

# Exhibit E

## Permits for Construction and Operation

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**Bakeoven Solar Project  
November 2019**

**Prepared for**



**Avangrid Renewables, LLC**

**Prepared by**



**Tetra Tech, Inc.**

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## Acronyms and Abbreviations

Applicant	Bakeoven Solar, LLC
BPA	Bonneville Power Administration
CFR	Code of Federal Regulations
Council	Oregon Energy Facility Siting Council
Facility	Bakeoven Solar Project
NPDES	National Pollutant Discharge Elimination System
OAR	Oregon Administrative Rule
ODEQ	Oregon Department of Environmental Quality
ODOT	Oregon Department of Transportation
ORS	Oregon Revised Statutes
OWRD	Oregon Water Resources Department
U.S.C.	United States Code
WCLUDO	Wasco County Land Use and Development Ordinance

## 1.0 Introduction

Bakeoven Solar, LLC (Applicant) proposes to construct and operate a solar energy generation facility and related or supporting facilities in Wasco County, Oregon. This Exhibit E was prepared to meet the submittal requirements in Oregon Administrative Rule (OAR) 345-021-0010(1)(e) and incorporates agency comments on the Applicant’s Notice of Intent filed November 2, 2018.

## 2.0 Identification and Description of Required Permits

*OAR 345-021-0010(1)(e) Information about permits needed for construction and operation of the facility, including:*

*(A) Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, mailing address, email address and telephone number of the agency or office responsible for each permit.*

*(B) A description of each permit, the reasons the permit is needed for construction or operation of the facility and the applicant’s analysis of whether the permit should or should not be included in and governed by the site certificate.*

### 2.1 Federal Permits

**Table E-1. Federal Permits**

Permit	Agency	Authority/Description
Record of Decision/ National Environmental Policy Act Compliance	Bonneville Power Administration (BPA)  Attn: Eric Taylor, Customer Manager PO Box 3621 Portland, OR 97208-3621 (360) 619-6014 ektaylor@bpa.gov	National Environmental Policy Act, Section 102 (42 United States Code [U.S.C.] § 4332); 40 Code of Federal Regulations [CFR] § 1500  Interconnection to BPA transmission system is subject to review under the National Environmental Policy Act. BPA will lead this process as a separate action from the site certificate process. This federal process is not within the jurisdiction of the Oregon Energy Facility Siting Council (Council) and therefore should not be included within the site certificate.

Permit	Agency	Authority/Description
Land Use Application for Proposed Use of BPA Right-of-Way	BPA  Attn: Angela DeClerck PO Box 3621 Portland, OR 97208-3621 (360) 619-6007 ardeclerck@bpa.gov	42 U.S.C. § 7101 and 50 U.S.C § 2401  This permit may not be required as the Applicant assumes the point of interchange will be BPA's property line. However, if the Facility's interconnection agreement specifies a different interchange point, the Applicant will then seek a property right to place facilities on BPA property. This permit would be limited to the placement of up to two transmission line poles on the fee-owned BPA property to facilitate the interconnection to the BPA transmission system, BPA will use the information in the application to assess whether the proposed use of their right-of-way will interfere with BPA's land rights.  This federal process is not within the jurisdiction of the Council and therefore should not be included within the site certificate.

## 2.2 State Permits Not Federally Delegated

Table E-2. State Permits Not Federally Delegated

Permit	Agency	Authority/Description
Energy Facility Site Certificate	Oregon Department of Energy and Energy Facility Siting Council  Attn: Todd Cornett 550 Capitol Street NE Salem, OR 97301 (503) 378-8692 katie.clifford@oregon.gov	Oregon Revised Statutes (ORS) 469.300 et seq.; OAR Chapter 345, Divisions 1, 21-24  This site certificate is the subject of this Application for Site Certificate.
On-site Sewage Disposal Construction-Installation Permit	Oregon Department of Environmental Quality (ODEQ)  Water Quality Onsite Program Attn: Bob Baggett ODEQ Eastern Region 800 Southeast Emigrant, Suite 330  Pendleton, OR 97801 (541) 633-2036	ORS 454 and 468B; OAR Chapter 340, Division 71  Facilities with on-site sewage disposal system must obtain a Construction-Installation Permit before construction. The Facility will have a daily sewage flow of fewer than 2,500 gallons and the Applicant's third-party contractor will obtain the permit from the ODEQ for the operations and maintenance building. Therefore, this permit should not be included in and governed by the site certificate.

