

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

**Site Certificate
for the
Montague Solar Facility**

ISSUANCE DATES:

Site Certificate September 25, 2020

Issuance Date History under Montague Wind Power Facility Site Certificate

Site Certificate September 10, 2020

First Amended Site Certificate June 21, 2013

Second Amended Site Certificate December 4, 2015

Third Amended Site Certificate July 12, 2017

Fourth Amended Site Certificate August 23, 2019

Fifth Amended Site Certificate September 25, 2020

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1 **The Oregon Energy Facility Siting Council**

2 **I. INTRODUCTION**

3 The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Montague Solar
4 Facility (the facility) in the manner authorized under ORS Chapter 469. This site certificate is a binding
5 agreement between the State of Oregon (State), acting through the Council, and Montague Solar, LLC
6 (certificate holder), a wholly owned subsidiary of Avangrid Renewables, LLC (parent company)
7 authorizing the certificate holder to construct and operate the facility in Gilliam County, Oregon.
8 [Amendment #5]

9 The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site
10 certificate are set forth in the following documents, incorporated herein by this reference: (a) the Final
11 Order on the Application for Site Certificate for the Montague Wind Power Facility issued on September
12 10, 2010 (hereafter, Final Order on the Application), (b) the Final Order on Amendment #1 issued on
13 June 21, 2013; (c) the Final Order on Amendment #2 issued on December 4, 2015; (d) the Final Order on
14 Amendment #3 issued on July 12, 2017; (e) the Final Order on Amendment #4 issued on August 23,
15 2019; and (f) the Final Order on Amendment #5 issued on September 25, 2020. In interpreting this site
16 certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) this Fifth
17 Amended Site Certificate, (2) the Final Order on Amendment #5, (3) the Final Order on Amendment #4,
18 (4) the Final Order on Amendment #3, (5) the Final Order on Amendment #2, (6) the Final Order on
19 Amendment #1, (7) the Final Order on the Application, and (8) the record of the proceedings that led to
20 the Final Order on the Application, the Final Order on Amendment #1, Final Order on Amendment #2,
21 Final Order on Amendment #3, Final Order on Amendment #4 and Final Order on Amendment #5.

22 As authorized in Final Order on Amendment #5, the Montague Wind Power Facility certificate holder
23 obtained approval to split the Montague Wind Power Facility site certificate into three site certificates –
24 Montague Wind Power Facility, Montague Solar Facility and Oregon Trail Solar Facility. Each of these
25 certificate holders is a wholly owned subsidiary and LLC created by Avangrid Renewables, LLC resulting
26 in each certificate holder owned by the same parent company. In addition, these facilities share facility
27 components and are interconnected for the duration of long-term operation.

28 Because the findings of fact, reasoning and conclusions of law underlying the terms and conditions of
29 the site certificate as set forth in the 2010 Final Order on the Application for Site Certificate and
30 subsequent Final Orders on Requests for Amendment 1 through 5 for the Montague Wind Power Facility
31 are incorporated by reference into the site certificate, these underlying findings, including any findings
32 establishing the predevelopment condition of the site and impacts of approved facility components
33 continue to have bearing on the analysis and findings required to approve any future changes to the site
34 certificates for the successor facilities. In other words, compliance with Council standards requiring an
35 environmental impact analysis should be based on 2010 predevelopment conditions and the
36 incremental change in environmental impact from the operational Montague Wind Power Facility, as of
37 2019, approved or operational facility components as presented in Council’s Final Order on Amendment
38 4. This clarification is intended to establish that, with the splitting of facility components under three
39 site certificates, baseline conditions (2010) and subsequent environmental impacts of the facility (in
40 operation and not yet constructed components) shall not be adjusted in a way that results in greater
41 overall impacts than the level of impacts that would be authorized under one site certificate. Future
42 requests to amend the Montague Solar Facility site certificate shall evaluate compliance with Council
43 standard requirements based on overall impacts from the operational components as approved in the

1 2017 Final Order on Amendment 3 and not yet constructed facility components, as approved in Final
2 Order on Amendment 4.

3
4 The definitions in ORS 469.300 and OAR 345-001-0010 apply to terms used in this site certificate, except
5 where otherwise stated or where the context clearly indicates otherwise.

II. SITE CERTIFICATION

- 6 1 To the extent authorized by state law and subject to the conditions set forth herein, the State
7 authorizes the certificate holder to construct, operate and retire a photovoltaic (PV) solar energy
8 facility, together with certain related or supporting facilities, at the site in Gilliam County, Oregon, as
9 described in Section III of this site certificate. ORS 469.401(1). [ASC; AMD5]
10
- 11 2 This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in effect
12 on the date that termination is sought or until the site certificate is revoked under ORS 469.440 and
13 OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. ORS
14 469.401(1).
15
- 16 3 This site certificate does not address, and is not binding with respect to, matters that were not
17 addressed in the Final Order on the Application, Final Order on Amendment #1 Final Order on
18 Amendment #2, Final Order on Amendment #3, Final Order on Amendment #4, and Final Order on
19 Amendment #5. Such matters include, but are not limited to: building code compliance, wage, hour
20 and other labor regulations, local government fees and charges and other design or operational
21 issues that do not relate to siting the facility (ORS 469.401(4)) and permits issued under statutes and
22 rules for which the decision on compliance has been delegated by the federal government to a state
23 agency other than the Council. 469.503(3). [ASC; AMD1; AMD2; AMD3; AMD4; AMD5]
24
- 25 4 Both the State and the certificate holder shall abide by local ordinances, state law and the rules of
26 the Council in effect on the date this site certificate is executed. ORS 469.401(2). In addition, upon a
27 clear showing of a significant threat to public health, safety or the environment that requires
28 application of later-adopted laws or rules, the Council may require compliance with such later-
29 adopted laws or rules. ORS 469.401(2).
30
- 31 5 For a permit, license or other approval addressed in and governed by this site certificate, the
32 certificate holder shall comply with applicable state and federal laws adopted in the future to the
33 extent that such compliance is required under the respective state agency statutes and rules. ORS
34 469.401(2).
35
- 36 6 Subject to the conditions herein, this site certificate binds the State and all counties, cities and
37 political subdivisions in Oregon as to the approval of the site and the construction, operation and
38 retirement of the facility as to matters that are addressed in and governed by this site certificate.
39 ORS 469.401(3).
40
- 41 7 Each affected state agency, county, city and political subdivision in Oregon with authority to issue a
42 permit, license or other approval addressed in or governed by this site certificate shall, upon
43 submission of the proper application and payment of the proper fees, but without hearings or other
44 proceedings, issue such permit, license or other approval subject only to conditions set forth in this
45 site certificate. ORS 469.401(3).
46

- 1 8 After issuance of this site certificate, each state agency or local government agency that issues a
2 permit, license or other approval for the facility shall continue to exercise enforcement authority
3 over such permit, license or other approval. ORS 469.401(3).
4
- 5 9 After issuance of this site certificate, the Council shall have continuing authority over the site and
6 may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request
7 another state agency or local government to inspect, the site at any time in order to ensure that the
8 facility is being operated consistently with the terms and conditions of this site certificate. ORS
9 469.430.
10
- 11 10 Following the completion of surveys required by this site certificate, the Department will present the
12 results of those surveys and required consultations at the next regularly scheduled Council meeting.
13 [AMD2]

III. DESCRIPTION

14 1. The Facility

15 (a) The Energy Facility

16 The Montague Solar Facility is an electric power generating plant consisting of approximately
17 162 megawatts (MW) of solar photovoltaic energy generating components on up to 1,496 acres of an
18 approved solar micro-siting area. Within the solar micro-siting area, solar photovoltaic energy generation
19 equipment could include modules consisting of solar panels, trackers, racks, posts, inverter/transformer
20 units and above- and belowground cabling. Solar panels would be supported by galvanized steel posts,
21 which would be hydraulically driven into the ground at a depth of 5 to 8 feet, with an approximately 4 to
22 5.5-foot aboveground height. Solar panels would be designed with anti-reflective coating. Modules
23 would be placed on non-specular metal galvanized steel racks, with heights ranging from 4 to 15 feet at
24 full tilt. To convert energy generated within the modules from alternating current (ac) to direct current
25 (dc), inverter/transformer units would be installed. Solar photovoltaic energy generation equipment
26 would be contained by an approximately 8-foot chain-link fence extending around the perimeter. Access
27 to solar facility components would be provided via two new access points on the north side of
28 Bottemiller Lane. The energy facility is described further in the Final Order on Amendment #4
29 and the Final Order on Amendment #5.
30

31 (b) Related or Supporting Facilities

32 The facility includes the following related or supporting facilities described below and in greater detail in
33 the Final Order on Amendment #4 and the Final Order on Amendment #5:

- 34 • Power collection system
- 35 • Control system
- 36 • Substations and 230-kV transmission lines
- 37 • Battery storage system
- 38 • Operations and maintenance (O&M) building
- 39 • Access roads

- 1 • Public roadway modifications
- 2 • Temporary construction areas

3 **Power Collection System**

4 A power collection system operating at 34.5 kilovolts (kV) transports power from the solar array to the
5 collector substation. To the extent practicable, the collection system is installed underground at a depth
6 of at least three feet. Not more than 27 miles of the collector system combined across facilities is
7 installed aboveground.

8 **Control System**

9 A fiber optic communications network links the solar array to a central computer at the Phase 2 O&M
10 building shared with the Oregon Trail Solar facility. A Supervisory, Control and Data Acquisition (SCADA)
11 system collects operating and performance data from the facility as a whole and allows remote
12 operation of the facility.

13 **Substations and 230-kV Transmission Lines**

14 The facility includes two collector substations. One substation (“Montague Wind substation”) is shared
15 with the Montague Wind Power facility, and the second (“Montague Solar collector substation”) is
16 shared with the Oregon Trail Solar facility. An aboveground, single-circuit 230-kV transmission line
17 connects the Montague Solar collector substation to the Montague Wind substation. An aboveground,
18 single-circuit 230-kV transmission line connects the Phase 1 substation to the 500-kV Slatt-Buckley
19 transmission line owned by the Bonneville Power Administration (BPA) at the Slatt substation.

20 **Battery Storage**

21 The facility is approved to include a battery storage system shared with the Oregon Trail Solar facility.
22 The battery storage system would be capable of storing up to 100 MW of solar energy generated by the
23 Facility, and would be used to stabilize the solar resource through dispatching of energy stored in the
24 battery system. The battery system is placed in a series of containers or building located near the
25 Montague Solar collector substation.

