

EXHIBIT CC – Application for Site Certificate

ADDITIONAL STATUTES, RULES, AND ORDINANCES

OAR 345-021-0010(1)(cc)

REVIEWER CHECKLIST

(cc) Exhibit CC. Identification, by legal citation, of all state statutes and administrative rules and local government ordinances containing standards or criteria that the proposed facility must meet for the Council to issue a site certificate, other than statutes, rules and ordinances identified in Exhibit E, and identification of the agencies administering those statutes, administrative rules and ordinances. The applicant shall identify all statutes, administrative rules and ordinances that the applicant knows to be applicable to the proposed facility, whether or not identified in the project order. To the extent not addressed by other materials in the application, the applicant shall include a discussion of how the proposed facility meets the requirements of the applicable statutes, administrative rules and ordinances.

| Rule Sections | Section | ✓ |
|---|---------|---|
| Identification, by legal citation, of all state statutes and administrative rules and local government ordinances containing standards or criteria that the proposed facility must meet for the Council to issue a site certificate, other than statutes, rules and ordinances identified in Exhibit E, and identification of the agencies administering those statutes, administrative rules and ordinances. The applicant shall identify all statutes, administrative rules and ordinances that the applicant knows to be applicable to the proposed facility, whether or not identified in the project order. To the extent not addressed by other materials in the application, the applicant shall include a discussion of how the proposed facility meets the requirements of the applicable statutes, administrative rules and ordinances. | CC.2 | |

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CC.1 INTRODUCTION

Obsidian Solar Center LLC (Applicant) proposes to construct the Obsidian Solar Center (Facility) in Lake County, Oregon, with an alternating current generating capacity of up to 400 megawatts. Please refer to Exhibit B for Facility layout information and Exhibit C for Facility location information

Exhibit CC provides the information required by Oregon Administrative Rules (OAR) 345-021-0010(1)(cc), which requires Applicant to identify “all state statutes and administrative rules and local government ordinances containing standards or criteria” that the proposed Facility must meet for the Oregon Energy Facility Siting Council (EFSC) to issue a site certificate, other than statutes, rules, and ordinances identified in Exhibit E. Exhibit E lists all the permits and approvals necessary for the Facility’s construction and operation. Exhibit CC, on the other hand, identifies local regulations and state rules and laws that are generally applicable to the Facility. These are “laws” that Applicant must comply with during the Facility’s construction and operation, but these “laws” do not require specific findings by EFSC to authorize the Facility’s construction and operation. Therefore, Applicant proposes a condition of approval requiring compliance with all applicable local and state rules and regulations but maintains that EFSC is not required to adopt findings under each regulatory regime identified below.

CC.2 ADDITIONAL STATUTES, RULES, AND ORDINANCES

OAR 345-021-0010(1)(cc) *Identification, by legal citation, of all state statutes and administrative rules and local government ordinances containing standards or criteria that the proposed facility must meet for the Council to issue a site certificate, other than statutes, rules and ordinances identified in Exhibit E, and identification of the agencies administering those statutes, administrative rules and ordinances. The applicant shall identify all statutes, administrative rules and ordinances that the applicant knows to be applicable to the proposed facility, whether or not identified in the project order. To the extent not addressed by other materials in the application, the applicant shall include a discussion of how the proposed facility meets the requirements of the applicable statutes, administrative rules and ordinances.*

Response: Table CC-1 identifies by relevant administering agency and legal citation the state statutes and administrative rules and local government ordinances referenced in other exhibits, with the exception of those presented in Exhibit E. The identified statutes, rules, and ordinances contain standards or criteria that the proposed Facility must meet for EFSC to issue a site certificate.

Table CC-1 State Statutes, Rules, and Local Ordinances Referenced in Other Exhibits

