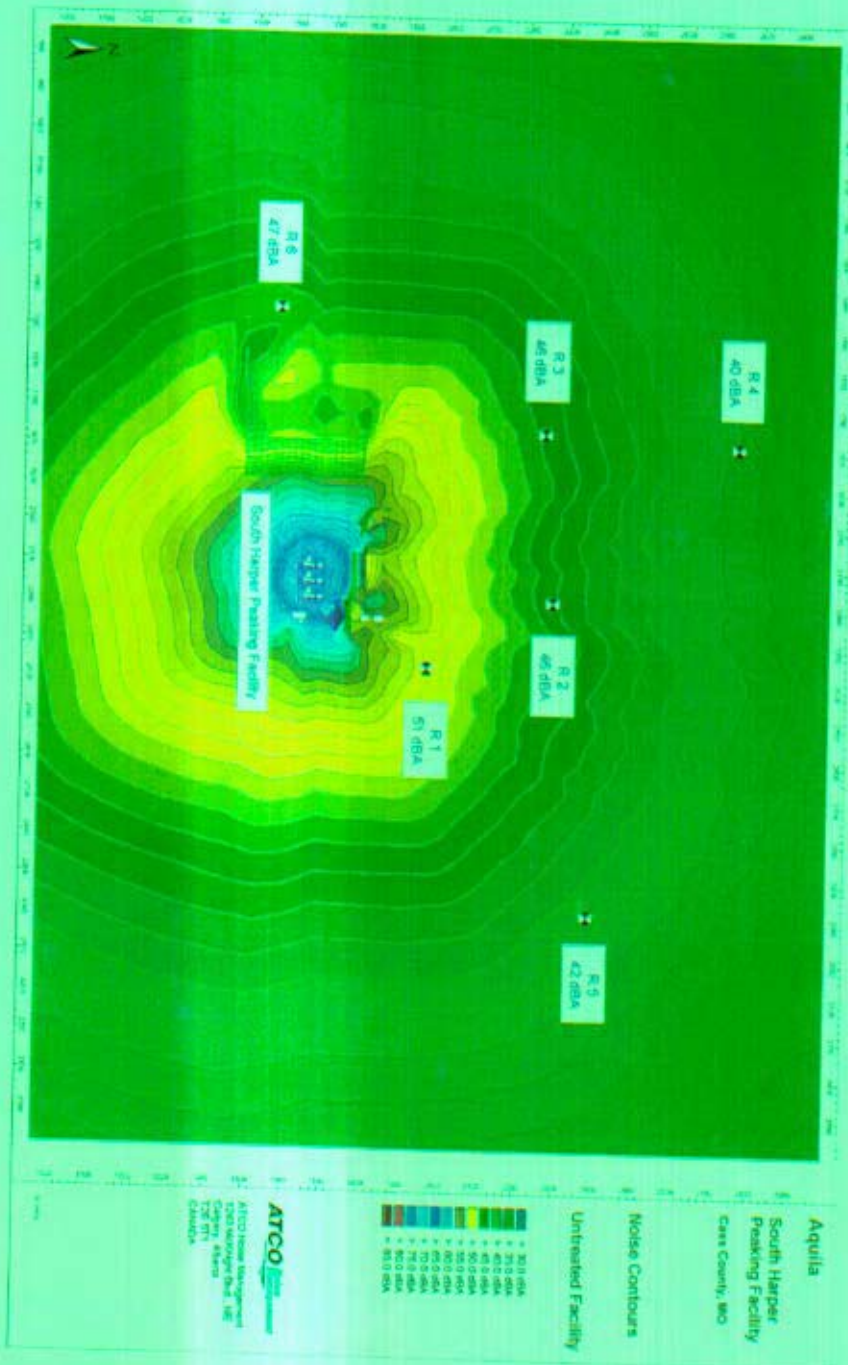
The results of the ATCO Noise Study included options to further reduce what residents hear. The following are options that are in the process of being implemented as a result of the study.

- Construction of Generator Step-Up (GSU) Transformer sound walls to reduce transformer fan noise
- Additional internal air inlet silencers as noted above
- Shop air conditioning to eliminate shop vent fan noise
- Mechanical package vent fan silencers

Aquila commits to conducting another noise study once insect noise has subsided and these noise attenuation measures have been completed. The results will be provided to the County.