26 The battery system would be composed of either lithium-ion (Li-ion) batteries or a flow battery. Lithium-
27 ion batteries are a solid-state rechargeable battery utilizing lithium ions in an electrolyte. Flow batteries
28 are composed of a variety of different technologies; however, all flow batteries dispatch electricity by
29 allowing the migration of electrons from a positive ion tank to a negative ion tank. The electrons migrate
30 between solutions via a membrane.

31 The battery storage would occupy up to 6 acres and would include batteries and racks or containers,
32 inverters, isolation transformers, and switchboards, an approximately 20-foot warehouse-type building,
33 medium-voltage and low-voltage electrical systems, fire suppression, heating, ventilation, and air-
34 conditioning systems, building auxiliary electrical systems, and network/SCADA systems. Battery storage
35 would include a cooling system (more advanced systems required for Li-ion), which may include a
36 separate chiller plant located outside the battery racks with chillers, pumps, and heat exchangers. High-
37 voltage (HV) equipment would include a step-up transformer, HV circuit breaker, HV current
38 transformers and voltage transformers, a packaged control building for the HV breaker and transformer

1 equipment, HV towers, structures, and HV cabling. The battery storage area would be enclosed by
2 approximately 2,140 feet of continuous chain-link perimeter fencing 8 feet in height, with two 16-foot-
3 wide gates and one pedestrian, 4-foot-wide gate.
4

5 **Operations and Maintenance Building**

6 The facility includes one O&M building (“Montague Solar O&M building”) shared with the Oregon Trail
7 Solar facility . An on-site well at Montague Solar O&M building supplies water for use during facility
8 operation. Sewage is discharged to an on-site septic system.

9 **Access Roads**

10 The facility includes access roads to provide access to the solar array , battery storage system, and other
11 related or supporting components.

12 **Public Roadway Modifications**

13 The certificate holder may construct improvements to existing state and county public roads that are
14 necessary for construction of the facility. These modifications would be confined to the existing road
15 rights-of-way and would be undertaken with the approval of the Gilliam County Road Department or the
16 Oregon Department of Transportation, depending on the location of the improvement.

17 **Temporary Construction Areas**

18 During construction, the facility includes temporary laydown areas used to stage construction and store
19 supplies and equipment.

20 **(c) Shared Related or Supporting Facilities**

21 The site certificates for the Montague Solar Facility, Oregon Trail Solar Facility and Montague Wind
22 Power Facility were originally approved as one site certificate for the Montague Wind Power Facility
23 (September 2010 – September 2019). In September 2020, facility components were split or allocated
24 into three separate site certificates, but identified that certain related or supporting facilities would be
25 shared or used by each facility. Sharing of facility components, or use by multiple facilities, is allowable
26 in the EFSC process when the compliance obligation and applicable regulatory requirements for the
27 shared facilities is adequately covered under each site certificate, including under normal operational
28 circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.
29

30 The certificate holder is authorized to share related or supporting facilities between the Montague Solar
31 Facility, Oregon Trail Solar Facility and Montague Wind Power Facility including the Montague Wind
32 collector substation, 230 kV transmission line, temporary laydown areas, and access roads. The
33 certificate holder is authorized to share related or supporting facilities between the Montague Solar
34 Facility and Oregon Trail Solar Facility including the Montague Solar collector substation, 230 kV
35 transmission line, O&M building and battery storage. These related or supporting facilities are included
36 in each site certificate. Compliance responsibility with site certificate conditions and EFSC standards
37 which apply to these shared related or supporting facilities are shared between site certificates and
38 certificate holders. In accordance with Condition 118, if any certificate holder substantially modifies a
39 shared related or supporting facility or ceases facility operation, each certificate holder would be
40 obligated to submit an amendment determination request or request for amendment to the

1 Department to determine the appropriate process for evaluating the change and ensuring full regulatory
2 coverage under each site certificate, or remaining site certificate if either is terminated, in the future.
3 Additionally, each certificate holder is obligated to demonstrate to the Department that a legally binding
4 agreement has been fully executed between certificate holders to ensure approval and agreement of
5 access to the shared resources has been obtained prior to operation of shared facilities.

6 **2. Location of the Facility**

7 The facility is located south of Arlington, in Gilliam County, Oregon. The facility is located on private land
8 subject to easements or lease agreements with landowners.

IV. SITE CERTIFICATE CONDITIONS

9 This section lists conditions required by OAR 345-025-0006 (Mandatory Conditions in Site Certificates),
10 OAR 345025-0010 (Site Specific Conditions), OAR 345-025-0016 (Monitoring and Mitigation Conditions)
11 and OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities). These conditions
12 should be read together with the specific facility conditions listed in Section V to ensure compliance with
13 the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect the public health and
14 safety. In these conditions the definitions in OAR 345-001-0010 apply.

15 The obligation of the certificate holder to report information to the Oregon Department of Energy
16 (Department) or the Council under the conditions listed in this section and in Section V is subject to the
17 provisions of ORS 192.502 et seq. and ORS 469.560. To the extent permitted by law, the Department
18 and the Council will not publicly disclose information that may be exempt from public disclosure if the
19 certificate holder has clearly labeled such information and stated the basis for the exemption at the time
20 of submitting the information to the Department or the Council. If the Council or the Department
21 receives a request for the disclosure of the information, the Council or the Department, as appropriate,
22 will make a reasonable attempt to notify the certificate holder and will refer the matter to the Attorney
23 General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.

24 In addition to these conditions, the site certificate holder is subject to all conditions and requirements
25 contained in the rules of the Council and in local ordinances and state law in effect on the date the
26 certificate is executed. Under ORS 469.401(2), upon a clear showing of a significant threat to the public
27 health, safety or the environment that requires application of later-adopted laws or rules, the Council
28 may require compliance with such later-adopted laws or rules.

29 The Council recognizes that many specific tasks related to the design, construction, operation and
30 retirement of the facility will be undertaken by the certificate holder's agents or contractors.
31 Nevertheless, the certificate holder is responsible for ensuring compliance with all provisions of the site
32 certificate.

33 1 OAR 345-025-0006(1): The Council shall not change the conditions of the site certificate except
34 as provided for in OAR Chapter 345, Division 27.

35 2 OAR 345-025-0006(2): The certificate holder shall submit a legal description of the site to the
36 Department of Energy within 90 days after beginning operation of the facility. The legal
37 description required by this rule means a description of metes and bounds or a description of
38 the site by reference to a map and geographic data that clearly and specifically identifies the
39 outer boundaries that contain all parts of the facility.

1 3 OAR 345-025-0006(3): The certificate holder shall design, construct, operate and retire the
2 facility:

- 3 (a) Substantially as described in the site certificate;
4
5 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and
6 applicable state and local laws, rules and ordinances in effect at the time the site certificate
7 is issued; and
8
9 (c) In compliance with all applicable permit requirements of other state agencies.

10 4 OAR 345-025-0006(4): The certificate holder shall begin and complete construction of the
11 facility by the dates specified in the site certificate. (See Conditions 24 and 25.)

12 5 OAR 345025-0006(5): Except as necessary for the initial survey or as otherwise allowed for wind
13 energy facilities, transmission lines or pipelines under this section, the certificate holder shall
14 not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the
15 site until the certificate holder has construction rights on all parts of the site. For the purpose of
16 this rule, "construction rights" means the legal right to engage in construction activities. For
17 wind energy facilities, transmission lines or pipelines, if the certificate holder does not have
18 construction rights on all parts of the site, the certificate holder may nevertheless begin
19 construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the
20 certificate holder has construction rights on that part of the site and:

- 21 (a) The certificate holder would construct and operate part of the facility on that part of the site
22 even if a change in the planned route of the transmission line or pipeline occurs during the
23 certificate holder's negotiations to acquire construction rights on another part of the site; or
24
25 (b) The certificate holder would construct and operate part of a wind energy facility on that
26 part of the site even if other parts of the facility were modified by amendment of the site
certificate or were not built.

27 6 OAR 345-025-0006(6): If the certificate holder becomes aware of a significant environmental
28 change or impact attributable to the facility, the certificate holder shall, as soon as possible,
29 submit a written report to the Department describing the impact on the facility and any affected
30 site certificate conditions. [AMD5]

31 7 OAR 345-025-0006(7): The certificate holder shall prevent the development of any conditions on
32 the site that would preclude restoration of the site to a useful, non-hazardous condition to the
33 extent that prevention of such site conditions is within the control of the certificate holder.

34 8 OAR 345-025-0006(8): Before beginning construction of the facility, the certificate holder shall
35 submit to the State of Oregon, through the Council, a bond or letter of credit, in a form and
36 amount satisfactory to the Council to restore the site or a portion of the site to a useful, non-
37 hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at
38 all times until the facility has been retired. The Council may specify different amounts for the
39 bond or letter of credit during construction and during operation of the facility. (See Condition
40 32.) [AMD5]

- 1 9 OAR 345-025-0006(9): The certificate holder shall retire the facility if the certificate holder
2 permanently ceases construction or operation of the facility. The certificate holder shall retire
3 the facility according to a final retirement plan approved by the Council, as described in OAR
4 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, non-
5 hazardous condition at the time of retirement, notwithstanding the Council’s approval in the
6 site certificate of an estimated amount required to restore the site.
- 7 10 OAR 345-025-0006(10): The Council shall include as conditions in the site certificate all
8 representations in the site certificate application and supporting record the Council deems to be
9 binding commitments made by the applicant.
- 10 11 OAR 345-025-0006(11): Upon completion of construction, the certificate holder shall restore
11 vegetation to the extent practicable and shall landscape all areas disturbed by construction in a
12 manner compatible with the surroundings and proposed use. Upon completion of construction,
13 the certificate holder shall remove all temporary structures not required for facility operation
14 and dispose of all timber, brush, refuse and flammable or combustible material resulting from
15 clearing of land and construction of the facility.
- 16 12 OAR 345-025-0006(12): The certificate holder shall design, engineer and construct the facility to
17 avoid dangers to human safety and the environment presented by seismic hazards affecting the
18 site that are expected to result from all maximum probable seismic events. As used in this rule
19 “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and
20 consequences (including flow failure, settlement buoyancy, and lateral spreading, cyclic
21 softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For
22 coastal sites, this also includes tsunami hazards and seismically-induced subsidence. [AMD5]
- 23 13 OAR 345-025-0006(13): The certificate holder shall notify the Department, the State Building
24 Codes Division and the Department of Geology and Mineral Industries promptly if site
25 investigations or trenching reveal that conditions in the foundation rocks differ significantly
26 from those described in the application for a site certificate. After the Department receives the
27 notice, the Council may require the certificate holder to consult with the Department of Geology
28 and Mineral Industries and the Building Codes Division to propose and implement corrective or
29 mitigation actions.
- 30 14 OAR 345-025-0006(14): The certificate holder shall notify the Department, the State Building
31 Codes Division and the Department of Geology and Mineral Industries promptly if shear zones,
32 artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After
33 the Department receives notice, the Council may require the certificate holder to consult with
34 the Department of Geology and Mineral Industries and the Building Codes Division to propose
35 and implement corrective or mitigation actions. [AMD5]
- 36 15 OAR 345-025-0006(15): Before any transfer of ownership of the facility or ownership of the site
37 certificate holder, the certificate holder shall inform the Department of the proposed new
38 owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership that
39 requires a transfer of the site certificate.
- 40 16 OAR 345-025-0006(16): If the Council finds that the certificate holder has permanently ceased
41 construction or operation of the facility without retiring the facility according to a final
42 retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall

1 notify the certificate holder and request that the certificate holder submit a proposed final
2 retirement plan to the Department within a reasonable time not to exceed 90 days. If the
3 certificate holder does not submit a proposed final retirement plan by the specified date, the
4 Council may direct the Department to prepare a proposed final retirement plan for the Council's
5 approval. Upon the Council's approval of the final retirement plan, the Council may draw on the
6 bond or letter of credit described in OAR 345-027-0020(8) to restore the site to a useful, non-
7 hazardous condition according to the final retirement plan, in addition to any penalties the
8 Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of
9 credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any
10 additional cost necessary to restore the site to a useful, non-hazardous condition. After
11 completion of site restoration, the Council shall issue an order to terminate the site certificate if
12 the Council finds that the facility has been retired according to the approved final retirement
13 plan.

