AMENDED SITE CERTIFICATE
FOR THE
COLUMBIA ETHANOL PROJECT

ISSUED BY

OREGON ENERGY FACILITY SITING COUNCIL
625 MARION STREET NE,
SALEM OR 97301-3742

503.378.4040
503.373.7806 FAX

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Attachments: Facility Layout (As Approved September 2017)
AMENDED SITE CERTIFICATE
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I. INTRODUCTION

This Amended Site Certificate for the Columbia Ethanol Project (“CEP”) is issued and executed in the manner provided by ORS chapter 469, by and between the State of Oregon (“State”), acting by and through its Energy Facility Siting Council (“Council”), and Pacific Ethanol Columbia, LLC (“PEC” or “certificate holder”). This site certificate is a binding agreement between the State, acting by and through the Council, and the certificate holder.

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this Amended Site Certificate are set forth in the: (1) Council’s Final Order in the Matter of the Request for Amendment 1 of the Site Certificate for the Columbia Ethanol Project (“Final Order on Amendment 1”), which the Council granted on DATE; and (2) Council’s Final Order in the Matter of the Application for a Site Certificate for the Columbia Ethanol Project (“Final Order on the ASC”), which the Council granted on July 2, 2007, and which by this reference are incorporated herein.

In interpreting this site certificate, any ambiguity shall be clarified by reference to the following, in order of priority: (1) this amended Site Certificate; (2) the Final Order on Amendment 1; (3), the Final Order on the ASC; and (4) the record of the proceedings that led to all Final Orders.

The terms used in this amended site certificate shall have the same meaning set forth in ORS 469.300 and OAR 345-001-0010, except where otherwise stated or where the context clearly indicates otherwise.

II. SITE CERTIFICATION

A. To the extent authorized by State law and subject to the conditions set forth herein, the State authorizes the certificate holder to construct, operate and retire an ethanol plant, together with certain related or supporting facilities, at the site in Morrow County, Oregon, as described in Section III of this Site Certificate. ORS 469.401(1).

B. This site certificate shall be effective until it is terminated pursuant to OAR 345-027-0110 or the rules in effect on the date that termination is sought or until the site certificate is revoked pursuant to ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. ORS 469.401(1).

C. This Site Certificate does not address, and is not binding with respect to, matters that were not addressed in the Council’s Final Order on the Application for a Site Certificate. These matters include, but are not limited to: building code compliance; wage, hour and 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).

D. Both the State and the certificate holder shall abide by local ordinances and state law and
the rules of the Council in effect on the date this site certificate is executed. In addition,
upon a clear showing of a significant threat to the 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).

E. For a permit, license or other approval 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).

F. Subject to the conditions herein, this site certificate binds the State and all counties, cities
and political subdivisions in this state 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).

G. 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. ORS 469.401(3).

H. After issuance of this site certificate, each state agency or local government agency that
issues a permit, license or other approval for the facility shall continue to exercise
enforcement authority over such permit, license or other approval. ORS 469.401(3).

I. After issuance of this amended site certificate, the Council shall have continuing
authority over the site and may inspect, or direct the Department to inspect, or request
another state agency or local government to inspect, the site at any time in order to assure
that the facility is being operated consistently with the terms and conditions of this site
certificate. ORS 469.430.

III. DESCRIPTIONS

A. THE FACILITY

The energy facility is an ethanol plant capable of producing 44 million gallons per year
(MMgy) of ethanol located on a 25-acre parcel in the Boardman Industrial Park, Port of Morrow,
Morrow County, Oregon. Major plant components consist of buildings, storage tanks and bins.
By means of an existing rail loop, corn will be delivered to the site. In the processing building,
ground corn will be mixed with water and enzymes to make a mash, and the mash will be cooked
in a series of retention tanks to break the complex sugars down into fermentable sugars. The
processing building will house steel storage tanks for aqueous ammonia, enzymes, sulfuric acid, sodium hydroxide, and urea.

In the fermentation building, yeast and additional enzymes will be added to the mash, producing a liquid containing 10 to 20% ethanol, by weight. The liquid will be piped to the distillation, drying and evaporation (DD&E) building where the solids (a by-product called distiller’s wet grain that would be suitable for animal feed) will be separated and transported to a wet cake building for storage and ultimate trucking to local dairy or cattle operations for use as feed. The liquid ethanol will be moved to ethanol storage tanks pending shipment to market by barge, rail or truck.