4.3 FIGURE 4.1 NOISE CONTOURS



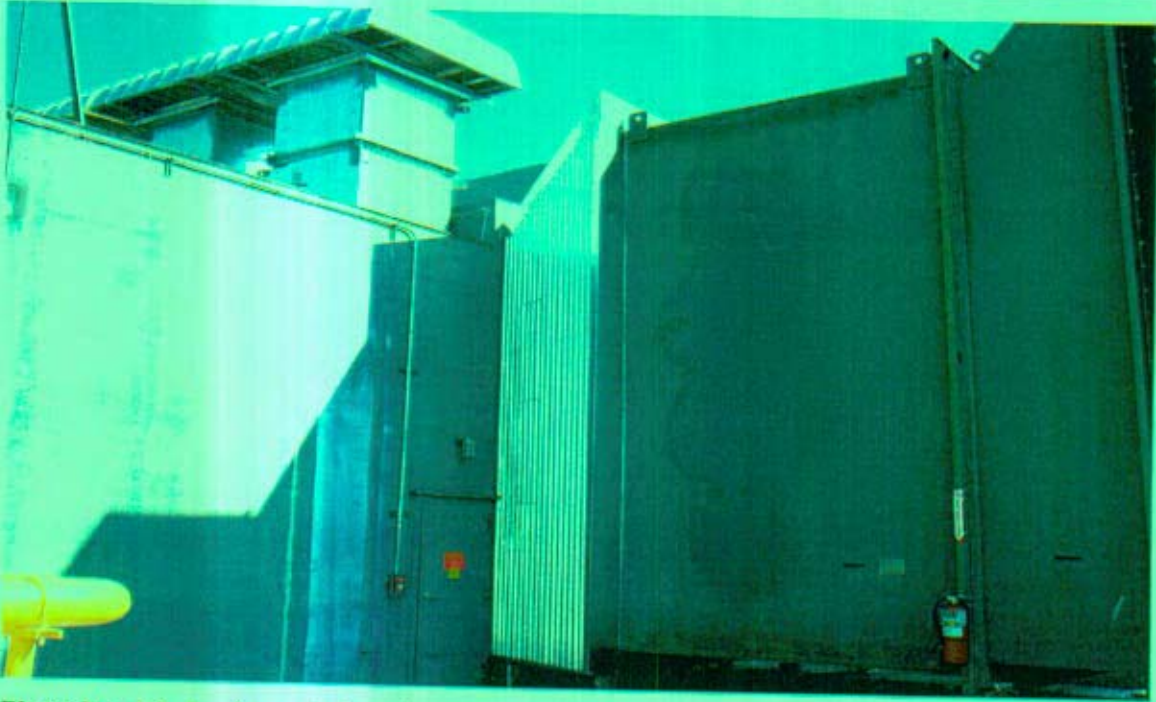


Photo No. 4.2-1 – Acoustic Lagging on Air Inlet Transition



Photo No. 4.2-2 – Turbine Gas Vent Silencer





Photo No. 4.2-3 – Regulating Station Gas Vent Silencer



Photo No.4.2-4 – Starting Motor Package Acoustic Skirt



Photo No. 4.2-5 – Starting motor package ventilation silencer



Photo No. 4.2-6 – Generator Step Up Transformer Sound Wall Foundations

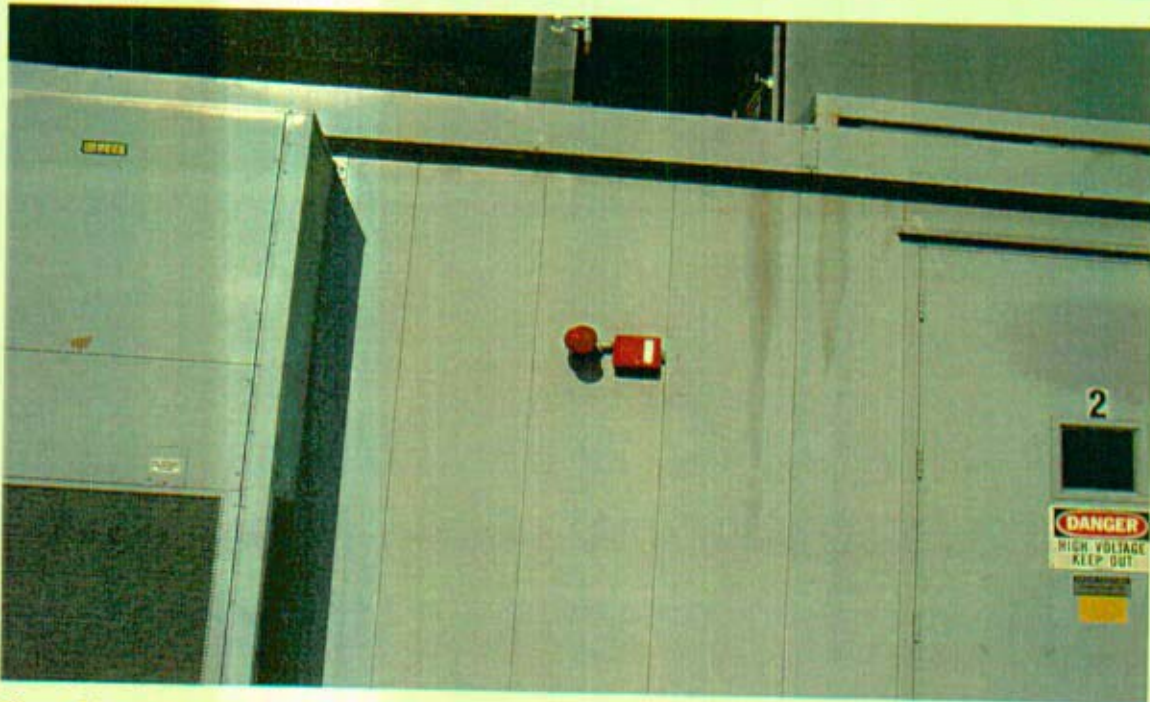


Photo No. 4.2-7 – Fire Siren Removed



Photo No. 4.2-8 – Starter motor enclosure (internal)



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## 5.0 COUNTY REGULATION COMPLIANCE

### 5.1 PERMITS

Aquila has obtained all applicable required County permits, with the exception of the SUP. A permit summary is located in Section 3.0, while applicable permits are provided in Appendix H.

### 5.2 NOISE

As per Aquila's commitment, projected noise measurements, noise attenuation measures, and a noise study, Aquila complies with the County residential noise regulations, which is 60 dBA daytime (7:00 AM to 10:00 PM) and 55 dBA nighttime (10:00 PM to 7:00 AM).

### 5.3 LAND USE

The subject property and neighboring properties contain a high-voltage electric transmission line and two (2) Southern Star high-volume natural gas pipelines. Adjacent to the subject property is an existing Southern Star Natural Gas Compressor Station, which is currently exempt from zoning, and a communications tower. Aquila believes the Facility is therefore consistent with current site and adjacent land uses. As noted in the Zoning