14 17 [AMD3, Deleted, AMD4]

15 18 OAR 345-025-0010(5): The certificate holder is authorized to construct a 230-kV transmission
16 line anywhere within the approved corridor, subject to the conditions of the site certificate. The
17 approved corridor is ½-mile in width and extends approximately 14 miles from the Montague
18 Solar collector substation to the Montague Wind collector substation to BPA's Slatt Substation
19 as presented in Figure 1 of the site certificate.

20 [OAR 345-025-0010(5); ASC; AMD5]

21 19 OAR 345-025-0016: The following general monitoring conditions apply:

- 22 (1) In the site certificate, the Council shall include conditions that address monitoring and
23 mitigation to ensure compliance with the standards contained in OAR Chapter 345, Division 22
24 and Division 24. The site certificate applicant, or for an amendment, the certificate holder, shall
25 develop proposed monitoring and mitigation plans in consultation with the Department and, as
26 appropriate, other state agencies, local governments and tribes. Monitoring and mitigation
27 plans are subject to Council approval. The Council shall incorporate approved monitoring and
28 mitigation plans in applicable site certificate conditions. [AMD5]

29 20 OAR 345-026-0048: Following receipt of the site certificate or an amended site certificate, the
30 certificate holder shall implement a plan that verifies compliance with all site certificate terms
31 and conditions and applicable statutes and rules. As a part of the compliance plan, to verify
32 compliance with the requirement to begin construction by the date specified in the site
33 certificate, the certificate holder shall report promptly to the Department of Energy when
34 construction begins. Construction is defined in OAR 345-001-0010. In reporting the beginning of
35 construction, the certificate holder shall describe all work on the site performed before
36 beginning construction, including work performed before the Council issued the site certificate,
37 and shall state the cost of that work. For the purpose of this exhibit, "work on the site" means
38 any work within a site or corridor, other than surveying, exploration or other activities to define
39 or characterize the site or corridor. The certificate holder shall document the compliance plan
40 and maintain it for inspection by the Department or the Council.

41 21 OAR 345-026-0080: The certificate holder shall report according to the following requirements:

- 42 (a) General reporting obligation for energy facilities under construction or operating:

- 1 (i) Within six months after beginning construction, and every six months thereafter
2 during construction of the energy facility and related or supporting facilities, the
3 certificate holder shall submit a semiannual construction progress report to the
4 Department of Energy. In each construction progress report, the certificate holder
5 shall describe any significant changes to major milestones for construction. The
6 certificate holder shall report on the progress of construction and shall address the
7 subjects listed in subsections (2)(a), (d), (f) and (g). When the reporting date
8 coincides, the certificate holder may include the construction progress report within
9 the annual report described in this rule.
- 10 (ii) After January 1 but no later than April 30 of each year after beginning operation of
11 the facility, the certificate holder shall submit an annual report to the Department
12 addressing the subjects listed in Subsection (2). For the purposes of this rule, the
13 beginning of operation of the facility means the date when construction of a
14 significant portion of the facility is substantially complete and the certificate holder
15 begins commercial operation of the facility as reported by the certificate holder and
16 accepted by the Department. The Council Secretary and the certificate holder may,
17 by mutual agreement, change the reporting date.
- 18 (iii) To the extent that information required by this rule is contained in reports the
19 certificate holder submits to other state, federal or local agencies, the certificate
20 holder may submit excerpts from such other reports to satisfy this rule. The Council
21 reserves the right to request full copies of such excerpted reports
- 22 (b) In the annual report, the certificate holder shall include the following information for the
23 calendar year preceding the date of the report:
- 24 (i) Facility Status: An overview of site conditions, the status of facilities under
25 construction and a summary of the operating experience of facilities that are in
26 operation. The certificate holder shall describe any unusual events, such as
27 earthquakes, extraordinary windstorms, major accidents or the like that occurred
28 during the year and that had a significant adverse impact on the facility.
- 29 (ii) Reliability and Efficiency of Power Production: For electric power plants, the plant
30 availability and capacity factors for the reporting year. The certificate holder shall
31 describe any equipment failures or plant breakdowns that had a significant impact on
32 those factors and shall describe any actions taken to prevent the recurrence of such
33 problems.
- 34 (iii) Status of Surety Information: Documentation demonstrating that bonds or letters of
35 credit as described in the site certificate are in full force and effect and will remain in
36 full force and effect for the term of the next reporting period.
- 37 (iv) Monitoring Report: A list and description of all significant monitoring and mitigation
38 activities performed during the previous year in accordance with site certificate terms
39 and conditions, a summary of the results of those activities and a discussion of any
40 significant changes to any monitoring or mitigation program, including the reason for
41 any such changes.

1 (v) Compliance Report: A description of all instances of noncompliance with a site
2 certificate condition. For ease of review, the certificate holder shall, in this section of
3 the report, use numbered subparagraphs corresponding to the applicable sections of
4 the site certificate.

5 (vi) Facility Modification Report: A summary of changes to the facility that the certificate
6 holder has determined do not require a site certificate amendment in accordance
7 with OAR 345-027-0050.

8 22 OAR 345-026-0105: The certificate holder and the Department of Energy shall exchange copies
9 of all correspondence or summaries of correspondence related to compliance with statutes,
10 rules and local ordinances on which the Council determined compliance, except for material
11 withheld from public disclosure under state or federal law or under Council rules. The certificate
12 holder may submit abstracts of reports in place of full reports; however, the certificate holder
13 shall provide full copies of abstracted reports and any summarized correspondence at the
14 request of the Department.

15 23 OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72 hours
16 of any occurrence involving the facility if:

- 17
18 (a) There is an attempt by anyone to interfere with its safe operation;
19 (b) A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused
20 event such as a fire or explosion affects or threatens to affect the public health and
21 safety or the environment; or
22 (c) There is any fatal injury at the facility.

23 The conditions listed in this section include conditions based on representations in the site certificate
24 application and supporting record. The Council deems these representations to be binding
25 commitments made by the applicant. These conditions are required under OAR 345-025-0006.
26 The certificate holder must comply with these conditions in addition to the conditions listed in
27 Section IV. This section includes other specific facility conditions the Council finds necessary to ensure
28 compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect public
29 health and safety. For conditions that require subsequent review and approval of a future action, ORS
30 469.402 authorizes the Council to delegate the future review and approval to the Department if, in the
31 Council's discretion, the delegation is warranted under the circumstances of the case.

32 **1. Certificate Administration Conditions**

33 24 The certificate holder shall begin construction of the facility by August 30, 2022. The Council
34 may grant an extension of the deadline to begin construction in accordance with OAR 345-027-
35 0385 or any successor rule in effect at the time the request for extension is submitted. [AMD5]

36 25 The certificate holder shall complete construction of the facility 3 years of from the date of
37 construction commencement. Construction is complete when: (1) the facility is substantially
38 complete as defined by the certificate holder's construction contract documents, (2) acceptance
39 testing has been satisfactorily completed and (3) the energy facility is ready to begin continuous
40 operation consistent with the site certificate. The certificate holder shall promptly notify the
41 Department of the date of completion of construction. The Council may grant an extension of

- 1 the deadline for completing construction in accordance with OAR 345-027-0385 or any
2 successor rule in effect at the time the request for extension is submitted. [AMD5]
- 3 26 [Deleted in AMD5, Sept 2020]
- 4 27 The certificate holder shall construct a facility substantially as described in the site certificate
5 and may select solar array components using or occupying up to 1,496 acres substantially as
6 approved in Final Order on RFA4 (August 2019) and Final Order on RFA5 (September 2020)
7 [Final Order on ASC; AMD3; AMD4; AMD5]
8
- 9 28 The certificate holder shall obtain all necessary federal, state and local permits or approvals
10 required for construction, operation and retirement of the facility or ensure that its contractors
11 obtain the necessary federal, state and local permits or approvals.
12
- 13 29 The certificate holder shall:
14 (i) Before beginning construction of the facility, provide to the Department a list of all third-
15 party permits which would normally be governed by the site certificate and that are
16 necessary for construction (e.g. Air Contaminant Discharge Permit; Limited Water Use
17 License). Once obtained, the certificate holder shall provide copies of third-party permits to
18 the Department and Gilliam County-and shall provide to the Department proof of
19 agreements between the certificate holder and the third-party regarding access to the
20 resources or services secured by the permits or approvals.
21 (ii) During construction and operation, promptly report to the Department if any third-party
22 permits referenced in sub(i) of this condition have been subject to a cited violation, Notice
23 of Violation, or allegation of a violation. [AMD5]
- 24 30 Before beginning construction, the certificate holder shall notify the Department in advance of
25 any work on the site that does not meet the definition of "construction" in ORS 469.300,
26 excluding surveying, exploration or other activities to define or characterize the site, and shall
27 provide to the Department a description of the work and evidence that its value is less than
28 \$250,000.
- 29 31 Before beginning construction but no more than two years before beginning construction and
30 after considering all micrositing factors, the certificate holder shall provide to the Department,
31 to the Oregon Department of Fish and Wildlife (ODFW) and to the Planning Director of Gilliam
32 County detailed maps of the facility site, showing the final locations where the certificate holder
33 proposes to build facility components, and a table showing the acres of temporary and
34 permanent habitat impact by habitat category and subtype, similar to Table 6 in the Final Order
35 on the Application. The detailed maps of the facility site shall indicate the habitat categories of
36 all areas that would be affected during construction (similar to Figure P-9 in RFA4). In classifying
37 the affected habitat into habitat categories, the certificate holder shall consult with the ODFW.
38 The certificate holder shall not begin ground disturbance in an affected area until the habitat
39 assessment has been approved by the Department. The Department may employ a qualified
40 contractor to confirm the habitat assessment by on-site inspection.
- 41 32 Before beginning construction of the facility, the certificate holder shall submit to the State of
42 Oregon through the Council a bond or letter of credit in the amount described herein naming
43 the State of Oregon, acting by and through the Council, as beneficiary or payee. The bond or
44 letter of credit will be issued in an amount that is either \$8.1 million (1st Quarter 2019 dollars),

1 to be adjusted to the date of issuance as described in (b), or the amount determined as
2 described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on
3 an annual basis thereafter as described in (b).

