

**ENERGY FACILITY SITING COUNCIL
OF THE
STATE OF OREGON**

**First Amended Site
Certificate for the
Boardman Solar Energy Facility**

ISSUANCE DATES

Site Certificate	February 23, 2018
First Amended Site Certificate	September 24, 2021

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BOARDMAN SOLAR ENERGY FACILITY SITE CERTIFICATE

Attachments

Attachment A Facility Layout Map

Acronyms and Abbreviations

ASC	Application for Site Certificate
Council	Oregon Energy Facility Siting
Department	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
GSU	Generator Step-up
HMP	Habitat Mitigation Plan
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
POI	Point of Interconnection
RFA	Request for Amendment

1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council), and Boardman Solar Energy LLC (certificate holder), which is a wholly-owned subsidiary of Invenergy Solar Development LLC. Invenergy Solar Development LLC is a wholly-owned subsidiary of Invenergy LLC (parent company). As authorized under Oregon Revised Statute (ORS) Chapter 469, the Council issues this site certificate authorizing the certificate holder to construct, operate and retire the Boardman Solar Energy Facility (facility) at the below described site within Morrow and Gilliam counties, subject to the conditions set forth herein.

Both the State and certificate holder must abide by local ordinances, state law and the rules of the Council in effect on the date this site certificate is executed. However, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules (ORS 469.401(2)).

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) the *Final Order on Request for Amendment 1 of the Site Certificate for the Boardman Solar Energy Facility* (Final Order on AMD1) issued on September 24, 2021; (b) *Final Order on the Application for Site Certificate for the Boardman Solar Energy Facility* issued on February 23, 2018 (hereafter, *Final Order on the Application*). Any ambiguity will be clarified by reference to the following, in order of priority: (1) Final Order on AMD1; *Final Order on the Application*, and (2) the record of the proceedings that led to the *Final Order on AMD1 and the Final Order on the Application*. This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). \ For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all

applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

The obligation of the certificate holder to report information to the Department or the Council under the conditions listed in this site certificate is subject to the provisions of ORS 192.502 *et seq.* and ORS 469.560. To the extent permitted by law, the Department and the Council will not publicly disclose information that may be exempt from public disclosure if the certificate holder has clearly labeled such information and stated the basis for the exemption at the time of submitting the information to the Department or the Council. If the Council or the Department receives a request for the disclosure of the information, the Council or the Department, as appropriate, will make a reasonable attempt to notify the certificate holder and will refer the matter to the Attorney General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.

The Council recognizes that many specific tasks related to the design, construction, operation and retirement of the facility will be undertaken by the certificate holder's agents or contractors. Nevertheless, the certificate holder is responsible for ensuring compliance with all provisions of the site certificate.

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0013 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

The definitions in ORS 469.300 and OAR 345-001-0010 apply to the terms used in this site certificate, except where otherwise stated, or where the context clearly indicates otherwise.

2.0 Facility Location and Site Boundary

The energy facility and its related and supporting facilities will be located within Morrow and Gilliam counties. The site boundary, as defined in OAR 345-001-0010, encompasses approximately 798 acres of private land and includes the perimeter of the energy facility site, its related and supporting facilities, all temporary laydown and staging areas and the transmission line corridor proposed by the certificate holder, as approved by the Council. A map of the approved facility site boundary is included as Attachment A to this site certificate.

The facility components include the solar module blocks; underground electrical collection system; substation, control house and generator step-up transformer; 115-kV transmission line, private service road, and point of interconnection (POI); operations and maintenance (O&M) building; private access road, service roads, gates, and security fence; and additional temporary construction areas.

All facility components (with the exception of the transmission line, transmission line service road, and POI) will be located in Morrow County, Oregon, in the following sections according to the Public Land Survey System:

- Township 4 North, Range 23E, Sections 20, 21, 28, 29, 30, 31

An overhead 115-kV transmission line will connect the facility substation to the POI with the existing electrical grid. The approved transmission line is 2.1 miles long. The transmission line, transmission line service road, and POI will be located in Gilliam County, Oregon, in the following sections according to the Public Land Survey System:

- Township 4 North, Range 22E, Sections 25, 36
- Township 3 North, Range 22E, Sections 1, 12

The transmission line will run parallel to and immediately west of an existing Portland General Electric transmission line.

3.0 Facility Description

3.1 Energy Facility

The energy facility includes 75 megawatts (MW) of solar photovoltaic power generation components and related and supporting facilities.¹ The facility will be comprised of 30 module blocks. Each module block will consist of multiple components including; the solar modules themselves, trackers, racks, posts, cabling, inverters, and transformers. Solar modules would be manufactured with antireflective coating.

4.0 Facility Development

4.1 Construction

Facility construction is anticipated to take 15-months. Construction activities would employ an average of 100 people and a maximum of 250 people during peak summer months. The certificate holder represents that construction would occur in phases including: clearing, excavation, foundation, erection and finishing. In accordance with ORS 469.300(6), preconstruction conditions, if specified, may be satisfied for the applicable phase, facility component or for the facility, as applicable, based on final design and configuration.

Construction water use is anticipated to use up to 9.7 million gallons under worst-case conditions for dust suppression, concrete production from a temporary batch plant and drinking and sanitation.

4.2 Operations

Facility operation would include two full-time operations and maintenance (O&M) staff. O&M activities may include washing of solar modules. It is conservatively assumed that solar modules would be washed twice a year, which would require approximately 250,000 gallons of water per year. A third-party contractor would obtain water for panel cleaning from an offsite source. Water would then be applied via a tanker truck and would not have any cleaning solvents in it, unless otherwise approved by the Department (recommended amended Organizational Expertise Condition 4). Washwater would be discharged by evaporation and seepage into the ground.

4.3 Retirement

Facility retirement would include disconnecting facility components from the transmission system and disconnecting site equipment from aboveground and underground cables. Aboveground equipment, including the solar modules, solar module steel racking system, and electrical and electronic devices (such as the medium voltage step-up transformers, solar inverters, and the disconnect switches) would be removed and transported offsite. Concrete foundations and cables up to three feet below ground would be removed and recycled or transported to a landfill. Cables located three feet or more below ground would be rendered inert and left in place. The O&M building and O&M fence would be removed and the surrounding graveled area would be removed, regraded, and reseeded. Internal service roads, access road, perimeter fencing, and the transmission line would be left in place and maintained if the

¹ Facility generating capacity is provided for descriptive purpose and is not binding, unless increasing capacity substantively changes the number or type of facility components associated with the facility.

planned next use of the land would benefit from these components remaining in place. Upon completion of the other facility retirement activities, bare ground portions of the site would be seeded.

5.0 Condition Format

The conditions in Sections 4.2 through 4.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.)². The table below presents a “key” for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

Some conditions are coded for more than one phase of implementation.

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as “GS”; the Soil Protection standard is represented in the condition numbering as “SP” and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council’s General Standard of Review, and is condition number 1.

² The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

5.1 General Conditions (GEN): Design, Construction and Operations

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
GEN-GS-01	<p>The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate.</p> <ul style="list-style-type: none"> a) Facility construction shall commence by February 23, 2024. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline. In reporting the beginning of construction, the certificate holder shall describe all work on the site performed before construction, including work performed before the Council issued the site certificate, and shall state the cost of that work. For the purpose of this exhibit, "work on the site" means any work within a site or corridor, other than surveying, exploration or other activities to define or characterize the site or corridor. b) Construction of all facility components shall be completed within three years after construction commencement. Within 7 days of construction completion, the certificate holder shall provide the Department written verification that it has met the construction completion deadline. <p>[Final Order on ASC, AMD1, General Standard Condition 1, OAR 345-025-0006(4)]</p>
GEN-GS-02	<p>The certificate holder shall design, construct, operate, and retire the facility:</p> <ul style="list-style-type: none"> a) Substantially as described in the site certificate;³ b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and c) In compliance with all applicable permit requirements of other state agencies. <p>[Final Order on ASC, Mandatory Condition 2, OAR 345-025-0006(3)]</p>
GEN-GS-03	<p>Except as necessary for the initial survey or as otherwise allowed for transmission lines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities. For the transmission line associated with the energy facility if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and the certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line occurs during the certificate holder's negotiations to acquire construction rights on another part of the site.</p> <p>[Final Order on ASC, Mandatory Condition 3, OAR 345-025-0006(5)]</p>

³ Boardman Solar Energy LLC represents in the ASC that the facility consists of approximately 75 megawatts of nominal electric generating capacity. In issuing this site certificate, the Council does not limit the electric generating capacity of the facility, and the approximate electric generating capacity is provided for informational purposes only.

