

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

In the Matter of the Request for Transfer of  
the Wheatridge Renewable Energy Facility I  
Site Certificate

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) FINAL ORDER ON  
) REQUEST FOR TRANSFER  
)  
)

Issued by

Oregon Department of Energy  
550 Capitol Street NE  
Salem, Oregon 97301-3742

August 2020

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## ATTACHMENT

Attachment A: Draft Amended Site Certificate

**I. INTRODUCTION**

The Energy Facility Siting Council (Council) issues this order in accordance with Oregon Revised Statute (ORS) 469.405 and Oregon Administrative Rule (OAR) 345-027-0400 for the Request for Amendment to Transfer the Wheatridge Renewable Energy Facility I Site Certificate. This order addresses a change in the certificate holder and certificate holder owner. Specifically, this order addresses a request to transfer the site certificate and certificate holder ownership from Wheatridge Wind Energy, LLC and NextEra Energy Resources, LLC to Portland General Electric Company (PGE or new owner).

Pursuant to OAR 345-027-0400(1), "A request for amendment to a site certificate to transfer the site certificate is required for a transaction that results in a change in the ownership, possession or control of the facility or the certificate holder." A "new owner" refers to the person or entity that will gain ownership, possession or control of the facility or the certificate holder.

**I.A. Name and Address of Current Certificate Holder**

The current certificate holder and certificate holder owner are as follows:

*Certificate Holder*

Wheatridge Wind Energy, LLC  
FEW/JB  
700 Universe Blvd.  
Juno Beach, FL 33408

*Certificate Holder Owner*

NextEra Energy Resources, LLC  
FEW/JB  
700 Universe Blvd.  
Juno Beach, FL 33408

**I.B. Name and Address of New Owner**

Arya Behbehani, Senior Director Environmental & Licensing Services  
Portland General Electric Company  
121 SW Salmon Street  
Portland, OR 97204

## I.C. Description of the Approved Facility and Location

Wheatridge Renewable Energy Facility I (WREFI) is a 100 megawatt (MW) wind energy generation facility within Morrow County, approximately 5 miles northeast of Lexington and 7 miles northwest of Heppner. The facility was previously approved as the Wheatridge Wind Energy Facility (November 2019), inclusive of 650 MWs of wind and solar energy generation components in Morrow and Umatilla counties. In May 2020, Council approved an amendment request authorizing the previously approved 650 MWs of wind and solar facility components to be allocated into two original site certificates, based entirely on the previously approved Wheatridge Wind Energy Facility site certificate, for facilities named WREFI (100 MW wind) and Wheatridge Renewable Energy Facility II (WREFII, 550 MW wind and solar)). WREFI (100 MW wind) and WREFII (200 MW wind) are anticipated to commence commercial operation in October 2020; the remaining components of WREFII must commence construction on or before November 2022.

## II. THE TRANSFER PROCESS

### II.A. Description of the Transfer Request

In the Request for Amendment to Transfer, the new owner requests a site certificate transfer to reflect the change in certificate holder and certificate holder ownership from Wheatridge Wind Energy, LLC and NextEra Energy Resources, LLC to Portland General Electric Company.

### II.B. Procedural History

On June 10, 2020, the new owner filed its Request for Amendment to Transfer the WREFI Site Certificate. On June 16, 2020, the certificate holder, Wheatridge Wind Energy, LLC, provided notice to the Department, pursuant to OAR 345-027-0400(2), of a transfer of ownership of the site certificate.<sup>1</sup>

On June 15, 2020, the Department issued Public Notice of the Request for Amendment to Transfer to all persons on the Council's general mailing list, the special mailing list established for the facility (including the list for WREFI and Wheatridge Wind Energy Facility), an updated list of property owners supplied by the new owner, and reviewing agencies as defined in OAR 345-001-0010(52). The notice included a request for comments and established a comment deadline of August 21, 2020. To date, the Department has not received comments on the Request for Amendment to Transfer. The notice also included the date and time of the Transfer Hearing, as required for site certificate transfers pursuant to OAR 345-027-0400(7), to be conducted during the August 21, 2020 Council meeting via WebEx and teleconference. The

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<sup>1</sup> Mandatory Condition 10 (Site Certificate Condition GEN-GS-11) requires that the certificate holder, prior to any transfer of ownership of the facility or ownership of the certificate holder, inform the Department of the proposed new owners.

1 Department also provided notice of the Transfer Hearing in its August 21, 2020 Council agenda  
2 issued on August 13, 2020. In addition to issuing the notice, the Department posted the public  
3 notice, date and time of the Transfer Hearing, and transfer request materials on the  
4 Department's project webpage.  
5

6 During its August 21, 2020 meeting, Council conducted a Transfer Hearing on the Request for  
7 Transfer for the WREFI Site Certificate. At the same meeting, the Council received a staff  
8 presentation on the draft Final Order on the Request for Amendment to Transfer and approved  
9 the Final Order on the Request for Transfer and issued an amended site certificate.  
10

### 11 **III. EVALUATION OF TRANSFER REQUEST AND APPLICABLE COUNCIL STANDARDS**

12

13 Under OAR 345-027-0400(8), the Council may approve a transfer of the site certificate if the  
14 Council finds that:

- 15 (a) The new owner complies with the Council standards described in OAR 345-022-0010,  
16 345-022-0050 and, if applicable, OAR 345-024-0710(1); and  
17 (b) The new owner is or will be lawfully entitled to possession or control of the site or the  
18 facility described in the site certificate.  
19

#### 20 *Possession and Control of the Site Certificate [OAR 345-027-0400(8)(b)]*

21 To approve a transfer of the site certificate, the Council must find that the new owner is  
22 lawfully entitled to possession or control of the site or the facility described in the site  
23 certificate.  
24

25 Attachment 5 of the Request for Amendment to Transfer provides a legal opinion letter dated  
26 June 8, 2020 from the new owner's Vice President and General Counsel, Lisa Kaner. The legal  
27 opinion states that "subject to the Applicant meeting all applicable federal, state and local laws  
28 (including all the rules and regulations promulgated pursuant thereto), Applicant has the legal  
29 authority without violating its bond indenture provisions, Articles of Incorporation, common  
30 stock covenant or similar agreements, to construct and operate WREFI." Based on these  
31 representations, the Council finds that the new owner will be lawfully entitled to possession or  
32 control of the WREFI site and facility as described in the site certificate.  
33

#### 34 *Compliance with the Site Certificate [OAR 345-027-0400(9)]*

35 To approve a transfer of a site certificate, the Council must find that the new owner agrees to  
36 abide by all the terms and conditions of the site certificate to be transferred.  
37

38 The new owner provides, in Attachment 1 of the Request for Amendment to Transfer, a  
39 certification, executed by Portland General Electric Vice President of Utility Operations Brad  
40 Jenkins, that it agrees to abide by all the terms and conditions of the site certificate currently in  
41 effect and all terms and conditions that will result from this [transfer] request. Based on this

1 statement, the Council finds that the new owner agrees to abide by all the terms and conditions  
2 of the WREFI site certificate.

3  
4 **III.A. Organizational Expertise [OAR 345-022-0010]**  
5

- 6 *(1) To issue a site certificate, the Council must find that the applicant has the*  
7 *organizational expertise to construct, operate and retire the proposed facility in*  
8 *compliance with Council standards and conditions of the site certificate. To conclude*  
9 *that the applicant has this expertise, the Council must find that the applicant has*  
10 *demonstrated the ability to design, construct and operate the proposed facility in*  
11 *compliance with site certificate conditions and in a manner that protects public*  
12 *health and safety and has demonstrated the ability to restore the site to a useful,*  
13 *non-hazardous condition. The Council may consider the applicant's experience, the*  
14 *applicant's access to technical expertise and the applicant's past performance in*  
15 *constructing, operating and retiring other facilities, including, but not limited to, the*  
16 *number and severity of regulatory citations issued to the applicant.*  
17  
18 *(2) The Council may base its findings under section (1) on a rebuttable presumption that*  
19 *an applicant has organizational, managerial and technical expertise, if the applicant*  
20 *has an ISO 9000 or ISO 14000 certified program and proposes to design, construct*  
21 *and operate the facility according to that program.*  
22  
23 *(3) If the applicant does not itself obtain a state or local government permit or approval*  
24 *for which the Council would ordinarily determine compliance but instead relies on a*  
25 *permit or approval issued to a third party, the Council, to issue a site certificate, must*  
26 *find that the third party has, or has a reasonable likelihood of obtaining, the*  
27 *necessary permit or approval, and that the applicant has, or has a reasonable*  
28 *likelihood of entering into, a contractual or other arrangement with the third party*  
29 *for access to the resource or service secured by that permit or approval.*  
30  
31 *(4) If the applicant relies on a permit or approval issued to a third party and the third*  
32 *party does not have the necessary permit or approval at the time the Council issues*  
33 *the site certificate, the Council may issue the site certificate subject to the condition*  
34 *that the certificate holder shall not commence construction or operation as*  
35 *appropriate until the third party has obtained the necessary permit or approval and*  
36 *the applicant has a contract or other arrangement for access to the resource or*  
37 *service secured by that permit or approval.*  
38

## **Findings of Fact**

Subsections (1) and (2) of the Council's Organizational Expertise standard require that the new owner demonstrate its ability to design, construct and operate the facility in compliance with Council standards and all site certificate conditions, as well as its ability to restore the site to a useful, non-hazardous condition. The Council may consider the new owner's experience and past performance in constructing, operating and retiring other facilities in determining compliance with the Council's Organizational Expertise standard. Subsections (3) and (4) address third party permits; in the transfer request, the certificate holder has not identified any new or different third party permits necessary for construction or operation and therefore sub(3) and (4) are not further addressed in this section.

### *Relevant Experience in Wind Facility Construction and Operation*

The new owner, Portland General Electric Company (PGE), is a fully integrated energy company, which has operated for 130 years and serves 863,000 customers in 51 cities. PGE currently operates six natural gas facilities, one coal facility, seven hydro-electric facilities, two wind facilities, and five solar facilities, five of which maintain EFSC-issued site certificates. As examples of experience in construction and operation of wind facilities, the new owner describes that it completed successful construction and currently owns and operates 217 wind turbines in Sherman County and 116 wind turbines in Columbia County, Washington.

To evaluate whether transfer of the site certificate would impact the new owner's ability to comply with Council standards and site certificate conditions, the Council evaluates whether the new owner has received any regulatory citations for its facilities and the outcome of such citations. The new owner describes four regulatory citations received in the last 10 years, from the Oregon Water Resources Department (ash disposal berm overflow at Boardman Coal Plant in 2010; failure to conduct pH monitoring at Boardman Coal Plant in April 2019), United States Environmental Protection Agency (deficiencies in spill prevention, control and countermeasure at Beaver General Plant in July 2015), and Department (unlocked gate at Biglow Canyon substation in 2015; failure to report spill at Biglow Canyon in 2016; construction of backup service power line outside of site boundary at Carty Generating Station in 2015; and, exceedance of auxiliary boiler operating limits at Coyote Springs in 2012), all of which were resolved via minor penalty or corrective actions without fines.

To ensure that the design, construction and operation of the facility is conducted in a manner that protects public health and safety in accordance with the Organizational Expertise standard, Council previously imposed the following nine conditions in the site certificate:

**Organizational Expertise Condition 1:** Before beginning construction, the certificate holder shall notify the department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and

1 construction of similar facilities. The certificate holder shall report to the department  
2 any changes of major contractors. [Site Certificate Condition PRE-OE-01]  
3

4 **Organizational Expertise Condition 2:** Before beginning construction, the certificate  
5 holder shall notify the department of the identity and qualifications of the construction  
6 manager to demonstrate that the construction manager is qualified in environmental  
7 compliance and has the capability to ensure compliance with all site certificate  
8 conditions. [Site Certificate Condition PRE-OE-02]  
9

10 **Organizational Expertise Condition 3:** Prior to construction, the certificate holder shall  
11 contractually require all construction contractors and subcontractors involved in the  
12 construction of the facility to comply with all applicable laws and regulations and with  
13 the terms and conditions of the site certificate. Such contractual provisions shall not  
14 operate to relieve the certificate holder of responsibility under the site certificate. [Site  
15 Certificate Condition PRE-OE-03]  
16

17 **Organizational Expertise Condition 4:** Before beginning construction, the certificate  
18 holder shall notify the department before conducting any work on the site that does not  
19 qualify as surveying, exploration, or other activities to define or characterize the site. The  
20 notice must include a description of the work and evidence that its value is less than  
21 \$250,000 or evidence that the certificate holder has satisfied all conditions that are  
22 required prior to beginning construction. [Site Certificate Condition PRE-OE-04]  
23

24 **Organizational Expertise Condition 5:** Any matter of non-compliance under the site  
25 certificate is the responsibility of the certificate holder. Any notice of violation issued  
26 under the site certificate will be issued to the certificate holder. Any civil penalties under  
27 the site certificate will be levied on the certificate holder. [Site Certificate Condition  
28 GEN-OE-01]  
29

30 **Organizational Expertise Condition 6:** In addition to the requirements of OAR 345-026-  
31 0170, within 72 hours after discovery of incidents or circumstances that violate the  
32 terms or conditions of the site certificate, the certificate holder must report the  
33 conditions or circumstances to the department. [Site Certificate Condition GEN-OE-02]  
34

35 **Organizational Expertise Condition 7:** Prior to construction, the certificate holder must  
36 provide the department and Morrow County with the name(s) and location(s) of the  
37 aggregate source and evidence of the source's county permit(s).  
38