4 (a) The certificate holder may adjust the amount of the bond or letter of credit based on the
5 final design configuration of the facility by applying the unit costs and general costs
6 illustrated in Table 1 of Attachment A-2 in the *Final Order on Amendment 5* and calculating
7 the financial assurance amount as described in that order, adjusted to the date of issuance
8 as described in (b) and subject to approval by the Department. The certificate holder may
9 adjust the amount of the bond or letter of credit under (a) if opting to construct only a
10 portion of the facility.

11 (b) The certificate holder shall adjust the amount of the bond or letter of credit, using the
12 following calculation and subject to approval by the Department:

13 (i) Adjust the Subtotal component of the bond or letter of credit amount (expressed in
14 mid-2019 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price
15 Deflator, Chain-Weight, as published in the Oregon Department of Administrative
16 Services' "Oregon Economic and Revenue Forecast" or by any successor agency (the
17 "Index") and using the average of the 1st and 2nd Quarter 2019 index values (to
18 represent mid-2019 dollars) and the quarterly index value for the date of issuance of
19 the new bond or letter of credit. If at any time the Index is no longer published, the
20 Council shall select a comparable calculation to adjust mid-2019 dollars to present
21 value.

22 (c) The certificate holder shall adjust the amount of the bond or letter of credit, using the
23 following calculation and subject to approval by the Department:

24 (i) Adjust the Subtotal component of the bond or letter of credit amount (expressed in
25 mid-2019 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price
26 Deflator, Chain-Weight, as published in the Oregon Department of Administrative
27 Services' "Oregon Economic and Revenue Forecast" or by any successor agency (the
28 "Index") and using the average of the 1st and 2nd Quarter 2019 index values (to
29 represent mid-2019 dollars) and the quarterly index value for the date of issuance of
30 the new bond or letter of credit. If at any time the Index is no longer published, the
31 Council shall select a comparable calculation to adjust mid-2019 dollars to present
32 value.

33 (ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount
34 to determine the adjusted Gross Cost.

35 (iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration
36 and project management costs, add 20 percent of the adjusted Gross Cost of the Solar
37 Generation and Battery Storage System (ii) and 10 percent of the adjusted Gross Cost
38 of all other facility components(ii) for the adjusted future developments contingency.

39 (iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round
40 the resulting total to the nearest \$1,000 to determine the adjusted financial assurance
41 amount.

42 (d) The certificate holder shall use a form of bond or letter of credit approved by the Council.

43 (e) The certificate holder shall use an issuer of the bond or letter of credit approved by the
44 Council.

45 (f) The certificate holder shall describe the status of the bond or letter of credit in the annual
46 report submitted to the Council under Condition 21.

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

1 [Final Order on ASC; AMD4; AMD5]
2

3 33 If the certificate holder elects to use a bond to meet the requirements of Condition 32, the
4 certificate holder shall ensure that the surety is obligated to comply with the requirements of
5 applicable statutes, Council rules and this site certificate when the surety exercises any legal or
6 contractual right it may have to assume construction, operation or retirement of the energy
7 facility. The certificate holder shall also ensure that the surety is obligated to notify the Council
8 that it is exercising such rights and to obtain any Council approvals required by applicable
9 statutes, Council rules and this site certificate before the surety commences any activity to
10 complete construction, operate or retire the energy facility.

11 34 Before beginning construction, the certificate holder shall notify the Department of the identity
12 and qualifications of the major design, engineering and construction contractor(s) for the
13 facility. The certificate holder shall select contractors that have substantial experience in the
14 design, engineering and construction of similar facilities. The certificate holder shall report to
15 the Department any change of major contractors.

16 35 The certificate holder shall contractually require all construction contractors and subcontractors
17 involved in the construction of the facility to comply with all applicable laws and regulations and
18 with the terms and conditions of the site certificate. Such contractual provisions shall not
19 operate to relieve the certificate holder of responsibility under the site certificate.

20 36 To ensure compliance with all site certificate conditions during construction, the certificate
21 holder shall have a full-time, on-site assistant construction manager who is qualified in
22 environmental compliance. The certificate holder shall notify the Department of the name,
23 telephone number and e-mail address of this person.

24 37 Within 72 hours after discovery of conditions or circumstances that may violate the terms or
25 conditions of the site certificate, the certificate holder shall report the conditions or
26 circumstances to the Department.

27 **2. Land Use Conditions**

28 38 The certificate holder shall consult with area landowners and lessees during construction and
29 operation of the facility and implement measures to reduce and avoid any adverse impacts to
30 ongoing farm practices on surrounding lands, including coordination with the landowner of the
31 solar micro-siting area to ensure that the final solar array layout does not prevent the landowner
32 from maximizing agricultural production on the land not occupied by the solar array. [Final
33 Order on ASC; AMD5]

34 39 The certificate holder shall design and construct the facility to minimize the permanent impacts
35 to agricultural land, including to the extent practicable, using existing access roads, co-locating
36 facilities, reducing road and transmission line/collector line lengths, and designing facility
37 components to allow ongoing access to agricultural fields. [Final Order on ASC; AMD5]
38

39 40 The certificate holder shall install gates on private access roads in accordance with Gilliam
40 County Zoning Ordinance Section 7.020(T)(4)(d)(6) unless the County has granted a variance to
41 this requirement.

- 1 41 Before beginning construction of the facility, the certificate holder shall record in the real
2 property records of Gilliam County a Covenant Not to Sue with regard to generally accepted
3 farming practices on adjacent farmland consistent with GCZO Section 37 7.020(T)(4)(a)(5).
- 4 42 The certificate holder shall construct all facility components in compliance with the following
5 setback requirements:
- 6 (a) All facility components must be at least 3,520 feet from the property line of properties
7 zoned residential use or designated in the Gilliam County Comprehensive Plan as residential.
8 (b) The certificate holder shall maintain a minimum distance of 50 feet measured from the
9 Montague Solar O&M building to the nearest edge of any public road right-of-way or
10 railroad right-of-way or the nearest boundary of the certificate holder's lease area.
11 (c) The certificate holder shall maintain a minimum distance of 50 feet measured from any
12 substation to the nearest edge of any public road right-of-way or railroad right-of-way or the
13 nearest boundary of the certificate holder's electrical substation easement or, if there is no
14 easement, the nearest boundary of the certificate holder's lease area.
15 (d) The certificate holder shall maintain a minimum distance of 25 feet measured from the
16 fence line of the solar array to the nearest property line.
17 (e) The certificate holder shall maintain a minimum distance of 25 feet measured from the
18 front, rear and side yard of the battery storage system site to the nearest property line.
19 [AMD4; AMD5]
- 20
- 21 43 During construction and operation of the facility, the certificate holder shall implement a weed
22 control plan approved by the Gilliam County Weed Control Officer or other appropriate County
23 officials to control the introduction and spread of noxious weeds.
24
- 25 44 During operation of the facility, the certificate holder shall restore areas that are temporarily
26 disturbed during facility maintenance or repair activities using the same methods and
27 monitoring procedures described in the Revegetation Plan referenced in Condition 92.
- 28 45 Within 90 days after beginning operation of the facility, the certificate holder shall provide to
29 the Department and to the Gilliam County Planning Department the actual latitude and
30 longitude location or Stateplane NAD 83(91) coordinates of the facility and a summary of as-
31 built changes in the facility compared to the original plan.
- 32 46 The certificate holder shall deliver a copy of the annual report required under Condition 21 to
33 the Gilliam County Planning Commission on an annual basis unless specifically discontinued by
34 the County.

35 **3. Cultural Resource Conditions**

- 36 47 Before beginning construction, the certificate holder shall:
37 (a) Label all identified historic, cultural or archeological resource sites on construction maps and
38 drawings as "no entry" areas. If construction activities will occur within 200 feet of an
39 identified site, the certificate holder shall flag a 30-meter no entry buffer around the site.
40 The certificate holder may use existing private roads within the buffer areas but may not
41 widen or improve private roads within the buffer areas. The no-entry restriction does not

1 apply to public road rights-of-way within the buffer areas or to operational farmsteads.
2 [Final Order on ASC]
3

4 (b) Submit for review and approval by the Department in consultation with the State Historic
5 Preservation Office, a final Historical Resource Mitigation Plan (HRMP), based on the draft
6 HRMP provided in Attachment H of the Final Order on Request for Amendment 5. The final
7 HRMP shall include the following:

8 (i) Confirmation on established setback of facility components to the Weatherford Barn, if
9 confirmed by the Department and SHPO to represent a distance whereby indirect
10 impacts to setting and feeling would be minimized to less than significant. In the
11 alternative, the certificate holder shall specify the mitigation option selected from the
12 HRMP and the implementation schedule to reduce significant adverse indirect impacts
13 to the Weatherford Barn.

14 [AMD4; AMD5]
15

16 48 In reference to the alignment of the Oregon Trail described in the Final Order on the
17 Application, the certificate holder shall comply with the following requirements:
18

- 19 (a) The certificate holder shall not locate facility components on visible remnants of the Oregon
20 Trail and shall avoid any construction disturbance to those remnants.
21 (b) The certificate holder shall not locate facility components on undeveloped land where the
22 trail alignment is marked by existing Oregon-California Trail Association markers.
23 (c) Before beginning construction, the certificate holder shall provide to the State Historic
24 Preservation Office (SHPO) and the Department documentation of the presumed Oregon
25 Trail alignments within the site boundary.
26 (d) The certificate holder shall ensure that construction personnel proceed carefully in the
27 vicinity of the presumed alignments of the Oregon Trail. If any physical evidence of the trail
28 is discovered, the certificate holder shall avoid any disturbance to the intact segments by
29 redesign, re-engineering or restricting the area of construction activity and shall flag a 30-
30 meter no-entry buffer around the intact Trail segments. The certificate holder shall promptly
31 notify the SHPO and the Department of the discovery. The certificate holder shall consult
32 with the SHPO and the Department to determine appropriate mitigation measures.