GEN-GS-04	<p>If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions.</p> <p>[Final Order on ASC, Mandatory Condition 4, OAR 345-025-0006(6)]</p>
GEN-GS-05	<p>The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced coastal subsidence.</p> <p>[Final Order on ASC, Mandatory Condition 6, OAR 345-025-0006(12)]</p>
GEN-GS-06	<p>The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.</p> <p>[Final Order on ASC, Mandatory Condition 7, OAR 345-025-0006(13)]</p>
GEN-GS-07	<p>The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.</p> <p>[Final Order on ASC, Mandatory Condition 8, OAR 345-025-0006(14)]</p>
GEN-GS-08	<p>Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the Department of the proposed new owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate.</p> <p>[Final Order on ASC, Mandatory Condition 9, OAR 345-025-0006(15)]</p>
GEN-GS-09	<p>Because the facility includes a transmission line as a related or supporting facility under Council jurisdiction, the following conditions apply:</p> <ul style="list-style-type: none"> a) The certificate holder shall design, construct and operate the transmission line in accordance with the requirements of the 2017 Edition of the National Electrical Safety Code approved by the American National Standards Institute; and b) The certificate holder shall develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line. <p>[Final Order on ASC, AMD1, Site Specific Condition 1, OAR 345-025-0010(4)]</p>
GEN-GS-10	<p>The certificate holder is authorized to construct the 2.1 mile 115 kV transmission line anywhere within the approved corridor, subject to the conditions of the site certificate. The</p>

	approved corridor extends the 2.1 mile length of the 115 kV transmission line route and is as described in ASC Exhibit B, Section B.4.2 and as presented on Figure 1 of the Site Certificate. [Final Order on ASC, Site Specific Condition 2, OAR 345-025-0010(5)]
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
GEN-OE-01	During design, construction, operation, and retirement, the certificate holder shall contractually require all contractors and subcontractors to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. The contractual obligation shall be required of each contractor and subcontractor prior to that firm working on the facility. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. [Final Order on ASC, Organizational Expertise Condition 1]
GEN-OE-02	Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder. [Final Order on ASC, Organizational Expertise Condition 2]
GEN-OE-03	In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the Department. [Final Order on ASC, Organizational Expertise Condition 3]
STANDARD: STRUCTURAL STANDARD (SS) [OAR 345-022-0020]	
GEN-SS-01	The certificate holder shall design, engineer, and construct the facility in accordance with the versions of the International Building Code, Oregon Structural Specialty Code, and local building codes in effect at the time of construction. [Final Order on ASC, Structural Standard Condition 2]
GEN-SS-02	The certificate holder shall: <ul style="list-style-type: none"> a) Prior to construction, design the facility to avoid potential nonseismic hazards. b) Prior to construction, in accordance with Structural Standard Condition 1, conduct subsurface investigations to characterize the soils and use the resulting data to adequately plan and design appropriate mitigation measures. c) Prior to construction, create detailed geologic hazard maps to aid in laying out facilities and provide copies of maps to the Department. d) During design, construction and operation, provide warnings to the Department and DOGAMI in the event a potential or imminent hazard is discovered. e) Prior to operation, provide evidence to the Department that insurance has been obtained that provides coverage of the facility for non-seismic geologic and soil-related hazards. [Final Order on ASC, Structural Standard Condition 3]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
GEN-RT-01	The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. [Mandatory Condition OAR 345-025-0006(7)] [Final Order on ASC, Retirement and Financial Assurance Condition 1]

GEN-RT-02	<p>Consistent with Mandatory Condition OAR 345-025-0006(8), before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The initial bond or letter of credit amount for the facility is 7.65 million (Q3 2021), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition:</p> <ul style="list-style-type: none"> a) The certificate holder may revise the amount of the initial bond or letter of credit based on the final design configuration of the facility. However, any revision to the restoration costs must be adjusted to the effective date as described in (b) and must be reviewed and approved by the Department. b) The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation: <ul style="list-style-type: none"> 1. Adjust the amount of the bond or letter of credit (expressed in Q3 2021 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the third quarter 2021 index value and the quarterly index value for the effective date-of the new bond or letter of credit. If at any time the index is no longer published, the Department shall select a comparable calculation to adjust third quarter 2021 dollars to present value. 2. Round the result total to the nearest \$1,000 to determine the financial assurance amount. c) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council. d) The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Department-under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site. <p>[Final Order on ASC, AMD1, Retirement and Financial Assurance Condition 4]</p>
STANDARD: HISTORIC, CULTURAL, AND ARCHEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]	
GEN-HC-01	<p>Prior to construction, the certificate holder shall:</p> <ul style="list-style-type: none"> a) Submit to the Department an Inadvertent Discovery Plan for Cultural Resources, included as Attachment F to the Final Order on RFA1, to be finalized based on current agency and personnel contact information. <p>During construction, operations, and retirement, the certificate holder shall:</p> <ul style="list-style-type: none"> a) Implement and adhere to the requirements of the final Inadvertent Discovery Plan for Cultural Resources. b) In the event of an inadvertent discovery of possible cultural materials, including human remains, the certificate holder shall: <ul style="list-style-type: none"> 1. Immediately cease all ground-disturbing activities in the vicinity of the find. 2. Place a 100-foot (30-meter) buffer around the discovery and the area shall be secured and protected from further disturbance. Construction, operations, and retirement activities shall proceed outside of this buffered area unless additional cultural materials are encountered.

	<p>c) The certificate holder shall follow the protocol for coordination and notification described in the Inadvertent Discovery Plan for Cultural Resources.</p> <p>d) If ODOE, in consultation with SHPO, determines that the resource meets the definition of an archaeological object, archaeological site, or is eligible or likely to be eligible for listing on the NHRP, the certificate holder shall, in consultation with the Department, SHPO, interested Tribes and other appropriate parties, propose and implement mitigation measures, including avoidance, field documentation, and data recovery. The certificate holder shall not restart work in the affected area until a professional archaeologist is able to assess the discovery and the Department, in consultation with SHPO, determines that the certificate holder has demonstrated that it has complied with archeological resources protection regulations.</p> <p>[Final Order on ASC, AMD1, Historic, Cultural, and Archeological Resources Condition 7]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]	
GEN-PS-01	<p>During construction, operation, and retirement, the certificate holder shall:</p> <p>a) On an annual basis, consult with Morrow County to identify appropriate recycling opportunities for solid waste.</p> <p>b) Collect non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste.</p> <p>c) Conduct waste hauling within Morrow County in compliance with the Morrow County Solid Waste Management Ordinance, which requires that all loads be covered and secured.</p> <p>[Final Order on ASC, Public Services Condition 2]</p>
GEN-PS-02	<p>During construction, operation, and retirement, the certificate holder shall coordinate with its solid waste handler to provide the information solicited through the Oregon Department of Environmental Quality's Recycling Collector Survey to the Morrow County waste shed representative on an annual basis.</p> <p>[Final Order on ASC, Public Services Condition 3]</p>
GEN-PS-03	<p>The certificate holder shall design and construct the new access roads and private road improvements to standards approved by the applicable county jurisdiction (Gilliam County or Morrow County).</p> <p>[Final Order on ASC, Public Services Condition 7]</p>
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
GEN-WM-01	<p>During facility construction, operation, and retirement, solar panels that are nonfunctional or are retired shall be recycled through the Solar Energy Industries Association National PV Recycling Program (or similar program).</p> <p>[Final Order on ASC, Waste Minimization Condition 2]</p>
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
GEN-FW-01	<p>The certificate holder shall construct the 115 kV transmission line in accordance with the latest Avian Power Line Interaction Committee design standards.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 4]</p>