39 **Organizational Expertise Condition 8:** Before beginning construction on any phase of  
40 the facility, the certificate holder must provide evidence to the department and Morrow  
41 and Umatilla counties that the third party that will construct, own and operate the  
42 interconnection transmission line has obtained all necessary approvals and permits for



1 that interconnection transmission line and that the certificate holder has a contract with  
2 the third party for use of the transmission line. [Site Certificate Condition PRE-OE-06]  
3

4 **Organizational Expertise Condition 9:** During facility construction and operation, the  
5 certificate holder shall report to the Department, within 7 days, any change in the  
6 corporate structure of the parent company, NextEra Energy Resources, LLC. The  
7 certificate holder shall report promptly to the Department any change in its access to  
8 the resources, expertise, and personnel of NextEra Energy Resources, LLC. [Amendment  
9 #1 Condition Number: GEN-OR-03]  
10

11 Because the new owner is not a subsidiary and relies entirely on its direct experience,  
12 previously imposed Organizational Expertise Condition 9 is no longer applicable and is deleted  
13 from the site certificate.  
14

15 **Organizational Expertise Condition 9 (Deleted):** ~~During facility construction and~~  
16 ~~operation, the certificate holder shall report to the Department, within 7 days, any~~  
17 ~~change in the corporate structure of the parent company, NextEra Energy Resources,~~  
18 ~~LLC. The certificate holder shall report promptly to the Department any change in its~~  
19 ~~access to the resources, expertise, and personnel of NextEra Energy Resources, LLC.~~  
20 ~~[Amendment #1 Condition Number: GEN-OR-03]~~  
21

22 Based on the above-described experience in wind facility construction and operation and  
23 history of resolution and corrective actions in response to regulatory citations and issues, the  
24 Council finds that the new owner has the experience and qualifications necessary to design,  
25 construct, operate and retire the facility in a manner that complies with applicable  
26 requirements and protects public health and safety.  
27

#### 28 *Relevant Experience in Habitat Mitigation* 29

30 Under the standard, the Council evaluates the new owner's experience with mitigation projects  
31 and the qualifications and experience of personnel upon whom new owner would rely on for  
32 implementation, to the extent that the identities of such persons are known at the time of  
33 transfer request, to determine whether the new owner can successfully complete mitigation  
34 necessary to satisfy site certificate requirements. In the transfer request, the new owner  
35 describes that PGE employs several wildlife biologists and intends to contract with the current  
36 certificate holder, Wheatridge Wind Energy, LLC, which Council previously determined to be an  
37 entity with sufficient experience to satisfy the requirements under the standard, to implement  
38 habitat mitigation required under the WREFI site certificate. The new owner provides a  
39 summary of its relevant experience in acquiring, maintaining and enhancing large habitat  
40 mitigation areas for EFSC-jurisdictional facilities, as presented below:  
41

- 1 • **Boardman Coal Plant:** Established an 880-acre (ac) conservation area on Boardman  
2 Power Plant lands as part of the Multi-Species Candidate Conservation Agreement with  
3 Assurances to protect state-listed endangered Washington ground squirrels and their  
4 habitat. PGE's mitigation work included wildlife surveys, livestock grazing management,  
5 and a weed control program.
- 6 • **Port Westward Generating Facility:** Established a 28.1-ac (19 ac for Unit 1 and 9.1 ac for  
7 Unit 2) conservation easement within emergent wetland habitat adjacent to the facility.  
8 PGE will maintain the easement for the life of the facility, and has enhanced the existing  
9 habitat by planting native trees and shrubs and controlling invasive plant species. The  
10 Unit 1 area also includes a 1.5-acre wetland mitigation area that was successfully  
11 enhanced from reed canary grass wetland to native wetland vegetation.
- 12 • **Biglow Wind Farm:** Established a 117-ac mitigation site near the wind farm. Within the  
13 mitigation area, 11.92 ac of Category 4 habitat (ODFW Habitat Category) has been  
14 seeded to achieve, over time, an improvement to Category 2 or Category 3. Additionally,  
15 PGE is managing weeds in the entire area, which involves surveys, control, prevention,  
16 and revegetation measures. PGE fenced the entire perimeter of the area and installed a  
17 wildlife guzzler and monitors these features routinely. Additional mitigation activities  
18 include breeding bird surveys and annual photo point monitoring of vegetation at  
19 upland sites and at a spring.
- 20 • **Carty Generating Facility:** Established a 78-ac mitigation area where PGE conducts  
21 Washington Ground Squirrel and raptor nest monitoring and noxious weed control and  
22 prevention measures. PGE also installed wildlife compatible fencing and limit access to  
23 the site.

24  
25 Based on the above-described experience in implementation of habitat mitigation, and the use  
26 of qualified biologists and management by the existing certificate holder, the Council finds that  
27 the new owner has the experience and qualifications necessary to satisfy the requirements  
28 under the standard for mitigation.

### 29 Conclusions of Law

30  
31  
32 Based on the foregoing findings of fact, and based upon compliance with existing site certificate  
33 conditions, the Council finds that the transfer of ownership of the site certificate and certificate  
34 holder owner from Wheatridge Wind Energy, LLC and NextEra Energy Resources, LLC to  
35 Portland General Electric continues to satisfy the requirements of the Council's Organizational  
36 Expertise standard.

**III.B. Retirement and Financial Assurance [OAR 345-022-0050]**

*To issue a site certificate, the Council must find that:*

- (1) The site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.*
- (2) The applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.*

**Findings of Fact**

The Retirement and Financial Assurance standard requires a finding that the facility site can be restored to a useful, non-hazardous condition at the end of the facility's useful life, should either the new owner stop construction or should the facility cease to operate.<sup>2</sup> In addition, it requires a demonstration that the new owner can obtain a bond or letter of credit to restore the site to a useful, non-hazardous condition.

*Restoration of the Site Following Cessation of Construction or Operation*

OAR 345-022-0050(1) requires the Council to find that the facility site can be restored to a useful non-hazardous condition at the end of the facility's useful life. The facility is located entirely on exclusive farm use (EFU) zoned land. Therefore, to satisfy this standard, the new owner must show that the site can be restored to a non-hazardous condition suitable for EFU-zoned lands. In the ASC, the facility's useful life was represented as 50 years.<sup>3</sup>

Restoring the site to a useful, non-hazardous condition upon cessation of construction or operations (or upon retirement) would involve removal of all turbine components,<sup>4</sup> meteorological towers, aboveground electrical components, transformers and other substation equipment. In the ASC, the certificate holder stated that O&M buildings would be demolished and disposed of at an appropriate facility, or converted to agricultural buildings for use by the landowners. As explained in ASC Exhibit W, concrete foundations would be removed to a minimum depth of three feet below grade. Underground cables that are at least three feet below grade would be left in place. Gravel surfacing material would be removed, the impacted area would be decompacted as needed, the area regraded to appropriate contours and topsoil

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<sup>2</sup> OAR 345-022-0050(1).

<sup>3</sup> ASC, Exhibit W, p.2.

<sup>4</sup> As explained in ASC Exhibit W, hazardous materials associated with the proposed facility would largely be limited to oils in turbine gearboxes and transformers; these materials would be pumped out by a specialized vehicle for recycling prior to equipment removal.

1 replaced, and the area would be revegetated unless the landowner indicates a desire to leave  
2 the new or expanded roads in place.<sup>5</sup>

3  
4 The Council previously imposed several mandatory site certificate conditions relating to the  
5 obligation of the certificate holder to prevent the development of conditions on the site that  
6 would preclude restoration of the site and requiring the certificate holder to obtain Council  
7 approval of a retirement plan in the event that the facility ceases construction or operation, as  
8 provided below:

9  
10 **Existing Retirement and Financial Assurance Condition 1:** The certificate holder shall  
11 prevent the development of any conditions on the site that would preclude restoration of  
12 the site to a useful, non-hazardous condition to the extent that prevention of such site  
13 conditions is within the control of the certificate holder. [Mandatory Condition OAR 345-  
14 027-0020(7)] [Site Certificate Condition GEN-RT-01]

15  
16 **Existing Retirement and Financial Assurance Condition 2:** The certificate holder must retire  
17 the facility in accordance with a retirement plan approved by the Council if the certificate  
18 holder permanently ceases construction or operation of the facility. The retirement plan  
19 must describe the activities necessary to restore the site to a useful, nonhazardous  
20 condition, as described in OAR 345-027-0110(5). After Council approval of the plan, the  
21 certificate holder must obtain the necessary authorization from the appropriate regulatory  
22 agencies to proceed with restoration of the site. [Mandatory Condition OAR 345-027-  
23 0020(9)] [Site Certificate Condition RET-RT-01]

24  
25 **Existing Retirement and Financial Assurance Condition 3:** The certificate holder is obligated  
26 to retire the facility upon permanent cessation of construction or operation. If the Council  
27 finds that the certificate holder has permanently ceased construction or operation of the  
28 facility without retiring the facility according to a final retirement plan approved by the  
29 Council, as described in OAR 345-027-0110, the Council must notify the certificate holder  
30 and request that the certificate holder submit a proposed final retirement plan to the  
31 department within a reasonable time not to exceed 90 days. If the certificate holder does  
32 not submit a proposed final retirement plan by the specified date, the Council may direct  
33 the department to prepare a proposed final retirement plan for the Council's approval.

34  
35 Upon the Council's approval of the final retirement plan, the Council may draw on the bond  
36 or letter of credit described in OAR 345-027-0020(8) to restore the site to a useful,  
37 nonhazardous condition according to the final retirement plan, in addition to any penalties  
38 the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or  
39 letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must  
40 pay any additional cost necessary to restore the site to a useful, nonhazardous condition.  
41 After completion of site restoration, the Council must issue an order to terminate the site

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<sup>5</sup> ASC, Exhibit W, p.2.

1 certificate if the Council finds that the facility has been retired according to the approved  
2 final retirement plan. [OAR 345-027-0020(16)] [Site Certificate Condition RET-RT-02]

3  
4 The new owner is required to comply with the requirements of these site certificate conditions.  
5 Based upon compliance with the existing site certificate conditions, and because the Request  
6 for Transfer would not result in any changes to the facility or tasks or actions necessary for  
7 facility decommissioning, the Council finds that the previous evaluation of tasks and actions  
8 necessary for facility decommissioning continues to be adequate and representative of  
9 restoring the site to a useful, non-hazardous condition at the end of the facility's useful life.

10  
11 *Estimated Cost of Site Restoration*

12  
13 OAR 345-022-0050(2) requires the Council to find that the new owner has a reasonable  
14 likelihood of obtaining a bond or letter of credit in a form and amount necessary to restore the  
15 proposed facility site to a useful non-hazardous condition. A bond or letter of credit provides a  
16 site restoration remedy to protect the state of Oregon and its citizens if the certificate holder  
17 fails to perform its obligation to restore the site. The bond or letter of credit must remain in  
18 force until the certificate holder has fully restored the site, as required by existing Retirement  
19 and Financial Assurance Condition 4, as provided below. Based upon Council's March 2020,  
20 Final Order on Request for Amendment 5 of the Wheatridge Wind Energy Facility Site  
21 Certificate, where previously approved facility components were allocated into a 100 MW wind  
22 facility (WREFI) and 550 MW wind and solar facility (WREFII), the decommissioning estimate for  
23 WREFI is \$3.4 million (Q2 2020 dollars).

24  
25 Based upon compliance with the existing site certificate conditions, and because the Request  
26 for Amendment to Transfer would not result in any changes to the facility or tasks or actions  
27 necessary for facility decommissioning, the Council finds that the \$3.4 million decommissioning  
28 cost estimate for WREFI continues to represent a reasonable estimate of an amount  
29 satisfactory to restore the site to a useful, non-hazardous condition.

30  
31 *Ability of the Transferee to Obtain a Bond or Letter of Credit*

32  
33 In the Request for Amendment to Transfer, the new owner submitted a letter dated June 5,  
34 2020, from JPMorgan Chase Bank, N.A. which stated that the bank "has a long standing  
35 business relationship with Portland General Electric Company" and "would be willing to furnish  
36 or arrange a letter of credit in an amount up to \$3.4 million.."

37  
38 The Council previously imposed the following two conditions to ensure the certificate holder  
39 could meet its financial assurance obligations and ensure the adequacy of the bond or letter of  
40 credit.

41  
42 **Existing Retirement and Financial Assurance Condition 4:** Before beginning construction of  
43 the facility, the certificate holder shall submit to the State of Oregon, through the Council, a

1 bond or letter of credit in a form and amount satisfactory to the Council to restore the site  
2 to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter  
3 of credit in effect at all times until the facility has been retired. The Council may specify  
4 different amounts for the bond or letter of credit during construction and during operation  
5 of the facility. [Mandatory Condition OAR 345-027-0020(8)] [Site Certificate Condition PRE-  
6 RT-01]  
7

8 **Existing Retirement and Financial Assurance Condition 5:** Before beginning construction of  
9 the facility, the certificate holder shall submit to the State of Oregon, through the Council, a  
10 bond or letter of credit naming the State of Oregon, acting by and through the Council, as  
11 beneficiary or payee. The initial bond or letter of credit amount for the facility is \$3.4 million  
12 dollars (Q2 2020 dollars), to be adjusted to the date of issuance, and adjusted on an annual  
13 basis thereafter, as described in sub-paragraph (b) of this condition:  
14

15 (a) The certificate holder may adjust the amount of the initial bond or letter of credit  
16 based on the final design configuration of the facility. Any revision to the restoration  
17 costs should be adjusted to the date of issuance as described in (b) and subject to  
18 review and approval by the Council.  
19

20 (b) The certificate holder shall adjust the amount of the bond or letter of credit using  
21 the following calculation:  
22

23 (1) Adjust the amount of the bond or letter of credit (expressed in Q2 2020 dollars)  
24 to present value, using the U.S. Gross Domestic Product Implicit Price Deflator,  
25 Chain-Weight, as published in the Oregon Department of Administrative Services'  
26 "Oregon Economic and Revenue Forecast" or by any successor agency and using the  
27 second quarter 2020 index value and the quarterly index value for the date of  
28 issuance of the new bond or letter of credit. If at any time the index is no longer  
29 published, the Council shall select a comparable calculation to adjust second quarter  
30 2020 dollars to present value.  
31

32 (2) Round the result total to the nearest \$1,000 to determine the financial assurance  
33 amount.  
34

35 (c) The certificate holder shall use an issuer of the bond or letter of credit approved by  
36 the Council.  
37

38 (d) The certificate holder shall use a form of bond or letter of credit approved by the  
39 Council. The certificate holder shall describe the status of the bond or letter of credit in  
40 the annual report submitted to the Council under OAR 345-026-0080. The bond or letter  
41 of credit shall not be subject to revocation or reduction before retirement of the facility  
42 site. [Site Certificate Condition PRE-RT-02]  
43

1 Subject to the new owner's compliance with these conditions, and based upon the adequacy of  
2 the bank letter, the Council finds that the new owner has a reasonable likelihood of obtaining a  
3 bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a  
4 useful, non-hazardous condition.