Order, Appendix A, an electric power generation facility is an acceptable use on agricultural zoned lands, which the subject site is currently zoned. In addition, according to the Cass County Comprehensive Plan Update 2005, a portion of the property is being proposed as a Multi-Use Tier. The Facility appears to be an approved Multi-Use Tier activity.



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## **6.0 AQUILA COMMUNITY OUTREACH EFFORTS**

### **6.1 SITUATIONAL OVERVIEW**

The South Harper Peaking Facility began construction in late 2004. Major construction was completed in June 2005 and it began generating electricity to serve Missouri customers. During the permitting and construction process, Aquila worked with the various federal, state, county and local officials and agencies to ensure that the facility followed the appropriate guidelines, but this process has not been without conflict and litigation. Aquila hopes that period of conflict is over.

Prior to the completion of the facility, several improvements were made to the site and the neighborhoods in close proximity. Since completion Aquila has stepped up its outreach efforts with the neighbors who reside in the rural community surrounding the plant. The neighborhood group is actively participating in the identification of issues pertinent to the peaking facility and is engaged in the resolutions that are being contemplated and implemented by Aquila to address their concerns.

### **6.2 IMPROVEMENTS – PRIOR TO AND AFTER FACILITY COMPLETION**

Many improvements have been provided by Aquila and are summarized below.