Permit	Agency	Authority/Description
Water Right Permit or Water Use Authorization	<p>Oregon Water Resources Department (OWRD)                      Water Rights Section                      District 3</p> <p>Attn: Robert Wood                      2705 East 2nd Street                      The Dalles, OR 97058                      (541) 506-2651                      Robert.L.Wood@oregon.gov</p>	<p>ORS 537; OAR 690 Divisions 310, 340, 410, and 505</p> <p>During construction, the construction contractor will be responsible for identifying water sources and assuring that any needed permits or approval are obtained for construction water use. Water will either be obtained from the City of Maupin or from an existing or newly constructed on-site well or wells permitted under a limited water use license issued by OWRD. See Exhibit O for further discussion.</p> <p>During operation, the Facility will obtain water from an exempt, on-site groundwater well or wells, which allows the use of up to 5,000 gallons per day of groundwater for industrial and commercial applications under the limited water use license issued by OWRD. The Applicant contacted OWRD (pers. comm., December 6, 2018) and received confirmation that the exempt well can be used for long-term operational use. This permit should not be included in and governed by the site certificate.</p>
General Water Pollution Control Facilities Permit, WPCF-1000, Gravel Mining and Batch Plant	<p>ODEQ</p> <p>Attn: Carl Nadler                      400 East Scenic Drive, Suite 307                      The Dalles, OR 97058                      (541) 298-7255, ext. 227</p>	<p>ORS 468B; OAR Chapter 340, Division 40, 41, 44, 45, 52</p> <p>This permit authorizes the permittee to operate a wastewater collection, treatment, control, and disposal system for sand, gravel, and other nonmetallic mineral quarrying and mining operations, including asphalt-mix batch plants, concrete batch plants, and other related activities. The Applicant or its third-party contractor will obtain a WPCF-1000 permit directly from ODEQ for the two Facility batch plants, and therefore this permit should not be included in and governed by the site certificate.</p>
Oversize Load Movement Permit/Load Registration	<p>Oregon Department of Transportation (ODOT)</p> <p>Attn: Christy Jordan                      Motor Carriers Transportation Division                      550 Capitol Street NE                      Salem, OR 97301                      (503) 378-6192                      christy.a.jordan@odot.state.or.us</p>	<p>ORS 818.030; OAR Chapter 734, Division 82</p> <p>Authorization for oversized loads. Movement of large equipment, such as the substation transformer, may require this permit. If needed, the Applicant's third-party contractor will obtain this permit and load registration from the ODOT, and therefore this permit should not be included in and governed by the site certificate.</p>

Permit	Agency	Authority/Description
Archaeological Excavation Permit	Oregon Parks and Recreation Department, State Historic Preservation Office  Attn: John Pouley 725 Summer Street NE, Suite C Salem, OR 97310 (503) 986-0675 john.pouley@oregon.gov	ORS Chapter 97, 358, and 390; OAR Chapter 736, Division 51  Ground-disturbing activity that may affect a known or unknown archaeological resource on public or private lands requires a permit issued by the Oregon Parks and Recreation Department. If the permit is needed, the Applicant will obtain it from the State Historic Preservation Office, and therefore this permit should not be included in and governed by the site certificate.
Oregon Department of Consumer & Business Services, Building Codes Division	Building Codes Division  2705 East 2 <sup>nd</sup> Street The Dalles, OR 97058 (541) 506-2650	OAR 918, Division 309  A state electrical permit is required prior to the installation of electric, phone, or cable service to the operations and maintenance building or the Facility substation. Electrical permits may be obtained in person at the Building Codes Division Pendleton office, or online through the state's e-permitting system (available at: <a href="http://www.oregon-epermitting.info/">http://www.oregon-epermitting.info/</a> ). A state electrical permit will be obtained by the construction contractor prior to construction of each component for which electrical, phone, or cable service would be required and therefore should not be included in or governed by the site certificate.

### 2.3 State Permits Federally Delegated

Table E-3. State Permits Federally Delegated

Permit	Agency	Authority/Description
Basic Air Contaminant Discharge Permit	ODEQ  Attn: Mark Bailey 475 NE Bellevue Drive, Suite 110 Bend, OR 07701 (541) 633-2006 ray.jackie@deq.state.or.us	Clean Air Act (42 U.S.C. Section 7401 <i>et seq.</i> ); 40 CFR Parts 50, 51, and 52, ORS Chapters 468 and 468A, OAR Chapter 340, Division 216  A Basic Air Contaminant Discharge Permit authorizes the permittee to operate a stationary or portable concrete manufacturing plant that produces more than 5,000 but less than 25,000 cubic yards per year output. The Applicant or its third-party contractor will obtain a Basic Air Contaminant Discharge Permit from the ODEQ for concrete batch plants used during construction. This federal process is not within



Permit	Agency	Authority/Description
		the jurisdiction of the Council and therefore should not be included in the site certificate.
National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit 1200-C	ODEQ Attn: Eric Nigg 475 NE Bellevue Drive, Suite 110 Bend, OR 97701 (541) 633-2035 ray.jackie@deq.state.or.us	Clean Water Act, Section 402 (33 U.S.C. § 1342); 40 CFR § 122; ORS 468 and 468B; OAR Chapter 340, Division 45  An NPDES permit is required for construction activities that will disturb one or more acres of land. The Applicant will obtain this permit directly from ODEQ as it is outside the jurisdiction of the Council and therefore should not be included in or governed by the site certificate.