5.2 Pre-Construction (PRE) Conditions

Condition Number	Pre-Construction (PRE) Conditions
STANDARD: GENERAL STANDARD (GS) [OAR 345-022-0010]	
PRE-GS-01	<p>At least 90 days prior to beginning construction (unless otherwise agreed to by the Department), the certificate holder shall submit to the Department and the Morrow County Planning Department a compliance plan documenting and demonstrating actions completed or to be completed to satisfy the requirements of all site certificate terms and conditions and applicable statutes and rules. The plan shall be provided to the Department for review and compliance determination for each requirement. The Department may request additional information or evaluation deemed necessary to demonstrate compliance.</p> <p>[Final Order on ASC, General Standard Condition 2]</p>
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
PRE-OE-01 (also OPR-OE-01)	<p>a) At least 30 days prior to construction, the certificate holder shall provide to the Department the following:</p> <ol style="list-style-type: none"> 1. Written confirmation that its third-party contractors have obtained all necessary local and state permits for the temporary concrete batch plant, if required during facility construction, and wastewater discharge. These permits are expected to include a Conditional Use Permit for Temporary Concrete Batch Plant from Morrow County and a General Water Pollution Control Facilities Permit for Temporary Concrete Batch Plant concrete washout water from Oregon Department of Environmental Quality. 2. Proof of agreements between the certificate holder and the third-party regarding access to the resources or services secured by the permits or approvals identified prior to construction per sub(a) above. <p>b) During facility operation, the certificate holder may discharge solar panel wash water through evaporation or infiltration into the ground at the point of application. The use of chemicals, soaps, detergents and heated water is prohibited, unless Chemical Safety Data Sheets for low volatile organic compound/biodegradable cleaning chemicals and solvents are submitted to the Department for review and approval. Pressure washing is allowed, so long as it does not remove paint or other finishes.</p> <p>[Final Order on ASC, AMD1, Organizational Expertise Condition 4]</p>
STANDARD: STRUCTURAL STANDARD (SS) [OAR 345-022-0020]	
PRE-SS-01	<p>At least 90-days prior to construction, unless otherwise agreed to by the Department, the certificate holder shall submit to the Department and DOGAMI a pre-construction site-specific geological and geotechnical investigation report (report), for review and concurrence that the facility site has been adequately characterized and the facility has been designed to avoid seismic, soil and geologic hazards. The report shall at a minimum include:</p> <ol style="list-style-type: none"> a) Review of available data from previous geotechnical explorations in the vicinity of the facility site. b) Review of available geologic information from published sources. c) Discussion of geotechnical field exploration conducted within the site boundary, including soil borings, test pits, infiltration tests, and if necessary, geophysical testing.

- d) Discussion of additional soil samples collected for classification and, if necessary, laboratory testing.
- e) Calculation of the bearing capacity of the soils.
- f) Stability analyses.
- g) Engineering recommendations for construction of the structures.
- h) Determination of the final site class(es) at the locations where facility components would be constructed.

[Final Order on ASC, Structural Standard Condition 1]

STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]

PRE-SP-01
(also CON-SP-01)

- a) Prior to construction, the certificate holder shall obtain a National Pollutant Discharge Elimination System General Permit 1200-C from the Oregon Department of Environmental Quality, and shall provide the Department and Morrow County Planning Director a copy of the DEQ-approved NPDES 1200-C permit.
- b) During construction, the certificate holder shall conduct all work in compliance with the final Erosion and Sediment Control Plan as approved by DEQ in the NPDES 1200-C permit.

[Final Order on ASC, AMD1, Soil Protection Condition 1]

PRE-SP-02

Prior to facility construction, the certificate holder shall:

- a) Submit to the Department its Spill Prevention, Control and Countermeasure (SPCC) Plan for operations, developed to comply with OAR Chapter 340, Division 100-113 and 142.
- b) Provide evidence that a Hazardous Materials Spill Prevention Program will be implemented during construction and operation, which includes at a minimum training for personnel on proper handling, storing, transporting, and disposing of hazardous materials; hazardous materials storage requirements; and, cleanup procedures.

[Final Order on ASC, Soil Protection Condition 2]

PRE-SP-03

Prior to construction of the septic system at the O&M building, the certificate holder shall secure any necessary septic system permits from DEQ or the responsible local agency, for a septic system designed with a discharge capacity of less than 2,500 gallons per day. The certificate holder shall provide copies of the necessary permits to the Department.

[Final Order on ASC, Soil Protection Condition 3]

STANDARD: LAND USE (LU) [OAR 345-022-0030]

PRE-LU-01

Prior to construction, the certificate holder shall submit maps and distance tables (e.g., identify the distance from north, south and east facility perimeter fenceline to nearest property) demonstrating that facility components within Morrow County satisfy the following front, side, and rear yard setback distances, and stream setback distance:

- a) The south side of the facility perimeter fenceline shall be setback a minimum of 100-feet from adjacent land uses designated as intensive agricultural use.
- b) The north side of the facility perimeter fenceline shall be setback a minimum of 25-feet from adjacent land uses designated as intensive agricultural use.
- c) The east and west sides of the facility perimeter fenceline shall be setback a minimum of 20-feet from adjacent land uses.
- d) All permanent buildings and structures, including the onsite septic system, shall be setback a minimum of 100-feet from the high-water line or mark along all streams and lakes within and adjacent to the site boundary.

	[Final Order on ASC, Land Use Condition 1]
PRE-LU-02	<p>Before beginning construction, the certificate holder shall provide to the Department copies of issued local permits including:</p> <ul style="list-style-type: none"> a) All necessary zoning, building, Type I (administrative review), and Conditional Use Permit from Morrow and Gilliam counties; and, b) Copies of 12-month extensions, if requested by certificate holder. <p>[Final Order on ASC, Land Use Condition 3]</p>
PRE-LU-03	<p>Prior to construction, the certificate holder shall record in the real property records of Morrow County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland consistent with OAR 660-033-0130(38)(i).</p> <p>[Final Order on ASC, Land Use Condition 4]</p>
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
PRE-FW-01	<p>Prior to construction, the certificate holder shall:</p> <ul style="list-style-type: none"> a) Submit to the Department and ODFW the proposed methods or protocol to be implemented for the pre-construction habitat assessment of the site boundary. Methods could include, for example, desktop survey results informed by the threatened and endangered species surveys conducted per Threatened and Endangered Species Condition 1. The method or protocol shall be approved by the Department in consultation with ODFW. b) Conduct a survey, based upon the methods or protocol as approved by the Department in sub(a), to confirm the habitat categories of all areas to be impacted by facility components, as well as the locations of any sensitive resources such as active state-listed or sensitive bird species nests, wetlands, and other state-listed threatened or endangered species and habitat that could be temporarily or permanently impacted by facility components. c) At least 45-days prior to construction, unless otherwise agreed to by the Department, submit to the Department and ODFW a pre-construction habitat assessment report. The report shall be approved by the Department, in consultation with ODFW, prior to construction. The pre-construction habitat assessment report shall, at a minimum, include the following: <ul style="list-style-type: none"> i. Habitat impact table, based upon final facility design, including permanent and temporary impacts by facility component and habitat category/type/subtype. ii. Maps showing: habitat categories and subtypes of all areas within the site boundary, final location of temporary and permanent facility components, and locations of any sensitive resources that will be flagged as exclusion zones in accordance with Fish and Wildlife Habitat Condition 6. If necessary, sensitive resource information shall be submitted to the Department in hard copy only and provided under request for information to be treated as confidential. iii. Discussion of habitat impacts including a confirmation of avoidance of temporary or permanent impacts to category 1 habitat. <p>[Final Order on ASC, Fish and Wildlife Condition 1]</p>
PRE-FW-02 (also CON-FW-02)	<p>The certificate holder shall require all onsite construction workers to complete an environmental awareness training and shall demonstrate compliance with this condition per sub(a) and (b) of the condition as follows:</p> <ul style="list-style-type: none"> a) Prior to construction, the certificate holder shall submit to the Department a copy of the final presentation and environmental training materials. The training materials shall, at a minimum, address the following topics: facility site boundary, including

