BEFORE THE ENERGY FACILITY SITING COUNCIL OF THE STATE OF OREGON

In the Matter of the Request for Transfer of the Summit Ridge Wind Farm Site Certificate ) FINAL ORDER ON
) REQUEST FOR CERTIFICATE HOLDER
) OWNERSHIP TRANSFER

Issued by

Oregon Department of Energy
550 Capitol Street NE
Salem, Oregon 97301-3742

December 2020
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ATTACHMENTS
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I. INTRODUCTION

The Energy Facility Siting Council (Council) issues this order in accordance with Oregon Revised Statute (ORS) 469.405 and Oregon Administrative Rule (OAR) 345-027-0400 for Request for Amendment 5 to Transfer Ownership of the Certificate Holder of the Summit Ridge Wind Farm Site Certificate (Request for Amendment to Transfer or RFA5). This order addresses a change in the certificate holder owner; the existing certificate holder, Summit Ridge Wind, LLC, would be maintained. Specifically, this order addresses a request to transfer certificate holder ownership from Pattern Renewables 2 LP (certificate holder owner and parent company) to Aypa Power LLC (new owner).

Pursuant to OAR 345-027-0400(1), “A request for amendment to a site certificate to transfer the site certificate is required for a transaction that results in a change in the ownership, possession or control of the facility or the certificate holder. A “new owner” refers to the person or entity that will gain ownership, possession or control of the facility or the certificate holder.”

I.A. Name and Address of Certificate Holder

The certificate holder, certificate holder owner and contact names, as represented in the existing site certificate, are as follows:

Certificate Holder

Steve Ostrowski (contact)
Summit Ridge Wind, LLC
c/o Pattern Renewables 2 LP
Pier 1, Bay 3
San Francisco, CA 94111

Certificate Holder Owner

Kevin Wetzel (contact)
Pattern Renewables 2 LP
a subsidiary of Pattern Energy Group 2 LP
Pier 1, Bay 3
San Francisco, CA 94111
I.B. Name and Address of New Owner

The new owner and contact name is as follows:

Mohammad Haj-Abed (contact)
Aypa Power LLC
50 Fountain Plaza, Suite 1400, PMB #327
Buffalo, NY 14202

I.C. Description of the Approved Facility and Location

The Summit Ridge Wind Farm (facility) is an approved wind energy generation facility with a peak generating capacity of up to 194.4 megawatts (MW) of electricity. Construction of the facility commenced in August 2020 including substantial modifications to an existing road to be used to access wind turbine strings (i.e., a related or supporting facility). The facility is approved to include up to 72 wind turbines (maximum blade-tip height of 499 feet; minimum blade tip height of 59 feet) as well as related or supporting facilities including: up to 49 miles of above and belowground 34.5 kilovolt (kV) collector lines (power collection system), a step-up collector substation, an approximately 8-mile 230 kV transmission line on wooden H-frame structures extending up to 70 feet in height, a Supervisory Control and Data Acquisition system, an Operation and Maintenance building, up to 3 meteorological towers, access roads, temporary roadway modifications, and additional temporary construction areas.

The facility site is located approximately 17 miles southeast of The Dalles and 8 miles east of Dufur, Oregon. The facility site boundary includes 25,000 acres of privately-owned land in the Exclusive Farm Use zone in Wasco County, Oregon, as presented in Figure 1: Regional Location of Facility Site Boundary. Within the site boundary, the certificate holder has approval to site facility components within 11,000 acres of micrositing corridor area.

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1 Related or supporting facilities are “as defined in ORS 469.300.” ORS 469.300 states that related or supporting facilities means “any structure, proposed by the applicant, to be constructed or substantially modified in connection with the construction of an energy facility, including associated transmission lines, reservoirs, storage facilities, intake structure, road and rail access, pipelines, barge basins, office or public buildings, and commercial and industrial structures.” (OAR 345-001-0010(50))

2 Site boundary means, “the perimeter of the site of a proposed energy facility, its related or supporting facilities, all temporary laydown and staging areas and all corridors and micrositing corridors proposed by the applicant.” (OAR 345-001-0010(54))

3 Micrositing corridor means, “a continuous area of land within which construction of facility components may occur, subject to site certificate conditions.” (OAR 345-001-0010(32))
Figure 1: Regional Location of Facility Site Boundary
I.D. Site Certificate History

The Council issued its Final Order on the ASC and granted a site certificate for the Summit Ridge Wind Farm on August 19, 2011. The Council issued its Final Order on Amendment 1 and granted an amended site certificate on August 7, 2015, which approved a construction timeline extension and allowed flexibility in turbine layout and design. The Council issued its Final Order on Amendment 2 and granted a second amended site certificate on November 4, 2016, which approved a transfer of certificate holder ownership, a construction timeline extension, flexibility in turbine layout and design, and authorized a variance to a road setback requirement for 17 wind turbines. The Council issued its Final Order on Amendment 3 and granted a third amended site certificate on December 15, 2017, which approved a transfer of certificate holder ownership to the current certificate holder owner and parent company, Pattern Renewables 2 LP. The Council issued its Final Order on Amendment 4 and granted a fourth amended site certificate on August 23, 2019, which approved a construction timeline extension.

II. THE TRANSFER PROCESS

II.A. Description of the Transfer Request

In Request for Amendment 5 to Transfer Certificate Holder Ownership, the certificate holder and new owner request a site certificate transfer to reflect the change in certificate holder ownership from Pattern Renewables 2 LP to Aypa Power LLC, a subsidiary of Blackstone Energy Partners. Request for Amendment 5 represents the third request to transfer certificate holder ownership requested by the certificate holder.

II.B. Procedural History

On July 8, 2020, prior to transfer of certificate holder ownership, a conference call was conducted with the Oregon Department of Energy (Department) and representatives of Aypa Power LLC and Summit Ridge Wind, LLC to discuss the potential sale and transfer of ownership of the certificate holder, in accordance with Condition 2.10 (OAR 345-025-0006(15)). On August 21, 2020, prior to receipt of Request for Amendment 5 to Transfer, the Department received notice from Aypa Power LLC Chief Executive Officer Mohammad Haj-Abed of an August 3, 2020 sale of Summit Ridge Wind Farm, including the sale of ownership of all membership interests in Summit Ridge Wind, LLC to Aypa Power LLC. On September 14, 2020, the certificate holder and new owner jointly submitted Request for Amendment 5 to Transfer, seeking Council approval of a change in certificate holder ownership for the Summit Ridge Wind Farm Site Certificate.

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4 SRWAMDS Staff Confirmation of Transfer Notification on July 8, 2020 2020-08-26.
5 Condition 2.10 of the site certificate requires that the certificate holder, prior to any transfer of ownership of the facility or ownership of the certificate holder, inform the Department of the proposed new owners.
On September 30, 2020, the Department issued Public Notice of Request for Amendment 5 to Transfer to all persons on the Council’s general mailing list, the special mailing list established for the facility, an updated list of property owners supplied by the new owner, and reviewing agencies as defined in OAR 345-001-0010(52). The notice initiated a comment period on the transfer request and provided a date and time of the Transfer Hearing, as required for site certificate transfers pursuant to OAR 345-027-0400(7). The notice provided an “anticipated” deadline for submission of comments and date of transfer hearing of November 20, 2020, later updated to November 19, 2020 based on finalization of the November 19-20, 2020 Council meeting agenda. The Department provided notice of the updated comment deadline and transfer hearing date on October 30, 2020 via the Department’s project webpage for the Summit Ridge Wind Farm, as indicated in the notice, and on November 9, 2020 via distribution and website posting of the Council meeting agenda.6

The comment period ran from September 30 through November 19, 2020. On November 19, Friends of the Columbia Gorge, Oregon Wild and Central Oregon LandWatch (Commenters) provided written comments. During its November 19, 2020 meeting, Council conducted a Transfer Hearing on the Request for Transfer for the Summit Ridge Wind Farm Site Certificate where oral comments were received from Commenters and Ms. Irene Gilbert. Following the Transfer Hearing, Council received a staff presentation on the details of the transfer request, including the Department’s recommendations as presented in a November 16, 2020 staff report (presented in the format of a draft order) and, based on the extent and timing of comments received, continued their review to the next regularly scheduled Council meeting.

Review of the request for amendment to transfer was continued to the December 18, 2020 Council meeting. At that meeting, Council received a staff presentation on issues raised in written and oral comments received during the comment period, which are further evaluated in Section II.C. Comments on the Transfer Request below. Following review of the transfer request and comments received, Council approved the Final Order on the Request for Transfer and granted issuance of a fifth amended site certificate.

II.C. Comments on the Transfer Request

Commenters raised four discrete issues, which are evaluated below.