33 49 Before beginning construction, the certificate holder shall provide to the Department a map
34 showing the final design locations of all components of the facility, the areas that would be
35 temporarily disturbed during construction and the areas that were surveyed in 2009 as
36 described in the Final Order on the Application. The certificate holder shall hire qualified
37 personnel to conduct field investigations of all areas to be disturbed during construction that lie
38 outside the previously-surveyed areas. The certificate holder shall provide a written report of
39 the field investigations to the Department and to the Oregon State Historic Preservation Office
40 (SHPO) for review and approval. If any potentially significant historic, cultural or archaeological
41 resources are found during the field investigation, the certificate holder shall instruct all
42 construction personnel to avoid the identified sites and shall implement appropriate measures
43 to protect the sites, including the measures described in Condition 47.

44 50 During construction, the certificate holder shall:

- 45 (a) Ensure that a qualified archeologist, as defined in OAR 736-051-0070, instructs construction
46 personnel in the identification of cultural materials and avoidance of accidental damage to
47 identified resource site.

1 (b) Employ a qualified cultural resource monitor to conduct monitoring of ground disturbance
2 at depths of 12 inches or greater. The qualifications of the selected cultural resources
3 monitor shall be reviewed and approved by the Department, in consultation with the CTUIR
4 Cultural Resources Protection Program. In the selection of the cultural resources monitor to
5 be employed during construction, preference shall be given to citizens of the CTUIR. Ground
6 disturbance at depths 12 inches or greater shall not occur without the presence of the
7 approved cultural resources monitor. If any cultural resources are identified during
8 monitoring activities, the steps outlined in the Inadvertent Discovery Plan, as provided in
9 Attachment H of the Final Order on Amendment 5 should be followed. The certificate holder
10 shall report to the Department in its semi-annual report a description of the ground
11 disturbing activities that occurred during the reporting period, dates cultural monitoring
12 occurred, and shall include copies of monitoring forms completed by the cultural resource
13 monitor. [AMD4; AMD5]

14 51 The certificate holder shall ensure that construction personnel cease all ground-disturbing
15 activities in the immediate area if any archaeological or cultural resources are found during
16 construction of the facility until a qualified archaeologist can evaluate the significance of the
17 find. The certificate holder shall notify the Department and the Oregon State Historic
18 Preservation Office (SHPO) of the find. If the SHPO determines that the resource is significant,
19 the certificate holder shall make recommendations to the Council for mitigation, including
20 avoidance, field documentation and data recovery, in consultation with the Department, SHPO,
21 interested Tribes and other appropriate parties. The certificate holder shall not restart work in
22 the affected area until the certificate holder has demonstrated to the Department and the SHPO
23 that it has complied with archaeological resource protection regulations

24 **4. Geotechnical Conditions**

25 52 Before beginning construction of the facility, the certificate holder shall conduct a site-specific
26 geotechnical investigation and shall report its findings to the Oregon Department of Geology &
27 Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the
28 geotechnical investigation after consultation with DOGAMI to confirm appropriate site-specific
29 methodologies for evaluating seismic and non-seismic hazards to inform equipment foundation
30 and road design. [Final Order; AMD5]

31 53 The certificate holder shall design and construct the facility in accordance with requirements of
32 the current Oregon Structural Specialty Code and International Building Code. [AMD5]

33 54 The certificate holder shall design, engineer and construct the facility to avoid dangers to human
34 safety presented by non-seismic hazards. As used in this condition, “non-seismic hazards”
35 include settlement, landslides, flooding and erosion.

36 **5. Hazardous Materials, Fire Protection & Public Safety Conditions**

37 55 The certificate holder shall handle hazardous materials used on the site in a manner that
38 protects public health, safety and the environment and shall comply with all applicable local,
39 state and federal environmental laws and regulations. The certificate holder shall not store
40 diesel fuel or gasoline on the facility site during operations. [AMD5]

- 1 56 If a spill or release of hazardous material occurs during construction or operation of the facility,
2 the certificate holder shall notify the Department within 72 hours and shall clean up the spill or
3 release and dispose of any contaminated soil or other materials according to applicable
4 regulations. The certificate holder shall make sure that spill kits containing items such as
5 absorbent pads are located on equipment and at the Montague Solar O&M building. The
6 certificate holder shall instruct employees about proper handling, storage and cleanup of
7 hazardous materials
- 8 57 [Deleted AMD5, Sept 2020]
- 9 58 [Deleted AMD5, Sept 2020]
- 10 59 During construction and operation of the facility, the certificate holder shall ensure that the
11 Montague Solar O&M building and all service vehicles are equipped with shovels and portable
12 fire extinguishers of a 4A50BC or equivalent rating.
- 13 60 During construction and operation of the facility, the certificate holder shall develop and
14 implement fire safety plans in consultation with the North Gilliam County Rural Fire Protection
15 District to minimize the risk of fire and to respond appropriately to any fires that occur on the
16 facility site. In developing the fire safety plans, the certificate holder shall take into account the
17 dry nature of the region and shall address risks on a seasonal basis. For solar facility
18 components, the certificate holder shall address worker training requirements, inspections,
19 vegetation management, fire prevention and response equipment and potential mutual
20 assistance in the case of fire within or around the facility site boundary. The certificate holder
21 shall meet annually with local fire protection agency personnel to discuss emergency planning
22 and shall invite local fire protection agency personnel to observe any emergency drill or tower
23 rescue training conducted at the facility. [AMD5]
- 24 61 Upon the beginning of operation of the facility, the certificate holder shall provide a site plan to
25 the North Gilliam County Rural Fire Protection District. The certificate holder shall indicate on
26 the site plan the actual location of all facility structures. The certificate holder shall provide an
27 updated site plan if other structures are later added to the facility. During operation, the
28 certificate holder shall ensure that appropriate fire protection agency personnel have an up-to-
29 date list of the names and telephone numbers of facility personnel available to respond on a 24-
30 hour basis in case of an emergency on the facility site.
- 31 62 During construction, the certificate holder shall ensure that construction personnel are trained
32 in fire prevention and response, that construction vehicles and equipment are operated on
33 graveled areas to the extent possible and that open flames, such as cutting torches, are kept
34 away from dry grass areas.
- 35 63 During operation of the facility, the certificate holder shall ensure that all on-site employees
36 receive annual fire prevention and response training by qualified instructors or members of the
37 local fire districts. The certificate holder shall ensure that all employees are instructed to keep
38 vehicles on roads and off dry grassland, except when off-road operation is required for
39 emergency purposes.
- 40 64 - 68 [Deleted AMD5, Sept 2020]

1 69 To protect the public from electrical hazards, the certificate holder shall enclose the facility
2 substations, solar array, and battery storage systems with appropriate fencing and locked gates.
3 [AMD5]

4 70 Before beginning construction of any new State Highway approaches or utility crossings, the
5 certificate holder shall obtain all required permits from the Oregon Department of
6 Transportation (ODOT) subject to the applicable conditions required by OAR Chapter 734,
7 Divisions 51 and 55. The certificate holder shall submit the necessary application in a form
8 satisfactory to ODOT and the Department for the location, construction and maintenance of a
9 new approach to State Highway 19 for access to the site. The certificate holder shall submit the
10 necessary application in a form satisfactory to ODOT and the Department for the location,
11 construction and maintenance of transmission lines crossing Highway 19.

12 71 The certificate holder shall design and construct new access roads and private road
13 improvements to standards approved by the Gilliam County Road Department. Where
14 modifications of County roads are necessary, the certificate holder shall construct the
15 modifications entirely within the County road rights-of-way and in conformance with County
16 road design standards subject to the approval of the Gilliam County Road Department. Where
17 modifications of State roads or highways are necessary, the certificate holder shall construct the
18 modifications entirely within the public road rights-of-way and in conformance with Oregon
19 Department of Transportation (ODOT) standards subject to the approval of ODOT.

20 72 The certificate holder shall construct access roads with a finished width of up to 20 feet,
21 designed under the direction of a licensed engineer and compacted to meet equipment load
22 requirements.

23 73 During construction of the facility, the certificate holder shall implement measures to reduce
24 traffic impacts, including:

- 25 (a) Providing notice to adjacent landowners when heavy construction traffic is anticipated.
- 26 (b) Providing appropriate traffic safety signage and warnings.
- 27 (c) Requiring flaggers to be at appropriate locations at appropriate times during
28 construction to direct traffic.
- 29 (d) Using traffic diversion equipment (such as advance signage and pilot cars) when slow or
30 oversize construction loads are anticipated.
- 31 (e) Maintaining at least one travel lane at all times to the extent reasonably possible so that
32 roads will not be closed to traffic because of construction vehicles.
- 33 (f) Encouraging carpooling for the construction workforce.
- 34 (g) Including traffic control procedures in contract specifications for construction of the
35 facility.
- 36 (h) Keeping Highway 19 free of gravel that tracks out onto the highway at facility access
37 points.

38
39 74 The certificate holder shall ensure that no equipment or machinery is parked or stored on any
40 County road whether inside or outside the site boundary. The certificate holder may temporarily
41 park equipment off the road but within County rights-of-way with the approval of the Gilliam
42 County Road Department.
43

1 75 The certificate holder shall cooperate with the Gilliam County Road Department to ensure that
2 any unusual damage or wear to county roads that is caused by construction of the facility is
3 repaired by the certificate holder. Submittal to the Department of an executed Road Use
4 Agreement with Gilliam County shall constitute evidence of compliance with this condition.
5 Upon completion of construction, the certificate holder shall restore public roads to pre-
6 construction condition or better to the satisfaction of the applicable county departments. If
7 required by Gilliam County, the certificate holder shall post bonds to ensure funds are available
8 to repair and maintain roads affected by the facility. If construction of the facility will utilize
9 county roads in counties other than Gilliam County, the certificate holder shall coordinate with
10 the Department and the respective county road departments regarding the implementation of a
11 similar Road Use Agreement. [AMD5]

12 76 During construction, the certificate holder shall require that all on-site construction contractors
13 develop and implement a site health and safety plan that informs workers and others on-site
14 about first aid techniques and what to do in case of an emergency and that includes important
15 telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The
16 certificate holder shall ensure that construction contractors have personnel on-site who are
17 trained and equipped for tower rescue and who are first aid and CPR certified.