1. Site Improvements - During construction, temporary buildings were utilized to house the workers and company personnel. As the facility was completed these work trailers were removed and the landscaping process began. Berms were built to reduce the visibility from the neighborhood's vantage point. Trees and shrubs were planted at the facility entrance, around the perimeter and on the berms.
2. Neighborhood Improvements - In recognition of the facility needs and in an effort to support community development efforts by the county and the local water and fire districts, Aquila agreed to participate and fund several projects.
  - In partnership with Public Water Supply District No. 7 (PWSD No. 7), a water loop was installed that increased the reliability of the rural system that serves the neighborhood where the facility is located.
  - Working with the PWSD No. 7 and the West Peculiar Fire Protection District (WPFPD), twenty-one (21) new fire hydrants were installed on the streets in



close proximity to the plant. We understand the fire hydrants helped the Fire District achieve improved ISO ratings that will result in lower fire insurance premiums for homeowners in the area. Aquila also committed to the installation of two additional hydrants, as requested by neighbors. This project helped the WPPFD achieve ISO ratings in the top 10% of all rural fire districts in the U.S.

- Cass County Roads Department and Aquila paved 243rd Street, the main thoroughfare that leads in to the neighborhood where the peaking facility is located following the completion of major construction.
3. Technical Improvements: As noted in section 4, Aquila acknowledges that nearby residents can hear various pieces of equipment during operation even though the plant currently meets Cass County noise regulations in its current configuration. To reduce what the nearby residents can hear, the following sound attenuation activities have been completed
- Turbine Units: acoustic insulation has been added to the exterior of the air inlet ducting
  - Turbine Unit Fuel Gas Vents: individual silencers have been installed
  - Turbine Unit Gas Yard Vents: individual silencers have been installed
  - Turbine Unit Compressed Air Vents: individual silencers have been installed
  - Fire Alarm System: originally the fire suppression system sounded an externally mounted alarm. These alarms were relocated inside so that the sound is contained inside the buildings at the facility. In addition, alarms are monitored electronically at the facility site in the operations control room and simultaneously at Aquila's Energy control center located in Lee's Summit, Missouri.
  - Starting Motor Package: acoustic skirting and ventilation silencers have been installed
4. To further reduce sound levels, the following improvements are being implemented:
- Generator Step-Up (GSU) transformer sound walls to reduce transformer fan noise (foundations are installed, wall are under construction)
  - Additional internal air inlet silencers to further reduce air inlet noise (in the process of being constructed)



- Shop air conditioning to reduce shop vent fan noise (out for bid)
- Mechanical package vent fan silencers to reduce fan noise (in the process of being constructed)

### **6.3 COMMUNITY OUTREACH – POST FACILITY COMPLETION**

Many outreach efforts have been completed by Aquila after the Facility was built and are summarized below.

1. Meetings and Tours: Interaction Summary: Following completion of construction, Aquila began direct discussions with area neighbors in close proximity of the plant. Through a series of meetings and facility tours the effort was to understand their continuing concerns with the peaking facility.
  - For the first session, families with a direct view of the plant were contacted and participated in a meeting and tour of the peaking facility. They indicated their main goal was to have the plant removed, but in the mean time, they wanted Aquila to address several issues: 1) Noise – during turbine start-up, normal operation and during the shut-down process the facility was very loud. As the equipment begins operation, the residents conveyed that they would hear excessive loud and startling noises. In addition, there was a high pitched whining sound. 2) Emissions – the group wanted to better understand the pollutants that were associated with the facility. They also wanted to understand the federal and state oversight and if the company had received and was in compliance with the required environmental permits. 3) Visual – the neighbors shared their frustration that the facility site did not resemble what Aquila had depicted in artist renderings and when they moved to a rural community they did not expect to end up with a direct view of a power plant.
  - For subsequent meetings and tours, a broader group of neighbors was invited. Aquila is reaching out to those within a 3 mile radius of the plant. During community meetings which occur approximately once a month, the company updates the local community on the improvements it is making to address the concerns, shares data on noise and emission testing and offers experts to answer



technical questions pertaining to air, water and soil quality, and get input on other potential projects and improvements. The plan is to hold the monthly neighborhood meetings for as long as there is interest. Aquila has also begun discussions to identify community projects where the company can partner with area residents to accomplish local goals.

- In addition to the meetings and tours with neighbors, there is interest from the surrounding area in gaining an understanding of the peaking facility from an educational perspective. Aquila conducts tours and shares information with local Cub Scout groups, classes from elementary schools and a junior college, and other civic organizations as requested.