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6 On the record of the November 19, 2020 Transfer Hearing, Ms. Gilbert expressed concerns that the September 30, 2020 Public Notice identified a November 20, 2020 comment deadline and transfer hearing date, which was not accurately reflected in the staff reports to Council for Agenda Item B (i.e. materials provided to Council in support of their review at the November 19-20, 2020 Council meeting of the Summit Ridge Wind Farm Request for Amendment 5 to Transfer). This order describes the language of the notice, includes a copy of the notice as Attachment A and describes the Department’s process and timing of finalizing the comment deadline and transfer hearing date. SRWAMDS EFSC Meeting Audio File Day 1 mp3. 2020-11-19-20.
1. The RFA5 is incomplete and must be denied because Aypa failed to include in the RFA5 “the expected date of the transaction” for the transfer of the parent ownership from Pattern to Aypa, as required by OAR 345-027-0400(4).

   Commenters assert that because RFA5 does not include “the expected date of the transaction,” Council must deny the request to transfer ownership of the certificate holder from Pattern Renewables 2 LP to Aypa Power LLC.

   OAR 345-027-0400(4) requires that the new owner “submit a written request” that includes, “if known, the expected date of transaction.” In this instance, the transaction occurred on August 3, 2020, prior to submittal of RFA5, as documented in RFA5 Attachment 3 in letters of written consent executed by Aypa Power LLC. The Department was informed of the expected transaction on July 8, 2020, via conference call, and on August 21, 2020, received written notice from Aypa Power LLC Chief Executive Officer Mohammad Haj-Abed of an August 3, 2020 sale of Summit Ridge Wind Farm, including the sale of ownership of all membership interests in Summit Ridge Wind, LLC to Aypa Power LLC. Council recognizes that the September 14, 2020 cover letter to RFA5 does not specifically state that the date of transaction was August 3, 2020, but considers that the information provided in RFA5 Attachment 3 can reasonably be used to inform the reader that the transaction occurred on August 3, 2020. Council rejects Commenters’ recommendation that the transfer be denied on the basis that RFA5 did not expressly state the date of transaction because that omission does not preclude Council from making the findings required by OAR 345-027-0400(8) to approve the request for amendment to transfer the site certificate.

2. Because Aypa was prohibited by OAR 345-027-0400(3) from constructing the Project before an amended site certificate approving the proposed transfer becomes effective, construction of the Project could not have been, and was not, lawfully commenced. As a result, the Site Certificate has expired and must be terminated.

Commenters assert that because the transfer occurred on August 3, 2020 and construction is documented as having commenced on August 6, 2020, that the new owner fails to comply with OAR 345-027-0400(3), which states, “The new owner may not construct or operate the facility until an amended site certificate as described in section (10) of this rule or a temporary amended site certificate as described in section (11) of this rule becomes effective.” Commenters assert that therefore the site certificate has expired and must be terminated.

At the transfer hearing, in response to this issue, the certificate holder’s Special Counsel, Sarah Stauffer-Curtiss of Stoel Rives LLP described that the transfer request is specific to a change in certificate holder owner, not the certificate holder, and confirmed that for this facility, it is the certificate holder that commenced construction (as documented by the contract provided to the Department between Summit Ridge Wind LLC and Crestline, the contractor contracted for Phase 1 construction). Ms. Stauffer-Curtiss confirmed that the existing certificate holder owner, Pattern Renewables 2LP, remains responsible as certificate holder owner, until the transfer
request is approved by Council. Ms. Stauffer-Curtiss also referred to OAR 345-027-0400(3), which states that, “a transaction that would require a transfer of the site certificate. . . does not terminate the transferor’s duties and obligations under the site certificate until the Council approves a request for amendment to transfer.”

In addition, documentation related to facility construction commencement activities was submitted by Steve Ostrowski, certificate holder contact, and when external individuals were included on emails, included Kevin Wetzel, certificate holder owner contact for Pattern Renewables 2 LP. The Council finds that construction has and is being conducted by the existing certificate holder, Summit Ridge Wind LLC, and has continued to include the existing certificate holder owner, Pattern Renewables 2 LP, in the process. Pattern Renewables 2 LP remains the certificate holder owner for purposes of the site certificate until approved otherwise by Council. For these reasons, Council rejects Commenters’ recommendation that the site certificate be terminated.

3. Because Aypa has failed to demonstrate “a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition,” as required by OAR 345-022-0050(2), the RFA5 must be denied.

Commenters assert that the new owner’s financial assurance letter obtained from Royal Bank of Canada does not provide sufficient evidence because it does not address, or make specific reference to, an agreement to utilize Council’s preapproved letter of credit or bond forms. Commenters also assert that the financial assurance letter references $12.019 million dollars but makes no reference to the quarter and year of the calculated decommissioning amount and therefore, based on inflationary increases, from 4th Qtr 2018 to current dollars, is not sufficient for representing a reasonable likelihood of the new owner’s ability to secure a bond or letter of credit in an amount and form satisfactory to Council. Commenters contend that, due to these circumstances, there is not sufficient evidence of compliance with OAR 345-022-0050(2) and Council must, therefore, deny RFA5.

As is typical in Council review, letters from financial institutions provided as supportive evidence for Council to find that a certificate holder or new owner demonstrates a reasonable likelihood of securing a bond or letter of credit under the Retirement and Financial Assurance standard are comfort letters. There are no specific statements that have to be included in the comfort letters, such as an affirmation to use a preapproved form. Comfort letters are often provided and referenced in support of Council findings of compliance, but are not the sole or primary basis for findings of compliance. Additionally, Council does not consider the fact that the Royal Bank of Canada letter provided in RFA5 Attachment 6 references only the bond amount, without reference to 4th Qtr 2018 dollars, to represent a significant deficiency because, based on the Department’s analysis, the inflated value of $12.019 million in 4th Qtr 2020 dollars is approximately $12.355 million in 4th Qtr 2020, equivalent to an approximately 3 percent
increase. This difference is hardly one that would nullify the evidence represented by the comfort letter.

In addition to the comfort letter, RFA5 Attachment 1 provides a certification that following the upstream change in its direct ownership from Pattern Renewables 2 LP to Aypa Power LLC the certificate holder will continue to abide by all terms and conditions of the site certificate currently in effect. Council’s mandatory condition under OAR 345-025-0006(8) requires that a certificate holder submit a bond or letter of credit in a form and amount satisfactory to Council. This mandatory condition is reflected in Condition 14.1 of the Summit Ridge Wind Farm Site Certificate, which requires that the certificate holder submit a bond or letter of credit based on an approved amount of $12.019 (4th Qtr 2018 dollars) or adjusted based on final design by applying previously approved units and general costs, further adjusted for inflation. Based on the comfort letter and the certification to abide by all terms and conditions of the site certificate, Council rejects Commenters recommendation that the transfer be denied.

4. The Council is prohibited by OAR 345-027-0400(9) from adopting the Draft Final Order and from approving the Draft Fifth Amended Site Certificate

Commenters assert that Council is prohibited under OAR 345-027-0400(9) from amending site certificate conditions through the amendment to transfer process, and asserts that the Department’s proposed condition amendments as presented in a November 16, 2020 draft Final Order are beyond the scope of the transfer process. Council agrees that OAR 345-027-0400(9) prohibits Council from changing site certificate conditions through the transfer process. The Council believes the majority of the language previously recommended by the Department constituted clarifications rather than changes to existing conditions relevant to Council’s Organizational Expertise Standard (345-022-0010), but does not believe those clarifications were necessary to approve the requested transfer. Council does agree that some of the Department’s recommended condition language was not directly related to the standards the Council reviews when analyzing a transfer request and therefore should not be included.

As presented in Section III of this order, the Council finds that the new owner has provided sufficient evidence to support approval of the transfer under OAR 345-027-0400(8)(a) (i.e., that the new owner complies with 345-022-0010, 345-022-0050) without including any of the condition language the Department suggested prior to the November Council meeting. Council also affirms that if changes to conditions were necessary to make the findings required under OAR 345-027-0400(8), the appropriate process for review would be the Type A or B amendment process.

III. EVALUATION OF TRANSFER REQUEST AND APPLICABLE COUNCIL STANDARDS

Under OAR 345-027-0400(8), the Council may approve a transfer of the site certificate if the Council finds that:
(a) The new owner complies with the Council standards described in OAR 345-022-0010, 345-022-0050 and, if applicable, OAR 345-024-0710(1); and

(b) The new owner is or will be lawfully entitled to possession or control of the site or the facility described in the site certificate.

The evaluation of OAR 345-027-0400(8)(a) is presented in Section III.A. Organizational Expertise and III.B. Retirement and Financial Assurance of this order; OAR 345-024-0710(1), Monetary Path Payment Requirement is related to the Carbon Standard and does not apply to wind energy generation facilities and therefore is not evaluated in this order.

Possession or Control of the Site, Facility or Certificate Holder [OAR 345-027-0400(8)(b)]

To approve a transfer of the site certificate, the Council must find that the new owner is lawfully entitled to possession or control of the site or the facility described in the site certificate. To evaluate whether the new owner is lawfully entitled to possession or control of the site or facility, OAR 345-027-0400(5) states, “The Department may require the new owner to submit a written statement from the current certificate holder verifying the new owner’s right, subject to the provisions of ORS Chapter 469 and the rules of this chapter, to possession or control of the site or the facility.