18 77 During operation of the facility, the certificate holder shall develop and implement a site health
19 and safety plan that informs employees and others on-site about first aid techniques and what
20 to do in case of an emergency, including a contingency plan in a fire emergency, and that
21 includes important telephone numbers and the locations of on-site fire extinguishers, nearby
22 hospitals, Gilliam County Sheriff's Office and the office locations of the backup law enforcement
23 services. The certificate holder shall ensure that operations personnel are trained and equipped
24 for tower rescue. If the certificate holder conducts an annual emergency drill or performs tower
25 rescue training at the facility, the North Gilliam County Rural Fire Protection District and the
26 Arlington Fire Department will be invited to observe. [AMD5]

27 78
28 (a) During construction of the facility, the certificate holder shall provide on-site security within the
29 facility site boundary, and shall establish good communications between on-site security
30 personnel and the Gilliam County Sheriff's Office by establishing a communication protocol
31 between the security personnel and the Sherriff's office. The communication protocol shall be
32 sent to the Department prior to construction.
33 (b) During operation, the certificate holder shall ensure that appropriate law enforcement agency
34 personnel have an up-to-date list of the names and telephone numbers of facility personnel
35 available to respond on a 24-hour basis in case of an emergency on the facility site. The list shall
36 also be sent to the Department.

37 79 The certificate holder shall notify the Department of Energy and the Gilliam County Planning
38 Department within 72 hours of any accidents including mechanical failures on the site
39 associated with construction or operation of the facility that may result in public health and
40 safety concerns.
41

1 **6. Water, Soils, Streams & Wetlands Conditions**

2
3 80 The certificate holder shall:

- 4 (a) conduct all construction work in compliance with an Erosion and Sediment Control Plan
5 (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required
6 under the National Pollutant Discharge Elimination System (NPDES) Storm Water
7 Discharge General Permit #1200-C. The certificate holder shall include in the ESCP any
8 procedures necessary to meet local erosion and sediment control requirements or
9 storm water management requirements.
10 (b) Prior to beginning facility operation, the certificate holder shall provide the Department
11 a copy of an operational SPCC plan, if required pursuant to OAR 340-141-0001 to -0240.
12 [AMD5]

13
14 81 During construction, the certificate holder shall limit truck traffic to improved road surfaces to
15 avoid soil compaction, to the extent practicable.

16
17 82 During construction, the certificate holder shall implement best management practices to
18 control any dust generated by construction activities, such as applying water to roads and
19 disturbed soil areas.

20
21 83 Before beginning construction of the facility, the certificate holder shall provide to the
22 Department a map showing the final design locations of all components of the facility, and the
23 areas that would be disturbed during construction and showing the wetlands and stream
24 channels previously surveyed by CH2M HILL or HDR as described in the Final Order on the
25 Application and the Final Order on Amendment #4. For areas to be disturbed during
26 construction that lie outside of the previously-surveyed areas, the certificate holder shall hire
27 qualified personnel to conduct a pre-construction investigation to determine whether any
28 jurisdictional waters of the State exist in those locations within the proposed expanded site
29 boundary. The certificate holder shall provide a written report on the pre-construction
30 investigation to the Department and the Department of State Lands for approval before
31 beginning construction. The certificate holder shall ensure that construction and operation of
32 the facility will have no impact on any jurisdictional water identified in the pre-construction
33 investigation.

34
35 84 The certificate holder shall avoid impacts to waters of the state in the following manner:

- 36 (a) The certificate holder shall avoid any disturbance to delineated wetlands.
37 (b) The certificate holder shall construct stream crossings for roads and underground collector
38 lines substantially as described in the Final Order on the Application or the Final Order on
39 Amendment #4. In particular, the certificate holder shall not remove material from waters of
40 the State or add new fill material to waters of the State such that the total volume of removal
41 and fill exceeds 50 cubic yards for the project as a whole.
42 (c) The certificate holder shall construct support poles for aboveground lines outside of delineated
43 stream channels and shall avoid in-channel impacts.
44 [AMD5]

1 85 During facility operation, the certificate holder shall routinely inspect and maintain all facility
2 components including roads, battery storage pads, solar array, and trenched areas and, as
3 necessary, maintain or repair erosion and sediment control measures. [AMD5]

4 86 During facility operation, the certificate holder shall obtain water for on-site uses from an on-
5 site well located near the Montague Solar O&M building. The certificate holder shall construct
6 on-site well subject to compliance with the provisions of ORS 537.765 relating to keeping a well
7 log. The certificate holder shall not use more than 5,000 gallons of water per day from the on-
8 site well. The certificate holder may use other sources of water for on-site uses subject to prior
9 approval by the Department.

10 87 During facility operation, if solar panel-washing becomes necessary, the certificate holder shall
11 ensure that there is no runoff of wash water from the site or discharges to surface waters, storm
12 sewers or dry wells. The certificate holder shall not use acids, bases or metal brighteners with
13 the wash water. The certificate holder may use biodegradable, phosphate-free cleaners
14 sparingly. [AMD5]

15 **7. Transmission Line & EMF Conditions**

16 88 The certificate holder shall install the 34.5-kV collector system underground to the extent
17 practical. The certificate holder shall install underground lines at a minimum depth of three feet.
18 Based on geotechnical conditions or other engineering considerations, the certificate holder
19 may install segments of the collector system aboveground, but the total length of aboveground
20 segments must not exceed 27 miles.

21 89 The certificate holder shall take reasonable steps to reduce or manage human exposure to
22 electromagnetic fields, including but not limited to:

23 ~~(a)~~ [Deleted AMD5, Sept 2020]

24 (a) Providing to landowners a map of underground and overhead transmission lines on
25 their property and advising landowners of possible health risks from electric and
26 magnetic fields.

27 (b) Designing and maintaining all transmission lines so that alternating current electric fields
28 do not exceed 9 kV per meter at one meter above the ground surface in areas accessible
29 to the public.

30 (c) Designing and maintaining all transmission lines so that induced voltages during
31 operation are as low as reasonably achievable.
32

33 90 In advance of, and during, preparation of detailed design drawings and specifications for 230-kV
34 and 34.5-kV transmission lines, the certificate holder shall consult with the Utility Safety and
35 Reliability Section of the Oregon Public Utility Commission to ensure that the designs and
36 specifications are consistent with applicable codes and standards.
37

38 **8. Plants, Wildlife & Habitat Protection Conditions**

39 91 Prior to construction of the facility, the certificate holder shall finalize the Wildlife Monitoring
40 and Mitigation Plans (WMMPs), based on the draft WMMP included as Attachment G of the
41 Final Order on Request for Amendment #5, as approved by the Department in consultation with

1 ODFW. The certificate holder shall conduct wildlife monitoring as described in the final WMMP,
2 as amended from time to time. [Amendment #3; AMD5]

3 92 The certificate holder shall restore areas disturbed by facility construction but not occupied by
4 permanent facility structures according to the methods and monitoring procedures described in
5 the final Revegetation Plans for the facility, as approved by the Department in consultation with
6 ODFW. The final Revegetation Plan shall be based on the draft plan as Attachment E in the Final
7 Order on Request for Amendment #5, and as amended from time to time. [Amendment #3;
8 AMD5]

9 93 The certificate holder shall:

10 (a) Acquire the legal right to create, enhance, maintain and protect a habitat mitigation area as
11 long as the site certificate is in effect by means of an outright purchase, conservation
12 easement or similar conveyance and shall provide a copy of the documentation to the
13 Department. Within the habitat mitigation area, the certificate holder shall improve the
14 habitat quality as described in the final Habitat Mitigation Plans for the Facility, as approved
15 by the Department in consultation with ODFW. The final Habitat Mitigation Plans shall be
16 based on the draft plan included as Attachment D to the Final Order on Request for
17 Amendment 5 and updated based on Condition 31. The final Habitat Mitigation Plans may
18 be amended from time to time. [AMD3; AMD5]

19 (b) Prior to construction, the certificate holder shall finalize and implement the Habitat
20 Mitigation Plan (HMP) included as Attachment D of the Final Order on Amendment 5, as
21 approved by ODOE in Consultation with ODFW. Provision 93(b)(A) regarding impacted
22 acreage calculations shall be completed and submitted to the department after construction
23 is complete as described in the condition below.

24 (c) Within 90 days of completion of construction, the certificate holder shall submit to the
25 department and ODFW an updated HMP Table.
26 [AMD5]

27 94 The certificate holder shall determine the boundaries of Category 1 Washington ground squirrel
28 (WGS) habitat based on the locations where the squirrels were found to be active in the most
29 recent WGS survey prior to the beginning of construction in habitat suitable for WGS foraging or
30 burrow establishment ("suitable habitat"). The certificate holder shall hire a qualified
31 professional biologist who has experience in detection of WGS to conduct surveys using a survey
32 protocol approved by the Oregon Department of Fish and Wildlife (ODFW). The biologist shall
33 survey all areas of suitable habitat where permanent facility components would be located or
34 where construction disturbance could occur. Except as provided in (a), the biologist shall
35 conduct the protocol surveys in the active squirrel season (March 1 to May 31) in 2010 and in
36 the active squirrel seasons in subsequent years until the beginning of construction in suitable
37 habitat. The certificate holder shall provide written reports of the surveys to the Department
38 and to ODFW and shall identify the boundaries of Category 1 WGS habitat. The certificate holder
39 shall not begin construction within suitable habitat until the identified boundaries of Category 1
40 WGS habitat have been approved by the Department. Category 1 WGS habitat includes the
41 areas described in (b) and (c).

42 (a) The certificate holder may omit the WGS survey in any year if the certificate holder
43 avoids all permanent and temporary disturbance within suitable habitat until a WGS

1 survey has been completed in the following year and the boundaries of Category 1
2 habitat have been determined and approved based on that survey.

3 (b) Category 1 WGS habitat includes the area within the perimeter of multiple active WGS
4 burrows plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS
5 foraging or burrow establishment. If the multiple-burrow area was active in a prior
6 survey year, then Category 1 habitat includes the largest extent of the active burrow
7 area ever recorded (in the current or any prior-year survey), plus a 785-foot buffer.

8 (c) Category 1 WGS habitat includes the area containing single active burrow detections
9 plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or
10 burrow establishment. Category 1 habitat does not include single-burrow areas that
11 were found active in a prior survey year but that are not active in the current survey
12 year.

13
14 95 The certificate holder shall implement measures to mitigate impacts to sensitive wildlife habitat
15 during construction including, but not limited to, the following:

16 (a) The certificate holder shall not construct any facility components within areas of Category 1
17 habitat and shall avoid temporary disturbance of Category 1 habitat.