5  
6 **Conclusions of Law**

7  
8 Based on the foregoing findings of fact, and subject to the existing site certificate conditions,  
9 the Council finds that the new owner will continue to comply with the Council's Retirement and  
10 Financial Assurance standard.

11  
12 **IV. GENERAL CONCLUSIONS**

13  
14 The Council finds that the request to transfer ownership of the site certificate and certificate  
15 holder owner from Wheatridge Wind Energy, LLC and NextEra Energy Resources, LLC to  
16 Portland General Electric Company is consistent with current Council rules and the terms and  
17 conditions of the site certificate.

**V. FINAL ORDER**

Based on the above findings of fact, reasoning, existing conditions and conclusions of law in this final order, the Council approves the Request for Amendment to Transfer the Wheatridge Renewable Energy Facility I Site Certificate, transferring ownership of the site certificate and certificate holder from Wheatridge Wind Energy, LLC and NextEra Energy Resources, LLC to Portland General Electric Company. The Council Chair executes the Site Certificate amendment in the form of the “First Amended Site Certificate for Wheatridge Renewable Energy Facility I.”

Issued this 21<sup>st</sup> day of August 2020

The OREGON ENERGY FACILITY SITING COUNCIL

By: \_\_\_\_\_  
Hanley Jenkins, II Chair  
Oregon Energy Facility Siting Council

**ATTACHMENT**

Attachment A: Amended Site Certificate



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

**Site Certificate for the  
Wheatridge Renewable Energy Facility I**

**ISSUANCE DATE**

**Site Certificate**

**May 22, 2020**

**First Amended Site Certificate**

**August 21, 2020**

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# WHEATRIDGE RENEWABLE ENERGY FACILITY I SITE CERTIFICATE

## Attachments

Attachment A      Facility Site Boundary Map

## Acronyms and Abbreviations

ASC	Application for Site Certificate
BMP	Best Management Practice
Council or EFSC	Oregon Energy Facility Siting Council
Department or ODOE	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
ESCP	Erosion and Sediment Control Plan
HMP	Habitat Mitigation Plan
<del>NEER</del>	<del>NextEra Energy Resources, LLC</del>
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
NRHP	National Register of Historic Places
WGS	Washington Ground Squirrel
WMMP	Wildlife Monitoring and Mitigation Plan
WREFI	Wheatridge Renewable Energy Facility I
WREFII	Wheatridge Renewable Energy Facility II

## 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 Wheatridge Wind Energy, LLCPortland General Electric Company (certificate holder). As authorized under Oregon Revised Statute (ORS) Chapter 469, the Council issues this site certificate authorizing certificate holder to construct, operate and retire the Wheatridge Renewable Energy Facility I (facility) at the below described site within Morrow County, 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 the Application for Site Certificate for the Wheatridge Wind Energy Facility* issued on April 28, 2017 (hereafter, *Final Order on the Application*); (b) *Final Order on Request for Transfer* issued on July 27, 2017; (c) *Final Order on Request for Amendment 3* issued on November 16, 2018; (d) *Final Order on Request for Amendment 2* issued on December 14, 2018; (e) *Final Order on Request for Amendment 4* issued on November 22, 2019; (f) ~~and~~ *Final Order on Request for Amendment 5* issued May 22, 2020; and (g) *Final Order on Request for Amendment to Transfer* issued August 21, 2020. In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) *Final Order on Request for Amendment to Transfer*; (2) *Final Order on Request for Amendment 5* (~~32~~) *Final Order on Request for Amendment 4* (~~43~~) *Final Order on Request for Amendment 2*; (~~54~~) *Final Order on Request for Amendment 3*; (~~65~~) *Final Order on Request for Amendment 1*; (~~76~~) *Final Order on the Application*, and (~~87~~) the record of the proceedings that led to the above referenced orders. 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)).

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.

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 345-027-0410 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.

## **2.0 Facility Location**

The energy facility and its related or supporting facilities are located within Morrow County. The site boundary, as defined in OAR 345-001-0010, encompasses approximately 3,100.5 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 all transmission corridors and micrositings corridors proposed by the certificate holder, as approved by the Council.<sup>1</sup>

The energy facility is located entirely within Morrow County, bisected by Oregon Highway 207, approximately 5 miles northeast of Lexington and approximately 7 miles northwest of Heppner (see facility site boundary map provided in Attachment A).

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<sup>1</sup> Energy facility site, as defined in OAR 345-001-0010(54), means all land upon which an energy facility is located or proposed to be located.

## 2.1 Site Boundary

The site boundary encompasses a total of approximately 3,100.5 acres of privately owned land. Table 1 identifies the Public Land Survey System sections in which the site boundary is located.

**Table 1. Location of Site Boundary by Township, Range and Section**

<b>Township</b>	<b>Range</b>	<b>Section(s)</b>
2N	25E	25, 26, 27, 34, 35, 36
1N	25E	1, 2, 11, 12, 13, 14, 15, 22, 23, 24
1N	26E	6, 7, 8, 9, 16, 17, 18, 19, 21, 22

For this facility, the certificate holder requested that the site boundary represent the “micrositing corridor” for the placement of facility components to allow some flexibility in specific component locations and design in response to site-specific conditions and engineering requirements to be determined prior to construction. The Council permits final siting flexibility within a micrositing corridor when the certificate holder demonstrates that requirements of all applicable standards have been satisfied by adequately evaluating the entire corridor and location of facility components anywhere within the corridor.

## 2.2 Micrositing Corridors

The certificate holder requested flexibility to locate components of the energy facility and its related and supporting facilities within a micrositing corridor to allow adjustment of the specific location of components, while establishing outer boundaries of potential construction for purposes of evaluating potential impacts.

Micrositing corridors for wind turbines are a minimum of approximately 660 feet in width around turbines, and wider in some locations. The site boundary width around site access roads and electrical collection lines (collector lines) is narrower, between 200 feet and 500 feet in width. The micrositing corridor is wider for the area surrounding the substations, meteorological towers (met towers), and construction yards.

## 3.0 Facility Description

The facility includes wind energy generation components, with related or supporting facilities. The energy generation capacity of the facility at full build out by the specified construction completion deadlines is approximately 100 MW. Wind energy facility components are further described in Section 3.1 and 3.1.1 of this site certificate.

### 3.1 Wind Energy Facility Components

The construction commencement deadline for the wind energy facility and its related or supporting facilities must begin by May 24, 2020 (under General Standard Condition 1 (GEN-GS-01) and construction of these components must be completed on or before May 24, 2023 (under General Standard Condition 2 (GEN-GS-02)).

Wind energy generation components include up to 40 wind turbines with a total generating capacity up to approximately 100 MW. Wind turbines each consist of a nacelle, a three-bladed rotor, turbine

tower and foundation. The nacelle houses the equipment such as the gearbox, generator, brakes, and control systems for the turbine. The total height of the turbine tower and blades (tip-height) ranges between 431 and 499.7 feet, depending on the turbine model selected.

The base of each wind turbine tower foundation requires a cleared area (typically a gravel pad) up to 80 feet in diameter. The turbines are grouped in linear “strings” within the micrositing corridor and interconnect with a 34.5 kV electrical collection system (described below). Most wind turbine types include a generator step-up (GSU) transformer installed at the base of the tower that would be used to increase the voltage of the turbine to that of the electrical collection system. Table 2 shows the range of turbine specifications approved for use at the facility site.

**Table 2: Approved Wind Turbine Dimensions**

<b>Specification</b>	<b>Maximum (ft)</b>
Blade Length	204.1
Hub Height	291.3
Rotor Diameter	416.7
Total Height (tower height plus blade length)	499.7
Aboveground Blade-Tip Clearance	70.5
<i>Wind turbine types with the maximum dimension specifications shall be equipped with Low Noise Trailing Edge blades.</i>	

### **3.2 Related or Supporting Facilities**

Related or supporting facilities, as described below, must commence construction by May 24, 2020 and complete construction by May 24, 2023:

- Electrical collection system (includes up to 20 miles of mostly underground 34.5 kV collector lines)
- One collector substation
- Up to 2 permanent meteorological (MET) towers
- Communication and Supervisory Control and Data Acquisition (SCADA) System
- Up to 20 miles of new or improved access roads
- Additional temporary construction areas (including staging areas and one or more temporary concrete batch plant areas)
- Battery Storage System (located on up to 5 acres) and interconnection facilities

#### Electrical Collection System

The electrical collection system includes up to 20 miles of mostly underground 34.5 kV collector lines. Electrical connections are located underground or in enclosed junction boxes between the turbine and the pad-mounted GSU transformer. From the GSU transformer to the collector lines the connections are installed along and between the turbine strings to collect power generated by each wind turbine and to route the power to the collector substation, which step up the power from 34.5 kV to 230 kV.

The collector lines are underground, to the extent practicable, in trenches approximately three-feet



wide and not less than two- to three-feet deep, generally alongside access roads, to minimize ground disturbance. Where land use and soil conditions make a buried depth of three-feet infeasible, collector lines may be buried at a depth of less than three feet, while still adhering to National Electrical Safety Code standards.

#### Collector Substation

The facility includes one substation. The certificate holder has requested, and Council grants, the ability to microsite the final location of the substation within the micrositing corridor.

Prior to construction, the substation site will be cleared and graded, with a bed of crushed rock applied for a durable surface. The collector substation is located on a two- to ten-acre site, enclosed by a locked eight-foot tall wire mesh fence. The substation consists of transformers, transmission line termination structures, a bus bar, circuit breakers and fuses, control systems, meters, and other equipment.

#### Meteorological Towers

The facility includes up to 2 permanent met towers. Each met tower has a free-standing, non-guyed design and is approximately 328 feet (100 meters) in height. Installation of permanent met towers results in approximately 98-feet (30-meters) in diameter of temporary land disturbance per tower and approximately 32-feet (10-meter) in diameter of permanent land disturbance per tower. Permanent met towers are fitted with safety lighting and paint as required by the Federal Aviation Administration.

#### Communication and SCADA System

The facility includes a communication system, consisting of fiber optic and copper communication lines that connect the turbines, met towers, and substations to the O&M buildings. A SCADA system is installed in the O&M buildings to enable remote operation to collect operating data for each wind turbine, and to archive wind and performance data. SCADA system wires are collocated with the collector lines both in the underground trenches and overhead, if necessary.

#### Access Roads

Primary access to the facility site is from Interstate 84 (I-84) via Bombing Range Road or Oregon Route 207 (OR-207). The certificate holder completed improvements to existing public roads to accommodate construction activities, including flattening crests or filling dips, widening sharp corners, or adding road base material; the certificate holder is required to consult with the appropriate county road master on specific improvements prior to construction. The certificate holder committed to completing upgrade to existing roads according to applicable state and county road standards and after consultation with Morrow County staff. The certificate holder is required to implement a road use agreement with each county to specify requirements, including that all existing public roads used to access the site would be left in as good or better condition than that which existed prior to the start of construction.

Access to the turbines, construction yards, substations, and O&M buildings is from a network of private access roads constructed or improved by the certificate holder. The certificate holder will grade and gravel all newly constructed and improved site access roads to meet load requirements for

heavy construction equipment, as necessary. Following turbine construction, the certificate holder will narrow the site access roads for use during operations and maintenance. The additional disturbed width required during construction will be restored following the completion of construction by removing gravel surfacing, restoring appropriate contours with erosion and stormwater control best management practices (BMPs), decompacting as needed, and revegetating the area appropriately. In the maximum impact scenario, wind energy facility components will require up to 20 miles of access roads.

#### Additional Construction Yards

The facility includes up to two temporary construction yards located within the site boundary to facilitate the delivery and assembly of material and equipment. The construction yards are used for temporary storage of diesel and gasoline fuels, which are located in an above-ground 1,000-gallon diesel and 500-gallon gasoline tank, within designated secondary containments areas.

Each construction yard occupies between 15 and 20 acres, and was graded and gravel surfaced. The certificate holder is required to restore all construction yards to pre-construction conditions unless an agreement with the landowner leads to some or all of the construction yard being retained after construction.

In addition, the certificate holder may utilize one or more temporary concrete batch plant areas, located within the construction yard area. The temporary concrete batch plants are permitted and operated by the selected contractor.