	<p>flagged exclusion areas; restricted areas including wetlands and other areas; sensitive and special status plant and wildlife species found in the analysis area; avoidance and impact minimization measures; response procedure and notification process to be followed if sensitive resources are identified during construction; additional permit requirements; buffer distances from sensitive and protected resources; work timing restrictions including seasonal restrictions; reporting procedures for any injured or dead wildlife; speed limits; trash control; and other topics as necessary.</p> <p>b) During construction, the certificate holder shall require all construction personnel to attend an environmental and permit requirements awareness training session conducted by a knowledgeable environmental professional. Records of completed training shall be maintained onsite and made available to the Department upon request.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 5]</p>
PRE-FW-03	<p>Prior to construction, the certificate holder shall:</p> <p>a) Flag all environmentally sensitive areas as restricted work zones. Restricted work zones shall include but not be limited to wetlands and waterways on or near the site boundary, areas with sensitive or protected plant species, buffers around raptor nests in accordance with Fish and Wildlife Habitat Condition 3, and any other buffers around sensitive or protected species habitats. The final limits of the restricted work zone flagging shall be based on the surveys and/or habitat assessment conducted for Fish and Wildlife Habitat Condition 1. All wetlands shall be flagged with a minimum 100 foot buffer distance.</p> <p>b) Prohibit any construction activity within restricted work zones.</p> <p>c) Provide maps with the locations of the restricted work zones, and instructions prohibiting construction activity within these areas, to construction personnel.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 6]</p>
PRE-FW-04	<p>No less than 45 days prior to construction, unless otherwise agreed to by the Department, the certificate holder shall submit to the Department and the Morrow and Gilliam County Planning Departments and Weed Supervisors a final Revegetation and Noxious Weed Plan. The Department will review the plan in consultation with ODFW and Morrow and Gilliam County weed control personnel. The plan must be approved by the Department, in consultation with ODFW and the Morrow and Gilliam County Planning Departments and Weed Supervisors, prior to construction. The certificate holder shall implement the provisions of the plan following completion of construction and during operation, as appropriate. The finalized plan shall be based on the draft plan, included as Attachment C of the Final Order on the ASC. The final plan must, at a minimum, include the following:</p> <p>a) Finalize Tables 1 and 2 of the draft plan, related to habitat category and type within the site boundary and anticipated temporary and permanent impacted acreage. This information shall be based on the pre-construction habitat assessments that are required by Fish and Wildlife Habitat Condition 1.</p> <p>b) A schedule for implementation of the revegetation activities, including a schedule for monitoring assessments and reporting.</p> <p>c) Topsoil management and soil decompaction, including scarification, procedures.</p> <p>d) A statement that if at any time during the monitoring program the certificate holder, or the Department in consultation with ODFW, conclude that revegetation of an area is unsuccessful and unlikely to be successful, the impacted area must be considered permanent. In this circumstance, the certificate holder must provide appropriate compensatory mitigation for the permanent loss of habitat quality and quantity, consistent with the EFSC Fish and Wildlife Habitat standard. Any mitigation required</p>

	<p>under this provision is subject to the approval of the Department, in consultation with ODFW.</p> <p>e) A statement that if it is determined that the underlying landowner has converted an area that was temporarily impacted during facility construction (and intended to be restored) to a use that is inconsistent with the success criteria, the Department shall conclude that the certificate holder has no further obligation to restore the area. However, in such circumstances, if the area has been converted by the landowner prior to the area reaching success criteria as determined by the Department, the certificate holder shall be obligated to provide compensatory mitigation consistent with the EFSC Fish and Wildlife Habitat standard to account for the permanent loss of habitat quality and quantity.</p> <p>f) The plan may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan, following consultation with the Morrow and Gilliam County Planning Departments and Weed Supervisors. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the plan agreed to by the Department.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 10]</p>
PRE-FW-05	<p>No less than 45 days prior to facility construction, unless otherwise agreed to by the Department, the certificate holder shall submit a final Habitat Mitigation Plan (HMP), consistent with the draft HMP included as Attachment C to this order), for review and approval by the Department, in consultation with ODFW. The final HMP shall be based on final facility design, unless otherwise agreed upon by the Department.</p> <p>a) The certificate holder shall calculate the size of the habitat mitigation area according to the final design configuration of the facility and the estimated areas of habitat affected in each habitat category, in consultation with the Department, as per the pre-construction habitat assessment results and impact assessment calculations called for in Fish and Wildlife Habitat Condition 1.</p> <p>b) The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area (or areas), as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the HMP.</p> <p>c) The final HMP shall include an implementation schedule for all mitigation actions, including securing the conservation easement, conducting the ecological uplift actions at the habitat mitigation area, and monitoring. The mitigation actions shall be implemented at the compensatory habitat mitigation site as soon as possible concurrent with the impact.</p> <p>d) The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of mitigation actions, including ecological uplift actions at the habitat mitigation area.</p> <p>e) The HMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the plan agreed to by the Department.</p>

STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]

PRE-TE-01

Prior to construction, the certificate holder shall conduct a field survey within the site boundary for state-listed threatened and endangered species. The surveys shall be conducted by qualified professionals with experience in detection of the Washington ground squirrel and its habitat, and Lawrence's milkvetch. Surveys shall be conducted according to a survey protocol approved by ODOE in consultation with ODFW. Washington ground squirrel surveys shall be conducted in the active squirrel season, which is typically March 1 to May 31 but can vary depending on weather, and must be verified by ODOE and ODFW as part of the survey protocol approval. Lawrence's milkvetch surveys shall be conducted in spring when the ground surface is visible. Surveys for Washington ground squirrel are valid for no more than two years after the year in which the surveys are conducted.

The certificate holder shall provide written reports of the surveys to ODOE and to ODFW and shall identify the boundaries of any listed species identified, including but not limited to Category 1 Washington ground squirrel habitat and Lawrence's milkvetch, if present. The certificate holder shall not begin construction until the survey report has been approved by ODOE in consultation with ODFW.

In compliance with the Council's Fish and Wildlife Habitat standard, no impacts to Category 1 habitat are allowed. If any Category 1 habitat is identified in the site boundary during the pre-construction survey, the certificate holder shall flag or fence off all Category 1 habitat and avoid all impacts.

If any plant species listed as threatened or endangered by Oregon Department of Agriculture per ORS 564.105(2) are found in the site boundary during the pre-construction survey, the facility shall be designed to avoid any impacts to these plants.

If any listed plant species are identified in the site boundary, no herbicides or other weed control chemical shall be used within an appropriate buffer distance from that species. The buffer distance shall be established by ODOE and shall be based on specific risks based on the plant species and the proposed herbicide or weed control chemical proposed to be used.

The environmental awareness training (required per Fish and Wildlife Habitat Condition 6) shall include information specifically regarding protection of listed species and areas of Category 1 habitat where no impact is allowed.

[Final Order on ASC, Threatened and Endangered Species Condition 1]

STANDARD: HISTORIC, CULTURAL, AND ARCHEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]

PRE-HC-01

Prior to construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility, the areas that will be temporarily disturbed during construction and the areas that were surveyed in 2016 for historic, cultural, and archaeological resources.