## 2.4 Local Permits

Table E-4. Local Permits

Permit	Agency	Authority/Description
Conditional Use Permit and Zoning Permit	Wasco County Planning Department Attn: Angie Brewer, Planning Director 2705 East 2 <sup>nd</sup> Street The Dalles, OR 97058 (541) 506-2560 angieb@co.wasco.or.us	Wasco County Land Use and Development Ordinance (WCLUDO) Section 3.210, Exclusive Farm Use Zone; WCLUDO Chapter 5, Conditional Use Review; WCLUDO Chapter 19.030 Standards for Energy Facilities; WCLUDO Chapter 20, Site Plan Review  The Applicant elects to obtain a Council determination under ORS Chapter 469.504(1)(b). Under ORS 469.401(3), following issuance of the site certificate, the County, upon the Applicant's submission or the proper application and fee, shall issue the permits addressed in the site certificate, subject only to the conditions set forth in the site certificate and without hearings or other proceedings. This permit should be included in and governed by the site certificate.

Permit	Agency	Authority/Description
Building Permit for construction in Wasco County	Oregon Department of Consumer and Business Services, Building Codes Division  Attn: Rex Turner, Building Official 2705 East 2 <sup>nd</sup> Street The Dalles, OR 97058 (541) 506-2650 rex.l.turner@oregon.gov	OAR 734, Division 51  A building permit is required prior to beginning construction of the Facility. Wasco County does not have its own building department, so building permits are issued by the Oregon State Building Codes Division. A building permit will be obtained by the construction contractor prior to construction of each component for which a building permit would be required; therefore, this permit should not be included in or governed by the site certificate.
Utility Crossing Permit and Access Approach Site Permit	Wasco County Public Works Department  Attn: Arthur Smith, Public Works Director 2705 East 2 <sup>nd</sup> Street The Dalles, OR 97058 (541) 506-2645 arthurs@co.wasco.or.us	ORS 374.305 to 374.325  A Utility Crossing permit is required to install a utility within or across a County road right-of-way. Approach Site Permits will be required for new project access points with county roads, or for upgrades to existing county roads. These permits will be obtained by the construction contractor prior to construction. Therefore, this permit should not be included in or governed by the site certificate.
Road Use Agreement	Wasco County Public Works Department  Attn: Arthur Smith, Public Works Director 2705 East 2 <sup>nd</sup> Street The Dalles, OR 97058 (541) 506-2645 ArthurS@co.wasco.or.us	WCLUDO Chapter 19.030 Standards for Energy Facilities  Per WCLUDO Chapter 19.030.C.10, the Applicant is required to enter into a Road Use Agreement with the County to ensure that damage to county roads caused by construction is repaired by the Applicant. Therefore, this agreement should not be included in or governed by the site certificate.

### 3.0 Permit Applications Not Federally Delegated

*OAR 345-021-0010(1)(C) For any state or local government agency permits, licenses or certificates that are proposed to be included in and governed by the site certificate, evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules and standards applicable to the permit. The applicant may show this evidence:*

*(i) In Exhibit J for permits related to wetlands.*

No permits for wetland impacts will be required. Please see Exhibit J for additional information.

*(ii) In Exhibit O for permits related to water rights.*

Water for construction and periodic solar panel washing will either be obtained from the City of Maupin under an existing municipal water right, or from an existing or newly constructed well or wells permitted under a limited water use license. The Applicant expects to rely on an exempt well allowed under ORS 537.545 to provide water to the operations and maintenance building. This well will use less than 5,000 gallons per day, which will not require the Applicant to obtain a new water right. See Exhibit O for additional information.

## **4.0 Permit Applications Federally Delegated**

*OAR 345-021-0010(1)(D) For federally-delegated permit applications, evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision.*

The Applicant will obtain an NPDES permit and a draft application is included as an attachment in Exhibit I. The Applicant will obtain a NPDES permit based on final design directly from the ODEQ as it is outside the jurisdiction of the Oregon Energy Facility Siting Council.