#### Battery Storage Systems and Interconnection Facilities (DC Coupled)

The battery storage systems associated with wind energy facility components include the following:

- Series of modular containers or a building per system approximately 190 feet long, 100 feet wide and 15-20 feet tall
  - Each system would contain lithium-ion batteries within battery modules placed in anchored racks within containers or building.
  - Approximately eighteen 2.7 mega-voltampere inverters with associated step up transformers with a combined footprint approximately 8 feet by 4 feet.
  - Each system would be equipped with a gas pressured deluge fire suppression system, independent smoke detection system, and external fire water tank
  - Each system would include a cooling system comprised of a bank of four power conditioning system fan units with motor
- Control house, approximately 16 feet by 11 feet, with an external heating, ventilation and air conditioning unit
- Protective device; skid-mounted power transformer; and bi-directional inverter

Battery and inverter equipment would be electrically connected via a combination of aboveground cable trays, underground conduit, and covered cable trenches. Site surfacing would remain primarily gravel. The battery storage systems would interconnect with the facility substation via feeder lines.

### **3.3 Shared (WREFI and WREFII) Related or Supporting Facilities**

The WREFI and Wheatridge Renewable Energy Facility II (WREFII) site certificates were originally

approved as one site certificate for the Wheatridge Wind Energy Facility (April 2017). In May 2020, facility components were split into two separate site certificates, but identified that certain related or supporting facilities would be shared or used by both facilities. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under both site certificates, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

The certificate holder is authorized to share related or supporting facilities between the WREFI and WREFII facilities, including the Wheatridge West collector substation, SCADA system, 20 MW battery storage system, temporary laydown areas, and access roads. These related or supporting facilities are included in both WREFI and WREFII site certificates. Compliance with site certificate conditions and EFSC standards which apply to these shared related or supporting facilities are shared between WREFI and WREFII site certificates and certificate holders. In accordance with Organizational Expertise Condition 11, if either certificate holder substantially modifies a shared related or supporting facility or ceases facility operation, both certificate holders are obligated to submit an amendment determination request or request for amendment to the Department to determine the appropriate process for evaluating the change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a "Common Facilities Agreement" or similarly legally binding agreement has been fully executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

## 4.0 Site Certificate Conditions

### 4.1 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.)<sup>2</sup>. 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

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.

This site certificate contains conditions initially imposed in the Wheatridge Wind Energy Facility site certificate, as approved in April 2017, and amended in July 2017 (AMD1), November (AMD2) and December 2018 (AMD3), November 2019 (AMD4), and May 2020 (AMD5). Site certificate conditions include a bracketed citation (e.g. [Final Order on ASC (2017), AMD2 (2018), AMD4 (2019)]) which provides reference to the Council order imposing or amending the condition. Bracketed citations dated 2017 through May 2020 represent conditions imposed or amended under the Wheatridge Wind Energy Facility site certificate; bracketed citations dated after May 2020 represent conditions imposed or amended under the Wheatridge Renewable Energy Facility I site certificate.

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<sup>2</sup> 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.

## 4.2 General Conditions (GEN): Design, Construction and Operations

Condition Number	General (GEN) Conditions
<b>STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]</b>	
GEN-GS-01	<p>The certificate holder shall begin construction of wind facility components and its related or supporting facilities, by May 24, 2020. On or before May 24, 2020, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010.</p> <p>[Final Order on ASC (2017), General Standard Condition 1; AMD2 (2018); AMD4 (2019); AMD5 (2020)]</p> <p>[Mandatory Condition OAR 345-025-0006(4)]</p>
GEN-GS-02	<p>The certificate holder shall complete construction of the wind facility components and its related or supporting facilities by May 24, 2023. The certificate holder shall promptly notify the Department of the date of completion of construction.</p> <p>[Final Order on ASC (2017), General Standard Condition 2; AMD2 (2018); AMD4 (2019); AMD5 (2020)]</p> <p>[Mandatory Condition OAR 345-025-0006(4)]</p>
GEN-GS-03	<p>The certificate holder shall design, construct, operate, and retire the facility:</p> <ol style="list-style-type: none"> <li>Substantially as described in the site certificate;</li> <li>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</li> <li>In compliance with all applicable permit requirements of other state agencies.</li> </ol> <p>[Final Order on ASC (2017), Mandatory Condition 2] [OAR 345-025-0006(3)]</p>
GEN-GS-04	<p>Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines 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 wind energy facilities, transmission lines or pipelines, 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:</p> <ol style="list-style-type: none"> <li>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 or pipeline occurs during the certificate holder’s negotiations to acquire construction rights on another part of the site; or</li> <li>The certificate holder would construct and operate part of a wind energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built.</li> </ol> <p>[Final Order on ASC (2017), Mandatory Condition 3] [OAR 345-025-0006(5)]</p>
GEN-GS-05	<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 (2017), Mandatory Condition 6] [OAR 345-025-0000(6)]</p>

GEN-GS-06	<p>The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant.</p> <p>[Final Order on ASC (2017), Mandatory Condition 5] [OAR 345-025-0006(10)]</p>
GEN-GS-07	<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.</p> <p>[Final Order on ASC (2017), Mandatory Condition 6] [OAR 345-025-0006(11)]</p>
GEN-GS-08	<p>The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety 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 (2017), Mandatory Condition 7] [OAR 345-025-0006(12)]</p>
GEN-GS-09	<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 and to propose mitigation actions.</p> <p>[Final Order on ASC (2017), Mandatory Condition 8] [OAR 345-025-0006 (13)]</p>
GEN-GS-10	<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 (2017), Mandatory Condition 9] [OAR 345-025-0006 (14)]</p>
GEN-GS-11	<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 (2017), Mandatory Condition 10] [OAR 345--025-0006 (15)]</p>
<b>STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]</b>	
GEN-OE-01	<p>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.</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 5]</p>
GEN-OE-02	<p>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.</p>

	[Final Order on ASC (2017), Organizational Expertise Condition 6]
GEN-OE-03	<del>During facility construction and operation, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of the parent company, NextEra Energy Resources, LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of NextEra Energy Resources, LLC.</del> <del>[Final Order on AMD1 (2018), Organizational Expertise Condition 9]</del>
GEN-OE-04	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> <li>Prior to and during construction, as applicable, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185.</li> <li>Prior to transporting and disposing of battery and battery waste during facility operations, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185.</li> </ol> <p>[Final Order on AMD2 (2018), Organizational Expertise Condition 10]</p>
GEN-OE-05	<p>The certificate holder is authorized to share related or supporting facilities including the Wheatridge West collector substation, SCADA system, access roads, temporary staging areas, and battery storage system (30 MW systems, as approved in Final Order on Amendment 2), all of which are governed under both WREFI and WREFII site certificates.</p> <ol style="list-style-type: none"> <li>Within 30 days of use by both certificate holders of the shared facilities, the certificate holder must provide evidence to the Department that the certificate holders of the shared facilities have an executed agreement for shared use of any constructed shared facilities.</li> <li>If WREFI or WREFII propose to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates in order to accurately account for any significant change in the decommissioning amount required under Retirement and Financial Assurance Condition 5.</li> </ol> <p>Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Retirement and Financial Assurance Condition 5, for the operational facility, if facilities are decommissioned at different times. [Final Order on AMD5 (2020); Organizational Expertise Condition 11]</p>

<b>STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]</b>	
GEN-SS-01	<p>The certificate holder shall design, engineer, and construct the facility in accordance with the current versions of the latest International Building Code, Oregon Structural Specialty Code, and building codes as adopted by the State of Oregon at the time of construction.</p> <p>[Final Order on ASC (2017), Structural Standard Condition 2]</p>
<b>STANDARD: LAND USE (LU) [OAR 345-022-0030]</b>	
GEN-LU-01	<p>The certificate holder shall design the facility to comply with the following setback distances in Morrow County:</p> <ol style="list-style-type: none"> <li>Wind turbines shall be setback from the property line of any abutting property of any non-participant property owners a minimum of 110 percent of maximum blade tip height of the wind turbine tower.</li> <li>Wind turbines shall be setback 100 feet from all property boundaries, including participant property boundaries within the site boundary, if practicable.</li> <li>Wind turbine foundations shall not be located on any property boundary, including participant property boundaries within the site boundary.</li> <li>Wind turbines shall be setback 110% of the overall tower-to-blade tip height from the boundary right-of-way of county roads, state and interstate highways.</li> </ol> <p>[Final Order on ASC (2017), Land Use Condition 1; AMD3 (2018); AMD4 (2019); AMD5 (2020)]</p>
GEN-LU-02	<p>During design and construction of the facility, the certificate holder shall:</p> <ol style="list-style-type: none"> <li>Obtain an access permit for changes in access on Morrow County roads; and</li> <li>Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards.</li> </ol> <p>[Final Order on ASC (2017), Land Use Condition 4]</p>
GEN-LU-03	<p>During design and construction, the certificate holder shall implement the following actions on all meteorological towers approved through the site certificate:</p> <ol style="list-style-type: none"> <li>Paint the towers in alternating bands of white and red or aviation orange; or</li> <li>Install aviation lighting as recommended by the Federal Aviation Administration.</li> </ol> <p>[Final Order on ASC (2017), Land Use Condition 9]</p>
GEN-LU-04	<p>The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall:</p> <ol style="list-style-type: none"> <li>Locate access roads and temporary construction laydown and staging areas to minimize disturbance of farming practices;</li> <li>Place turbines and transmission intraconnection lines along the margins of cultivated areas to reduce the potential for conflict with farm operations, where feasible.</li> <li>[Removed in Amendment 5]</li> <li>Bury underground communication and electrical lines within the area disturbed by temporary road widening, where possible.</li> </ol> <p>[Final Order on ASC (2017), Land Use Condition 11; AMD4 (2019); AMD5 (2020)]</p>
GEN-LU-05	<p>During design and construction of the facility, the certificate holder shall ensure that fencing and landscaping selected and used for the facility components sited within Morrow County blend with the nature of the surrounding area.</p> <p>[Final Order on ASC (2017), Land Use Condition 14; AMD5 (2020)]</p>



<b>STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]</b>	
GEN-RF-01	<p>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.</p> <p>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 1]</p> <p>[Mandatory Condition OAR 345-025-0006(7)]</p>
<b>STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]</b>	
GEN-FW-01	<p>During construction and operation, the certificate holder shall impose a 20 mile per hour speed limit on new and improved private access roads, which have been approved as a related and supporting facility to the energy facility.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 2]</p>
GEN-FW-02	<p>The certificate holder shall construct all overhead collector and transmission intraconnection lines in accordance with the latest Avian Power Line Interaction Committee design standards, and shall only install permanent meteorological towers that are unguyed.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 6]</p>
<b>STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]</b>	
GEN-SR-01	<p>To reduce visual impacts associated with lighting facility structures, other than lighting on structures subject to the requirements of the Federal Aviation Administration or the Oregon Department of Aviation, the certificate holder shall implement the following measures:</p> <p>Outdoor night lighting at the collector substation and battery storage systems must be</p> <ol style="list-style-type: none"> <li>The minimum number and intensity required for safety and security;</li> <li>Directed downward and inward within the facility to minimize backscatter and offsite light trespass; and</li> <li>Have motion sensors and switches to keep lights turned off when not needed.</li> </ol> <p>[Final Order on ASC (2017), Scenic Resources Condition 1, AMD2 (2018); AMD5 (2020)]</p>
GEN-SR-02	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> <li>Design and construct the battery storage systems to be generally consistent with the character of agricultural buildings used by farmers or ranchers in the area, and the buildings shall be finished in a neutral color to blend with the surrounding landscape;</li> <li>Paint or otherwise finish turbine structures in a grey, white, or off-white, low reflectivity coating to minimize reflection and contrast with the sky, unless required otherwise by the local code applicable to the structure location.</li> <li>Finish substation structures and battery storage systems utilizing neutral colors to blend with the surrounding landscape;</li> <li>Minimize use of lighting and design lighting to prevent offsite glare;</li> <li>Not display advertising or commercial signage on any part of the proposed facility;</li> <li>Limit vegetation clearing and ground disturbance to the minimum area necessary to safely and efficiently install the facility equipment;</li> <li>Water access roads and other areas of ground disturbance during construction, as needed, to avoid the generation of airborne dust; and</li> <li>Restore and revegetate temporary impact areas as soon as practicable following completion of construction.</li> </ol> <p>[Final Order on ASC (2017), Scenic Resources Condition 2, AMD2 (2018); AMD5 (2020)]</p>

<b>STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]</b>	
GEN-PS-01	<p>During construction and operation, 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 (2017), Public Services Condition 5]</p>
GEN-PS-02	<p>The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. The O&amp;M buildings shall be fenced. The certificate holder shall keep tower access doors and O&amp;M buildings locked at all times, except when authorized personnel are present.</p> <p>[Final Order on ASC (2017), Public Services Condition 11]</p>
GEN-PS-03	<p>Prior to construction and operation of the facility, , the certificate holder must provide employee 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. The certificate holder shall notify the department and the first-response agencies listed in the Emergency Management Plan developed to comply with Public Services Condition 13 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 (2017), Public Services Condition 18]</p>
GEN-PS-04	<p>The certificate holder shall design, construct and maintain the battery storage systems within a 100 foot vegetation free zone.</p> <p>[Final Order on AMD2 (2018), Public Services Condition 23]</p>
<b>STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]</b>	
GEN-WF-01	<p>During construction and operation, the certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components.</p> <p>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 3]</p>
GEN-WF-02	<p>The certificate holder shall notify the department, the Morrow County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health or safety concerns.</p> <p>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 5; AMD5 (2020)]</p>