2. Newsletters and Webpage

Aquila has recognized that its community outreach efforts need to extend beyond meetings and tours in order to keep interested stakeholders apprised of activities. Some seek information but are unable or unwilling to commit time to meetings or tours. With this in mind, Aquila has created an informational South Harper web page that can be accessed at [www.aquila.com](http://www.aquila.com), distributes a neighborhood newsletter (an example is attached) and maintains a 1-800 line where callers can speak to customer service associates regarding the peaking facility or hear a recorded message that shares current events. The web page and newsletter also have a current events section. Aquila provides information on community meeting dates and planned activities at the South Harper Peaking Facility. In addition, contact information is listed so that questions can be submitted. The goal is to create an ongoing dialogue and Aquila is attempting to be a good neighbor for as long as the facility remains at the South Harper location.

**6.4 IMPROVEMENTS AND OTHER ITEMS – POST FACILITY COMPLETION**

Many improvements have been provided by Aquila after the Facility was completed and are summarized below.

1. Landscaping: In summary, over 1,188 trees and shrubbery have been planted in and around the South Harper Peaking Facility. All plantings are guaranteed for a one-year





period and have a specific maintenance program in place to ensure that they will flourish.

- Peaking Facility site: Aquila will continue to improve the appearance of the peaking facility and the substation.
- Vacant land – Aquila owned: Additional acres were purchased in excess of what was needed to site the peaking facility. A team of neighbors is being established to work on a plan for approximately 30+ acres north of the plant. Preliminary discussions include leaving the land as agricultural grazing land, walking trails, or perhaps ball fields. A neighborhood concern is not to add facilities or attractions that would increase traffic and parking needs in the area.
- Neighborhood: Aquila continues to work with individual neighbors who have a direct view of the facility in order to minimize the impact they have since construction has concluded. The following actions have been taken in the neighborhood directly adjacent to the facility.
  - Homes and vacant residential development property were purchased from those who wished to relocate. Sale premiums have been negotiated and moving expenses have been reimbursed along with other out of pocket expenditures the home owners have incurred.
  - Landscaping was added to the privately owned acreages that are in near proximity to the facility with the design input of the individual families.
  - Relocation agreements were negotiated that allow affected neighbors time to evaluate the issues pertinent to the facility before making a relocation decision. These agreements give them the ability to leave the area within a given period and the costs will be covered by Aquila.
  - Legal fees and costs incurred for web sites incurred by the local neighbors have been reimbursed by Aquila.

A description of this work by property is provided in Table 6-1 at the end of this Section.



2. Emissions Testing: Additional Emissions Testing: Aquila completed all of the emissions testing required by state and federal agencies (representatives of both the MDNR and the USEPA were on site during this testing) and is in compliance with the emissions regulations set forth in its permit to construct.

We understand that this does not alleviate the concerns associated with emissions from the turbines of the neighbors close to the facility. To try to address those concerns, Aquila has completed additional, not required, more detailed and accurate emissions testing (a representative of the MDNR was on site during this testing.)

Aquila has engaged 2 KU professors who are expert toxicologists (See bios in Appendix J). We have provided the results of the emissions testing required by governmental agencies to the toxicologists. In addition, the results of the more detailed and accurate testing was provided to them. The experts have analyzed the results of both tests issued and a report. Their report says that there is no health impact from the plant emissions. The experts will be available to discuss the report with the neighbors in private sessions or in community meetings.

The additional testing actually showed higher levels of background formaldehyde in the control sample than what was emitted from the turbine during operation. Please note that the additional testing was so sensitive that it detected levels of formaldehyde and other Hazardous Air Pollutants (HAPs) at levels far below the limits established by either the MDNR or the EPA. For this reason the testing required by MDNR and the EPA actually shows formaldehyde as a "Non-Detect".

Aquila has also paved over two miles of roads near the plant. This greatly reduces the Particulate Matter (PM) emissions caused by traffic on unpaved roads.

According to the EPA website ([epa.gov/ttn/chief/ap42/ch13/final/c130202.pdf](http://epa.gov/ttn/chief/ap42/ch13/final/c130202.pdf)), the emissions from an unpaved road using the midrange of the factors results in 2.6 pounds of PM per mile paved. Seven trucks per hour, driving on an unpaved road, will produce 18 pounds of emissions. The total PM emissions from our plant are about 18 pounds per hour during plant operation with all 3 turbines in operation at full load.



**6.5 COMMUNITY PROJECTS**

Aquila is hosting public meetings with area residents to identify projects that will benefit the Peculiar/Cass County community. Invitations have been sent to residences within a three mile radius of the plant and a working group has been formed to generate ideas, prioritize the opportunities and then get teams organized to carry out the plans. Current joint projects we are working on are listed below.