Additional plant components include grain storage bins, an administration building, a boiler building, a maintenance building, ethanol storage tanks, a diesel fuel storage tank, a gasoline tank, and a three-cell cooling tower system.

B. RELATED OR SUPPORTING FACILITIES
The facility includes the following related or supporting facilities:

1. NATURAL GAS PIPELINE. Natural gas for operation of the plant boilers will be provided by means of a 1,700-foot, 4-inch diameter carbon steel pipeline interconnecting with the existing Cascade Natural Gas system. The pipeline is installed underground along Columbia Lane on property owned by the Port of Morrow.

2. ELECTRIC POWER SUPPLY LINE. Electricity for operation of the energy facility will be provided by means of a 13.5-kV, 1,700-foot power supply line interconnecting with the existing Umatilla Electric Cooperative system. The power supply line is mounted on 40-foot wood poles spaced at about 300 feet and located along Columbia Lane on property owned by the Port of Morrow.

3. ETHANOL PIPELINE. PEC proposes to transport some of the ethanol produced at the energy facility by barge from an existing barge-loading facility operated by Tidewater, Inc. In order to move the ethanol to the barge-loading facility, PEC proposes to install a 2,500-foot, 8-inch diameter welded steel pipeline from the energy facility to the barge-loading facility. After leaving the production plant, the pipeline would be installed underground at a depth of at least 3½ feet until it crosses the right of way for the existing Union Pacific rail line. It will cross the rail line by underground bore. North of the rail line, the pipeline will be placed above ground on footings in order to avoid a potential archeological site. Its entire corridor is located on property owned by the Port of Morrow, and would require no new right-of-way. PEC would be responsible for construction of about 2,200 feet of the pipeline (up to the high water line of the Columbia River). Tidewater, Inc., would be responsible for obtaining necessary permits and constructing the remaining 300 feet of the pipeline for connection with the barge-loading facility.
4. **Corn Oil Extraction System.** The corn oil extraction system utilizes a multi-phase process to the DWGS process. The multi-phase process includes tanks (reactors, heated, flash and evaporative), a trim heater, centrifuges, piping and a jib crane which would be used to separate and heat the by-product produced during ethanol production for oil extraction. The extracted oil is piped to two heated storage tanks located within the ethanol storage area to age for a day before shipping while the remaining solids are processed in the pre-existing evaporators.

5. **Sugar Addition System and Change in ethanol feedstock to include, in addition to the previously approved corn feedstock, a blend of corn and granulated sugar.** The sugar addition system replaces 15 percent of the corn feedstock with granulated sugar. The sugar addition system includes a 100-ton stainless steel tank/bin, rotary feeder, screw conveyor, and dust collector which required an Air Contaminant Discharge Permit from the Oregon Department of Environmental Quality (DEQ). This permit was issued by DEQ in 2013. Construction and operation of the sugar addition system was a result of a short-term Department of Agriculture initiative and that operation of the system concluded in 2013. The sugar addition system remains in place at the energy facility and could be used during future operations.

6. **CO₂ Capture Infrastructure.** A third-party (Kodiak Carbonics) installed, owns and operates a carbon dioxide (CO₂) processing plant within the existing energy facility site boundary, under sub-lease agreement with CEP. The new processing plant is currently operating, and includes new interconnecting components installed to transfer the CO₂ rich gas stream from CEP’s existing CO₂ scrubber to the CO₂ processing plant. The interconnecting components deliver up to 250 tons per day of raw gas to the processing facility and are estimated to require up to $100,000 to disassemble and retire.

C. **LOCATION OF THE FACILITY**

The facility is located on a 25-acre parcel of land in Section 2, Township 4 North, Range 25 East, Morrow County, Oregon. This parcel comprises a portion of the Boardman Industrial Park owned and operated by the Port of Morrow.

IV. **SPECIFIC FACILITY CONDITIONS**

The conditions listed in this section include conditions based on representations in the application for a site certificate and supporting record. The Council deems these representations to be binding commitments made by the certificate holder. These conditions are required under OAR 345-027-0020(10).

This section includes other specific facility conditions the Council finds necessary to ensure compliance with siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect the public health and safety.
A. General Standard of Review, OAR 345-022-0000

[No conditions]

B. Organizational Expertise, OAR 345-022-0010

(IV.B.1) The certificate holder shall report promptly to the Department any change in its corporate relationship with Pacific Ethanol, Inc. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise and personnel of Pacific Ethanol, Inc., and Delta-T.