### 4.3 Pre-Construction (PRE) Conditions

Condition Number	Pre-Construction (PRE) Conditions
<b>STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]</b>	
PRE-OE-01	<p>Before beginning construction, the certificate holder shall notify the department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the department any changes of major contractors.</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 1]</p>
PRE-OE-02	<p>Before beginning construction, the certificate holder shall notify the department of the identity and qualifications of the construction manager to demonstrate that the construction manager is qualified in environmental compliance and has the capability to ensure compliance with all site certificate conditions.</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 2]</p>
PRE-OE-03	<p>Prior to construction, the certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 3]</p>
PRE-OE-04	<p>Before beginning construction, the certificate holder shall notify the department before conducting any work on the site that does not qualify as surveying, exploration, or other activities to define or characterize the site. The notice must include a description of the work and evidence that its value is less than \$250,000 or evidence that the certificate holder has satisfied all conditions that are required prior to beginning construction.</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 4]</p>
PRE-OE-05	<p>Prior to construction, the certificate holder must provide the department and Morrow County with the name(s) and location(s) of the aggregate source and evidence of the source's county permit(s).</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 7]</p>
PRE-OE-06	<p>The certificate holder must: Prior to construction of wind facility components, provide evidence to the department and Morrow County that the third party that will construct, own and operate the interconnection transmission line has obtained all necessary approvals and permits for that interconnection transmission line and that the certificate holder has a contract with the third party for use of the transmission line.</p> <p>[Final Order on ASC (2017), Organizational Expertise Condition 8; AMD4 (2019); AMD5 (2020)]</p>

**STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]**

PRE-SS-01	<p>Before beginning construction, the certificate holder must:</p> <ol style="list-style-type: none"><li>Submit a protocol to the Department and Oregon Department of Geology &amp; Mineral Industries (DOGAMI), for review, with the applicable codes, standards, and guidelines to be used, and proposed geotechnical work to be conducted for the site-specific geotechnical investigation report.</li><li>Following receipt and review of Department and DOGAMI comments on the protocol per (a), the certificate holder shall conduct a site-specific geological and geotechnical investigation, and shall report its findings to DOGAMI and the department. The report shall be used by the certificate holder in final facility layout and design. The department shall review, in consultation with DOGAMI, and confirm that the investigation report includes an adequate assessment of the following information:<ul style="list-style-type: none"><li>Subsurface soil and geologic conditions of the site boundary</li><li>Define and delineate geological and geotechnical hazards, and means to mitigate these hazards</li><li>Geotechnical design criteria and data for the turbine foundations, foundations of substations, O&amp;M buildings, battery storage systems, roads, and other related and supporting facilities</li><li>Design data for installation of underground and overhead collector lines, and overhead transmission lines</li><li>Investigation of specific areas with potential for slope instability and landslide hazards. Landslide hazard evaluation shall be conducted by LIDAR and field work, as recommended by DOGAMI</li><li>Investigations of the swell and collapse potential of loess soils within the site boundary.</li></ul></li></ol> <p>[Final Order on ASC (2017), Structural Standard Condition 1; AMD2 (2018)]</p>
PRE-SS-02	<p>Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of all potentially active faults within the site boundary. The investigation shall include a description of the potentially active faults, their potential risk to the facility, and any additional mitigation that will be undertaken by the certificate holder to ensure safe design, construction, and operation of the facility.</p> <p>[Final Order on ASC (2017), Structural Standard Condition 3; AMD5 (2020)]</p>
PRE-SS-03	<p>Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1 an investigation of specific areas with potential for slope instability and shall site turbine strings appropriate to avoid potential hazards. The landslide hazards shall be investigated and mapped before final facility layout and design. The landslide hazard evaluation shall be conducted by a combination of LIDAR and field work.</p> <p>[Final Order on ASC (2017), Structural Standard Condition 4]</p>
PRE-SS-04	<p>Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of the swell and collapse potential of loess soil in the site boundary. Based on the results of the investigation, the certificate holder shall include mitigation measures including, as necessary, over-excavating and replacing loess soil with structural fill, wetting and compacting, deep foundations, or avoidance of specific areas.</p> <p>[Final Order on ASC (2017), Structural Standard Condition 5]</p>

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

PRE-SP-01	<p>Prior to beginning construction, the certificate holder shall provide a copy of a DEQ-approved construction Spill Prevention Control and Countermeasures (SPCC) plan, to be implemented during facility construction. The SPCC plan shall include the measures described in Exhibit I of ASC and in the final order approving the site certificate.</p>
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	[Final Order on ASC (2017), Soil Protection Condition 3]
PRE-SP-02	<p>Prior to construction, the certificate holder shall ensure that the final Revegetation Plan includes a program to protect and restore agricultural soils temporarily disturbed during facility construction. As described in the final order, agriculture soils shall be properly excavated, stored, and replaced by soil horizon. Topsoil shall be preserved and replaced. The Revegetation Plan shall be finalized pursuant to Fish and Wildlife Habitat Condition 11.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 4]</p>
<b>STANDARD: LAND USE (LU) [OAR 345-022-0030]</b>	
PRE-LU-01	<p>Before beginning construction, the certificate holder shall complete the following:</p> <ol style="list-style-type: none"> <li>Pay the requisite fee and obtain a Zoning Permit from Morrow County for all facility components sited in Morrow County; and</li> <li>Obtain all other necessary local permits, including building permits.</li> <li>Provide the county with a building permit application, a third party technical report which includes: <ol style="list-style-type: none"> <li>Evaluates fire hazards and;</li> <li>Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems.</li> </ol> </li> <li>The certificate holder shall provide copies of the third-party technical report and issued permits to the Department.</li> </ol> <p>[Final Order on ASC (2017), Land Use Condition 3; AMD2 (2018)]</p>
PRE-LU-02	<p>Before beginning construction, the certificate holder shall pay the requisite fee and obtain a Conditional Use Permit as required under Morrow County Zoning Ordinance Article 6 Section 6.015.</p> <p>[Final Order on ASC (2017), Land Use Condition 5]</p>
PRE-LU-03	<p>Before beginning construction, the certificate holder shall prepare a Weed Control Plan that is consistent with Morrow and Umatilla County weed control requirements to be approved by the department. The department shall consult with Morrow County and ODFW. The final plan must be submitted to the department no less than 30 days prior to the beginning of construction. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.</p> <p>[Final Order on ASC (2017), Land Use Condition 6; AMD5 (2020)]</p>
PRE-LU-04	<p>Before beginning 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.</p> <p>[Final Order on ASC (2017), Land Use Condition 7]</p>
PRE-LU-05	<p>Prior to beginning construction, the certificate holder shall consult with surrounding landowners and lessees and shall consider proposed measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs during construction and operation of the facility. Prior to beginning construction, the certificate holder shall provide evidence of this consultation to the department and Morrow County.</p> <p>[Final Order on ASC (2017), Land Use Condition 12; AMD5 (2020)]</p>
PRE-LU-06	<p>Before beginning construction, the certificate holder shall work with the Morrow County Road Department to identify specific construction traffic related concerns, and develop a traffic management plan that specifies necessary traffic control measures to mitigate the effects of the temporary increase in traffic. The certificate holder must provide a copy of the traffic management plan to the department and Morrow County, and must implement the traffic management plan during construction.</p>

	[Final Order on ASC (2017), Land Use Condition 13]
PRE-LU-07	<p>Prior to facility construction, the certificate holder shall install gates and no trespassing signs at all private access roads established or improved for the purpose of facility construction and operation if requested by the underlying landowner.</p> <p>[Final Order on ASC (2017), Land Use Condition 18; AMD4 (2019)]</p>
<b>STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]</b>	
PRE-RF-01	<p>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 in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility.</p> <p>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 4] [Mandatory Condition OAR 345-025-0006(8)]</p>
PRE-RF-02	<p>Before beginning construction of the wind energy facility components or its related or supporting facilities, 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 initial bond or letter of credit amount for the wind facility components is \$3.4 million dollars (Q2 2020 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition:</p> <ol style="list-style-type: none"> <li>1. The certificate holder may adjust the amount of the initial bond or letter of credit based on the final design configuration of the facility. Any revision to the restoration costs should be adjusted to the date of issuance as described in (2) and subject to review and approval by the Council.</li> <li>2. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation: <ol style="list-style-type: none"> <li>i. Adjust the amount of the bond or letter of credit (expressed in Q2 2020 dollars for wind facility) 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 second quarter 2020 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust second quarter 2020 dollars to present value.</li> <li>ii. Round the result total to the nearest \$1,000 to determine the financial assurance amount.</li> </ol> </li> <li>3. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.</li> <li>4. 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 Council 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.</li> </ol> <p>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 5; AMD2 (2018); AMD4 (2019); AMD5 (2020)]</p>
<b>STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]</b>	
PRE-FW-01	<p>Prior to final site design and facility layout, the certificate holder shall conduct a field-based habitat survey to confirm the habitat categories of all areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. The survey shall be planned in consultation with the department and ODFW, and</p>

	<p>survey protocols shall be confirmed with the department and ODFW. Following completion of the field survey, and final layout design and engineering, the certificate holder shall provide the department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources.</p> <p>The report shall also include an updated version of Table FW-1 Potential Temporary and Permanent Impacts by Habitat Category and Type of the final order, showing the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The pre-construction survey shall be used to complete final design, facility layout, and micro-siting of facility components. As part of the report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage for each transmission structure, wind turbine, access road, and all other facility components. If construction laydown yards are to be retained post construction, due to a landowner request or otherwise, the construction laydown yards must be calculated as permanent impacts, not temporary.</p> <p>In classifying the affected habitat into habitat categories, the certificate holder shall consult with the department and ODFW. The certificate holder shall not begin construction of the facility until the habitat assessment, categorization, and impact assessment has been approved by the department, in consultation with ODFW. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 1]</p>
PRE-FW-02	<p>Prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of the Final Order on Request for Amendment 5 (2020), based on the final facility design, as approved by the department in consultation with ODFW.</p> <ol style="list-style-type: none"> <li>The final WMMP must be submitted and ODOE's concurrence received prior to the beginning of construction. ODOE shall consult with ODFW on the final WMMP. The certificate holder shall implement the requirements of the approved WMMP during all phases of construction and operation of the facility.</li> <li>The WMMP 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 WMMP agreed to by the Department.</li> </ol> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 4; AMD5 (2020)]</p>
PRE-FW-03	<p>Prior to construction, the certificate holder shall flag all environmentally sensitive areas as restricted work zones. Restricted work zones shall include but not be limited to areas with sensitive or protected plant species, including candidate species, wetlands and waterways that are not authorized for construction impacts, areas with seasonal restrictions, and active state sensitive species bird nests.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 8]</p>
PRE-FW-04	<p>Before beginning construction the certificate holder shall prepare and receive approval from the department of a final Habitat Mitigation Plan. The final Habitat Mitigation Plan shall be based on the final facility design and shall be approved by the department in consultation with ODFW. The Council retains the authority to approve, reject or modify the final HMP.</p> <ol style="list-style-type: none"> <li>The final Habitat Mitigation Plan and the department's approval must be received prior to beginning construction. The department shall consult with ODFW on the final plan. The</li> </ol>

	<p>certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.</p> <ul style="list-style-type: none"> <li>b. 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 survey results and impact assessment calculations called for in Fish and Wildlife Habitat Condition 1.</li> <li>c. The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final Habitat Mitigation Plan.</li> <li>d. The certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map and available acres by habitat category and subtype in tabular format.</li> <li>e. 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, revegetation and restoration of temporarily impacted areas, and monitoring. The mitigation actions shall be implemented according to the following schedule, as included in the HMP: <ul style="list-style-type: none"> <li>i. Restoration and revegetation of temporary construction-related impact area shall be conducted as soon as possible following construction.</li> <li>ii. The certificate holder shall obtain legal authority to conduct the required mitigation work at the compensatory habitat mitigation site before commencing construction. The habitat enhancement actions at the compensatory habitat mitigation site shall be implemented concurrent with construction.</li> </ul> </li> <li>f. The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of all mitigation actions, including restoration of temporarily impacted areas and ecological uplift actions at the habitat mitigation area.</li> <li>g. The final HMP shall include mitigation in compliance with the Council's Fish and Wildlife Habitat standard, including mitigation for temporary impacts to Category 4 habitat (shrub-steppe habitat); and, mitigation for all Category 2 habitat impacts that meet the mitigation goal of no net loss of habitat quality or quantity, plus a net benefit of habitat quality or quantity.</li> <li>h. The final 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 this plan agreed to by the Department.</li> </ul> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 10]</p>
PRE-FW-05	<p>Before beginning construction, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment D of the Final Order on Amendment 5 (2020), from the department, in consultation with Morrow County and ODFW. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 11; AMD5 (2020)]</p>