- Aquila has provided funding for 5 new tornado sirens in the area. This will increase the current number of 4 to 9.
- Aquila is part of a community team working on the design and installation of lights for the Athletic Association of Peculiar for three baseball fields at Raisebeck Park, and is installing previously purchased poles and lights for the Cass County Junior Athletic Association football field in Peculiar.

A list of all other projects Aquila has participated in is provided in Table 6-1.

**TABLE 6-1**

**ESTATE, LANDSCAPING AND COMMUNITY OUTREACH PROJECTS**

**I. HOMES PURCHASED**

**9804 East 241<sup>ST</sup> Street  
Peculiar, MO 64078**

Aquila purchased home for appraised value which is significantly higher than cost. In addition, all moving expenses, legal fees, and improvements were reimbursed to homeowner. All closing costs were paid for by Aquila. Home is for sale by Aquila at slightly below appraised value.

**24021 South Lucille Lane  
Peculiar, MO 64078**

Aquila purchased home after significant landscaping was done. Home is for sale by Aquila at appraised value.

**24020 South Lucille Lane  
Peculiar, MO 64078**



Aquila purchased home after significant landscaping was done. Home is for sale by Aquila at slightly below appraised value.

**9900 East 241<sup>st</sup> Street  
Peculiar, MO 64078**

Aquila purchased home from builder at amount slightly above appraised value. Home is for sale by Aquila at appraised value.

**Lot # 13 Harris Place  
South 241<sup>st</sup> Street  
Peculiar, MO 64078**

Aquila purchased vacant lot from builder at amount above appraised value. Lot is for sale by Aquila at purchase price.

**II. LANDSCAPING COMPLETED**

**24021 South Lucille Lane  
Peculiar, MO 64178**

- Irrigation system for foundation plantings
- 120 Shrubs
- 60 Trees included staking, mulching and watering

**23817 South Lucille Lane  
Peculiar, MO 64178**

- Irrigation system and drainage
- 130 Shrubs
- 60 Trees including staking, mulching and watering

**24005 SOUTH LUCILLE LANE  
Peculiar, MO 64178**

- 63 Trees including staking, mulching and watering

**24214 SOUTH TARIANE  
Peculiar, MO 64178**

- 4 25-foot tall Trees including mulching

**24407 South Overfelt  
Peculiar, MO 64178**

- 80 Trees including staking, mulching and watering



- 20 Shrubs
- Drip Irrigation System

**23925 South Lucille Lane  
Peculiar, MO 64178**

- 28 Trees including staking, wiring, mulch and watering

**24040 SOUTH LUCILLE LANE  
Peculiar, MO 64178**

- 65 Trees including staking, wiring, mulch and watering
- 30 Shrubs

**23920 SOUTH LUCILLE LANE  
Peculiar, MO 6417**

- 45 Trees including staking, wiring, mulching and watering

**24305 SOUTH HARPER  
Peculiar, MO 64178**

- Removal of one (1) 40' dead Maple
- 1 6" Caliper.

**III. SOUTH HARPER PEAKING FACILITY AND PERIMETER STREET**

- 492 Trees
- Large 12 – 14 ft Berms
- 25' Trees on Berms
- Screening along South Harper Road
- Screening along 241<sup>st</sup> Street

**IV. LANDSCAPING IN PROGRESS**

**9804 East 241 Street  
Peculiar, MO 64178**

- Trees
- Shrubs

**9812 EAST 241 STREET  
Peculiar, MO 64178**

- 4 Trees



**9900 East 241 Street  
Peculiar, MO 64178**

- Trees
- Shrubs

**23515 SOUTH LUCILLE  
Peculiar, MO 64178**

- 4 Trees

In summary, over 1,188 trees and shrubbery have been planted in and around the South Harper Peaking Facility. All plantings are guaranteed for a one-year period and have a specific maintenance program in place to ensure that they will flourish.