18 (b) Before beginning construction, but no more than two years prior to the beginning of
19 construction of the facility, the certificate holder shall hire a qualified professional biologist to
20 conduct a survey of all areas to be disturbed by construction for threatened and endangered
21 species. The certificate holder shall provide a written report of the survey and a copy of the
22 survey to the Department, the Oregon Department of Fish and Wildlife (ODFW), and the Oregon
23 Department of Agriculture (ODA). If the surveys identify the presence of threatened or
24 endangered species within the survey area, the certificate holder shall implement appropriate
25 measures to avoid a significant reduction in the likelihood of survival or recovery of the species,
26 as approved by the Department, in consultation with ODA and ODFW.

27 (c) Before beginning construction of the facility, the certificate holder's qualified professional
28 biologist shall survey the Category 1 Washington ground squirrel habitat to ensure that the
29 sensitive use area is correctly marked with exclusion flagging and avoided during construction.
30 The certificate holder shall maintain the exclusion markings until construction has been
31 completed.

32 (d) Before beginning construction of the facility, certificate holder's qualified professional biologist
33 shall complete raptor nest surveys within the raptor nest survey area as described in the Final
34 Order on the Application. The purposes of the survey are to identify any sensitive raptor nests
35 near construction areas and to provide baseline information on raptor nest use for analysis as
36 described in the Wildlife Monitoring and Mitigation Plan referenced in Condition 91. The
37 certificate holder shall provide a written report on the raptor nest surveys and the surveys to
38 the Department and to ODFW. If the surveys identify the presence of raptor nests within the
39 survey area, the certificate holder shall implement appropriate measures to assure that the
40 design, construction and operation of the facility are consistent with the fish and wildlife habitat
41 mitigation goals and standards of OAR 635-415-0025, as approved by the Department, in
42 consultation with ODFW.

43 (e) In the final design layout of the facility, the certificate holder shall locate facility components,
44 access roads and construction areas to avoid or minimize temporary and permanent impacts to

1 high quality native habitat and to retain habitat cover in the general landscape where
2 practicable.

3 96 During construction, the certificate holder shall avoid all construction activities within a 1,300-
4 foot buffer around potentially-active nest sites of the following species during the sensitive
5 period, as provided in this condition:

| <u>Species</u> | <u>Sensitive Period</u> | <u>Early Release Date</u> |
|------------------|-------------------------|---------------------------|
| Swainson’s hawk | April 1 to August 15 | May 31 |
| Ferruginous hawk | March 15 to August 15 | May 31 |
| Burrowing owl | April 1 to August 15 | July 15 |

6 During the year in which construction occurs, the certificate holder shall use a protocol approved by
7 the Oregon Department of Fish and Wildlife (ODFW) to determine whether there are any active
8 nests of these species within a half-mile of any areas that would be disturbed during construction.
9 The certificate holder shall begin monitoring potential nest sites by March 15 and shall continue
10 monitoring until at least May 31 to determine whether any potentially-active nest sites become
11 active during the sensitive period.

12 If any nest site is determined to be unoccupied by the early release date (May 31), then unrestricted
13 construction activities may occur within 1,300 feet of the nest site after that date. If a nest is
14 occupied by any of these species after the beginning of the sensitive period, the certificate holder
15 will flag the boundaries of a 1,300-foot buffer area around the nest site and shall instruct
16 construction personnel to avoid disturbance of the buffer area. During the sensitive period, the
17 certificate holder shall not engage in high-impact construction activities (activities that involve
18 blasting, grading or other major ground disturbance) within the buffer area. The certificate holder
19 shall restrict construction traffic within the buffer, except on public roads, to vehicles essential to
20 the limited construction activities allowed within the buffer.

21 If burrowing owl nests are occupied during the sensitive period, the certificate holder may adjust
22 the 1,300-foot buffer around these nests after consultation with ODFW and subject to the approval
23 of the Department.

24 The certificate holder shall hire a qualified independent professional biologist to observe the active
25 nest sites during the sensitive period for signs of disturbance and to notify the Department of any
26 non-compliance with this condition. If the biologist observes nest site abandonment or other
27 adverse impact to nesting activity, the certificate holder shall implement appropriate mitigation, in
28 consultation with ODFW and subject to the approval of the Department, unless the adverse impact
29 is clearly shown to have a cause other than construction activity.

30 The certificate holder may begin or resume construction activities within the buffer area before the
31 ending day of the sensitive period with the approval of ODFW, after the young are fledged. The
32 certificate holder shall use a protocol approved by ODFW to determine when the young are fledged
33 (the young are independent of the core nest site).

34 97 [Deleted AMD5, Sept 2020]

- 1 98 The certificate holder shall implement measures to avoid or mitigate impacts to sensitive
2 wildlife habitat during construction including, but not limited to, the following:
- 3 (a) Preparing maps to show occlusion areas that are off-limits to construction personnel,
4 such as nesting or denning areas for sensitive wildlife species.
 - 5 (b) Avoiding unnecessary road construction, temporary disturbance and vehicle use.
 - 6 (c) Limiting construction work to approved and surveyed areas shown on facility constraints
7 maps.
 - 8 (d) Ensuring that all construction personnel are instructed to avoid driving cross-country or
9 taking short-cuts within the site boundary or otherwise disturbing areas outside of the
10 approved and surveyed construction areas.
- 11
- 12 99 The certificate holder shall reduce the risk of injuries to avian species by designing and installing
13 all aboveground transmission line support structures following the most current suggested
14 practices for avian protection on power lines published by the Avian Power Line Interaction
15 Committee.
- 16 100 The certificate holder shall hire a qualified environmental professional to provide environmental
17 training during construction and operation. Environmental training includes information on the
18 sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive
19 wildlife habitat, exclusion areas, permit requirements and other environmental issues. The
20 certificate holder shall instruct construction and operations personnel to report any injured or
21 dead wildlife detected while on the site to the appropriate onsite environmental manager.
- 22 101 The certificate holder shall impose and enforce a construction and operation speed limit of 20
23 miles per hour throughout the facility site and, during the active squirrel season (March 1 to
24 May 31), a speed limit of 10 miles per hour from one hour before sunset to one hour after
25 sunrise on private roads near known Washington ground squirrel (WGS) colonies. The certificate
26 holder shall ensure that all construction and operations personnel are instructed to watch out
27 for and avoid WGS and other wildlife while driving through the facility site.

28 **9. Visual Effects Conditions**

- 29 102 To reduce the visual impact of the facility, the certificate holder shall:
- 30 (a) Paint the Montague Solar collector substation structure in a low-reflectivity neutral color
31 to blend with the surrounding landscape.
 - 32 (b) Not allow any advertising to be used on any part of the facility.
 - 33 (c) Use only those signs required for facility safety, required by law or otherwise required by
34 this site certificate, except that the certificate holder may erect a sign near the Montague
35 Solar O&M building to identify the facility.
 - 36 (d) Maintain any signs allowed under this condition in good repair.
- 37
- 38 103 The certificate holder shall design and construct the Montague Solar O&M building, substation,
39 and buildings and containers associated with battery storage to be generally consistent with the
40 character of similar buildings used by commercial farmers or ranchers in the area and shall paint
41 the building in a low-reflectivity, neutral color to blend with the surrounding landscape. [AMD5]
- 42 104 The certificate holder shall not use exterior nighttime lighting except:

- 1 (a) Security lighting at the Montague Solar O&M building and substation, provided that such
- 2 lighting is shielded or downward-directed to reduce glare.
- 3 (b) Minimum lighting necessary for repairs or emergencies.
- 4 (c) Minimum lighting necessary for construction directed to illuminate the work area and
- 5 shielded or downward-directed to reduce glare.

6 105 [Deleted AMD5, Sept 2020]

7 **10. Noise Control Conditions**

8 106 To reduce construction noise impacts at nearby residences, the certificate holder shall:

- 9
- 10 (a) Confine the noisiest operation of heavy construction equipment to the daylight hours.
- 11 (b) Require contractors to install and maintain exhaust mufflers on all combustion engine-
- 12 powered equipment; and
- 13 (c) Establish a complaint response system at the construction manager's office to address
- 14 noise complaints.

15 107 The certificate holder shall provide to the Department:

16 (i) Prior to construction:

17 (a) A noise analysis that includes the following Information:

18

19 Final design locations of all noise-generating facility components (all wind turbines;

20 substation transformers; inverters and transformers associated with the photovoltaic solar

21 array; and inverters and cooling systems associated with battery storage system).

22

23 The maximum sound power level for the Montague Solar collector substation transformers

24 and the inverters and transformers associated with the photovoltaic solar array; and

25 inverters and cooling systems associated with battery storage system.

26

27 The results of noise analysis according to the final design performed in a manner consistent

28 with the requirements of OAR 340-035-0035(1)(b)(B)(iii) (IV) and (VI) demonstrating to the

29 satisfaction of the Department that the total noise generated by the facility (including the

30 noise from wind turbines, substation transformers, inverters and transformers associated

31 with the photovoltaic solar array; inverters and cooling systems associated with battery

32 storage system) would meet the ambient degradation test and maximum allowable test at

33 the appropriate measurement point for all potentially-affected noise-sensitive properties.

34 The certificate holder shall verify that all noise sensitive properties within one mile of the

35 final design locations of noise-generating components have been identified and included in

36 the preconstruction noise analysis based on review of the most recent property owner

37 information obtained from the Gilliam County Tax Assessor Roll.

38 For each noise-sensitive property where the certificate holder relies on a noise waiver to

39 demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of

40 the a legally effective easement or real covenant pursuant to which the owner of the

41 property authorizes the certificate holder's operation of the facility to increase ambient

42 statistical noise levels L10 and L50 by more than 10 dBA at the appropriate measurement

43 point. The legally-effective easement or real covenant must: include a legal description of

1 the burdened property (the noise-sensitive property); be recorded in the real property
2 records of the county; expressly benefit the certificate holder; expressly run with the land
3 and bind all future owners, lessees or holders of any interest in the burdened property; and
4 not be subject to revocation without the certificate holder's written approval.
5 [Final Order on ASC; AMD5]

6 108 During operation of the facility, the certificate holder shall implement measures to ensure
7 compliance with the noise control regulation, including:

- 8 (a) Providing notice of the noise complaint system and how to file a noise complaint to noise
9 sensitive receptors within 1-mile of noise generating components.
- 10 (b) Maintain a complaint response system to address noise complaints. The certificate holder
11 shall promptly notify the Department of any complaints received regarding facility noise
12 and of any actions taken by the certificate holder to address those complaints. In response
13 to a complaint from the owner of a noise sensitive property regarding noise levels during
14 operation of the facility, the Council may require the certificate holder to monitor and
15 record the statistical noise levels to verify that the certificate holder is operating the
16 facility in compliance with the noise control regulations.