[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 1]

PRE-HC-02

Prior to construction, the certificate holder shall identify Site 35GM402 on construction maps as a no-entry area, and flag a 100-foot (30-meter) buffer surrounding the site as an

(also CON-HC-02)	<p>area to be avoided during construction activities. The certificate holder shall ensure that no physical disturbance occurs within the buffer zone. A copy of current maps and drawings must be maintained onsite during construction and made available to the Department upon request. Flagging or marking shall be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 2]</p>
PRE-HC-03	<p>Prior to construction, the certificate holder shall ensure that a monitor or cultural resources specialist trains construction contractors on how to identify sensitive historic, cultural, and archaeological resources present onsite and on measures to avoid accidental damage to identified resource sites. Records of such training must be maintained onsite during construction, and made available to the Department upon request. The Cultural Resource Awareness Training Information packet (ASC Exhibit S, Attachment S-3) shall be distributed to training attendees and shall be available for reference when ground-disturbing work is performed during facility construction, operation, and retirement.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 6]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]	
PRE-PS-01	<p>Prior to construction, the certificate holder shall prepare and submit to the Department a Construction Traffic Management Plan for review and approval. The certificate holder shall demonstrate that the Construction Traffic Management Plan includes traffic management measures or other recommendations, as applicable, based upon consultation with the Morrow County Public Works Department. The Construction Traffic Management Plan applies to construction vehicle transport and activity on Threemile Canyon Road and shall, at a minimum, include the following measures:</p> <ul style="list-style-type: none"> a) Temporary road signage and warnings such as "Equipment on Road," "Truck Access," or "Road Crossings" at locations where trucks are expected to slow down or enter/exit a public roadway shall be installed and maintained, in accordance with Chapter 3, Page 93 of the ODOT Traffic Control Plans Design Manual (ODOT, 2016c). b) Advance signage shall be implemented, where possible, in accordance with Chapter 3, Page 62 and Chapter 3, Page 84 of the ODOT Traffic Control Plans Design Manual (ODOT, 2016c). c) Pilot cars will be used for slow or oversize loads per OAR 734-082-0035. d) Construction workforce will be encouraged to carpool during safety meetings and worker training activities; high-occupancy vans or buses will be provided by the certificate holder or contractor to transport workers to the site. e) Flag personnel will be used to minimize the potential for accidents during large deliveries, in accordance with Chapter 3, Page 102-107 of the ODOT Traffic Control Plans Design Manual (ODOT, 2016c). f) At least one travel lane will be made available at all times during construction at entrance and exit points onto public roads. g) The certificate holder, in coordination with the owner of Threemile Canyon Farms, will provide a temporary alternate access to Willow Creek Wildlife Area. h) Adequate parking for construction vehicles in the main temporary staging area will be provided, including one space per worker, consistent with Morrow County Zoning Ordinance Article 4 Supplementary Provisions Section 4.040 Off-Street Vehicle Parking Requirements. <p>[Final Order on ASC, Public Services Condition 4]</p>
PRE-PS-02	<p>Prior to construction, the certificate holder shall submit engineering drawings to the</p>

	<p>Department and Morrow County Public Works Department demonstrating that road improvements at the intersection of Threemile Canyon Road and the improved road to the Willow Creek Wildlife Area, and at the intersection of the access road to the facility and the road to the Willow Creek Wildlife Area meet the minimum intersectional sight distance pursuant to MCZO Section 4.020. Specifically, the minimum intersectional sight distance shall be equal to ten times the vehicular speed of the road and shall be based on eye height of 3.5 feet and an object height of 4.25 feet above the road; and shall be assumed to be 10 feet from the near edge of pavement or the extended curb line or near the edge of the graveled surface of a gravel road to the front of a stopped vehicle.</p> <p>[Final Order on ASC, Public Services Condition 6]</p>
<p>PRE-PS-03 (also CON-PS-03 and OPR-PS-03)</p>	<p>Prior to construction, the certificate holder shall prepare a Fire Prevention and Response Plan. The certificate holder shall submit the plan no less than 30 days prior to beginning construction to the Department for review and approval in consultation with the Boardman Rural Fire Protection District and the North Gilliam County Rural Fire Protection District. The plan shall include information on the final construction plans and construction phasing, identify the location of and access to the facility structures, and discuss how the certificate holder will provide mutual assistance in the case of fire within or around the facility site boundary. The plan shall be maintained onsite and implemented throughout construction and operation of the facility. All onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility.</p> <p>Additional information that shall be included in the plan:</p> <ol style="list-style-type: none"> Current contact information of at least two facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department. Identification of agencies that are designated as first response agencies for the site boundary and vicinity. A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility that could respond to an emergency. Contact information for each agency listed above. Communication protocols for both routine and emergency events. The designated employee meeting location in case of evacuation. Staff training requirements. <p>[Final Order on ASC, Public Services Condition 10]</p>
<p>PRE-PS-04 (also CON-PS-05 and OPR-PS-04)</p>	<p>Prior to working on the facility, all construction personnel must receive fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. Annual fire prevention and response training shall also be provided during facility operations. The certificate holder shall notify the Department, the Boardman Rural Fire Protection District, and the North Gilliam County Rural Fire Protection District at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the Department upon request.</p> <p>[Final Order on ASC, Public Services Condition 12]</p>
<p>PRE-PS-05</p>	<p>Before beginning construction, the certificate holder shall develop and implement a site</p>

(also CON-PS-06 and OPR-PS-05)	<p>health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan shall include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, and the names, locations and contact information of nearby hospitals. All onsite workers shall be trained in safety and emergency response, as per the site health and safety plan. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and operations and maintenance phases of the project, and available upon request by the Department.</p> <p>[Final Order on ASC, Public Services Condition 14]</p>
PRE-PS-06	<p>Before beginning construction, the certificate holder shall require that at least one on-site person is available at the worksite during construction activities that is certified in first aid, cardio pulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED). The certificate holder must retain records of the certifications and provide them to the Department upon request. The certificate holder shall also ensure that an AED is available onsite at all times.</p> <p>[Final Order on ASC, Public Services Condition 15]</p>

STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]

PRE-WM-01 (also CON-WM-01)	<p>Prior to construction, the certificate holder shall develop a Construction Waste Management Plan, which at a minimum, shall include the following:</p> <ul style="list-style-type: none"> a) A requirement to implement a detailed material usage estimating and procurement system to minimize the amount of excess materials ordered. b) A policy requiring that waste collection containers be covered and secured within construction staging areas. c) Description of waste segregation methods for recycling or disposal. d) Names and locations of appropriate recycling and waste disposal facilities, collection requirements, and hauling requirements to be used during construction. <p>The certificate holder shall maintain a copy of the construction waste management plan onsite and shall provide to the Department a report on plan implementation in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).</p> <p>[Final Order on ASC, Waste Minimization Condition 1]</p>
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STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (ST) [OAR 345-024-0090]

PRE-ST-01	<p>Prior to construction, the certificate holder shall schedule a time to brief the Public Utility Commission Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities.</p> <p>[Final Order on ASC, Siting Standards for Transmission Lines Condition 3]</p>
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5.3 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
STANDARD: STRUCTURAL STANDARD (SS) [OAR 345-022-0020]	
CON-SS-01	<p>During construction, if localized areas of soils with collapsing or settling potential are identified, the certificate holder shall over excavate the soils and replace them with compacted structural fill; place impermeable material around the facility foundations to prevent wetting or</p>

	saturation; or place the foundations deeper on a stable bearing layer (such as basalt rock). [Final Order on ASC, Structural Standard Condition 5]
CON-SS-02 (also OPR-SS-01)	In the event of a volcanic eruption that could damage or affect facility components: a) During construction, the certificate holder shall temporarily cease construction activities if necessary to protect equipment and human health. b) During operation, the certificate holder shall shut down the facility until safe operating conditions return. [Final Order on ASC, Structural Standard Condition 4]

STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]

CON-SP-01 (also PRE-SP-01)	a) Prior to construction, the certificate holder shall obtain a National Pollutant Discharge Elimination System General Permit 1200-C from the Oregon Department of Environmental Quality, and shall provide the Department and Morrow County Planning Director a copy of the DEQ-approved NPDES 1200-C permit. b) During construction, the certificate holder shall conduct all work in compliance with the final Erosion and Sediment Control Plan as approved by DEQ in the NPDES 1200-C permit. [Final Order on ASC, AMD1, Soil Protection Condition 1]
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STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]

CON-FW-01	During construction, within the time periods listed in the table below, the certificate holder shall implement buffer zones around occupied nest sites of the species included in the table. No construction activities within the buffer zone of occupied nests shall occur during the seasonal restrictions. The construction workforce and facility employees must be provided maps with the locations of the buffer zones and be instructed to avoid construction activity within the buffer zone. Occupied nests shall be determined based on the results of pre-construction surveys and habitat assessment, and subsequent monitoring of the occupied nests during the sensitive season. The buffer areas shall be flagged as exclusion areas in accordance with Fish and Wildlife Habitat Condition 6. The buffer distances do not apply to occupied nests north of I-84. The certificate holder may begin or resume construction within the buffer zone if any known nest site is unoccupied by the early release date, as determined based on monitoring during the sensitive season.			
	Nesting Species	Sensitive Season Buffer Size (Radius Around Nest Site):	Avoidance Buffers in Effect from:	Early Release Date
	Ferruginous hawk	0.25 mile	March 15 to August 15	May 31
	Swainson’s hawk	0.25 mile	April 1 to August 15	May 31
	Western burrowing owl	0.25 mile	April 1 to August 15	July 15
	Golden eagle	0.5 mile	January 1 to July 15	May 31
	Bald eagle	0.5 mile	January 1 to August 31	--
[Final Order on ASC, Fish and Wildlife Habitat Condition 3]				
CON-FW-02 (also PRE-FW-02)	The certificate holder shall require all onsite construction workers to complete an environmental awareness training and shall demonstrate compliance with this condition per sub(a) and (b) of the condition as follows:			

