Attachment 1

Resiliency Requirements for Combined Cycle Combustion Turbine Resources

1. Without limiting any of the other terms of the [Toll Term Sheet or Tolling Agreement Term Sheet, as applicable] [this Agreement], the Facility must meet each of the following design criteria:

Seismic:
Occupiable and non-occupiable structures at and components of the Facility must be designed in accordance with the seismic design requirements of IBC 2021 and ASCE 7, using the following parameters:

Importance Factor (IE): 1.25
Risk Category: III
Seismic Design Category: C.

Wind:
Occupiable and non-occupiable structures at and components of the Facility must be designed for wind loads in accordance with IBC 2021 and ASCE 7, using the following parameters:

Wind Exposure Category: C
Risk Category: III.

Snow:
Structures must be designed for snow loads in accordance with ASCE 7 using the following parameters:

Risk Category: III.

Ice:
Structures and components forming part of the Facility that are sensitive to the effects of ice accumulation, including, without limitation, transmission wires and related support structures, switchyard structures, etc., must be designed to withstand the effects of ice accretions formed by freezing rain, drizzle, snow, in-cloud icing, and similar events. Atmospheric ice loads must be calculated in accordance with the applicable provisions of ASCE 7, using the following parameters:

Ice Thickness: 1.00 in
Ice Wind Gust Speed: 30 mph
Concurrent Ice Temperature: 15°F.

Freeze Protection:

The fluid temperature in any pipe, tubing, instrumentation, or other items forming part of the Facility and sensitive and subject to the effects of freezing temperatures must be maintained above 40°F, unless a higher temperature is required to be maintained due to the properties of or process applicable to the subject fluid by Laws, codes, standards, manufacturer requirements and recommendations, or other elements of the performance standard. The determination of the specific freeze protection measures that should apply or be implemented for any such pipe, tubing, instrumentation, or other item must be based on a time-to-freeze evaluation conducted in accordance with the performance standard and be designed to protect all pipes and components or related items against a 72-hour freeze event with an average ambient temperature of 20°F and a 20 mph wind speed. Among other things, the results of any final time-to-freeze evaluation performed for any such pipe tubing, instrumentation, or other item must not show or indicate that more than 25% of the fluid in any cross-section of such pipe, tubing, instrumentation, or other item would freeze.

2. Foundations located at or serving the project site must be elevated above ground to prevent any equipment, parts, systems, or other items (excluding the foundation itself) of the Facility from coming in contact with surface water or runoff. The Nominal Finish Site Grade Elevation [(as defined in the RFP Scope Book)] at the project site must be higher than the 500-year flood site elevation for the project site at the location of the applicable portion of the Facility and each foundation for the project must be a minimum of 6” higher than the Nominal Finish Site Grade Elevation at the location of the applicable foundation.

3. If the Facility or a portion thereof (including any ancillary structure) is exposed to known or reasonably foreseeable woodland, forest, or grassland fire hazards (as determined by industry accepted natural hazard modeling software), the facility site must be designed, and the Facility built, with sufficient separation to prevent the spread of offsite fire to onsite structures or the spread of fire from onsite structures to adjacent woodland, forest, or grassland areas. For woodland and forest hazards, the separation between the nearest Facility equipment and the closest wood line must be evaluated based on the typical maximum growth of neighboring trees but must never be less than 150 feet. For grassland fire hazards, the separation from the nearest Facility equipment to the closest edge of the grassland fire hazard must be a minimum of 100 feet.

4. For any equipment, system, or item specified in Attachment A-16 in Appendix B attached hereto that is incorporated into the Facility, such equipment, system, or item must be manufactured by a legal entity that is identified hereto as a pre-approved manufacturer of such equipment, system, or item or has been otherwise approved in writing by Buyer as a pre-approved manufacturer of such equipment, system, or item for the Facility.

5. The Facility, including all equipment, materials, components, items, and auxiliary facilities and systems, must be designed, procured, constructed, commissioned, and tested in accordance with the most recently established applicable codes and standards. In the event of a conflict between the requirements of such applicable codes

and standards (or other Laws), the most stringent requirement shall govern and control. If any code or standard (or other Law), including any code or standard (or other Law) expressly referenced in this Attachment 1 or any other provision of this Agreement, applicable to the Facility, including any equipment, material, component, or auxiliary facility or system, is superseded by another code or standard (or other Law), the more stringent standard or code (or other Law) will apply.

6. The design standards set forth in Section 2.9 of the Main Body of the RFP.