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

PRE-TE-01	<p>Prior to construction, the certificate holder shall determine the boundaries of Category 1 Washington ground squirrel habitat. The certificate holder shall hire a qualified professional biologist who has experience in detection of Washington ground squirrel to conduct pre-construction surveys using a survey protocol approved by the department in consultation with ODFW. The biologist shall survey all areas of suitable habitat within 1,000 feet of any ground disturbing activity. Ground disturbing activity refers to any potential impact, whether permanent or temporary. The protocol surveys shall be conducted in the active squirrel season (March 1 to May 31) prior to construction commencement. The protocol survey is valid for three years. If construction begins within three years of conducting the protocol survey, but not within one year of the protocol survey, the certificate holder shall conduct a pre-construction survey only within areas of suitable Washington ground squirrel habitat where ground disturbing activity would occur.</p> <p>The certificate holder shall provide written reports of the surveys to the department and to ODFW and shall identify the boundaries of Category 1 Washington ground squirrel (WGS) habitat. The certificate holder shall not begin construction within suitable habitat until the identified boundaries of Category 1 WGS habitat have been approved by the department, in consultation with ODFW.</p> <p>The certificate holder shall avoid any permanent or temporary disturbance in all Category 1 WGS habitat. The certificate holder shall ensure that these sensitive areas are correctly marked with exclusion flagging and avoided during construction.</p> <p>[Final Order on ASC (2017), Threatened and Endangered Species Condition 1]</p>
PRE-TE-02	<p>In accordance with Fish and Wildlife Habitat Condition 4, prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of the Final Order on Amendment 5 (2020), based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as well. These newly discovered colonies shall also be included in any future WGS monitoring activities.</p> <p>[Final Order on ASC (2017), Threatened and Endangered Species Condition 2]</p>
PRE-TE-03	<p>To avoid potential impacts to Laurent's milkvetch, the certificate holder must:</p> <ol style="list-style-type: none"><li>Conduct preconstruction plant surveys for Laurent's milkvetch within 100-feet of temporary and permanent disturbance from all facility components, unless extent of survey area within suitable habitat from temporary and permanent disturbance is otherwise agreed upon by the Department on consultation with Oregon Department of Agriculture. If the species is found to occur, the certificate holder must install protection flagging around the plant population and avoid any ground disturbance within this zone.</li><li>Ensure that any plant protection zone established under (i) above is included on construction plans showing the final design locations.</li><li>If herbicides are used to control weeds, the certificate holder shall follow the manufacturer's guidelines in establishing a buffer area around confirmed populations of Laurent's milkvetch. Herbicides must not be used within the established buffers.</li><li>If avoidance cannot be maintained, the certificate holder may request that the Department consider an avoidance exception, authorized through Council concurrence as further</li></ol>

described below. The exception request must include an impact assessment and mitigation plan for the affected species including but not be limited to:

1. Literature review and/or field studies that inform the current status of the species within the survey area or region, if survey area does not contain sufficient information to develop a statistically viable approach for determining impact significance;
2. A description of the individual(s) or population(s) identified within the survey area that would be avoided and impacted;
3. An evaluation of facility impacts on the survival or recovery of the species, in accordance with the Threatened and Endangered Species standard;
4. Proposed mitigation measures such as: funded studies that improve understanding of reproductive biology and pollination; development of seed germination, propagation, and transplanting protocols; and/or, compensatory mitigation project including conservation easement(s) and species propagation, protection, and habitat enhancement measures, and/or other proposed mitigation measures that would benefit the affected species.
5. The Department's review and determination of the exception request shall be conducted in consultation with the Oregon Department of Agriculture, or a third-party consultant. The Department's determination on the exception request must be concurred with by Council. Council retains authority to reject, modify or concur with the exception request.

[Final Order on ASC (2017), Threatened and Endangered Species Condition 3); AMD3 (2018); AMD4 (2019)]

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

PRE-HC-01	<p>Before beginning 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 2013-14 for historic, cultural, and archaeological resources.</p> <p>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 1]</p>
PRE-HC-02	<p>Before beginning construction, the certificate holder shall mark the buffer areas established under Historic, Cultural, and Archeological Resources Condition 3 for all identified historic, cultural, or archaeological resource sites (including those of unknown age) on construction maps and drawings as "no entry" areas. A copy of current maps and drawings must be maintained onsite during construction and made available to the department upon request.</p> <p>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 2]</p>
PRE-HC-03	<p>Before beginning construction, the certificate holder shall ensure that a qualified archeologist, as defined in OAR 736-051-0070, 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.</p> <p>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 4]</p>

**STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]**

PRE-PS-01	<p>Prior to construction, the certificate holder shall prepare a Traffic Management Plan that includes the procedures and actions described in this order and the mitigation measures identified in ASC Exhibit U, Section 3.5.4. The plan shall be approved by the department in consultation with the appropriate transportation service providers. The plan shall be maintained onsite and implemented throughout construction of the facility.</p> <p>In addition, the certificate holder shall include the following information in the plan:</p> <ul style="list-style-type: none"> <li>a. Procedures to provide advance notice to all affected local jurisdictions and adjacent landowners of construction deliveries and the potential for heavy traffic on local roads;</li> <li>b. A policy of including traffic control procedures in contract specifications for construction of the facility;</li> <li>c. Procedures to maintain at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles;</li> <li>d. A policy of ensuring that no equipment or machinery is parked or stored on any county road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within county rights-of-way with the approval of the Morrow County Public Works Departments;</li> <li>e. A policy to encourage and promote carpooling for the construction workforce; and</li> <li>f. Procedures to keep state highways and county roads free of gravel that may be tracked out on intersecting roads at facility access points.</li> </ul> <p>[Final Order on ASC (2017), Public Services Condition 6; AMD5 (2020)]</p>
PRE-PS-02	<p>Before beginning construction, the certificate holder must enter into Road Use Agreements with Morrow County Public Works Department. The Agreements must include, at a minimum, a pre-construction assessment of road surfaces under Morrow County jurisdiction, construction monitoring, and post-construction inspection and repair. A copy of the Road Use Agreements with Morrow County must be submitted to the department before beginning construction. If required by Morrow County the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility.</p> <p>[Final Order on ASC (2017), Public Services Condition 7; AMD5 (2020)]</p>
PRE-PS-03	<p>The certificate holder shall design and construct new access roads and private road improvements to standards approved by Morrow County. Where modifications of county roads are necessary, the certificate holder shall construct the modifications entirely within the county road rights-of-way and in conformance with county road design standards subject to the approval of the Morrow County Public Works Departments.</p> <p>[Final Order on ASC (2017), Public Services Condition 8; AMD5 (2020)]</p>
PRE-PS-04	<p>Before beginning construction, the certificate holder shall submit to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation an FAA Form 7460-1 Notice of Proposed Construction or Alteration for each turbine. Before beginning construction, the certificate holder shall submit to the department the results of the Oregon Department of Aviation aeronautical study and determination. If the department, in consultation with the Oregon Department of Aviation, determines that any turbine would adversely impact an airport's ability to provide service by obstructing the airport's primary or horizontal surface, the department, in consultation with the Oregon Department of Aviation and the certificate holder, shall determine appropriate mitigation, if any, prior to construction.</p> <p>[Final Order on ASC (2017), Public Services Condition 9]</p>
PRE-PS-05	<p>Prior to construction, the certificate holder shall prepare an Emergency Management Plan that includes the procedures and actions described in this order and in ASC Exhibit U. The certificate holder shall submit the plan to ODOE for review and approval in consultation with the</p>

	<p>appropriate local fire protection districts (including the City of Heppner Volunteer Fire Department, and Lone Rural Fire Protection District) prior to construction. The plan shall be maintained onsite and implemented throughout construction and operation of the facility. Any updates to the plan shall be provided to the department within 30 days. 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"> <li>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, along with a list of the agencies that received the contact information.</li> <li>Identification of agencies that participated in developing the plan;</li> <li>Identification of agencies that are designated as first response agencies or are included in any mutual aid agreements with the facility;</li> <li>A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility;</li> <li>Contact information for each agency listed above;</li> <li>Communication protocols for both routine and emergency events and the incident command system to be used in the event a fire response by multiple agencies is needed at the facility;</li> <li>Access and fire response at the facility site during construction and operations. Fire response plans during construction should address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that are completed and those still under construction, and a temporary signage system until permanent addresses and signs are in place;</li> <li>The designated meeting location in case of evacuation;</li> <li>Staff training requirements; and</li> </ol> <p>Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.</p> <p>[Final Order on ASC (2017), Public Services Condition 13; AMD5 (2020)]</p>
PRE-PS-06	<p>Before beginning construction, the certificate holder shall develop and implement, or require its contractors to 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 will 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 facility, and available upon request by the department.</p> <p>[Final Order on ASC (2017), Public Services Condition 20]</p>
PRE-PS-07	<p>Before beginning construction, the certificate holder shall ensure that all construction workers are 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 that construction activities are occurring.</p> <p>[Final Order on ASC (2017), Public Services Condition 21]</p>

<b>STANDARD: WASTE MINIMIZATION (WM,) [OAR 345-022-0120]</b>	
PRE-WM-01	<p>Prior to construction, the certificate holder shall develop a construction waste management plan, to be implemented during all phases of facility construction, which includes at a minimum the following details:</p> <ol style="list-style-type: none"> <li>Specification of the number and types of waste containers to be maintained at construction sites and construction yards</li> <li>Description of waste segregation methods for recycling or disposal.</li> <li>Names and locations of appropriate recycling and waste disposal facilities, collection requirements, and hauling requirements to be used during construction.</li> </ol> <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 (2017), Waste Minimization Condition 2]</p>
PRE-WM-02	<p>Prior to construction, the certificate holder shall investigate and confirm that no surface waters, shallow groundwater, or drinking water sources will be adversely impacted by the usage of concrete washout water in the foundations of facility components, and shall submit an investigation report to the department. Prior to construction, the department, in consultation with DEQ, shall review the results of the investigation report and shall verify that the plan to dispose of concrete washout water in the foundations of facility components is unlikely to adversely impact surface waters, shallow groundwater, or drinking water sources. The applicant's investigation shall be based on the anticipated final facility layout and design. If the results of the investigation show that the proposed concrete washout water disposal method would cause adverse impacts to surface water, shallow groundwater, or drinking water sources, the applicant shall propose mitigation measures to reduce potential impacts, for review and approval by the department in consultation with DEQ, prior to construction.</p> <p>[Final Order on ASC (2017), Waste Minimization Condition 3]</p>
<b>STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]</b>	
PRE-TL-01	<p>Prior to construction, the certificate holder shall schedule a time to brief the OPUC 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 (2017), Siting Standard Condition 2]</p>
<b>STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]</b>	
PRE-NC-01	<p>Prior to construction, the certificate holder shall provide to the department:</p> <ol style="list-style-type: none"> <li>Information that identifies the final design locations of all facility components to be built at the facility;</li> <li>The maximum sound power level for the facility components and the maximum sound power level and octave band data for the turbine type(s), transformers (substation), invertors, battery storage cooling system selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the department;</li> <li>The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B) (iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the department that the total noise generated by the facility (including turbines, transformers, invertors, battery storage cooling systems) would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties, or that the certificate holder has obtained the legally effective easement or real covenant for expected exceedances of the ambient noise degradation test described (d) below. The analysis must also identify the noise reduction operation (NRO) mode approach that will be used during</li> </ol>

	<p>facility operation and include a figure that depicts the turbines that will be operating in NRO mode and the associated dBA reduction level; if required to meet the maximum allowable decibel threshold of 50 dBA<sub>i</sub>; and,</p> <p>d. For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L<sub>10</sub> and L<sub>50</sub> by more than 10 dBA at the appropriate measurement point. The legally effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the property on which the wind energy facility is located; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.</p> <p>[Final Order on ASC (2017), Noise Control Condition 2); AMD3 (2018);; AMD5 (2020)]</p>
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#### 4.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
<b>STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]</b>	
CON-SP-01	<p>During construction, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan (ESCP) that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 1]</p>
CON-SP-02	<p>During construction, the erosion and sediment control best management practices and measures as described in ASC Exhibit I, Section 5.2 and listed in the final order approving the site certificate shall be included and implemented as part of the final ESCP.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 2]</p>
<b>STANDARD: LAND USE (LU) [OAR 345-022-0030]</b>	
CON-LU-01	<p>During construction, the certificate holder shall comply with the following requirements:</p> <ol style="list-style-type: none"> <li>Construction vehicles shall use previously disturbed areas including existing roadways and tracks.</li> <li>Temporary construction yards and laydown areas shall be located within the future footprint of permanent structures to the extent practicable.</li> <li>New, permanent roadways will be the minimum width allowed while still being consistent with safe use and satisfying county road and safety standards.</li> <li>Underground communication and electrical lines will be buried within the area disturbed by temporary road widening to the extent practicable.</li> </ol> <p>[Final Order on ASC (2017), Land Use Condition 8]</p>
CON-LU-02	<p>During construction, the certificate holder shall install smooth turbine tower structures and turbine nacelles that lack perching or nesting opportunities for birds.</p> <p>[Final Order on ASC (2017), Land Use Condition 17]</p>
CON-LU-03	<p>During construction, the certificate holder shall install the electrical cable collector system underground, where practicable. In agricultural areas, the collector system lines must be installed at a depth of 3 feet or deeper as necessary to prevent adverse impacts on agriculture operations. In all other areas, the collector system lines must be installed a minimum of 3 feet where practicable.</p> <p>[Final Order on ASC (2017), Land Use Condition 19]</p>
<b>STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]</b>	
CON-FW-01	<p>Prior to construction, the certificate holder shall develop a construction plan that demonstrates construction activities within 0.25-mile of previously identified active nest sites are scheduled to avoid the sensitive nesting and breeding season. Previously identified active nest sites are those identified through the pre-construction raptor nest survey as required through Condition PRE-FW-01 and may also include any previously identified active nest sites from previous surveys.</p> <p>During construction within the time periods listed below, the certificate holder shall implement buffer zones around active nest sites of the species listed below. Active nest sites shall be identified based on the Condition PRE-FW-01 pre-construction nest survey and be monitored during construction by a biological monitor, both of which shall be based on a protocol approved by the Department in consultation with ODFW- specifying methodology and</p>