Request for Amendment 5, Attachment 3 (“Letter of Authorization”) includes an Action by Consent, dated August 3, 2020, which states the Company (Summit Ridge Wind, LLC) is party to an Amended and Restated Site Lease Agreement granting it the exclusive right to use the Property for the Wind Project.

Attachment 5 also provides a legal opinion letter dated September 11, 2020 from the certificate holder’s special counsel, Stoel Rives LLP. The legal opinion indicates that certified copies of the Articles of Organization of Summit Ridge Wind, LLC as certificate holder, as amended as of September 10, 2020, and a copy of the Third Amended and Restated Operating Agreement of Certificate Holder, dated as of August 3, 2020, were examined (referred to as “Documents”). Based on examination of these Documents, Stoel Rives LLP states that “subject to the Certificate Holder’s meeting all the requirements of any applicable federal, state and local laws (including all the rules and regulations promulgated thereunder), the Certificate Holder has the legal authority to construct and operate the Summit Ridge Project without violating the Documents.” Based on the Letter of Authorization, Legal Opinion letter and information in RFA5 regarding Aypa Power LLC direct ownership of Summit Ridge Wind, LLC, the Council finds that the new owner is lawfully entitled to possession or control of the site and Summit Ridge Wind Farm facility.

Certification [OAR 345-027-0400(4)]

To request an amendment to transfer a site certificate, the new owner must provide a certification that it agrees to abide by all the terms and conditions of the site certificate to be

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7 SRWAMDS. Request for Amendment to Transfer Attachment 2 Articles of Incorporation. 2020-09-14.
transferred. Request for Amendment 5 to Transfer Attachment 1 includes a certification executed on September 13, 2020 by Aypa Power LLC Chief Executive Officer Mohammad Haj-Abed stating that following the upstream change in its direct ownership from Pattern Renewables 2 LP to Aypa Power LLC, Summit Ridge would continue to abide by all of the terms and conditions of the Site Certificate.

III.A. Organizational Expertise [OAR 345-022-0010]

1. To issue a site certificate, the Council must find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate. To conclude that the applicant has this expertise, the Council must find that the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety and has demonstrated the ability to restore the site to a useful, non-hazardous condition. The Council may consider the applicant's experience, the applicant's access to technical expertise and the applicant's past performance in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations issued to the applicant.

2. The Council may base its findings under section (1) on a rebuttable presumption that an applicant has organizational, managerial and technical expertise, if the applicant has an ISO 9000 or ISO 14000 certified program and proposes to design, construct and operate the facility according to that program.

3. If the applicant does not itself obtain a state or local government permit or approval for which the Council would ordinarily determine compliance but instead relies on a permit or approval issued to a third party, the Council, to issue a site certificate, must find that the third party has, or has a reasonable likelihood of obtaining, the necessary permit or approval, and that the applicant has, or has a reasonable likelihood of entering into, a contractual or other arrangement with the third party for access to the resource or service secured by that permit or approval.

4. If the applicant relies on a permit or approval issued to a third party and the third party does not have the necessary permit or approval at the time the Council issues the site certificate, the Council may issue the site certificate subject to the condition that the certificate holder shall not commence construction or operation as appropriate until the third party has obtained the necessary permit or approval and the applicant has a contract or other arrangement for access to the resource or service secured by that permit or approval.
Findings of Fact

Subsections (1) and (2) of the Council’s Organizational Expertise standard require that the certificate holder demonstrate its ability to design, construct, operate and retire the facility in compliance with Council standards and all site certificate conditions, in a manner that protects public health and safety, as well as its ability to restore the site to a useful, non-hazardous condition. Subsections (3) and (4) address third party permits; in Request for Amendment 5 to Transfer, new or different third party permits necessary for construction or operation were not identified. However, the section below includes an evaluation of the new owners’ ability to comply with conditions previously imposed related to securing permits, including third-party permits, necessary for facility construction and operation.

The certificate holder, Summit Ridge Wind, LLC, is a project-specific limited liability corporation (LLC), originally incorporated on August 4, 2008 in the State of Oregon, and has historically relied upon the organizational expertise of its owner or family of owner companies (parent company) to satisfy the requirements of the standard. The new owner, Aypa Power LLC, is a portfolio company – an entity established for investment purposes - owned by Blackstone Energy Partners L.P. Blackstone Energy Partners is an energy-focused private equity fund/investment firm which is part of The Blackstone Group Inc. In Request for Amendment 5 to Transfer, the certificate holder requests that Council consider the experience and past performance in constructing, operating and retiring other facilities of personnel employed with Aypa Power LLC, Aypa Power Canada LP - an affiliate (sister) company, and Blackstone Energy Partners (Blackstone) in determining compliance with the Council’s Organizational Expertise standard. Aypa Power LLC and Aypa Power Canada LP are both owned by Blackstone.

Relevant Experience in Wind Facility Construction and Operation

As described above, the certificate holder and new owner represent and rely on personnel experience, rather than specific experience of Aypa Power LLC or Blackstone to satisfy the standard. Council has historically evaluated experience of the certificate holder or certificate holder owner as an entity or organization, rather than individual personnel. The Council considers personnel experience relevant to the evaluation of whether the certificate holder and owner have the ability to identify and hire qualified individuals for the construction, operation and retirement of an energy facility. However, due to potential for staff turnover and subsequent lack of security in personnel retention, the Council relies on the experience of entity or parent company in combination with individual personnel experience in its evaluation of compliance with the standard.

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8 SRWAMDS Request for Amendment 5 Attachment 2 provides the original Articles of Incorporation and 2016 amendment. 2020-09-14.
9 SRWAMDS Request for Amendment 5 describes the experience of several people, including, Aypa Power LLC Senior Vice President of Development, Scott Koziar. On September 23, 2020, certificate holder’s consultant, Tetra Tech, notified the Department that Scott Koziar was no longer employed with Aypa Power LLC.
The new owner is not represented as having specific experience in design, construction, operation and retirement of energy facilities. The new owner’s parent company, Blackstone, is represented as having more than 12 years of experience in utility scale wind development including commitment of over $2 billion of equity to global greenfield power; development of 288 MWs of offshore wind power in Germany (Meerwind Project); and financing, constructing and commissioning of 252 MWs of onshore wind power in Latin America (Ventika Wind Farm).

The certificate holder provides details of Blackstone’s experience in development of the Meerwind Project, a 288 MW offshore wind project (80 3.6 MW wind turbines) in the German Bight in the North Sea approximately 14 miles north of the island of Helgoland (Meerwind Project). For this project, Blackstone partnered with another entity, Windland Energieerzeugungs GmbH to establish a specific entity - WindMW GmbH - for project development. As a joint venture, WindMW GmbH developed the project from 2008 through 2014, including an 18-month construction period from September 2012 through April 2014. The certificate holder describes that the project included significant engineering and construction challenges and environmental requirements that were successfully managed by WindMW GmbH. Construction was completed in April 2014; in 2016, Blackstone sold its interests in the project to another entity.

The certificate holder also provides details of Blackstone’s experience in development of the Ventika Wind Farm, a 252 MW wind project (84 3 MW wind turbines) in the State of Nuevo Leon in Mexico. For this project, Blackstone became involved after development through 70 percent ownership interest and with one of its subsidiaries, Fisterra Energy, completed development, long-term contracting, financing, construction, commissioning and early operation in April 2016. In December 2016, Blackstone sold its interests in the project to another entity.

Personnel experience includes the experience of Mr. Steve Ostrowski. Mr. Ostrowski received a Bachelor of Science Degree in Business Management from Elmhurst University in Elmhurst, Illinois and has 25 year of relevant experience. He has been involved with the facility and site certificate since Council’s original 2011 approval. Mr. Ostrowski gained relevant experience in pre-construction management, construction management, accounting, and site inspection within Oregon, Washington, and Pennsylvania. As explained in the transfer request, his project experience in Oregon includes acquiring a 200-MW wind farm in Wasco County and managing construction contractors for the 100-MW Elkhorn Wind Project in La Grande. His experience in Washington includes project and budget management, and pre-construction and construction management for wind facilities ranging from 100 to 205 MW (Harvest Wind Project, White Creek Wind Project, and Wild Horse Wind Project).

Mr. Ostrowski would lead the construction engineering team with Aypa Power LLC’s Chief Technology Officer Swaraj Jammalamadaka, who would provide engineering oversight and supervision. Mr. Jammalamadaka holds a Master of Science in Power and Control Systems from the Illinois Institute of Technology and a Bachelor of Engineering with Honors in Electrical and
Electronics Engineering from the Birla Institute of Technology and Science, Pilani, India. Mr. Jammalamadaka has over 12 years of experience in the power and utilities sector and has participated in the development, engineering, financing and construction of over 3,000 MW of energy projects. Mr. Jammalamadaka has worked on wind energy projects in Minnesota, South Dakota, Iowa, Michigan, Texas, Ohio, Virginia, Illinois, Oklahoma, Kansas, and Colorado.