(IV.B.2) If the certificate holder chooses a third-party contractor to operate the facility, the certificate holder shall submit to the Council the identity of the contractor so the Council may review the qualifications and capability of the contractor to meet the standards of OAR 345-0022-0010. If the Council finds that a new contractor meets these standards, the Council shall not require an amendment to the site certificate for the certificate holder to hire the contractor.

(IV.B.3) Any matter of non-compliance under the site certificate shall be the responsibility of the certificate holder. Any notice of violation issued under the site certificate shall be issued to the certificate holder. Any civil penalties assessed under the site certificate shall be levied on the certificate holder.

(IV.B.4) The certificate holder shall contractually require the EPC contractor and all independent contractors and subcontractors involved in the construction and operation of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provision shall not operate to relieve the certificate holder of responsibility under the site certificate.

(IV.B.5) The certificate holder shall obtain, or shall ensure that its contractors obtain, necessary state and local permits or approvals required for the construction, operation and retirement of the facility.

(IV.B.6) Prior to construction of the PEC portion of the ethanol pipeline that will connect CEP to the Tidewater ethanol pipeline, the certificate holder shall demonstrate to the Energy Facility Siting Council (“Council”) that Tidewater, Inc., has obtained all necessary permits and approvals for construction of the ethanol pipeline from the Ordinary High Water (“OHW”) line of the Columbia River to its point of attachment with the barge-loading facility.

(IV.B.7) Prior to commercial operation, the certificate holder shall provide the Council with documentation showing that DEQ has modified the Port of Morrow’s WPCF permit to include the wastewater discharge from the CEP.
C. **Retirement and Financial Assurance, OAR 345-022-0050**

(IV.C.1) The certificate holder shall retire the facility if the certificate holder permanently ceases construction or operation of the facility. The certificate holder shall retire the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, and prepared pursuant to Condition (IV.C.2).

(IV.C.2) Two years before closure of the energy facility, the certificate holder shall submit to the Department a proposed final retirement plan for the facility and site, pursuant to OAR 345-027-0110, including:

(a) A plan for retirement that provides for completion of retirement within two years after permanent cessation of operation of the energy facility and that protects the public health and safety and the environment;

(b) A description of actions the certificate holder proposes to take to restore the site to a useful, non-hazardous condition suitable for industrial use; and

(c) A detailed cost estimate, a comparison of that estimate with the dollar amount secured by a bond or letter of credit and any amount contained in a retirement fund, and a plan for assuring the availability of adequate funds for completion of retirement.

(IV.C.3) 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.

(IV.C.4) Within 30 days after execution of the first amended site certificate, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in the amount of $295,172 (in Fourth Quarter 2016 dollars) naming the State of Oregon, acting by and through the Council, as beneficiary or payee.

(a) The certificate holder shall adjust the amount of the bond or letter of credit to present value annually, 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 (“Index”). If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust Fourth Quarter 2016 dollars to present value.

(b) The form of bond or letter of credit shall be subject to prior approval by the Council.

(c) The issuer of the bond or letter of credit shall be subject to prior approval by the Council.

(d) The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition (VI.B.6).
(e) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility. (Amendment 1, Scenario 2)

(IV.C.5) If the certificate holder elects to use a bond to meet the requirements of Condition (IV.C.4), the certificate holder shall ensure that the surety is obligated to comply with the requirements of applicable statutes, Council rules and this site certificate when the surety exercises any legal or contractual right it may have to assume construction, operation or retirement of the energy facility. The certificate holder shall also ensure that the surety is obligated to notify the Council that it is exercising such rights and to obtain any Council approvals required by applicable statutes, Council rules and this site certificate before the surety commences any activity to complete construction or to operate or retire the energy facility.

(IV.C.6) Not later than ten years after the date of commercial operation of the energy facility, and each ten years thereafter during the life of the energy facility, the certificate holder shall complete an independent Phase I Environmental Site Assessment of the energy facility site. Within 30 days after its completion, the certificate holder shall deliver the Phase I Environmental Site Assessment report to the Department.

(IV.C.7) In the event that any Phase I Environmental Site Assessment identifies improper handling or storage of hazardous substances or improper record keeping procedures, the certificate holder shall correct such deficiencies within six months after completion of the corresponding Phase I Environmental Site Assessment. It shall promptly report its corrective actions to the Department. The Council shall determine whether the corrective actions are sufficient.