	<p>frequency of monitoring. No ground-disturbing activities within the buffer zone 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 ground-disturbing activity within the buffer zone during construction activities.</p> <table><tr><th>Sensitive Status Species</th><th>Buffer Size (Radius Around Nest Site):</th><th>Sensitive Nesting and Breeding Season :</th></tr><tr><td>Western burrowing owl</td><td>0.25 mile</td><td>April 1 to August 15</td></tr><tr><td>Ferruginous hawk</td><td>0.25 mile</td><td>March 15 to August 15</td></tr><tr><td>Swainson’s hawk</td><td>0.25 mile</td><td>April 1 to August 15</td></tr></table> <p>If avoidance within the buffer restrictions cannot be maintained, the certificate holder may request approval from the Department in consultation with ODFW on a mitigation and conservation strategy for condition compliance. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 5; AMD3 (2018); AMD4 (2019)]</p>	Sensitive Status Species	Buffer Size (Radius Around Nest Site):	Sensitive Nesting and Breeding Season :	Western burrowing owl	0.25 mile	April 1 to August 15	Ferruginous hawk	0.25 mile	March 15 to August 15	Swainson’s hawk	0.25 mile	April 1 to August 15
Sensitive Status Species	Buffer Size (Radius Around Nest Site):	Sensitive Nesting and Breeding Season :											
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Ferruginous hawk	0.25 mile	March 15 to August 15											
Swainson’s hawk	0.25 mile	April 1 to August 15											
CON-FW-02	<p>During construction, the certificate holder shall employ a qualified environmental professional to provide environmental training to all personnel prior to working onsite, related to sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. All personnel shall be given clear maps showing areas that are off-limits for construction, and shall be prohibited from working outside of the areas in the site boundary that have been surveyed and approved for construction. The certificate holder shall instruct construction personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager. Records of completed training shall be maintained onsite and made available to the department upon request. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 7]</p>												
CON-FW-03	<p>During construction, the certificate holder shall employ at a minimum one environmental inspector to be onsite daily. The environmental inspector shall oversee permit compliance and construction, and ensure that known sensitive environmental resources are protected. The environmental inspector shall prepare a weekly report during construction, documenting permit compliance and documenting any corrective actions taken. Reports shall be kept on file and available for inspection by the department upon request. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 9]</p>												
<b>STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]</b>													
CON-HC-01	<p>Prior to construction activities, the certificate holder must flag or otherwise mark a 200-foot avoidance buffer around historic archaeological sites, as identified by the maps and drawings prepared in accordance with Historic, Cultural, and Archeological Resources Conditions 1 and 2. No disturbance is allowed within the buffer zones, unless resources assumed likely NRHP eligible (e.g. 6B2H-MC-ISO-17, WR11-BB-IS-01, WR11-DM-04) are concurred not likely NRHP eligible through SHPO review; or, a Historic, Cultural, and Archaeological Resources mitigation plan is submitted and accepted by the Department and SHPO which includes measures such as: additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with SHPO. For historic archaeological sites, an archeological monitor must be present if construction activities are required within 200-feet of sites identified as potentially eligible for listing on the National Register of Historic Places (NRHP) unless otherwise agreed to by the Department and SHPO. The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within buffer areas. Flagging or marking</p>												



	<p>must 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 (2017), Historic, Cultural, and Archeological Resources Condition 3; AMD4 (2019)]</p>
CON-HC-02	<p>During construction, the certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archeological or cultural resources are found during construction of the facility until a qualified archeologist can evaluate the significance of the find. The certificate holder shall notify the department and the Oregon State Historic Preservation Office (SHPO) of the find. 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 (NRHP), the certificate holder shall, in consultation with the department, SHPO, interested Tribes and other appropriate parties, make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery. The certificate holder shall not restart work in the affected area until the department, in consultation with SHPO, agree that the certificate holder has demonstrated that it has complied with archeological resources protection regulations.</p> <p>[Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 5]</p>
<b>STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]</b>	
CON-PS-01	<p>During construction, the certificate holder shall include the following additional measures in the construction waste management plan required by Waste Minimization Condition 2:</p> <ol style="list-style-type: none"> <li>Recycling steel and other metal scrap.</li> <li>Recycling wood waste.</li> <li>Recycling packaging wastes such as paper and cardboard.</li> <li>Collecting 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. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, which requires that all loads be covered and secured.</li> <li>Segregating all hazardous and universal wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes.</li> <li>Discharging concrete truck rinse-out within foundation holes, completing truck wash-down off-site, and burying other concrete waste as fill on-site whenever possible.</li> </ol> <p>[Final Order on ASC (2017), Public Services Condition 3]</p>
CON-PS-02	<p>During construction of the facility, the certificate holder shall provide for 24-hour on-site security, and shall establish effective communications between on-site security personnel and the Morrow County Sheriff's Office.</p> <p>[Final Order on ASC (2017), Public Services Condition 10; AMD5 (2020)]</p>
CON-PS-03	<p>During construction of the facility, the certificate holder shall ensure that turbine construction personnel are trained and equipped for fall protection, high angle, and confined space rescue. The certificate holder must retain records of the training and provide them to the department upon request.</p> <p>[Final Order on ASC (2017), Public Services Condition 14]</p>
CON-PS-04	<p>During construction, the certificate holder shall design turbines to be constructed on concrete pads with a minimum of 10 feet of nonflammable and non-erosive ground cover on all sides. The certificate holder shall cover turbine pad areas with nonflammable, non-erosive material immediately following exposure during construction and shall maintain the pad area covering during facility operation.</p>

	[Final Order on ASC (2017), Public Services Condition 16]
CON-PS-05	<p>During construction the certificate holder must maintain an area clear of vegetation for fire prevention around construction sites, including turbines and towers and any areas where work includes welding, cutting, grinding, or other flame- or spark-producing operations.</p> <p>[Final Order on ASC (2017), Public Services Condition 17]</p>
<b>STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]</b>	
CON-WM-01	<p>During construction, the certificate holder shall require construction contractors to complete the following for any off-site disposal of excess soil during construction activities:</p> <ol style="list-style-type: none"> <li>Obtain and provide the certificate holder with a signed consent agreement between contractor and the party receiving the earth materials authorizing the acceptance and disposal of the excess soil; and,</li> <li>Confirm that all disposal sites have been inspected and approved by the certificate holder's environmental personnel to ensure that sensitive environmental resources, such as wetlands or high quality habitats, would not be impacted.</li> </ol> <p>The certificate holder shall maintain copies of all signed consent agreements and disposal site inspection and approvals onsite and shall provide to the department in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).</p> <p>[Final Order on ASC (2017), Waste Minimization Condition 1]</p>
<b>STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]</b>	
CON-WF-01	<p>During construction, the certificate holder shall install pad-mounted step-up transformers at the base of each tower in steel boxes designed to protect the public from electrical hazards.</p> <p>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 1]</p>
CON-WF-02	<p>Prior to and during operations the certificate holder shall:</p> <ol style="list-style-type: none"> <li>Install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, connected to a fault annunciation panel or supervisory control and data acquisition (SCADA) system to alert operators to potentially dangerous conditions.</li> <li>The certificate holder shall maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical problem causing a fire. The certificate holder shall immediately remedy any dangerous conditions.</li> <li>Submit to the Department materials or other documentation demonstrating the facility's operational safety-monitoring program and cause analysis program, for review and approval. The program shall, at a minimum, include requirements for regular turbine blade and turbine tower component inspections and maintenance, based on wind turbine manufacturer recommended frequency.</li> <li>The certificate holder shall document inspection and maintenance activities including but not limited to date, turbine number, inspection type (regular or other), turbine tower and blade condition, maintenance requirements (i.e. equipment used, component repair or replacement description, impacted area location and size), and wind turbine operating status. This information shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility's annual compliance report.</li> <li>In the event of blade or tower failure, the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 90-days of blade or tower failure event, submit a cause analysis to the Department for its compliance evaluation.</li> </ol> <p>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 4; AMD3 (2018)]</p>

**STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]**

CON-TL-01	<p>During construction, the certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields and submit verification to the Department, including:</p> <ol style="list-style-type: none"><li>Constructing all aboveground collector and transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.</li><li>Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 25 feet from the ground.</li><li>Developing and implementing a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, irrigation systems, 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 (OAR 345-025-0010(4)).</li><li>Providing to landowners a map of underground, with any applicable NESC demarking for underground facilities, and overhead transmission lines on their property and advising landowners of possible health and safety risks from induced currents caused by electric and magnetic fields.</li><li>Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.</li><li>Increasing the transmission line height, shielding the electric field, or installing access barriers, if needed, to prevent induced current and nuisance shock of mobile vehicles.</li><li>Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.</li><li>Designing, constructing and operating the transmission line in accordance with the requirements of the version of the National Electrical Safety Code that is most current at the time that final engineering of each of these components is completed (OAR 345-025-0010(4)).</li><li>Implement a safety protocol to ensure adherence to NESC grounding requirements [Final Order on ASC (2017), Siting Standard Condition 1; AMD4 (2019); AMD5 (2020)]</li></ol>
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**STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]**

CON-NC-01	<p>During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall:</p> <ol style="list-style-type: none"><li>Establish and enforce construction site and access road speed limits;</li><li>Utilize electrically-powered equipment instead of pneumatic or internal combustion powered equipment, where feasible;</li><li>Locate material stockpiles and mobile equipment staging, parking, and maintenance areas as far as practicable away from noise sensitive properties;</li><li>Utilize noise-producing signals, including horns, whistles, alarms, and bells for safety warning purposes only;</li><li>Equip all noise-producing construction equipment and vehicles using internal combustion engines with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment; and,</li><li>Establish a noise complaint response system. All construction noise complaints will be logged within 48 hours of issuance. The construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process</li></ol>
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	<p>to the owner shall be established prior to the start of construction that will allow for resolution of noise problems that cannot be resolved by the site supervisor in a reasonable period of time. Records of noise complaints during construction must be made available to authorized representatives of the department upon request.</p> <p>[Final Order on ASC (2017), Noise Control Condition 1]</p>
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#### 4.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
<b>STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]</b>	
PRO-SP-01	<p>Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan, if required per DEQ's Hazardous Waste Program. If an SPCC plan is not required, the certificate holder shall prepare and submit to the Department for review and approval an operational Spill Prevention and Management plan. The Spill Prevention and Management Plan shall include at a minimum the following procedures and BMPs:</p> <ul style="list-style-type: none"> <li>• Procedures for oil and hazardous material emergency response consistent with OAR 340, Division 100-122 and 142</li> <li>• Procedures demonstrating compliance with all applicable local, state, and federal environmental laws and regulations for handling hazardous materials used onsite in a manner that protects public health, safety, and the environment</li> <li>• Current inventory (type and quantity) of all hazardous materials stored onsite, specifying the amounts at each substation and battery storage system components</li> <li>• Restriction limiting onsite storage of diesel fuel or gasoline</li> <li>• Requirement to store lubricating and dielectric oils in quantities equal to or greater than 55-gallons in qualified oil-filled equipment</li> <li>• Preventative measures and procedures to avoid spills <ul style="list-style-type: none"> <li>○ Procedures for chemical storage</li> <li>○ Procedures for chemical transfer</li> <li>○ Procedures for chemical transportation</li> <li>○ Procedures for fueling and maintenance of equipment and vehicles</li> <li>○ Employee training and education</li> </ul> </li> <li>• Clean-up and response procedures, in case of an accidental spill or release</li> <li>• Proper storage procedures</li> <li>• Reporting procedures in case of an accidental spill or release</li> </ul> <p>[Final Order on ASC (2017), Soil Protection Condition 5; AMD2 (2018); AMD5 (2020)]</p>
<b>STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]</b>	
PRO-PS-01	<p>Prior to operation of the facility, the certificate holder shall ensure that operations personnel are trained and equipped for fall protection and tower rescue, including high angle and confined space rescue. Refresher training in high angle and confined space rescue must be provided to operations personnel on an annual basis throughout the operational life of the facility. The certificate holder must retain records of the training and provide them to the department upon request.</p> <p>[Final Order on ASC (2017), Public Services Condition 15]</p>
PRO-PS-02	<p>Before beginning operation of the facility, the certificate holder must provide a final site plan to the identified fire protection districts and first-responders included in the Emergency Management Plan. The certificate holder must indicate on the site plan the identification number assigned to each turbine and the actual location of all facility structures. The certificate holder shall provide an updated site plan if additional turbines or other structures are later added to the facility.</p> <p>[Final Order on ASC (2017), Public Services Condition 19]</p>

PRO-PS-03	<p>Prior to operation, the certificate holder must ensure that operations personnel remain current in their first aid/CPR/AED certifications throughout the operational life of the facility. 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 that operations and maintenance personnel are at the facility.</p> <p>[Final Order on ASC (2017), Public Services Condition 22]</p>
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#### 4.6 Operational (OPR) Conditions

Condition Number	Operational (OPR) Conditions
<b>STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]</b>	
OPR-GS-01	<p>The certificate holder shall submit a legal description of the site to the Oregon Department of Energy 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 (2017), Mandatory Condition 1] [OAR 345-025-0006(2)]</p>
<b>STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]</b>	
OPR-SP-01	<p>During facility operation, the certificate holder shall:</p> <ol style="list-style-type: none"> <li>Routinely inspect and maintain all facility components including roads, pads, and other facility components and, as necessary, maintain or repair erosion and sediment control measures and reduce potential facility contribution to erosion.</li> <li>Restrict vehicles to constructed access roads, and ensure material laydown or other maintenance activities occur within graveled areas or within the maintenance area of the O&amp;M buildings to avoid unnecessary compaction, erosion, or spill risk to the area surrounding the facility.</li> <li>If in order to serve the operational needs of the energy facility, or related and supporting facilities, the certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction.</li> </ol> <p>[Final Order on ASC (2017), Soil Protection Condition 6]</p>
<b>STANDARD: LAND USE (LU) [OAR 345-022-0030]</b>	
OPR-LU-01	<p>Within one month of commencement of commercial operation, the certificate holder shall submit an as-built survey for each construction phase that demonstrates compliance with the setback requirements in Land Use Condition 1 to the department and Morrow County.</p> <p>[Final Order on ASC (2017), Land Use Condition 2]</p>
OPR-LU-02	<p>During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11.</p> <p>[Final Order on ASC (2017), Land Use Condition 10]</p>
OPR-LU-03	<p>Before beginning decommissioning activities, the certificate holder must provide a copy of the final retirement plan to Morrow County.</p> <p>[Final Order on ASC (2017), Land Use Condition 23; AMD5 (2020)]</p>
OPR-LU-04	<p>Before beginning electrical production, the certificate holder shall prepare an Operating and Facility Maintenance Plan (Plan) and submit the Plan to the department for approval in consultation with Morrow County</p> <p>[Final Order on ASC (2017), Land Use Condition 25; AMD5 (2020)]</p>