Ayapa Power LLC’s Chief Development Officer Kim Oster is an executive leader with over 30 years of experience in the power industry, including as Vice President of First Solar where she lead the development of a 550 MW solar facility in California, co-founder of Point Reyes Energy Partners, a solar and storage development and advisory company, and experience as the Chief Strategy Officer at Cypress Creek Renewables. Ms. Oster graduated from Williams College and received an MBA and a Master’s in Environmental Studies from Yale University. In addition, Ayapa Power LLC’s Executive Vice President and Managing Director of Power Marketing.

John Marchand has over 22 years in the energy industry and has helped construct 5,200 MW of wind energy projects which range across 23 states in the United States and Alberta, Ontario and New Brunswick, Canada. In Oregon specifically, Mr. Marchand was involved in two Portland General Electric solar projects and Horizon’s Rattlesnake Ridge project, in which he completed wind firming and a banking transaction between Portland General Electric and Horizon Wind (now EDP). Mr. Marchand is a graduate of Trinity College and holds an MBA from the Columbia Graduate School of Business.

The Council finds that reliance on the experience and expertise of the new owner’s parent company, Blackstone, is consistent with previous Council decisions for the facility and other facilities where the certificate holder and owner are project - or investment-specific LLCs. The Council finds that the professional experience of individuals currently employed at Ayapa Power LLC in combination with Blackstone’s experience demonstrate an ability to design, construct and operate wind facilities. Council considers that previously imposed conditions are sufficient to ensure that the transfer of certificate holder ownership would not impact the certificate holder’s ability to comply, as referenced below.

**Condition 5.1:** Before beginning construction, the certificate holder shall notify the Department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the Department any change of major contractors. [Final Order IV.B.2.1]

**Condition 5.2:** The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such
contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. [Final Order IV.B.2.2]

**Condition 6.1:** The certificate holder shall:

(a) Prior to construction, notify the Department of the identity, telephone number, e-mail address and qualifications of the full-time, on-site construction manager. Qualifications shall demonstrate that the construction manager has experience in managing permit and regulatory compliance requirements and is qualified to manage a wind facility construction project.

(b) Prior to operation, notify the Department of the identity, telephone number, e-mail address and qualifications of the full-time, on-site operations manager. Qualifications shall demonstrate that the operations manager has experience in managing permit and regulatory compliance requirements and is qualified to manage operation of a wind facility.

(c) Prior to facility retirement, notify the Department of the identity, telephone number, e-mail address and qualifications of the personnel or entity responsible for facility decommissioning and restoration activities. Qualifications shall demonstrate that the identified personnel have experience in managing permit and regulatory compliance requirements and are qualified to decommission a wind facility.

(d) The certificate holder shall notify the Department within 72-hours upon any change in personnel or contact information provided to satisfy Condition 6.1(a) through (c).

Due to the certificate holder’s previous reliance on the organizational expertise of its parent company to satisfy the requirements of OAR 345-022-0010(1), Council previously imposed Condition 6.31 in the site certificate, requiring that the certificate holder notify the Department within 7 days of any change in the corporate structure of its parent company and of any changes in access to the resources of its parent company. This condition allows the Department the ability to review whether the changes result in, or are considered, a transfer of ownership necessitating a site certificate amendment under OAR 345-027-0400. Due to the new owner’s reliance on the organizational expertise of its personnel, affiliate and parent company, the Council finds that this condition would continue to apply and administratively amends Condition 6.31 to reflect the change in certificate holder ownership as follows:

**Condition 6.31, As Amended:** During facility construction and operation, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of Aypa Power LLC, Aypa Power Canada LP or Blackstone Energy Partners Pattern Renewables 2 LP, Pattern Energy Group 2 LP (the sole limited partner), and Pattern Energy Group LP. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of Aypa Power LLC, Aypa Power Canada LP or Blackstone Energy Partners Pattern Renewables 2 LP, Pattern Energy Group 2 LP (the sole limited partner), and Pattern Energy Group LP. [Final Order on Amendment 3 AMD3; AMD5]
Council previously found that compliance with Conditions 2.11, 2.12, 5.2, 5.4, 5.8, 5.10, 6.8, 6.10, 6.11, 6.13, 6.14, 7.1 through 7.7, and 8.1 through 8.9 of the site certificate would ensure that the facility is designed, constructed, and operated in a manner that protects public health and safety, as referenced below. Previously imposed conditions are presented in Attachment 1 (Amended Site Certificate) of this order.

Condition 2.11: Any matter of non-compliance under the site certificate shall be the responsibility of the certificate holder. Any notice of violation issued under the site certificate shall be issued to the certificate holder. Any civil penalties assessed under the site certificate shall be levied on the certificate holder.

Condition 2.12: Within 72 hours after discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report the conditions or circumstances to the Department.

Condition 5.2: The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.

Condition 5.4: Before beginning construction of wind turbines and meteorological towers, the certificate holder shall submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying the proposed final locations of turbine towers and meteorological towers, and shall provide to the Department copies of a Determination of No Hazard for all turbine towers and meteorological towers or an equivalent determination to confirm that the structures comply with applicable FAA and Oregon Department of Aviation air hazard rules. The certificate holder shall promptly notify the Department of the responses from the FAA and Oregon Department of Aviation.

To evaluate whether transfer of the site certificate would impact the new owner’s ability to comply with Council standards and site certificate conditions, the Council evaluates whether the new owner has received any regulatory citations for its facilities and the outcome of such citations. In Request for Amendment 5 to Transfer, the certificate holder and new owner affirm that neither have received regulatory citations or complaints which resulted in enforcement action; however, because neither certificate holder or new owner currently own or operate any energy facilities the applicability of this particular criteria is limited.
ISO 9000 or ISO 14000 Certified Program

OAR 345-022-0010(2) is not applicable because the certificate holder and new owner have not proposed to design, construct or operate the facility according to an ISO 9000 or ISO 14000 certified program.

Third-Party Permits

OAR 345-022-0010(3) addresses the requirements for potential third-party permits. The certificate holder has not identified any third-party permits necessary for facility construction or operation.

Council previously imposed Condition 4.6 requiring that the certificate holder and its contractors obtain all necessary federal, state and local permits, as referenced below.

**Condition 4.6:** The certificate holder shall obtain all necessary federal, state, and local permits or approvals required for construction, operation, and retirement of the facility or ensure that its contractors obtain the necessary federal, state, and local permits or approvals.

[Final Order IV.B.2.4]

Based on compliance with existing certificate conditions, the Council finds that the existing certificate holder and new owner have the experience and qualifications necessary to design, construct, operate and retire the facility in a manner that complies with applicable requirements and protects public health and safety. Because the existing certificate holder and new owner would be subject to the same conditions and has certified that it would abide by all requirements of the site certificate, the Council finds that the new owner and certificate holder have the ability to design, construct, and operate the facility in a manner that protects public health and safety.

Relevant Experience in Habitat Mitigation

Under the standard, the Council evaluates the new owner’s experience with mitigation projects and the qualifications and experience of personnel upon whom new owner would rely on for implementation, to the extent that the identities of such persons are known at the time of transfer request, to determine whether the new owner can successfully complete mitigation necessary to satisfy site certificate requirements.

The new owner would be required to obtain and secure a habitat mitigation area (HMA) to satisfy the Council’s Fish and Wildlife Habitat standard, as well as conduct associated habitat uplift and mitigation actions at the HMA. In Request for Amendment 5 to Transfer, the new owner explains that it does not have previous experience to demonstrate the expertise needed to successfully complete such mitigation. However, the new owner commits to hiring specialist consultants to support in preparation of the fish and wildlife habitat assessment and associated
documentation. These specialists include professionals from Tetra Tech, David Evans Associates and Northwest Wildlife Consultants, Inc. (NWC). To ensure successful implementation of the HMA and final Habitat Mitigation Plan, Council previously imposed Condition 10.4, as presented below, which specifies that prior to construction the certificate holder provide to the Department the qualifications of the specialists identified to implement and manage the HMA.

**Condition 10.4:** Prior to construction, the certificate holder shall:

(a) Select qualified specialists (wildlife biologist/botanist) that have substantial experience in creating, enhancing, maintaining, and protecting habitat mitigation areas within Oregon;

(b) Notify the Department of the identity and qualifications of the personnel or contractors selected to implement and manage the habitat mitigation area;

(c) Acquire the legal right to create, enhance, maintain and protect a habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance;

(d) Develop and submit a final Habitat Mitigation Plan (HMP) for approval by the Department in consultation with ODFW, based upon the draft amended HMP included as Attachment G of the *Final Order on Amendment #2*. The Council retains authority to approve, reject or modify the final HMP and any future amendments; and,

(e) Improve the habitat quality, within the habitat mitigation area, as described in the final HMP and as amended from time to time.