| Administering Agency | Agency Address | Legal Citation | Relevant Exhibit |
|--|--|--|---|
| Oregon Department of Agriculture | Oregon Department of Agriculture 635 Capitol Street, NE Salem, OR 97301-2532 (503) 986-4550 | Plant Conservation Biology Program – ORS 564; OAR Chapter 603, Division 73 | Exhibit Q discusses plant species in the Facility analysis area that are threatened or endangered. |
| Oregon Department of Environmental Quality – Water Quality | Oregon Department of Environmental Quality 475 NE Bellevue Drive, Suite 110 Bend, OR 97701 (541) 229-5696 | Water Quality – ORS 468 and 468B; OAR Chapter 340, Divisions 41, 45, 52, and 55 | Exhibit O discusses water requirements, sources, permits, transfers, and mitigation measures. |
| Oregon Department of Environmental Quality – Noise | Oregon Department of Environmental Quality 811 SW 6th Avenue Portland, OR 97204-1390 (503) 229-5696 | Noise Control Regulations – ORS 4671 OAR Chapter 340, Division 35 | Exhibit X analyzes noise impacts from the Facility and compliance with required thresholds. |
| Oregon Department of Environmental Quality – Hazardous Waste Management | Oregon Department of Environmental Quality 811 SW 6th Avenue Portland, OR 97204-1390 (503) 229-5696 | Hazardous Waste Management – ORS 465 and 466; OAR Chapter 340, Divisions 100-113 | Exhibit G describes proposed measures for managing hazardous waste generated by the Facility. |
| Oregon Department of Environmental Quality – Solid Waste | Oregon Department of Environmental Quality 811 SW 6 th Avenue Portland, OR 97204-1390 (503) 229-5696 | Solid Waste – ORS 459; OAR Chapter 340, Division 93 | Exhibit V describes proposed measures for managing solid waste generated by the Facility. |

Table CC-1 State Statutes, Rules, and Local Ordinances Referenced in Other Exhibits

| Administering Agency | Agency Address | Legal Citation | Relevant Exhibit |
|--|---|--|---|
| <p>Oregon Department of Fish and Wildlife - Habitat Conservation Division</p> | <p>Oregon Department of Fish and Wildlife 3406 Cherry Avenue NE Salem, OR 97303-4924 (503) 947-6000</p> | <p>Habitat Conservation – ORS 496; OAR Chapter 635, Divisions 100 and 415</p> | <p>Exhibits J, P, and Q address Facility impacts on wetlands, fish and wildlife habitat, and threatened or endangered species, respectively. Proposed mitigation measures are described.</p> |
| <p>Oregon Biodiversity Information Center (formerly the Oregon Natural Heritage Information Center)</p> | <p>Oregon Biodiversity Information Center Oregon State University Institute for Natural Resources University Center Building Suite 335 527 SW Hall Street Portland, OR 97201 503-725-9950</p> | <p>Threatened or Endangered Plants – ORS 564.105; OAR 603, Division 73 and 345-022-0070</p> | <p>Exhibit Q addresses the Facility’s impacts on threatened or endangered plant species. It describes proposed mitigation measures.</p> |
| <p>Oregon Department of Geology and Mineral Industries</p> | <p>Oregon Department of Geology and Mineral Industries 800 NE Oregon Street, Suite 965 Portland, OR 97232 (971) 673-1555</p> | <p>Department of Geology and Mineral Industries Administrative Rules – OAR Chapter 632</p> | <p>Exhibits H and I address geologic and soil stability, and soil conditions, respectively.</p> |

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| Administering Agency | Agency Address | Legal Citation | Relevant Exhibit |
|---|---|---|--|
| Oregon Office of State Fire Marshal - Emergency Planning and Community Right-to-Know Act (EPCRA) | Oregon Office of State Fire Marshal 4760 Portland Rd NE Salem, OR 97305-1760 (503) 378-3473 | Radiation Sources; Hazardous Substances – ORS 453; OAR Chapter 837, Divisions 85 and 95 | Exhibit G describes proposed measures for managing hazardous waste generated by the Facility. |
| Oregon Office of State Fire Marshal | Oregon Office of State Fire Marshal 4760 Portland Rd NE Salem, OR 97305-1760 (503) 378-3473 | 2014 Oregon Fire Code | Exhibit B and Exhibit K describe the Facility’s compliance related to fire code requirements. |
| Oregon Department of State Lands – Land Ownership | Oregon Department of State Lands 775 Summer Street NE, Suite 100 Salem, OR 97301-1279 (503) 378-3805 | Department of State Lands – OAR Chapter 141 | Exhibit F provides information related to the land ownership notification requirements for this Application for Site Certificate. |
| Department of Land Conservation and Development | Department of Land Conservation and Development 635 Capitol Street NE, Suite 150 Salem, OR 97301-2540 (503) 373-0050 | Comprehensive Land Use Planning Coordination – ORS Chapter 197, ORS 215.274 | Exhibit K addresses Facility adherence to Oregon state and local land conservation and development laws and requirements. |

Key:

NE = northeast

OAR = Oregon Administrative Rules

OR = Oregon

ORS = Oregon Revised Statutes