## **V. OTHER COMMUNITY-WIDE BENEFITS**

### **Streets Paved**

- 243<sup>rd</sup> Street
- 241<sup>st</sup> Street
- South Harper Road from the southern end of our property to 241<sup>st</sup> Street
- Overfelt Road from 241<sup>st</sup> Street to a point parallel with the Facility's south property line

### **Benefits to the West Peculiar Fire District and Water Supply District No. 7**

- 21 new fire hydrants installed
- 2 additional to be added
- New water loop installed that increases reliability in the neighborhood
- Nationally rated ISO ranking
- Confined Space Equipment
- Confined Space Training at the Facility

### **Tornado Sirens**

- Funding provided for 5 new tornado siren
- Raising number to 9 total

### **Energy Efficiency Audits**

- Energy Efficiency Audits made available
- Energy Conservation materials distributed



Aquila

**AQUILA COMMUNITY  
OUTREACH EFFORTS**

---

**Ball Field Lights**

- Group Project to install lights at 3 local baseball fields
- Will install previously purchased lights and poles at local football field



24020 S Lucille Lane



24020 S Lucille Lane





24020 S Lucille Lane



24020 S Lucille Lane



23920 S Lucille Lane



23920 S Lucille Lane



24021 S Lucille Lane



24021 S Lucille Lane



24021 S Lucille Lane



24040 S Lucille Lane



24021 S Lucille Lane



23925 S Lucille Lane



23920 S Lucille Lane



23920 S Lucille Lane



23920 S Lucille Lane



23187 S Lucille Lane



23817 S Lucille Lane



23187 S Lucille Lane





23817 S Lucille Lane



South Harper Road - on Aquila Property



South Harper Road - on Aquila Property



South Harper Road - on Aquila Property



Corner South Harper Road and 241st Street - On Aquila Property



Berm - On Aquila Property



Berm - On Aquila Property



Construction of Berm - On Aquila Property



Berm - Dirt buildup



241<sup>st</sup> Street



243<sup>rd</sup> Street

**APPENDICES**

**APPENDIX A**

Property Exhibit Drawing





**APPENDIX B**  
Title Report

Peculiar Plant S

**FAX COVER SHEET**

**DATE:** 01/10/2005  
**TO:** Aquila, Inc.  
**FAX NO.:** 18167377621  
**ATTN:** Bruce  
**FROM:** First American Title Kansas Agency Inc  
dba Security Land Title Company  
791 Northeast Rice Road  
Lee's Summit, Missouri 64086

Phone No. (816) 246-4010 Fax No. (816) 246-6624

**RE:** File No.: 463979  
Property: 24110 South Harper Road, Peculiar, MO 64078

**SUBJECT:**

PLEASE NOTIFY THE SENDER IF YOU DO NOT RECEIVE ALL PAGES ON THIS TRANSMISSION.

The materials enclosed with this facsimile transmission are private and confidential and are the property of the sender. The information contained in the material is privileged and is intended only for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, be advised that any unauthorized disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this facsimile transmission in error, please immediately notify the sender to arrange for return of the forwarded documents to us.

Form No. 1068-2  
ALTA Plain Language Commitment

Commitment No: 463979  
Page Number: 2

**FIRST AMERICAN TITLE INSURANCE COMPANY  
INFORMATION**

The Title Insurance Commitment is a legal contract between you and the company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the policy.

The Company will give you a sample of the Policy form, if you ask.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

This information is not part of the title insurance commitment.

**TABLE OF CONTENTS**

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Schedule A	
1. Commitment Date	4
2. Policies to be Issued, Amounts and Proposed Insured	4
3. Interest in the Land and Owner	4
4. Description of the Land	4
Schedule B-1 - Requirements	
Schedule B-2 - Exceptions	
Conditions	

**YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.  
If you have any questions about the Commitment,  
please contact the issuing office.**

Form No. 1068-2  
ALTA Plain Language Commitment

Commitment No: 463979  
Page Number: 3

COMMITMENT FOR TITLE INSURANCE

Issued by

*First American Title Insurance Company*

Agreement to Issue Policy

We agree to issue a policy to you according to the terms of this Commitment.

When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

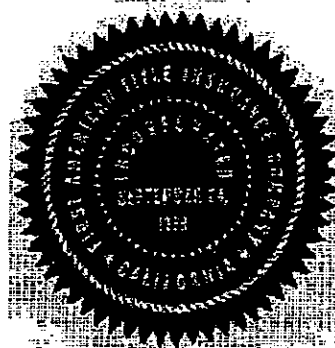
- The Provisions in Schedule A.
- The Requirements in Schedule B-1.
- The Exceptions in Schedule B-2.
- The Conditions.

This Commitment is not valid without Schedule A and Sections 1 and 2 of Schedule B.