	<p>a) Prior to construction, the certificate holder shall submit to the Department a copy of the final presentation and environmental training materials. The training materials shall, at a minimum, address the following topics: facility site boundary, including flagged exclusion areas; restricted areas including wetlands and other areas; sensitive and special status plant and wildlife species found in the analysis area; avoidance and impact minimization measures; response procedure and notification process to be followed if sensitive resources are identified during construction; additional permit requirements; buffer distances from sensitive and protected resources; work timing restrictions including seasonal restrictions; reporting procedures for any injured or dead wildlife; speed limits; trash control; and other topics as necessary.</p> <p>b) During construction, the certificate holder shall require all construction personnel to attend an environmental and permit requirements awareness training session conducted by a knowledgeable environmental professional. Records of completed training shall be maintained onsite and made available to the Department upon request.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 5]</p>
CON-FW-03	<p>During construction, the certificate holder will not leave any trenches open overnight. All trenches shall be covered or filled before the end of the working day or nightfall in a way that prevents animals from entering the trenches. If trenches cannot be fully covered or filled, a wildlife escape ramp must be installed into the trench so that animals can escape the trench.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 7]</p>
CON-FW-04	<p>During construction, the certificate holder shall limit clearing of trees or shrub-steppe habitat to within September 1 and March 1. If the certificate holder needs to clear trees or shrub-steppe habitat outside this period, prior to the clearing, a biological survey must be performed no more than seven days prior to the clearing to determine if the area has birds or bats roosting in the area, or other sensitive wildlife species. If sensitive species are discovered, clearing must not occur until after the sensitive species have left for the season. If bat roosts or other sensitive wildlife species are discovered, the certificate holder must contact the Department and ODFW for guidance, and clearing cannot proceed without approval from the Department, in consultation with ODFW.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 8]</p>
CON-FW-05	<p>During construction, the certificate holder shall impose a 20 mile per hour speed limit on new and improved private facility roads. Speed limit signs shall be posted throughout the facility. No off-road travel shall be allowed except in case of emergency. All on-site personnel shall be instructed on these requirements as part of the environmental awareness training for all employees (associated with Fish and Wildlife Habitat Condition 5).</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 9]</p>
STANDARD: HISTORIC, CULTURAL, AND ARCHEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]	
CON-HC-01	<p>During construction, the certificate holder shall implement the <i>Monitoring Plan for Cultural Resources, Boardman Solar Energy Facility, Morrow and Gilliam Counties, Oregon</i> included as Attachment F to the Final Order on the ASC. An archaeological monitor shall be present during ground-disturbing activities. Once approved by the Department, prior to construction, the Monitoring Plan may be amended from time to time by agreement of the certificate holder and Council. Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to approve amendments to the plan, in consultation with SHPO and the associated tribes, as applicable.</p> <p>[Final Order on ASC, AMD1, Historic, Cultural, and Archeological Resources Condition 5]</p>
CON-HC-02	<p>Prior to construction, the certificate holder shall identify Site 35GM402 on construction maps as a no-entry area, and flag a 100-foot (30-meter) buffer surrounding the site as an area to be</p>

(also PRE-HC-02)	<p>avoided during construction activities. The certificate holder shall ensure that no physical disturbance occurs within the buffer zone. A copy of current maps and drawings must be maintained onsite during construction and made available to the Department upon request. Flagging or marking shall be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 2]</p>
CON-HC-03 (also OPR-HC-01)	<p>a) During facility construction, the certificate holder shall direct personnel to extinguish nighttime exterior lights at the operations and maintenance building; substation; and any temporary construction work site, equipment, and laydown yard (if any) when not in use.</p> <p>b) During facility operation, the certificate holder shall install motion detectors or timers and hoods on exterior lights on the operations and maintenance building, control house and substation to minimize skyward light.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 4]</p>
STANDARD: RECREATION (RC) [OAR 345-022-0010]	
CON-RC-01	<p>During construction, the certificate holder shall, in coordination with the landowner, maintain an alternate public access route to Willow Creek Wildlife Area. The alternate public access route shall be the route shown in ASC Exhibit L, Figure L-2, or shall be another comparable route.</p> <p>[Final Order on ASC, Recreation Standard Condition 1]</p>
CON-RC-02	<p>During construction, the certificate holder shall coordinate with ODFW and the landowner to provide safe and clear wayfinding to Willow Creek Wildlife Area on the alternate access route, including at a minimum directional roadway signage.</p> <p>[Final Order on ASC, Recreation Standard Condition 2]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]	
CON-PS-01	<p>During construction, the certificate holder shall:</p> <ol style="list-style-type: none"> Implement the final Construction Traffic Management Plan (Threemile Canyon Road), as approved by the Department. Include the requirements of the Construction Traffic Management Plan in contract specifications for construction contractors, as applicable. Maintain a monthly log, to be submitted monthly to the Department for review and confirmation of compliance with the components of the Construction Traffic Management Plan. The Department, in consultation with the Morrow County Public Works Department, may require implementation of additional traffic management measures including a Traffic Impact Assessment per MCZO Section 3.010(1) if any requirement of the Construction Traffic Management Plan is determined not adequately implemented, or if additional measures are deemed necessary based on actual passenger car equivalent trips per day during facility construction. Within 30-days of submittal of the monthly compliance report required under sub(c), the certificate holder shall obtain written confirmation from the Department on any additional construction traffic management measures required to be implemented. <p>[Final Order on ASC, Public Services Condition 5]</p>
CON-PS-02	<p>During construction, the certificate holder shall provide for 24-hour security, and shall establish effective communications between on-site security personnel and both the Morrow County Sheriff's Office and Gilliam County Sheriff's Office.</p> <p>[Final Order on ASC, Public Services Condition 8]</p>

<p>CON-PS-03 (also PRE-PS-03 and OPR-PS-03)</p>	<p>Prior to construction, the certificate holder shall prepare a Fire Prevention and Response Plan. The certificate holder shall submit the plan no less than 30 days prior to beginning construction to the Department for review and approval in consultation with the Boardman Rural Fire Protection District and the North Gilliam County Rural Fire Protection District. The plan shall include information on the final construction plans and construction phasing, identify the location of and access to the facility structures, and discuss how the certificate holder will provide mutual assistance in the case of fire within or around the facility site boundary. The plan shall be maintained onsite and implemented throughout construction and operation of the facility. All onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility.</p> <p>Additional information that shall be included in the plan:</p> <ul style="list-style-type: none"> a) Current contact information of at least two facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department. b) Identification of agencies that are designated as first response agencies for the site boundary and vicinity. c) A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility that could respond to an emergency. d) Contact information for each agency listed above. e) Communication protocols for both routine and emergency events. f) The designated employee meeting location in case of evacuation. g) Staff training requirements. <p>[Final Order on ASC, Public Services Condition 10]</p>
<p>CON-PS-04</p>	<p>During construction, the certificate holder must maintain an area clear of vegetation for fire prevention around construction sites, including solar modules and any areas where work includes welding, cutting, grinding, or other flame- or spark-producing operations.</p> <p>[Final Order on ASC, Public Services Condition 11]</p>
<p>CON-PS-05 (also PRE-PS-04 and OPR-PS-04)</p>	<p>Prior to working on the facility, all construction personnel must receive fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. Annual fire prevention and response training shall also be provided during facility operations. The certificate holder shall notify the Department, the Boardman Rural Fire Protection District, and the North Gilliam County Rural Fire Protection District at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the Department upon request.</p> <p>[Final Order on ASC, Public Services Condition 12]</p>
<p>CON-PS-06 (also PRE-PS-05 and OPR-PS-05)</p>	<p>Before beginning construction, the certificate holder shall develop and implement a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan shall include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, and the names, locations and contact information of nearby hospitals. All onsite workers shall be trained in safety and emergency response, as per the site health and safety plan. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and</p>