[Final Order on ASC]

Based on compliance with the above-referenced condition, and the use of qualified biologists and management by the existing certificate holder, the Council finds that the new owner has the experience and qualifications necessary to satisfy the requirements under the standard for mitigation.

**Ability to Restore the Facility Site to a Useful, Non-hazardous Condition**

The new owners’ ability to retire the facility to a useful, non-hazardous condition is evaluated in Section III.B., *Retirement and Financial Assurance* of this order, in which the Council finds the new owner would comply with the Retirement and Financial Assurance standard.

**Conclusions of Law**

Based on the foregoing findings of fact, and based upon compliance with existing site certificate conditions, the Council finds that the transfer of ownership of the certificate owner from Pattern Renewables 2 LP to Aypa Power LLC continues to satisfy the requirements of the Council’s Organizational Expertise standard.
III.B. Retirement and Financial Assurance [OAR 345-022-0050]

To issue a site certificate, the Council must find that:

(1) The site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.

(2) The applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.

Findings of Fact

The Retirement and Financial Assurance standard requires a finding that the facility site, taking into account mitigation, can be restored to a useful, non-hazardous condition at the end of the facility’s useful life, should either the new owner stop construction or should the facility cease to operate. In addition, it requires a demonstration that the new owner can obtain a bond or letter of credit to restore the site to a useful, non-hazardous condition.

Restoration of the Site Following Cessation of Construction or Operation

OAR 345-022-0050(1) requires the Council to find that the facility site can be restored to a useful non-hazardous condition at the end of the facility’s useful life. The facility is located entirely on exclusive farm use (EFU) zoned land in Wasco County, Oregon. Therefore, to satisfy this standard, the new owner must show that the site can be restored to a non-hazardous condition suitable for EFU-zoned lands. In the ASC, the facility’s useful life was represented as 50 years.

In Request for Amendment 5 to Transfer, there are no changes to the methods, tasks or actions previously evaluated by Council for facility decommissioning. Therefore, the initial discussion of facility decommissioning is provided for reference, based upon Council’s review and approval in the Final Order on the ASC (August 2011). Restoring the site to a useful, non-hazardous condition upon cessation of construction or operations (or upon retirement) would involve removal of all turbine components, meteorological towers, aboveground electrical components, transformers and other substation equipment. In the ASC, the certificate holder stated that O&M buildings would be demolished and disposed of at an appropriate facility, or converted to agricultural buildings for use by the landowners. As explained in ASC Exhibit W, concrete foundations would be removed to a minimum depth of three feet below grade.

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10 OAR 345-022-0050(1).
11 As explained in ASC Exhibit W, hazardous materials associated with the proposed facility would largely be limited to oils in turbine gearboxes and transformers; these materials would be pumped out by a specialized vehicle for recycling prior to equipment removal.
Underground cables that are at least three feet below grade would be left in place. Gravel surfacing material would be removed, the impacted area would be decompacted as needed, the area regraded to appropriate contours and topsoil replaced, and the area would be revegetated unless the landowner indicates a desire to leave the new or expanded roads in place.  

In the Final Order on the ASC (August 2011), the Council found that, pursuant to OAR 345-022-0050(1), the current certificate holder could restore the site to a useful, non-hazardous condition. To ensure the certificate holder met its obligations, the Council adopted Conditions 14.3 through 14.5 in the site certificate. These conditions require the certificate holder to prevent the development of any condition on-site that would preclude restoration of the site to a useful, non-hazardous condition (Condition 14.3) and require the certificate holder to submit a final retirement plan that describes the activities necessary to restore the site to a useful, non-hazardous condition for Council approval (Condition 14.4). Condition 14.5 requires that the certificate holder retire the facility according to the approved retirement plan.

In the Final Order on the ASC (August 2011), the Council also found that, pursuant to OAR 345-022-0050(2), the current certificate holder had a reasonable likelihood of obtaining a bond or letter of credit, in a form and amount satisfactory to the Council, to restore the site to a useful, non-hazardous condition. In the Final Order on Amendment 4, Council found that the initial value of the financial assurance bond or letter of credit for restoring the site was $12.019 million (in 4th quarter 2018 dollars). To ensure the certificate holder met its obligations, the Council adopted Conditions 14.1 and 14.2 in the site certificate. Condition 14.1 requires the certificate holder to maintain a bond or letter of credit in the amount of $12.019 million, to be adjusted for inflation to the date of issuance and final design configuration, which ensures funds are available to the Council to restore the site if the certificate holder does not retire the facility as required by Conditions 14.4 and 14.5. Condition 14.2 requires that if the certificate holder elects to use a bond to meet the requirements of Condition 14.1, the certificate holder would ensure that the bond complies with all applicable rules and statutes.

In Request for Amendment 5 to Transfer, the new owner provides a letter from RBC Royal Bank, a financial institution previously reviewed and approved by Council, which states that there is a reasonable likelihood that the bank would provide a Project Letter of Credit up to $12.019 million to Aypa Canada, as an affiliate of Aypa Power LLC, should it be requested. Therefore,
the Council relies on the RBC Royal Bank letter of assurance and compliance with existing site certificate condition to conclude that the new owner has demonstrated a reasonable likelihood of obtaining a bond or letter of credit in the amount specified for restoration costs.

**Conclusions of Law**

Based on the foregoing findings of fact, and subject to the existing site certificate conditions, the Council finds that the new owner continues to comply with the Council’s Retirement and Financial Assurance standard.

**IV. GENERAL CONCLUSIONS**

The Council finds that the request to transfer ownership of the certificate holder owner from Pattern Renewables 2 LP to Aypa Power LLC is consistent with current Council rules and the terms and conditions of the site certificate.

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describing reasoning and analysis, that the bank letter, in conjunction with the existing site certificate condition and the certificate holder’s certification agreeing to abide by the terms and conditions of the site certificate, that the certificate holder and new owner demonstrated and ability to satisfy the standard.
V. FINAL ORDER

Based on the above findings of fact, reasoning, and conclusions of law, the Council approves Request for Amendment 5 to Transfer the Summit Ridge Wind Farm Site Certificate, transferring ownership of the certificate holder from Pattern Renewables 2 LP to Aypa Power LLC. The Council Chair executes the Site Certificate amendment in the form of the “Fifth Amended Site Certificate for Summit Ridge Wind Farm.”

Issued this 18th day of December 2020

The OREGON ENERGY FACILITY SITING COUNCIL

Marcia L. Grail, Chair
Oregon Energy Facility Siting Council

ATTACHMENTS

Attachment A: Public Notice of Request for Amendment 5 to Transfer
Attachment B: Fifth Amended Site Certificate
"Summit Ridge Transfer AMD5 Final Order Sig Page 2020-12-18" History

Document created by Energy Siting (Energy.Siting@Oregon.gov)
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2021-01-16 - 3:00:10 AM GMT - IP address: 71.34.75.140

Document e-signed by Marcia L. Grail (marcy.grail@efsc.oregon.gov)
Signature Date: 2021-01-16 - 3:00:43 AM GMT - Time Source: server - IP address: 71.34.75.140

Agreement completed.
2021-01-16 - 3:00:43 AM GMT
Attachment A: Public Notice of Request for Amendment to Transfer
PUBLIC NOTICE

Summit Ridge Wind Farm

Request for Comments on Request to Transfer Certificate Holder Ownership and Notice of Transfer Hearing

**Summary:**

**Date Notice Issued:** September 30, 2020

**Request:** Amend site certificate to authorize transfer of certificate holder ownership

**Facility Location:** Wasco County

**Anticipated Transfer Hearing:***

**Date:** November 20, 2020

**Time:** 8:30 a.m.

**Location:** Energy Facility Siting Council Meeting

*Transfer hearing details will be determined at least 20 days prior to the hearing date. Please visit the Department’s project webpage or signup to receive electronic notification of Council meeting agendas (see More Information section below) before October 30, 2020 to ensure you receive the transfer hearing date, time and location information

**Anticipated Deadline for Comments:** November 20, 2020 (9 a.m. or close of Transfer Hearing)

**Introduction:** The Oregon Department of Energy (ODOE), staff to the Energy Facility Siting Council, received Request for Amendment 5 (RFA5) to transfer ownership of the Summit Ridge Wind Farm certificate holder from Pattern Renewables 2 LP to Aypa Power LLC, a subsidiary of Blackstone Energy Partners. Summit Ridge Wind, LLC would remain as the certificate holder.

**Description of the Facility:** Summit Ridge Wind Farm is a 194.4 megawatt (MW) wind energy generation facility, to be constructed in phases. The initial construction phase includes modifications to an existing access road, completed in August 2020. The remaining construction phases, including up to 72 wind turbines and related or supporting facilities, must be completed by August 2023.