(IV.C.8) The certificate holder shall report to the Department any release of hazardous substances, pursuant to DEQ regulations, within one working day after the discovery of such release. This obligation shall be in addition to any other reporting requirements applicable to such a release.

(IV.C.9) If the certificate holder has not remedied a release consistent with applicable Oregon Department of Environmental Quality standards or if the certificate holder fails to correct deficiencies identified in the course of a Phase I Environmental Site Assessment within six months after the date of the release or the date of completion of the Phase I Environmental Site Assessment, the certificate holder shall submit to the Council for its approval an independently prepared estimate of the additional cost of remediation or correction within such six-month period.

(a) Upon approval of an estimate by the Council, the certificate holder shall increase the amount of its bond or letter of credit by the amount of the estimate.

(b) In no event, however, shall the certificate holder be relieved of its obligation to exercise all due diligence in remediating a release of
hazardous substances or correcting deficiencies identified in the course of a Phase I Environmental Site Assessment.

(IV.C.10) All funds received by the certificate holder from the salvage of equipment and buildings shall be committed to the restoration of the energy facility site to the extent necessary to fund the approved site restoration and remediation.

(IV.C.11) The certificate holder shall pay the actual cost to restore the site to a useful, non-hazardous condition at the time of retirement, notwithstanding the Council’s approval in the site certificate of an estimated amount required to restore the site.

(IV.C.12) If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110 and prepared pursuant to Condition (IV.C.2), the Council shall 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.

(a) 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 a final retirement plan for the Council’s approval.

(b) Upon the Council’s approval of the final retirement plan, the Council may draw on the bond or letter of credit described in Condition (IV.C.4) to restore the site to a useful, non-hazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29.

(c) If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any additional cost necessary to restore the site to a useful, non-hazardous condition.

(d) After completion of site restoration, the Council shall 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.

(IV.C.13) (1) The certificate holder shall maintain a bond or letter of credit in an amount of $295,000 (in 4th Quarter 2016 dollars) naming the State of Oregon, acting by and through the Council, as beneficiary or payee.

(a) The certificate holder shall adjust the amount of the bond or letter of credit to present value annually, 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 (“Index”). If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust Fourth Quarter 2016 dollars to present value.

(b) The form of bond or letter of credit shall be subject to prior approval by the Council.
(c) The issuer of the bond or letter of credit shall be subject to prior approval by the Council.

(d) The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition (VI.B.6).

(e) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility.

2. The certificate holder may not amend or terminate the agreement between the Port of Morrow and the certificate holder without either (1) prior consent of the Council, or (2) submission to the Department of a bond or letter of credit in the amount of $852,000 (in 4th Quarter 2016 dollars) and adjusted consistent with IV.C.13(1)(a-e).

3. The certificate holder shall provide evidence to the Department on an annual basis, through reporting under Condition IV.B.6, of active property coverage under its commercial business insurance from high loss-catastrophic events, including but not limited to, onsite fire or explosion.

(D) LAND USE, OAR 345-022-0030
[No conditions]

(E) STRUCTURAL STANDARD, OAR 345-022-0020

(IV.E.1) 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 condition, “seismic hazard” includes ground shaking, landslide, liquefaction, lateral spreading, tsunami inundation, near field effects, hanging wall effects, fault rupture, fault displacement, and subsidence.

(IV.E.2) The certificate holder shall notify the Department, the State Building Codes Division and DOGAMI 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.

(IV.E.3) 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 or suspected at or in the vicinity of the site.

(IV.E.4) The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by non-seismic or aseismic hazards affecting
the site. As used in this condition, “non-seismic or aseismic hazards” includes settlement, landslides, groundwater, flooding, and erosion.

F. SOIL PROTECTION, OAR 345-022-0022

(IV.F.1) Throughout construction of the facility and post-construction restoration, the certificate holder shall use temporary erosion and sediment control measures, such as a bioswale system, sediment barrier fence, ditch checks, catch basin inlet protection, and construction site entrance and exit treatments.

(IV.F.2) Throughout construction of the facility and post-construction restoration, the certificate holder shall install permanent erosion control measures, as necessary.

(IV.F.3) Upon completion of construction of in an area, the certificate holder shall vegetate temporarily disturbed areas to limit soil exposure to wind and water erosion.