	<p>operations and maintenance phases of the project, and available upon request by the Department.</p> <p>[Final Order on ASC, Public Services Condition 14]</p>
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
CON-WM-01 (also PRE-WM-01)	<p>Prior to construction, the certificate holder shall develop a Construction Waste Management Plan, which at a minimum, shall include the following:</p> <ul style="list-style-type: none"> a) A requirement to implement a detailed material usage estimating and procurement system to minimize the amount of excess materials ordered. b) A policy requiring that waste collection containers be covered and secured within construction staging areas. c) Description of waste segregation methods for recycling or disposal. d) Names and locations of appropriate recycling and waste disposal facilities, collection requirements, and hauling requirements to be used during construction. <p>The certificate holder shall maintain a copy of the construction waste management plan onsite and shall provide to the Department a report on plan implementation in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).</p> <p>[Final Order on ASC, Waste Minimization Condition 1]</p>

5.4 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
PRO-GS-01	<p>Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility in accordance with the applicable site certificate provisions and the Morrow County Solid Waste Management Plan.</p> <p>[Final Order on ASC, Mandatory Condition 5, OAR 345-025-0006(11)]</p>
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
PRO-FW-01 (also OPR-FW-01)	<p>Following construction, the certificate holder shall implement the Wildlife Monitoring and Adaptive Management Plan (WMAMP), as included in Attachment E of the Final Order on the ASC.</p> <p>The WMAMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMAMP agreed to by the Department.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 2]</p>
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (ST) [OAR 345-024-0090]	
PRO-ST-01	<p>Prior to facility operation, the certificate holder shall identify and ground metal fences within the transmission line right-of-way.</p> <p>[Final Order on ASC, Siting Standards for Transmission Lines Condition 1]</p>
PRO-ST-02	<p>Prior to facility operation, the certificate holder shall provide the landowner a map of the 115-kV transmission line on their property and advise the landowner of possible health and safety risks from induced currents caused by electric and magnetic fields. The map shall identify any metal fences grounded as per Siting Standards for Transmission Lines Condition 1.</p> <p>[Final Order on ASC, Siting Standards for Transmission Lines Condition 2]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
PRO-PS-01	<p>Before beginning operation of the facility, the certificate holder must provide a final site plan to the Boardman Rural Fire Protection District and the North Gilliam County Rural Fire Protection District. The certificate holder must indicate on the site plan the actual location of all facility structures and the identification number assigned to each solar module block.</p> <p>[Final Order on ASC, Public Services Condition 13]</p>

5.6 Operational (OPR) Conditions

Condition Number	Operational (OPR) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
OPR-GS-01	<p>The certificate holder shall submit a legal description of the site to the Oregon Department of Energy and the Morrow County Planning Department within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility.</p> <p>[Final Order on ASC, Mandatory Condition 1, OAR 345-025-0006(2)]</p>
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
OPR-OE-01 (also PRE-OE-01)	<p>a) At least 30 days prior to construction, the certificate holder shall provide to the Department the following:</p> <ol style="list-style-type: none"> 1. Written confirmation that its third-party contractors have obtained all necessary local and state permits for the temporary concrete batch plant, if required during facility construction, and wastewater discharge. These permits are expected to include a Conditional Use Permit for Temporary Concrete Batch Plant from Morrow County and a General Water Pollution Control Facilities Permit for Temporary Concrete Batch Plant concrete washout water from Oregon Department of Environmental Quality. 2. Proof of agreements between the certificate holder and the third-party regarding access to the resources or services secured by the permits or approvals identified prior to construction per sub(a) above. <p>b) During facility operation, the certificate holder may discharge solar panel wash water through evaporation or infiltration into the ground at the point of application. The use of chemicals, soaps, detergents and heated water is prohibited, unless Chemical Safety Data Sheets for low volatile organic compound/biodegradable cleaning chemicals and solvents are submitted to the Department for review and approval. Pressure washing is allowed, so long as it does not remove paint or other finishes.</p> <p>[Final Order on ASC, AMD1, Organizational Expertise Condition 4]</p>
STANDARD: STRUCTURAL STANDARD (SS) [OAR 345-022-0020]	
OPR-SS-01 (also CON-SS-02)	<p>In the event of a volcanic eruption that could damage or affect facility components:</p> <ol style="list-style-type: none"> a) During construction, the certificate holder shall temporarily cease construction activities if necessary to protect equipment and human health. b) During operation, the certificate holder shall shut down the facility until safe operating conditions return. <p>[Final Order on ASC, Structural Standard Condition 4]</p>
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
OPR-FW-01 (also PRO-FW-01)	<p>Following construction, the certificate holder shall implement the Wildlife Monitoring and Adaptive Management Plan (WMAMP), as included in Attachment E of the Final Order on the ASC.</p> <p>The WMAMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and</p>

	<p>the Council retains the authority to approve, reject, or modify any amendment of the WMAMP agreed to by the Department.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 2]</p>
STANDARD: HISTORIC, CULTURAL, AND ARCHEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]	
<p>OPR-HC-01 (also CON-HC-03)</p>	<p>a) During facility construction, the certificate holder shall direct personnel to extinguish nighttime exterior lights at the operations and maintenance building; substation; and any temporary construction work site, equipment, and laydown yard (if any) when not in use.</p> <p>b) During facility operation, the certificate holder shall install motion detectors or timers and hoods on exterior lights on the operations and maintenance building, control house and substation to minimize skyward light.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 4]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-002-0100]	
<p>OPR-PS-01</p>	<p>During facility operation, the certificate holder shall maintain a totalizing flow meter or dedicated measuring tubes for the on-site water well-demonstrating that water use does not exceed 5,000 gallons of water per day.</p> <p>[Final Order on ASC, AMD1, Public Services Condition 1]</p>
<p>OPR-PS-02</p>	<p>During operation, the certificate holder shall ensure that appropriate law enforcement agencies have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency at the facility site.</p> <p>[Final Order on ASC, Public Services Condition 9]</p>
<p>OPR-PS-03 (also PRE-PS-03 and CON-PS-03)</p>	<p>Prior to construction, the certificate holder shall prepare a Fire Prevention and Response Plan. The certificate holder shall submit the plan no less than 30 days prior to beginning construction to the Department for review and approval in consultation with the Boardman Rural Fire Protection District and the North Gilliam County Rural Fire Protection District. The plan shall include information on the final construction plans and construction phasing, identify the location of and access to the facility structures, and discuss how the certificate holder will provide mutual assistance in the case of fire within or around the facility site boundary. The plan shall be maintained onsite and implemented throughout construction and operation of the facility. All onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility.</p> <p>Additional information that shall be included in the plan:</p> <ol style="list-style-type: none"> Current contact information of at least two facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department. Identification of agencies that are designated as first response agencies for the site boundary and vicinity. A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility that could respond to an emergency. Contact information for each agency listed above. Communication protocols for both routine and emergency events. The designated employee meeting location in case of evacuation. Staff training requirements.