**Facility Location:** The Summit Ridge Wind Farm site boundary is located within Gilliam County, 17 miles southeast of The Dalles and eight miles east of Dufur. A map of the facility site boundary is included in this notice. For detailed maps, please visit our online mapping tool at [https://tinyurl.com/EFSCmap](https://tinyurl.com/EFSCmap).

**Site Certificate Transfer Process:** To approve a Request for Amendment to Transfer, EFSC must find that the proposed new certificate holder owner, Aypa Power LLC, complies with the Council’s Organizational Expertise (OAR 345-022-0010) and Retirement and Financial Assurance (OAR 345-022-0050) standards. EFSC must also find that Aypa Power LLC is or will be lawfully entitled to possession or control of the site or facility prior to approval of the transfer.

ODOE will provide recommended findings of facts regarding compliance with the above standards, including an evaluation of any comments received prior to the transfer hearing, in a staff report to Council at least 20 days prior to the transfer hearing. The staff report, to include a draft Final Order, will be available on the Council’s webpage and the Department’s project webpage.

Prior to Council’s review of the draft Final Order, Council will hold a transfer hearing. The transfer hearing is not a contested case hearing. At the conclusion of the transfer hearing, the Council will review the draft Final Order and take action to either approve or deny the final order; and, will either issue or deny issuance of an amended site certificate.

**Transfer Hearing and Comment Period:** A Transfer Hearing is anticipated to be held at 8:30 a.m. on Friday, November 20, 2020 during the Council’s regularly scheduled meeting but could occur at a later date; WebEx details and physical address, if in-person option is available, will be provided via the Department’s project webpage at least 20 days prior to the transfer hearing and will also be noticed via Council agenda.

Written comments are due no later than the close of the Transfer Hearing. Department staff will be
available to answer questions related to the EFSC transfer process and the facility.

Written or oral comments may be submitted prior to the transfer hearing (anticipated to be November 20, 2020, 8:30 a.m.) by mail, e-mail, hand-delivery or fax. Please send comments to:

Sarah Esterson, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301
E-mail: sarah.esterson@oregon.gov
Phone: 503-385-6128

Written or oral comments may also be provided at the transfer hearing. The Council will not accept comments on Request for Amendment to Transfer after the close of the record of the transfer hearing.

Receipt of this Notice: Please note that you may be receiving this notice for multiple reasons:

1. You own property within or adjacent to (within 500 feet) the property on which the facility is located. You will automatically receive all future notices on this facility.
2. You have requested to receive paper notices on the Summit Ridge Wind Farm. If you wish to be removed from these mailing lists, please contact Sarah Esterson.
3. You have previously signed up via GovDelivery/ClickDimensions or by contacting ODOE to receive notices related to the Summit Ridge Wind Farm or all EFSC project-related notices. You will automatically receive all future notices per your request, unless you unsubscribe via ClickDimensions or by contacting ODOE.

More Information
Please contact Sarah Esterson, Senior Siting Analyst, at the listed e-mail address, phone number, or mailing address. More information about the facility and updates on the review process is available using any of the options below.

1) ODOE’s webpage
More details on Summit Ridge Farm including the Request for Amendment to Transfer are available online at:
https://www.oregon.gov/energy/facilities-safety/facilities/Pages/SRW.aspx

Additional resources to help you participate in the state siting process can be found at:

2) Updates by e-mail
Subscribe to ClickDimensions for e-mail updates on Summit Ridge Wind Farm, other energy facilities under EFSC jurisdiction, or Council meetings. ClickDimensions is an automated e-mail system that allows interested members of the public to manage subscriptions to information received about ODOE projects and events. For more information, please visit:
https://tinyurl.com/ODOE-EFSC.

3) In hardcopy
Copies of Request for Amendment to Transfer are available for public inspection at:

Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

Please contact Sarah Esterson if you wish to arrange a time to inspect the request to transfer.

Accessibility information: The Oregon Department of Energy is committed to accommodating people with disabilities. If you require any special physical or language accommodations, or need information in an alternate format, please contact Michiko Mata at 503-378-3895, toll-free in Oregon at 800-221-8035, or email to michiko.mata@oregon.gov
Figure 1: Summit Ridge Wind Farm – Regional Location/Facility Site Boundary
Attachment B: Amended Site Certificate
FIFTH AMENDED SITE CERTIFICATE

FOR THE

SUMMIT RIDGE WIND FARM

Issued December 2020
by
OREGON ENERGY FACILITY SITING COUNCIL
550 Capitol Street NE
Salem, OR 97301-2567

PHONE: 503-378-4040
FAX: 503-373-7806

ISSUANCE DATES

Site Certificate August 19, 2011
First Amended Site Certificate August 7, 2015
Second Amended Site Certificate November 4, 2016
Third Amended Site Certificate January 8, 2018
Fourth Amended Site Certificate August 23, 2019
Fifth Amended Site Certificate December 18, 2020
# SUMMIT RIDGE WIND FARM SITE CERTIFICATE
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**Acronyms and Abbreviations**

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1.0. INTRODUCTION

The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Summit Ridge Wind Farm (Summit Ridge or the facility) in the manner authorized under Oregon Revised Statute (ORS) Chapter 469. This site certificate is a binding agreement between the State of Oregon (State), acting through the Council, and Summit Ridge Wind, LLC (certificate holder), which is a wholly owned subsidiary of Aypa Power LLC (Aypa or owner), a subsidiary of Blackstone Energy Partners. The Council issues this site certificate authorizing the certificate holder to construct, operate, and retire the facility in Wasco County, subject to the conditions set forth herein.

The findings of fact, reasoning, and conclusions of law underlying the terms and conditions of this site certificate are set forth in the Council’s Final Order in the Matter of the Application for a Site Certificate for the Summit Ridge Wind Farm (Final Order on ASC) issued on August 19, 2011, the Council’s Amended Final Order in the Matter of the Request for Amendment #1 (Amended Final Order on Amendment 1) issued on August 7, 2015, the Council’s Final Order on the Request for Contested Case, Amendment #2 and Request for Transfer of the Site Certificate (Final Order on Amendment 2) issued on November 4, 2016, the Council’s Final Order on Request for Transfer (Final Order on Amendment 3) issued on December 15, 2017, the Council’s Final Order on Request for Amendment 4 (Final Order on Amendment 4), the Council’s Final Order on Request for Amendment 5 (Final Order on Amendment 5) issued on December 18, 2020 and incorporated herein by this reference. In interpreting this site certificate, any ambiguity will be clarified by reference to and the record of the proceedings that led to the following, in order of priority: (1) this Amended Site Certificate, (2) Final Order on Amendment 5; (3) Final Order on Amendment 4; (4) Final Order on Amendment 3, (5) the Final Order on Amendment 2, (6) the Amended Final Order on Amendment 1, and (7) the Final Order on ASC.

This amended site certificate does not address, and is not binding with respect to, matters that were not addressed in the Council’s Final Order on ASC, Amended Final Order on Amendment 1, Final Order on Amendment 2, Final Order on Amendment 3, Final Order on Amendment 4, and Final Order on Amendment 5. Such matters include, but are not limited to: building code compliance; wage; hour; and other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility [ORS 469.401(4)]; and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council. ORS 469.503(3).

The obligation of the certificate holder to report information to the Oregon Department of Energy (Department) or the Council under the conditions listed in this amended site certificate is subject to the provisions of ORS 192.502 et seq. and ORS 469.560. To the extent permitted by law, the Department and the Council will not publicly disclose information that may be exempt from public disclosure if the certificate holder has clearly labeled such information and stated the basis for the exemption at the time of submitting the information to the Department or the Council. If the Council or the Department receives a request for the disclosure of the information, the Council or the Department, as appropriate, will make a reasonable attempt to notify the certificate holder and will refer the matter to the Attorney General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.
The Council recognizes that many specific tasks related to the design, construction, operation and retirement of the facility will be undertaken by the certificate holder’s agents or contractors. Nevertheless, the certificate holder is responsible for ensuring compliance with all provisions of the site certificate.