(IV.F.4) Before beginning operation of the facility, the certificate holder shall obtain a NPDES Storm Water Discharge General Permit #1200-Z (for industrial activities) from the Oregon Department of Environmental Quality.

(IV.F.5) Upon completion of retirement of the facility, the certificate holder shall vegetate temporarily disturbed areas to limit soil exposure to wind and water erosion.


G. PROTECTED AREAS, OAR 345-022-0040

[No conditions]

H. FISH AND WILDLIFE HABITAT, OAR 345-022-0060

(IV.H.1) After completion of construction of the facility, the certificate holder shall restore areas subject to temporary disturbance to pre-construction conditions using a seed mix approved by ODFW and the Morrow County Soil and Water Conservation District.

(IV.H.2) The certificate holder shall implement the habitat mitigation plan submitted on March 30, 2007 and shown as Attachment A to this Order.

(IV.H.3) During construction of the facility, the certificate holder shall implement the following measures:
(a) Design the facility components to be the minimum size needed for operations;
(b) Use best management practices to prevent loss of topsoil during construction; and
(c) Control noxious weeds in areas disturbed by construction activities.
I. THREATENED AND ENDANGERED SPECIES, OAR 345-022-0070

[No conditions]

J. SCENIC RESOURCES, OAR 345-022-0080

[No conditions]

K. HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES, OAR 345-022-0090

(IV.K.1) Before beginning construction of the proposed related or supporting ethanol pipeline, the certificate holder shall conduct additional investigation to better define the vertical and horizontal extent of the archaeological resources in the vicinity of the proposed ethanol pipeline in consultation with the Oregon Historic Preservation Office (“SHPO”) and the Confederated Tribes of the Umatilla Indian Reservation. The investigation shall include protocols and procedures for protection of known cultural sites, including the identification of sites in the field and on project construction maps, and for accidental discovery of additional sites.

(IV.K.2) During construction of the facility, the certificate holder shall ensure that a qualified person instructs construction personnel in the identification of archaeological and cultural resources, and ensure that archaeological construction monitors are present to prevent accidental impacts to known cultural resources or to any newly discovered resources.

(IV.K.3) During construction of the facility, in the event any archaeological or cultural resources are discovered, the certificate holder shall cease all ground-disturbing activities in the immediate area until a qualified archaeologist can evaluate the significance of the find. If the archaeologist determines that the resources are significant, the certificate holder shall make recommendations to the Council for mitigation in consultation with the State Historic Preservation Office (“SHPO”), the Department, the Confederated Tribes of the Umatilla Indian Reservation, and other appropriate parties. Mitigation measures shall include avoidance or data recovery. The certificate holder shall not restart work in the affected area until it has demonstrated to the Department that it has complied with the archaeological permit requirements administered by SHPO.

(IV.K.4) The location of the ethanol pipeline will be moved as shown on Figure C-2 rev. 2, dated 2/15/07. The boundary between the certificate holder’s portion and Tidewater’s portion is as shown on this figure.

(IV.K.5) The pipeline may be constructed underground between the ethanol production plant and the existing loop track. The pipeline will cross the loop track by horizontal bore. On the north side of the existing loop track, the pipeline will be placed above ground on footings designed substantially as shown in the Norwest Engineering Drawing provided to the Oregon Department of Energy and dated 2/21/07.
The certificate holder shall ensure that a qualified archeological monitor is on site during excavation of the trench and subsequent boring of the pipeline.

L. Recreation, OAR 345-022-0100
[No conditions]

M. Public Services, OAR 345-022-0110
[No conditions]

N. Waste Minimization, OAR 345-022-0120
[No conditions]

V. Other Applicable Regulatory Requirements

A. Requirements Under Council Jurisdiction

1. Noise Control Regulations, OAR 340-035-0035
[No conditions]

2. Removal-Fill Law
[No conditions]

3. Public Health and Safety

(V.A.1) The certificate holder shall consult with the Oregon Public Utility Commission staff to ensure that its designs and specifications for the electrical transmission line and natural gas pipeline are consistent with applicable codes and standards.

(V.A.2) With respect to the related or supporting natural gas pipeline, the certificate holder shall design, construct and operate the pipeline in accordance with the requirements of the U.S. Department of Transportation as set forth in Title 49, Code of Federal Regulations, Part 192 and the certificate holder shall develop and implement a program using the best available practical technology to monitor the proposed pipeline to ensure protection of public health and safety.