17 [AMD5]

18
19 **11. Waste Management Conditions**

20 109 The certificate holder shall provide portable toilets for on-site sewage handling during
21 construction and shall ensure that they are pumped and cleaned regularly by a licensed
22 contractor who is qualified to pump and clean portable toilet facilities.

23 110 During operation of the facility, the certificate holder shall discharge sanitary wastewater
24 generated at the Montague Solar O&M building to a licensed on-site septic system in
25 compliance with State permit requirements. The certificate holder shall design the septic system
26 for a discharge capacity of less than 2,500 gallons per day.

27 111 The certificate holder shall implement a waste management plan during construction that
28 includes but is not limited to the following measures:

- 29 (a) Recycling steel and other metal scrap.
- 30 (b) Recycling wood waste.
- 31 (c) Recycling packaging wastes such as paper and cardboard.
- 32 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
- 33 (e) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials,
34 and mercury-containing lights and lithium-ion, flow, lead-acid and nickel-cadmium
35 batteries for disposal by a licensed firm specializing in the proper recycling or disposal of
36 hazardous wastes. [AMD5]
- 37 (f) Confining concrete delivery truck rinse-out within the foundation excavation, discharging
38 rinse water into foundation holes and burying other concrete waste as part of backfilling
39 the turbine foundation.

40
41 112 The certificate holder shall implement a waste management plan during facility operation that
42 includes but is not limited to the following measures:

- 1 (a) Training employees to minimize and recycle solid waste.
- 2 (b) Recycling paper products, metals, glass and plastics.
- 3 (c) Recycling used oil and hydraulic fluid
- 4 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
- 5 (e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-
- 6 absorbent materials, and mercury-containing lights and lithium-ion, flow, lead-acid and
- 7 nickel-cadmium batteries for disposal by a licensed firm specializing in the proper
- 8 recycling or disposal of hazardous wastes. [AMD5]
- 9

10 **V. CONDITIONS ADDED BY MONTAGUE WIND POWER FACILITY SITE CERTIFICATE AMENDMENTS**

11
12 113-115 [Deleted AMD2, Dec 2015]

13
14 116 The certificate holder shall ensure its third-party contractor transports and disposes of battery
15 and battery waste in compliance with all applicable regulations and manufacturer
16 recommendations related to the transport of hazardous battery materials.

17 (a) Prior to construction, the certificate holder shall provide a description to the Department
18 of applicable regulations and manufacturer recommendations applicable to the transport
19 and disposal of batteries and battery related waste.

20 (b) During construction and operation, the certificate holder shall report to the Department
21 any potential compliance issue or cited violations of its third-party contractor for the
22 requirements identified in sub(a) of this condition.

23 [AMD4]

24
25 117 During facility operation, the certificate holder shall conduct monthly inspections of the
26 battery storage systems, in accordance with manufacturer specifications. The certificate
27 holder shall maintain documentation of inspections, including any corrective actions,
28 and shall make available for review upon request by the Department. [AMD4]

29
30 118 The site certificate authorizes shared use of related or supporting facilities including the
31 Montague Solar collector substation, Montague Solar O&M building, battery storage system,
32 230 kV transmission line, access roads, and temporary staging areas under the site certificates
33 issued for the Montague Solar Facility and Oregon Trail Solar Facility. The site certificate
34 authorizes shared use of related or supporting facilities including the Montague Wind collector
35 substation under the site certificates issued for the Montague Wind Facility, Montague Solar
36 Facility and Oregon Trail Solar Facility.

37 (a) Within 30 days of shared use, the certificate holder must provide evidence to the
38 Department that the certificate holders have an executed agreement for shared use of
39 facilities.

40 (b) If certificate holders of Montague Solar Facility or Oregon Trail Solar Facility propose to
41 substantially modify any of the shared facilities listed in sub(a) of this condition, each
42 certificate holder shall submit an amendment determination request or request for site
43 certificate amendment to obtain a determination from the Department on whether a site
44 certificate amendment is required or to process an amendment for both site certificates.

45 If certificate holders opt to submit an amendment determination request, the
46 requirement may be satisfied through submittal of a single amendment determination
47 request with authorization (or signature) provided from each certificate holder.

1 (c) Prior to facility decommissioning or if facility operations cease, each certificate holder
2 shall submit an amendment determination request or request for site certificate
3 amendment to document continued ownership and full responsibility, including coverage
4 of full decommissioning amount of the shared facilities in the bond or letter of credit
5 pursuant to Condition 32, for the operational facility, if facilities are decommissioned at
6 different times.
7

8 119 Prior to construction and operation of the facility, the certificate holder shall identify the
9 number of outdoor signs and applicable Gilliam County Zoning Ordinance (GCZO) Section 8.050
10 Sign Regulation provisions and provide to the Department and Gilliam County Planning
11 Department written confirmation that outdoor signage complies with the applicable provisions.
12 [AMD5]
13

14 **VI. SUCCESSORS AND ASSIGNS**

15
16 To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner,
17 directly or indirectly, the certificate holder shall comply with OAR 345-027-0400.
18

19 **VII. SEVERABILITY AND CONSTRUCTION**

20 If any provision of this agreement and certificate is declared by a court to be illegal or in conflict with
21 any law, the validity of the remaining terms and conditions shall not be affected, and the rights and
22 obligations of the parties shall be construed and enforced as if the agreement and certificate did not
23 contain the particular provision held to be invalid.

24 **VIII. GOVERNING LAW AND FORUM**

25 This site certificate shall be governed by the laws of the State of Oregon. Any litigation or arbitration
26 arising out of this agreement shall be conducted in an appropriate forum in Oregon.
27
28
29
30
31
32
33
34

1 **IX. EXECUTION**

2 This site certificate may be executed in counterparts and will become effective upon signature by the
3 Chair of the Energy Facility Siting Council and the authorized representative of the certificate holder.

4 IN WITNESS WHEREOF, this site certificate has been executed by the State of Oregon, acting by and
5 through its Energy Facility Siting Council, and by Montague Solar, LLC.
6
7

ENERGY FACILITY SITTING COUNCIL

By: Hanley Jenkins, II
Hanley Jenkins, II (Oct 2, 2020 06:44 PDT)

Print: Hanley Jenkins, II

Date: Oct 2, 2020

MONTAGUE SOLAR, LLC

By: Sara Parsons
DocuSigned by:
Sara Parsons
7E3838E168A3A21

Print: Sara Parsons

Date: 10/6/2020

and

By: Steve Krump
DocuSigned by:
SK
15F05005118B4A6

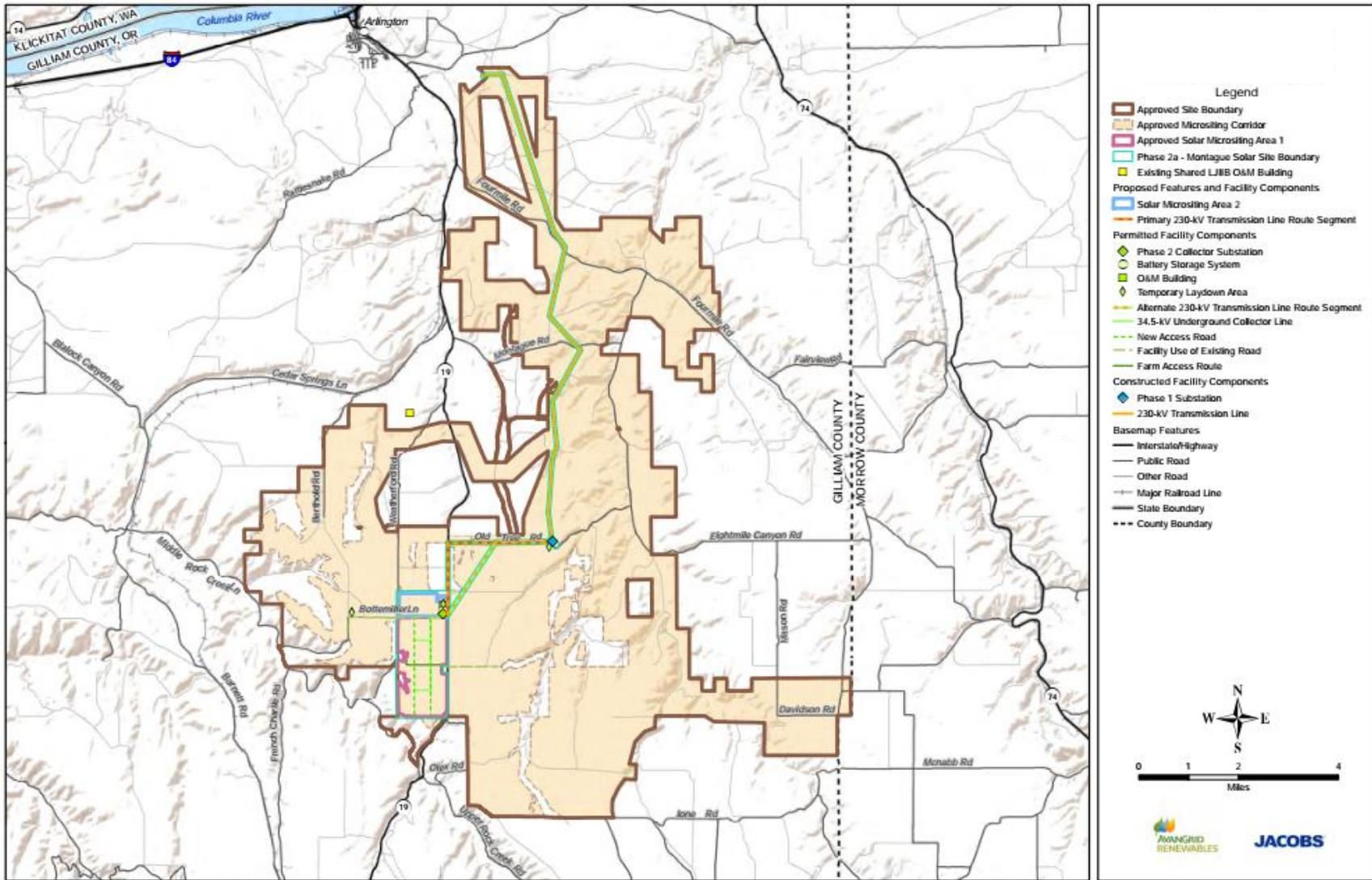
Print: Steve Krump

Date: 10/8/2020

Legal 

8
9
10
11

1 **Figure 1: Site Boundary and 230 kV transmission line corridor**



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3