

Exhibit CC

Applicable Statutes, Rules, and Local Government Ordinances

**Nolin Hills Wind Power Project
February 2020**



d/b/a Nolin Hills Wind, LLC

Prepared by



Tetra Tech, Inc.

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Acronyms and Abbreviations

Applicant	Nolin Hills Wind, LLC
OAR	Oregon Administrative Rules
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statutes
Project	Nolin Hills Wind Power Project

1.0 State Statutes and Administrative Rules – OAR 345-021-0010(cc)

Exhibit CC was prepared to meet the submittal requirements in Oregon Administrative Rule (OAR) 345-021-0010(1)(cc).

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

(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 must 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 must include a discussion of how the proposed facility meets the requirements of the applicable statutes, administrative rules and ordinances.

This section describes state statutes and administrative rules not discussed in Exhibit E. These statutes and rules are discussed in other sections of the Application for Site Certificate; the applicable section is indicated below.

Table CC-1. Applicable Statutes by Agency

Responsible Agency	Authority	Location of Discussion	Agency Address
Oregon Department of Agriculture	Oregon Revised Statutes (ORS) 564; OAR Chapter 603, Division 73	Exhibit Q	Department of Botany and Plant Pathology Cordley Hall, Oregon State University Corvallis, OR 97331 Administrative Address: 635 Capitol Street NE Salem, OR 97301
Oregon Department of Fish and Wildlife (ODFW)	ORS 496.171-192, OAR 635-100-0080-0170, OAR Chapter 635, Divisions 44, 100	Exhibit Q	Oregon Department of Fish and Wildlife Greg Rimbach 73471 Mytinger Lane Pendleton, OR 97801
ODFW	OAR 635 Division 415	Exhibit P	Oregon Department of Fish and Wildlife Greg Rimbach 73471 Mytinger Lane Pendleton, OR 97801

EXHIBIT CC: APPLICABLE STATUTES, RULES, AND LOCAL GOVERNMENT ORDINANCES

Responsible Agency	Authority	Location of Discussion	Agency Address
ODFW	ORS 496 and 506; OAR Chapter 635, Divisions 100 and 415	Exhibit J	Oregon Department of Fish and Wildlife Greg Rimbach 73471 Mytinger Lane Pendleton, OR 97801
Oregon Department of Geology and Mineral Industries	OAR Chapter 632	Exhibits H and I	Oregon Department of Geology and Mineral Industries Yumei Wang 800 NE Oregon St., #28, Suite 965 Portland, OR 97232
Oregon Department of Parks and Recreation - Archaeological	ORS 97.740-97.760, ORS 358.905-358.961, OAR 736-051-0090	Exhibit S	State Historic Preservation Office 725 Summer Street NE, Suite C Salem, OR 97301
Oregon Office of State Fire Marshall	ORS 453; OAR Chapter 837, Divisions 85 and 95	Exhibits B, C, and U	Oregon Office of State Fire Marshall 4760 Portland Road NE Salem, OR 97305
Oregon Department of Environmental Quality (ODEQ)	ORS 467; OAR Chapter 340, Division 35	Exhibit X	No contacts. The ODEQ Noise Control Program was terminated in 1991.
ODEQ	ORS 468 and 468B; OAR Chapter 340, Divisions 14, 40, 41, 45, 52, and 55	Exhibit V	Oregon Department of Environmental Quality Lissa Druback 400 E. Scenic Drive, #307 The Dalles, OR 97058
ODEQ	ORS 459; OAR Chapter 340, Division 93	Exhibit G and V	Oregon Department of Environmental Quality Lissa Druback 400 E. Scenic Drive, #307 The Dalles, OR 97058
ODEQ	ORS 465 and 466, OAR Chapter 340, Divisions 100 through 122	Exhibit V	Oregon Department of Environmental Quality Lissa Druback 400 E. Scenic Drive, #307 The Dalles, OR 97058
Oregon Department of Land Conservation and Development	ORS Chapter 197 and 215.274; OAR Chapter 660	Exhibit K	Department of Land Conservation and Development Rob Hallyburton, 635 Capitol Street NE, Suite 150 Salem, OR 97301
Oregon Biodiversity Information Center	ORS 564.105; OAR 603-73-070 and 345-022-0070	Exhibits P and Q	Oregon Biodiversity Center Oregon State University Institute for Natural Resources 527 SW Hall Street Portland, OR 97201

Responsible Agency	Authority	Location of Discussion	Agency Address
Oregon Water Resources Department – Water Rights Division	ORS Chapters 537, 540; OAR Chapter 690	Exhibit O	Department of Water Resources Jerry Sauter 725 Summer Street NE Salem, OR 97301
Oregon Department of State Lands	OAR Chapter 141	Exhibit F	Oregon Department of State Lands Lauren Brown 775 Summer Street NE, Suite 100 Salem, OR 97301
Umatilla County Planning Department – Land Use	Umatilla County Development Code Chapter 152	Exhibit K	Umatilla County Department of Land Use Planning Bob Waldher 216 SE 4 th Street Pendleton, OR 97801

Exhibit K identifies state statutes, administrative rules, and local government ordinances containing land use standards or criteria that Nolin Hills Wind, LLC (the Applicant) believes may be applicable to the Nolin Hills Wind Power Project (Project). Rather than repeat those statutes, rules, and local ordinances here, the Applicant requests that the Energy Facility Siting Council refer to Exhibit K.

2.0 Spill Response Statutes

In regard to reporting and responding to spills or the release of hazardous materials, the following rules and statutes contain state and federal spill reporting requirements:

- Oregon Revised Statutes (ORS) 466.635;
- OAR Chapter 340, Divisions 45, 47, 108, 122, 150, 160;
- 33 Code of Federal Regulations part 153; and
- 40 Code of Federal Regulations parts 110, 122, 262, 265, 280, 302, 355, 761.

Oregon agencies that may be required to be notified in the event of spill or the release of hazardous materials of reportable quantities include:

- Oregon Emergency Management Division;
- Oregon Department of Environmental Quality; and
- Oregon Department of State Police.

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