VI. Conditions Required or Recommended by Council Rules

This section lists conditions specifically required by OAR 345-027-0020 (Mandatory Conditions in Site Certificates), OAR 345-027-0028 (Monitoring Conditions), and OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities). These conditions should be read together with the specific facility conditions included in Sections IV and V to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect the public health and safety. The certificate holder shall comply with all site certificate conditions.
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.

A. **Mandatory Conditions in Site Certificates**

(VI.A.1) The Council shall not change the conditions of the site certificate except as provided for in OAR 345, Division 27.

(VI.A.2) The certificate holder shall submit a legal description of the site to the 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 identifies the outer boundaries that contain all parts of the facility.

(VI.A.3) The certificate holder shall design, construct, operate, and retire the facility:

(a) Substantially as described in the site certificate;

(b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and

(c) In compliance with all applicable permit requirements of other state agencies.

B. **Other Conditions by Rule**

(VI.B.1) With respect to the related or supporting natural gas pipeline, the certificate holder shall submit to the Department copies of all incident reports involving the pipeline required under 49 CFR §191.15.

(VI.B.2) Before beginning operation of the facility, the certificate holder shall submit to the Department a legal description of the permanent right-of-way where the applicant has built a pipeline or transmission line within an approved corridor. The site of the pipeline or transmission line subject to the site certificate is the area within the permanent right-of-way.

(VI.B.3) 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.

(VI.B.4) Within 30 days after the effective date of the site certificate, the certificate holder shall implement a plan that verifies compliance with all site certificate terms and conditions and applicable statutes and rules and shall submit a copy of the plan to
the Department. The certificate holder shall document the compliance plan and maintain it for inspection by the Department or the Council.

(VI.B.5) Within 30 days after the effective date of the site certificate, and every six months thereafter during construction of the facility and related or supporting facilities, the certificate holder shall submit a semi-annual construction progress report to the Department. In each construction progress report, the certificate holder shall describe any significant changes to major milestones for construction. When the reporting date coincides, the certificate holder may include the construction progress report within the annual report described in Condition (VI.B.6) below.

(VI.B.6) By April 30 of each year after beginning construction, the certificate holder shall submit an annual report to the Department addressing the subjects listed in OAR 345-026-0080(2). The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date.

(VI.B.7) To the extent that information required by OAR 345-026-0080(2) is contained in reports the certificate holder submits to other state, federal or local agencies, the certificate holder may submit excerpts from such other reports to satisfy this condition. The Council reserves the right to request full copies of such excerpted reports.

(VI.B.8) The certificate holder and the Department shall exchange copies of all correspondence or summaries of correspondence related to compliance with statutes, rules and local ordinances on which the Council determined compliance, except for material withheld from public disclosure under state or federal law or under Council rules. The certificate holder may submit abstracts of reports in place of full reports; however, the certificate holder shall provide full copies of abstracted reports and any summarized correspondence at the request of the Department.

(VI.B.9) The certificate holder shall notify the Department within 72 hours of any occurrence involving the facility if:

(a) There is an attempt by anyone to interfere with its safe operation;
(b) A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused event such as a fire or explosion, affects or threatens to affect the public health and safety or the environment; or,
(c) There is any fatal injury at the facility.

VII. GENERAL CONDITIONS

(VII.1) The general arrangement of the Columbia Ethanol Project shall be substantially as shown in the ASC and as described in Request for Amendment 1.
The certificate holder shall ensure that related or supporting facilities are constructed in the corridors described in the ASC and in the manner described in the ASC.

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 345-027-0100 shall apply to any transfer of ownership that requires a transfer of the site certificate.

If any provision of this site 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 site certificate did not contain the particular provision held to be invalid. In the event of a conflict between the conditions contained in the site certificate and the Council’s order, the conditions contained in this site certificate shall control.

The laws of the State of Oregon shall govern this site certificate.

Any litigation or arbitration arising out of this agreement shall be conducted in an appropriate forum in Oregon.

IN WITNESS WHEREOF, this Site Certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, and by Pacific Ethanol Columbia, LLC.

ENERGY FACILITY SITING COUNCIL  PACIFIC ETHANOL COLUMBIA, LLC

By:  By:  
Barry Beyeler, Chair  Bryan T. McGee
Oregon Energy Facility Siting Council  Print:  Bryan T. McGee

Date: OCTOBER 16, 2017  Date: 11/22/17

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Attachment: Facility Layout (As Approved September 2017)