## **5.0 Third Party State or Local Permits**

*OAR 345-021-0010(1)(E) If the applicant relies on a state or local government permit or approval issued to a third party, identification of any such third-party permit and for each:*

*(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.*

As outlined above, the Applicant or its contractors will obtain the permits as needed for construction and operation. The third-party permits listed in Table E-5 are routine and common permits in Oregon and are not dependent on an unique resource or location. During construction and operation, the Applicant will select similarly qualified contractors with experience constructing renewable energy facilities and a reasonable likelihood of securing the required permits.

**Table E-5. Potential Third-Party State or Local Permits**

Permit Name	Project Phase	Description
ODEQ Onsite Sewage Disposal Construction-Installation Permit	Construction	An on-site sewage disposal construction installation permit will be obtained for the operations and maintenance building during construction. The septic system will serve the employee bathrooms and kitchen facilities.
ODEQ General Water Pollution Control Facilities Permit, WPCF-1000, Gravel Mining and Batch Plant	Construction	A general water pollution control facilities permit (WPCF-1000) will be obtained to manage wastewater and stormwater from temporary concrete batch plants.
Oregon Water Resources Department, Water Right Permit or Water Use Authorization	Construction and Operation	A limited water use license will be obtained for water derived from an existing or newly constructed on-site well or wells.
ODOT Oversized Load Movement Permit/Load Registration	Construction	An oversize load movement permit/load registration will be required for transporting large or overweight equipment to the site over state roads.

*(ii) Evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit.*

As indicated above, for each permit identified, the Applicant has worked with contractors familiar with constructing or operating renewable energy facilities, and who are knowledgeable of the requirements for applications and activities under such permits. The Applicant will select the same, or similar, contractors who have the necessary experience to likely obtain the necessary permits.

## 6.0 Third Party Federally Delegated Permits

*OAR 345-021-0010(1)(F) If the applicant relies on a federally-delegated permit issued to a third party, identification of any such third-party permit and for each:*

*(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.*

*(ii) Evidence that the responsible agency has received a permit application.*

*(iii) The estimated the date when the responsible agency will complete its review and issue a permit decision.*

The Applicant may direct its third-party contractor to obtain a Basic Air Contaminant Discharge Permit (Clean Air Act [42 U.S.C. Section 7401 et seq.]; 40 CFR Parts 50, 51, and 52; ORS Chapters 468 and 468A; OAR Chapter 340, Division 216) to authorize the temporary establishment of two concrete batch plants at the Facility for purposes of supplying concrete batching services. This permit typically is required for the construction of renewable energy facilities in Oregon to provide

a source of concrete in the vicinity of the construction activities. A contractor familiar with constructing renewable energy facilities will have experience obtaining this permit from ODEQ.

## 7.0 Monitoring

*OAR 345-021-0010(1)(G) The applicant's proposed monitoring program, if any, for compliance with permit conditions.*

The Applicant will develop and implement a compliance plan to monitor compliance with all site certificate terms and conditions and applicable status and rules, as described by OAR 345-026-0048.

## 8.0 Submittal Requirements and Approval Standards

### 8.1 Submittal Requirements

**Table E-6. Submittal Requirements Matrix**

Requirement	Location
OAR 345-021-0010(1)(e) Information about permits related to the siting of the facility, including:	-
(A) Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, mailing address, email address and telephone number of the agency or office responsible for each permit.	Section 2.0
(B) A description of each permit, the reasons the permit is needed for construction or operation of the facility and the applicant's analysis of whether the permit should or should not be included in and governed by the site certificate.	Section 2.0
(C) For any state or local government agency permits, licenses or certificates that are proposed to be included in and governed by the site certificate, evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules and standards applicable to the permit. The applicant may show this evidence:	-
(i) In Exhibit J for permits related to wetlands.	Section 3.0
(ii) In Exhibit O for permits related to water rights.	Section 3.0
(D) For federally-delegated permit applications, evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision.	Section 4.0
(E) If the applicant relies on a state or local government permit or approval issued to a third party, identification of any such third party permit and for each:	-
(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.	Section 5.0

<b>Requirement</b>	<b>Location</b>
(ii) Evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit.	Section 5.0
(iii) An assessment of the impact of the proposed facility on any permits that a third party has obtained and on which the applicant relies to comply with any applicable Council standard.	N/A
(F) If the applicant relies on a federally-delegated permit issued to a third party, identification of any such third-party permit and for each:	-
(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.	Section 6.0
(ii) Evidence that the responsible agency has received a permit application.	Section 6.0
(iii) The estimated the date when the responsible agency will complete its review and issue a permit decision.	Section 6.0
(G) The applicant's proposed monitoring program, if any, for compliance with permit conditions.	Section 7.0

## **8.2 Approval Standards**

OAR 345 Division 22 does not provide an approval standard specific to Exhibit E. The information contained herein supports demonstration of compliance with the Organizational Expertise approval standard (OAR 345-022-0010), addressed in Exhibit D.