OPR-LU-05	<p>Prior to facility retirement, the certificate holder must include the following minimum restoration activities in the proposed final retirement plan it submits to the Council pursuant to OAR 345-027-0410 or its equivalent:</p> <ol style="list-style-type: none"> <li>1. Dismantle turbines, towers, pad mounted transformers, meteorological towers and related aboveground equipment, and remove concrete pads to a depth of at least three feet below the surface grade.</li> <li>2. Remove underground collection and communication cables that are buried less than three feet in depth and are deemed by Council to be a hazard or a source of interference with surface resource uses.</li> <li>3. Remove gravel from areas surrounding turbine pads.</li> <li>4. Remove and restore private access roads unless the landowners directs otherwise.</li> <li>5. Following removal of facility components, grade disturbed areas as close as reasonably possible to the original contours and restore soils to a condition compatible with farm uses or other resources uses.</li> <li>6. Revegetate disturbed areas in consultation with the land owner and in a manner consistent with the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11.</li> <li>7. If the landowner wishes to retain certain facilities, provide a letter from the land owner that identifies the roads, cleared pads, fences, gates and other improvements to be retained and a commitment from the land owner to maintain the identified facilities for farm or other purposes permitted under the applicable zone.</li> </ol> <p>[Final Order on ASC (2017), Land Use Condition 27]</p>
<b>STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]</b>	
OPR-RF-01	<p>During facility operation, the certificate holder shall:</p> <ol style="list-style-type: none"> <li>a. Conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall submit copies of inspection documentation in its annual report to the Department.</li> <li>b. Provide evidence in its annual report to the Department of active property coverage under its commercial business insurance from high loss-catastrophic events, including but not limited to, onsite fire or explosion.</li> </ol> <p>[Final Order on AMD2 (2018), Retirement and Financial Assurance Condition 6]</p>
<b>STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]</b>	
OPR-PS-01	<p>Except as provided in this condition, during facility operation, the certificate holder shall obtain water for on-site uses from on-site wells located near the O&amp;M buildings. The certificate holder shall construct on-site wells subject to compliance with the provisions of ORS 537.765 relating to keeping a well log. The certificate holder shall not use more than 5,000 gallons of water per day from each of the two on-site wells. The certificate holder may obtain water from other sources for on-site uses subject to prior approval by the Department.</p> <p>[Final Order on ASC (2017), Public Services Condition 2]</p>
OPR-PS-02	<ol style="list-style-type: none"> <li>a. Prior to operation, the certificate holder shall submit to the Department for approval its Operational Waste Management Plan that includes but is not limited to the following: <ol style="list-style-type: none"> <li>1. Onsite handling procedure for operational replacement of damaged, defective or recalled lithium-ion batteries. The procedure shall identify applicable 49 CFR 173.185 provisions and address, at a minimum, onsite handling, packaging, interim storage, and segregation requirements.</li> <li>2. Training employees to handle, replace, and store damaged, defective or recalled lithium-ion batteries; minimize and recycle solid waste.</li> <li>3. Recycling paper products, metals, glass, and plastics.</li> </ol> </li> </ol>



	<ol style="list-style-type: none"> <li>4. Recycling used oil and hydraulic fluid.</li> <li>5. Collecting 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. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, Section 5.000 Public Responsibilities, 5.010 Transportation of Solid Waste and 5.030 Responsibility for Propose Disposal of Hazardous Waste which requires that all loads be covered and secured and that operators be responsible for hazardous waste disposal in accordance with applicable regulatory requirements.</li> <li>6. Segregating all hazardous and universal, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights, lithium-ion batteries, lead-acid and nickel-cadmium batteries, and replaced, damaged, defective or recalled lithium-ion batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes.</li> </ol> <p>b. During operation, the certificate holder shall implement the approved Operational Waste Management Plan.</p> <p>[Final Order on ASC (2017), Public Services Condition 4; AMD2 (2018)]</p>
OPR-PS-03	<p>During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel 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 (2017), Public Services Condition 12]</p>
<b>STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]</b>	
OPR-WF-01	<p>During operation, the certificate holder shall ensure the facility substation and battery storage systems are enclosed with appropriate fencing and locked gates to protect the public from electrical hazards.</p> <p>[Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 2; AMD2 (2018)]</p>
<b>STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]</b>	
OPR-TL-01	<p>During operation, the certificate holder shall:</p> <ol style="list-style-type: none"> <li>(1) Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 on an ongoing basis considering future operations, maintenance, emergency response, and alterations until facility retirement.</li> <li>(2) File the following required information with the Commission: <ol style="list-style-type: none"> <li>a. 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"> <li>i. 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</li> <li>ii. 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.</li> <li>iii. In the event that the contact information described in subsection (1) of this section changes or that ownership of the electric power line</li> </ol> </li> </ol> </li> </ol>

	<p>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.</p> <p>iv. 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 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>(3) Provide OPUC Safety Staff with:</p> <p>a. Maps and Drawings of routes and installation of electrical supply lines showing:</p> <ul style="list-style-type: none"> <li>• Transmission lines and structures (over 50,000 Volts)</li> <li>• Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts)</li> <li>• Substations, roads and highways</li> <li>• Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer).</li> </ul> <p>[Final Order on ASC (2017), Siting Standard Condition 3]</p>
<b>STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]</b>	
OPR-NC-01	<p>During operation of the facility, if required to meet the maximum allowable decibel threshold of 50 dBA, the certificate holder shall only operate the facility in the NRO mode that is identified prior to construction pursuant to Noise Control Condition 2. After beginning operation of the facility, the certificate holder shall include a certification in its annual Compliance Report that the NRO mode turbines identified in the preconstruction analysis required by Noise Control Condition 2 are operating at or below the identified dBA reduction level.</p> <p>[Final Order on ASC (2017), Noise Control Condition 3]</p>
OPR-NC-02	<p>During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the department within two working days of receiving a noise complaint related to the facility. The notification should include, but is not limited to, the date the certificate holder received the complaint, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint.</p> <p>[Final Order on ASC (2017), Noise Control Condition 4]</p>
OPR-NC-03	<p>During operation, in response to a complaint from the owner of a noise sensitive property regarding noise levels from the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder.</p> <p>[Final Order on ASC (2017), Noise Control Condition 5]</p>

#### 4.7 Retirement Conditions (RET)

Condition Number	Retirement (RET) Conditions
<b>STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]</b>	
RET-RF-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 345-025-006(9). 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.</p> <p>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 2] [Mandatory Condition OAR 345-025-0006(9)]</p>
RET-RF-02	<p>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 345-025-0006(9), 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 section (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.</p> <p>[Final Order on ASC (2017), Retirement and Financial Assurance Condition 3] [Mandatory Condition OAR 345-025-0006(16)]</p>

5.0 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.

6.0 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.

7.0 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 ~~Wheatridge Wind Energy, LLC~~Portland General Electric (certificate holder), ~~a wholly owned indirect subsidiary of NextEra Energy Resources, LLC (certificate holder owner).~~

ENERGY FACILITY SITING COUNCIL

~~WHEATRIDGE WIND ENERGY, LLC~~PORTLAND GENERAL ELECTRIC COMPANY

By: \_\_\_\_\_  
Hanley Jenkins, II, Chair

By: \_\_\_\_\_  
~~Matthew Handel~~Brad Jenkins, Vice  
President Development of Utility  
Operations, NextEra Energy Resources, LLC  
~~on behalf of Wheatridge Wind Energy, LLC~~

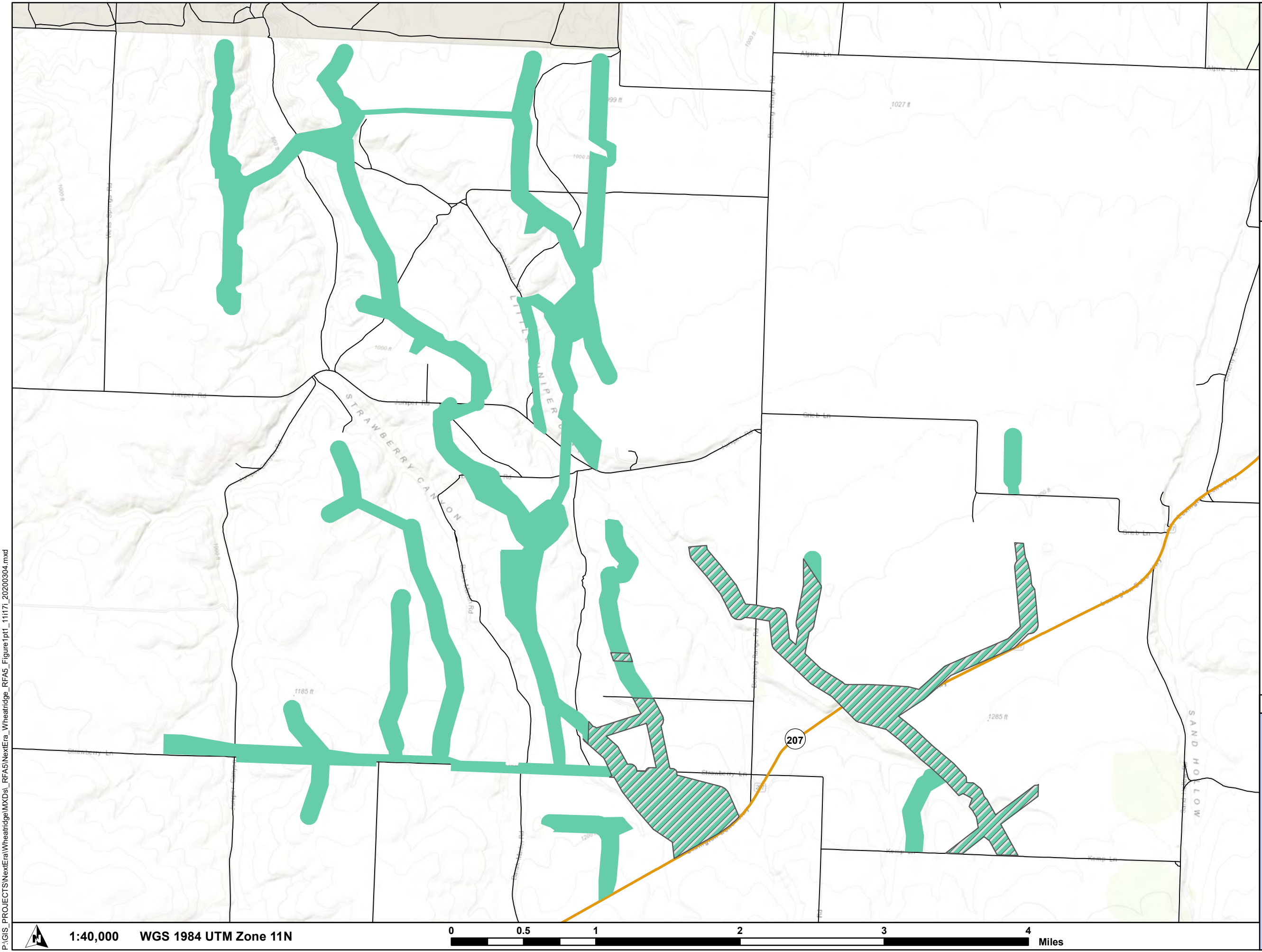
Oregon Energy Facility Siting Council

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attachment A  
WREFI Site Boundary Maps

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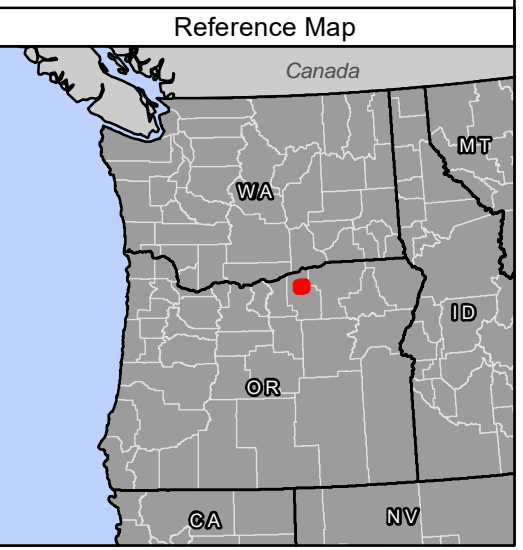


**Wheatridge Renewable Energy Facility I**

**Figure 1.1**  
**Site Boundary**

**MORROW COUNTY, OR**

- Wheatridge Renewable Energy Facility I Site Boundary
- Site Boundary Overlap with Wheatridge Renewable Energy Facility II
- State Highway
- Local Road
- County Boundary



1:40,000 WGS 1984 UTM Zone 11N