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

2.0. SITE CERTIFICATION

2.1. To the extent authorized by state law and subject to the conditions set forth herein, the State authorizes the certificate holder to construct, operate, and retire a wind energy facility, together with certain related or supporting facilities, at the site in Wasco County, Oregon, as described in Section 3.0 of this site certificate.
[ORS 469.401(1)]

2.2. This site certificate is effective until 1) it is terminated under OAR 345-027-0110 or the rules in effect on the date that termination is sought; or 2) until the site certificate is revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered.
[ORS 469.401(1)]

2.3. Both the State and the certificate holder shall abide by local ordinances, state law, and the rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In addition, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules.
[ORS 469.401(2)]

2.4. For a permit, license, or other approval addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules.
[ORS 469.401(2)]

2.5. Subject to the conditions herein, this site certificate binds the State and all counties, cities, and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate.
[ORS 469.401(3)]
2.6. Each affected state agency, county, city, and political subdivision in Oregon with
authority to issue a permit, license, or other approval addressed in or governed by this
site certificate shall, upon submission of the proper application and payment of the
proper fees, but without hearings or other proceedings, issue such permit, license, or
other approval subject only to conditions set forth in this site certificate.
[ORS 469.401(3)]

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

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

2.9. [DELETED] [Final Order III.D.7; AMD2; AMD4] [Mandatory Condition OAR 345-
025-0006 (3)]

2.10. Before any transfer of ownership of the facility or ownership of the site certificate
holder, the certificate holder shall inform the Department of the proposed new owners.
The requirements of OAR 345-027-0400 apply to any transfer of ownership that
requires a transfer of the site certificate.
[Final Order IV.B.2.8; AMD5] [Mandatory Condition OAR 345-025-0006 (15)]

2.11. Any matter of non-compliance under the site certificate shall be the responsibility of the
certificate holder. Any notice of violation issued under the site certificate shall be issued
to the certificate holder. Any civil penalties assessed under the site certificate shall be
levied on the certificate holder.
[Final Order IV.B.2.5]

2.12. Within 72 hours after discovery of conditions or circumstances that may violate the
terms or conditions of the site certificate, the certificate holder shall report the
conditions or circumstances to the Department.
[Final Order IV.B.2.7]

2.13. The Council shall not change the conditions of this site certificate except as provided
for in OAR Chapter 345, Division 27.
[Final Order VII.1] [Mandatory Condition OAR 345-025-0006 (1)]
2.14. Following the completion of surveys required by this site certificate, the Department will present the results of those surveys and required consultations at the next regularly scheduled Council meeting.

[Added at the August 7, 2015 Energy Facility Siting Council Meeting]
3.0 DESCRIPTION OF FACILITY

LOCATION AND SITE BOUNDARY

Summit Ridge is located in Wasco County, Oregon approximately 17 miles southeast of The Dalles, and eight miles east of Dufur, Oregon.

As defined by OAR 345-001-0010, the “site boundary” is the perimeter of the site of the energy facility, its related or supporting facilities, all temporary laydown and staging areas and all corridors and micrositing corridors. The facility site boundary encompasses approximately 11,000 acres on private land subject to long-term wind energy leases with the landowners.

As defined in OAR 345-001-0010, a “micrositing corridor” means a continuous area of land within which construction of facility components may occur, subject to site certificate conditions. Micrositing corridors are intended to allow some flexibility in specific component locations and design in response to site-specific conditions and engineering requirements to be determined prior to construction. The approved micrositing corridor includes approximately 1,300-feet around locations of temporary and permanent disturbance. In order to utilize the approved micrositing corridor, the certificate holder is obligated to satisfy pre-construction survey requirements imposed in the site certificate (Conditions 10.7, 11.3).

THE ENERGY FACILITY

The facility is approved to consist of up to 72 wind turbine generators.

Turbines will be mounted on tubular steel towers no greater than 91 meters (299 feet) tall at the turbine hub, with a maximum blade tip height no greater than 152 meters (499 feet) and a minimum blade tip clearance of no less than 18 meters (59 feet) above the ground. Turbines include a nacelle that houses the generator and gearbox, and supports the rotor and blades at the hub. A gravel turbine pad area would surround the base of each concrete turbine foundation. A step-up transformer increases the output voltage of each wind turbine generator to the voltage of the power collection system. The step-up transformer will be installed on its own concrete pad at the base of each wind turbine tower, or located in the nacelle, depending on the final turbine model selected.

Summit Ridge includes the following related or supporting facilities described below and in greater detail in the Final Order on ASC, and the Final Order on Amendment 3:

- Power collection system
- Collector substation
- 230-kV transmission line
- Supervisory Control and Data Acquisition (SCADA) System
- Operations and maintenance (O&M) facility
- Meteorological (met) towers
- Access roads

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1 OAR 345-001-0010(32)
• Temporary roadway modifications
• Additional temporary construction areas (including laydown areas, crane paths, and a concrete batch plant)

POWER COLLECTION SYSTEM

Power from each turbine will be transmitted via the approximately 49-mile collection line system to the collector substation. The new 34.5-kV collection lines will be constructed underground to the extent possible, although up to 10% of the collector lines may be placed aboveground due to site-specific geotechnical or environmental considerations. Aboveground segments would be supported by H-frame wood poles approximately 55 feet in height.

COLLECTOR SUBSTATION

The 34.5 kV collector line system will link each turbine to the facility collector substation, which will step up the power from 34.5 kV to 230 kV. The centrally-located collector substation will occupy approximately five acres, surrounded by a graved, fenced area.

230 KV TRANSMISSION LINE

A new overhead 230 kV transmission feeder line approximately eight miles in length connects the facility’s collector substation to the regional grid at a substation operated by the Bonneville Power Administration (BPA). The 230 kV transmission line runs northwest from the collector substation for approximately two miles, then almost due west for another six miles to the BPA substation, connecting with BPA’s 500 kV “Big Eddy to Maupin-Redmond” transmission line.

The Summit Ridge transmission line will be supported on wooden H-frame poles that are 70 feet in height and spaced approximately 800 feet apart. The right-of-way for the transmission line is approximately 150 feet wide.

BPA will be responsible for the operation and maintenance of the interconnection facility. If the Summit Ridge facility ceases operation and a decommissioning/retirement plan is implemented, the transmission system operator is not obliged under this site certificate to dismantle the interconnection station, which will also be used to serve other customers.

SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM

A SCADA system will be installed at the facility to enable remote operation and collect operating data for each wind turbine, and archive wind and performance data. The SCADA system will be linked via fiber optic cables or other means of communication to a central computer in the O&M building. SCADA system wires will be installed in the collector line underground trenches, or overhead as necessary with the collector line.

OPERATIONS AND MAINTENANCE (O&M) FACILITY

One permanent O&M facility will be located within the five-acre facility collector substation site,
and will include up to 10,000 square feet of enclosed space for office and workshop areas, a control room, and kitchen and sanitary facilities. The O&M facility will have an adjacent graveded parking area and an approximately 300-foot by 300-foot fenced storage area. The Facility will also include an on-site well and septic system. Domestic water needs for the O&M facility will be served by an on-site well and septic system.

**METEOROLOGICAL TOWERS**

A maximum of three permanent un-guyed meteorological towers will be placed within the site boundary to collect wind resource data (these towers will replace seven existing temporary towers). The met towers will be the same height as the hub of the turbines, approximately 80 meters (263 feet) tall. Met tower foundations may be constructed as deep as 40 feet, depending on soil conditions and geotechnical engineering requirements.

**ACCESS ROADS**

Approximately 19 miles of new roads will be constructed within the site boundary to provide access to the turbines and other facility components. Access roads will be designed to be 20- foot wide graveded surfaces with 10-foot compacted shoulders to accommodate construction cranes. After the completion of construction, all new roads within the site boundary will be restored to a total width of 20 feet for general use during facility operation.

**TEMPORARY ROADWAY MODIFICATIONS**

Approximately six miles of existing private roads will be upgraded to accommodate construction and operation of the facility. Where needed, existing roads will be improved to 20-foot wide graveded surfaces with 10-foot compacted shoulders to accommodate construction equipment and cranes. After the completion of construction, improved roads within the site boundary will be restored to a total width of 20-feet for general use during facility operation.

**ADDITIONAL CONSTRUCTION AREAS**

During construction, up to six temporary laydown areas will be used for the delivery and staging of wind turbine components and other equipment and materials, as well as the staging of construction trailers for the construction crews. Five of the six temporary laydown areas will be located on approximately four acres, covered with gravel, which will be removed following completion of facility construction. The sixth temporary laydown area will encompass the permanent five-acre collector substation and O&M site. Concrete for construction of the facility would be obtained from an on-site concrete batch plant to be located on a graveded 2-acre site within the site boundary.
4.0. GENERAL ADMINISTRATIVE CONDITIONS

4.1. The certificate holder shall begin construction of the facility by August 19, 2020. The Council may grant an extension of the deadline to begin construction in accordance with OAR 345-027-0385 or any successor rule in effect at the time the request for extension is submitted.

4.2. The certificate holder shall complete construction of the facility by August 19, 2023. Construction is complete when: 1) the facility is substantially complete as defined by the certificate holder’s construction contract documents, 2) acceptance testing has been satisfactorily completed; and 3) the energy facility is ready to begin continuous operation consistent with the site certificate. The certificate holder shall promptly notify the Department of the date of completion of construction. The Council may grant an extension of the deadline for completing construction in accordance with OAR 345-027-0385 or any successor rule in effect at the time the request for extension is submitted.

4.3. The certificate holder shall submit a legal description of the site to the Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identifies the outer boundaries that contain all parts of the facility.

4.4. The certificate holder shall design, construct, operate and retire the facility:
   a. Substantially as described in the site certificate;
   b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and
   c. In compliance with all applicable permit requirements of other state agencies.