	[Final Order on ASC, Public Services Condition 10]
OPR-PS-04 (also PRE-PS-04 and CON-PS-05)	<p>Prior to working on the facility, all construction personnel must receive fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. Annual fire prevention and response training shall also be provided during facility operations. The certificate holder shall notify the Department, the Boardman Rural Fire Protection District, and the North Gilliam County Rural Fire Protection District at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the Department upon request.</p> <p>[Final Order on ASC, Public Services Condition 12]</p>
OPR-PS-05 (also PRE-PS-05 and CON-PS-06)	<p>Before beginning construction, the certificate holder shall develop and implement a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan shall include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, and the names, locations and contact information of nearby hospitals. All onsite workers shall be trained in safety and emergency response, as per the site health and safety plan. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and operations and maintenance phases of the project, and available upon request by the Department.</p> <p>[Final Order on ASC, Public Services Condition 14]</p>
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (ST) [OAR 345-024-0090]	
OPR-ST-01	<p>During operation, the certificate holder shall:</p> <ol style="list-style-type: none"> a) Annually update the Public Utility Commission Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 considering future operations, maintenance, emergency response, and alterations until project retirement. b) File the following required information with the Commission: <ol style="list-style-type: none"> i. 758.013 Operator of electric power line to provide Public Utility Commission with safety information; availability of information to public utilities. (1) Each person who is subject to the Public Utility Commission's authority under ORS 757.035 and who engages in the operation of an electric power line as described in ORS 757.035 must provide the commission with the following information before January 2 of each even-numbered year: <ol style="list-style-type: none"> a. The name and contact information of the person that is responsible for the operation and maintenance of the electric power line, and for ensuring that the electric power line is safe, on an ongoing basis; and b. The name and contact information of the person who is responsible for responding to conditions that present an imminent threat to the safety of employees, customers and the public. c. In the event that the contact information described in subsection (1) of this section changes or that ownership of the electric power line changes, the person who engages in the operation of the electric power line must notify the commission of the change as soon as practicable, but no later than within 90 days. d. If the person described in subsection (1) of this section is not the public utility, as defined in ORS 757.005, in whose service territory the electric power line is located, the commission shall make the information provided to the commission

	<p>under subsection (1) of this section available to the public utility in whose service territory the electric power line is located. [2013 c.235 §3]</p> <p>c) Provide Public Utility Commission Safety Staff with:</p> <ol style="list-style-type: none"> i. Maps and drawings of routes and installation of electrical supply lines showing: <ul style="list-style-type: none"> • Transmission lines and structures (over 50,000 Volts) • Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts) • Substations, roads and highways ii. Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer). <p>[Final Order on ASC, Siting Standards for Transmission Lines Condition 4]</p>
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
OPS-LU-01	<p>Within 90-days after beginning commercial operation, the certificate holder shall provide to the Department, Morrow County Planning Department, and Gilliam County Planning Department the actual latitude and longitude location or Stateplane NAD83(91) coordinates of each facility component and a summary of as-built changes in the facility compared to the pre-construction final facility design.</p> <p>[Final Order on ASC, Land Use Condition 2]</p>

5.7 Retirement Conditions (RET)

Condition Number	Operational (OPR) Conditions
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
RET-RT-01	<p>The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-027-0110(5). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site. [Mandatory Condition OAR 345-025-0006(9)]</p> <p>[Final Order on ASC, Retirement and Financial Assurance Condition 2]</p>
RET-RT-02	<p>The certificate holder is obligated to retire the facility upon permanent cessation of construction or operation. If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council's approval.</p> <p>Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-025-0006(8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan. [Mandatory Condition OAR 345-025-0006(16)]</p> <p>[Final Order on ASC, Retirement and Financial Assurance Condition 3]</p>
STANDARD: HISTORIC, CULTURAL, AND ARCHEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]	
RET-HC-01	<p>Prior to facility retirement and site restoration activities, the certificate holder shall identify Site 35GM402 on retirement maps as a no-entry area, and flag a 100-foot (30-meter) buffer surrounding the site as an area to be avoided during retirement and site restoration activities. The certificate holder shall ensure that no physical disturbance occurs within the buffer zone. A copy of current maps and drawings must be maintained onsite during facility retirement and site restoration and made available to the Department upon request. Flagging or marking shall be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 3]</p>

6.0 Successors and Assigns

To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0400.

7.0 Severability and Construction

If any provision of this agreement and certificate is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and conditions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement and certificate did not contain the particular provision held to be invalid.

8.0 Execution

This site certificate may be executed in counterparts and will become effective upon signature by the Chair of the Energy Facility Siting Council and the authorized representative of the certificate holder.

IN WITNESS THEREOF, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council, and by Boardman Solar Energy, LLC.

ENERGY FACILITY SITING COUNCIL

Marcia L. Grail
By: Marcia L. Grail (Sep 24, 2021 14:42 PDT)
Marcia L. Grail, Chair

Oregon Energy Facility Siting Council

Date: 24-Sep-2021

Boardman Solar Energy, LLC

DocuSigned by:
James Williams
By: CDEF36137BDB474...
James Williams

Boardman Solar Energy, LLC

Date: 11/8/2021

Attachment A
Facility Layout Map
(ASC Exhibit C, Figure C-1)

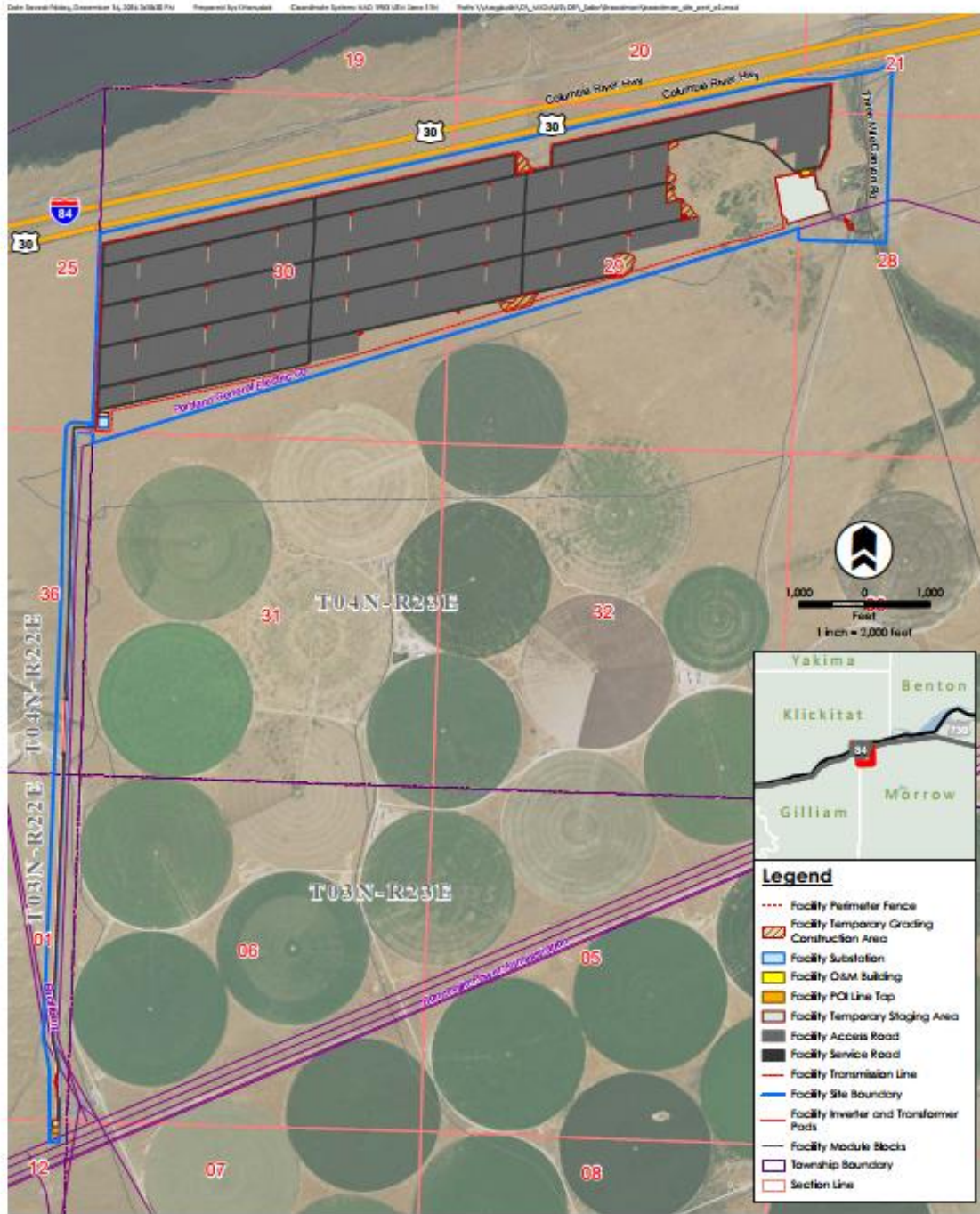


Figure C-1. Facility Layout

Boardman Solar Energy Facility, Morrow and Gilliam Counties, Oregon

December 19, 2016

Rev. 00