*First American Title Insurance Company*

BY *Gary L. Kerwood* PRESIDENT

ATTEST *Mark A. Hansen* SECRETARY



Form No. 1068-2  
ALTA Plain Language Commitment

Commitment No : 463979  
Page Number: 4

**SCHEDULE A**

Commitment Amendment:

1. Commitment Date: December 30, 2004 at 7:30 A.M.

2.	Policy or Policies to be issued:	Amount
----	----------------------------------	--------

(A)	ALTA Owner's Policy	\$TBD
	Proposed Insured:	
	The City of Peculiar	

3. Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by

Aquila, Inc., a Delaware Corporation

4. The land referred to in this Commitment is described as follows:

**THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY-NINE (29), AND THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTY-TWO (32), EXCEPT THAT PART OF DEEDED TO CITIES SERVICE GAS COMPANY BY DEED RECORDED IN BOOK 398, PAGE 518, RECORDER'S OFFICE, CASS COUNTY, MISSOURI, AND EXCEPT EASEMENTS OF RECORD, ALL IN TOWNSHIP FORTY-FIVE (45), RANGE THIRTY-TWO (32).**

Form No. 1068-2  
ALTA Plain Language Commitment

Commitment No.: 463979  
Page Number: 5

**SCHEDULE B**  
**SECTION ONE**  
**REQUIREMENTS**

The following requirements must be met:

- (A) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (B) Pay us the premiums, fees and charges for the policy.
- (C) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (D) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- (E) Obtain and submit to the Company for recording a Warranty Deed from Aquila, Inc., a Delaware Corporation to The City of Peculiar.

Form No. 1068-2  
ALTA Plain Language Commitment

Commitment No : 463979  
Page Number: 6

**SCHEDULE B**

**SECTION TWO**

**EXCEPTIONS**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, shortages in area or other matters which would be disclosed by an accurate survey or inspection of the premises.
3. Easements, or claims of easements, not shown by the public records.
4. Any liens, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records

NOTE: General, state, county and city taxes for the year 2004 in the amount of \$1,518 59 are PAID.

Parcel Number 2747900 (Includes other property)  
(Prior City Number N/A)  
Alt. No.  
Carna No.

6. An easement for electric lines in the document recorded April 5, 1966 in Book 502 at Page 154 of Official Records



Form No. 1068-2  
ALTA Plain Language Commitment

Commitment No : 463979  
Page Number: 7

## CONDITIONS

### 1. DEFINITIONS

- (a) "Mortgage" means mortgage, deed of trust or other security instrument.
- (b) "Public Records" means title records that give constructive notice of matters affecting the title according to the state law where the land is located.

### 2. LATER DEFECTS

The Exceptions in Schedule B - Section Two may be amended to show any defects, liens or encumbrances that appear for the first time in the public records or are created or attached between the Commitment Date and the date on which all of the Requirements (a) and (c) of Schedule B - Section One are met. We shall have no liability to you because of this amendment.

### 3. EXISTING DEFECTS

If any defects, liens or encumbrances existing at Commitment Date are not shown in Schedule B, we may amend Schedule B to show them. If we do amend Schedule B to show these defects, liens or encumbrances, we shall be liable to you according to Paragraph 4 below unless you knew of this information and did not tell us about it in writing.

### 4. LIMITATION OF OUR LIABILITY

Our only obligation is to issue to you the Policy referred to in this Commitment, when you have met its Requirements. If we have any liability to you for any loss you incur because of an error in this Commitment, our liability will be limited to your actual loss caused by your relying on this Commitment when you acted in good faith to:

- comply with the Requirements shown in Schedule B - Section One
- or
- eliminate with our written consent any Exceptions shown in Schedule B - Section Two.

We shall not be liable for more than the Policy Amount shown in Schedule A of this Commitment and our liability is subject to the terms of the Policy form to be issued to you.

### 5. CLAIMS MUST BE BASED ON THIS COMMITMENT

Any claim, whether or not based on negligence, which you may have against us concerning the title to the land must be based on this commitment and is subject to its terms.

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## **We Are Committed to Safeguarding Customer Information**

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information – particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our parent company, The First American Corporation, we have adopted this Privacy Policy to govern the use and handling of your personal information.

### **Applicability**

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its *Fair Information Values*, a copy of which can be found on our website at [www.firstam.com](http://www.firstam.com).

### **Types of Information**

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

### **Use of Information**

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

### **Former Customers**

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

### **Confidentiality and Security**

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's *Fair Information Values*. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**APPENDIX C**  
Site Plan