4.5. The certificate holder shall construct the 230 kV transmission line within a 1,300 foot corridor, as represented on Figure 1 of the site certificate, subject to the conditions of this site certificate.

4.6. The certificate holder shall obtain all necessary federal, state, and local permits or approvals required for construction, operation, and retirement of the facility or ensure that its contractors obtain the necessary federal, state, and local permits or approvals.
5.0. Pre-construction requirements

In addition to pre-construction requirements contained elsewhere in this site certificate, the certificate holder must meet the following requirements:

5.1. Before beginning construction, the certificate holder shall notify the Department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the Department any change of major contractors. [Final Order IV.B.2.1]

5.2. The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. [Final Order IV.B.2.2]

5.3. Before beginning construction, the certificate holder shall ensure that participating landowners obtain a Farm-Forest Management Easement. The landowner is required to sign and record in the deed records for the county a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. [Final Order IV.D.2.4] [WCLUDO section 3.210(H)]

5.4. Before beginning construction, the certificate holder shall submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying the proposed final locations of turbine towers and meteorological towers, and shall provide to the Department copies of a Determination of No Hazard for all turbine towers and meteorological towers or an equivalent determination to confirm that the structures comply with applicable FAA and Oregon Department of Aviation air hazard rules. The certificate holder shall promptly notify the Department of the responses from the FAA and Oregon Department of Aviation. [Amended Final Order on Amendment 1 IV.K.2.4]

5.5. Before beginning construction, the certificate holder shall provide to the Department a description of the turbine types selected for the facility demonstrating compliance with this condition. The certificate holder may select turbines of any type, subject to the following restrictions and compliance with all other site certificate conditions:

a. The total number of turbines at the facility must not exceed 72 turbines.

b. The turbine hub height must not exceed 91 meters, the maximum blade tip height must not exceed 152 meters, and the rotor diameter must not exceed 132 meters.

c. The minimum blade tip clearance must be 18 meters above ground.
5.6. Before beginning construction the certificate holder shall obtain approval of a final Revegetation and Weed Control Plan [based upon the draft plan included as Attachment E of the Final Order on Amendment 4] from the Department, in consultation with the Wasco County Weed Department and ODFW, to control the introduction and spread of noxious weeds, and shall implement that approved plan during all phases of construction and operation of the facility.

5.7. Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under OAR 345-027-0020, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, “construction rights” means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:
   a. The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of the transmission line or pipeline occurs during the certificate holder’s negotiations to acquire construction rights on another part of the site; or
   b. The certificate holder would construct and operate part of a wind energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built.

5.8. Before beginning construction, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology & Mineral Industries (DOGAMI) and the Department. The report must be submitted to the Department and DOGAMI at least 90 days prior to beginning construction unless otherwise agreed upon by the Department. The certificate holder shall conduct the geotechnical investigation in general accordance with current DOGAMI guidelines for engineering geologic reports and site-specific seismic hazard reports. The geotechnical report must, at a minimum, include geotechnical investigations at all wind turbine locations, transmission line dead-end and turning structures, substation(s), and the operations and maintenance building.

5.9. Before beginning construction of any new State Highway approaches or utility crossings, the certificate holder shall obtain all required permits from the Oregon Department of Transportation (ODOT) subject to the applicable conditions required by OAR Chapter 734, Divisions 51 and 55. The certificate holder shall submit the necessary application or applications in a form satisfactory to ODOT and the
Department for the location, construction and maintenance of approaches to State Highway 197 for access to the site. The certificate holder shall submit the necessary application or applications in a form satisfactory to ODOT and the Department for the location, construction and maintenance of collector cables or transmission lines crossing Highway 197.

[Final Order V.C.2.12]

5.10. Before beginning construction, the certificate holder shall notify the Department in advance of any work on the site that does not meet the definition of “construction” in ORS 469.300 (excluding surveying, exploration, or other activities to define or characterize the site) and shall provide to the Department a description of the work and evidence that its value is less than $250,000.

[Final Order IV.B.2.6]

5.11. Prior to the beginning of construction a Road Impact Assessment/Geotechnical Report for roads to be used by the project shall be submitted to the Department and Wasco County. Said report should include an analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning. These reports shall be incorporated into a Road Use Agreement with the County.

[Amended Final Order on Amendment 1 V.C.2.17]

5.12. Prior to beginning construction of new access roads, the certificate holder shall obtain any Road Approach Permit(s) that may be required by the Wasco County Public Works Department.

[Final Order on Amendment 2]

5.13. Prior to beginning construction, the certificate holder shall obtain any Utility Permit(s) that may be required by the Wasco County Public Works Department.

[Final Order on Amendment 2]

5.14. Before beginning construction, the certificate holder shall provide to the Department evidence demonstrating that the certificate holder has obtained a guarantee from the turbine manufacturer for those turbines located within one mile of the boundaries of the Deschutes Federal Wild and Scenic River and the Deschutes State Scenic Waterway that the maximum sound power of those turbines would not exceed 109 dBA plus 2 dB uncertainty when measured according to IEC (International Electrotechnical Commission) 61400-11:2002 ed. 2. No turbine shall be located closer than 0.72 miles from any protected area.

6.0. DESIGN, CONSTRUCTION, AND OPERATIONS

6.1. The certificate holder shall:
   a. Prior to construction, notify the Department of the identity, telephone number, e-mail address and qualifications of the full-time, on-site construction manager. Qualifications shall demonstrate that the construction manager has experience in managing permit and regulatory compliance requirements and is qualified to manage a wind facility
construction project.
b. Prior to operation, notify the Department of the identity, telephone number, e-mail address and qualifications of the full-time, on-site operations manager. Qualifications shall demonstrate that the operations manager has experience in managing permit and regulatory compliance requirements and is qualified to manage operation of a wind facility.
c. Prior to facility retirement, notify the Department of the identity, telephone number, e-mail address and qualifications of the personnel or entity responsible for facility decommissioning and restoration activities. Qualifications shall demonstrate that the identified personnel have experience in managing permit and regulatory compliance requirements and are qualified to decommission a wind facility.
d. The certificate holder shall notify the Department within 72-hours upon any change in personnel or contact information provided to satisfy Condition 6.1(a) through (c).
[Final Order on Amendment 3]

6.2. The certificate holder shall provide portable toilets for on-site sewage handling during construction and shall ensure that they are pumped and cleaned regularly by a licensed contractor who is qualified to pump and clean portable toilet facilities.
[Final Order V.C.2.1]

6.3. The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures:
a. Recycling steel and other metal scrap.
b. Recycling wood waste.
c. Recycling packaging wastes such as paper and cardboard.
d. Collecting non-recyclable waste for transport to a local landfill by a licensed water hauler.
e. Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes.
f. Confining concrete delivery truck rinse-out to a designated wash-out area and burying other concrete waste as part of backfilling.
[Final Order V.D.2.1]

6.4. The certificate holder shall install the 34.5-kV collector system underground to the extent practical. The certificate holder shall install underground lines at a minimum depth of three feet. Based on geotechnical conditions or other engineering considerations, the certificate holder may install segments of the collector system aboveground, but the total length of aboveground segments must not exceed five miles.
[Final Order VI.D.2.1]
6.5. In advance of, and during, preparation of detailed design drawings and specifications for the 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with the Utility Safety and Reliability Section of the Oregon Public Utility Commission to ensure that the designs and specifications are consistent with applicable codes and standards.
[Final Order VI.D.2.3]

6.6. [DELETED] [AMD2; AMD4] [Mandatory Condition OAR 345-025-0006 (4)(a)]

6.7. The certificate holder shall consult with the Wasco Electric Cooperative during the design, construction, and operation of the Summit Ridge Wind Farm to ensure that the integrity and reliability of the power grid in Wasco County is maintained.
[Final Order VI.D.2.4]

6.8. The certificate holder shall design and construct the facility in accordance with requirements set forth by the Oregon Building Codes Division and any other applicable codes and design procedures.
[Final Order V.A.2.4]

6.9. To protect wetlands and waterways, the certificate holder shall construct the proposed facility substantially as described in the Final Order. Specifically, the certificate holder shall not remove material from waters of the State or add new fill material to waters of the State such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole.
[Final Order VI.B.2.1]

6.10. The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by non-seismic hazards. As used in this condition, “non-seismic hazards” include settlement, landslides, flooding and erosion.
[Final Order V.A.2.5]

6.11. The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. “Seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction.
[Final Order V.A.2.6; AMD4] [Mandatory Condition OAR 345-025-0006 (12)]

6.12. The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall locate access roads and temporary construction laydown and staging areas to minimize disturbance of farming practices and, wherever feasible, shall place turbines and transmission interconnection lines along the margins of cultivated areas to reduce the potential for conflict with farm operations.
[Final Order IV.D.2.7] [WCLUDO Section 3.210(J)(17)(5)]
6.13. The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the DOGAMI and the Building Codes Division and to propose and implement corrective or mitigation actions.  
[Final Order V.A.2.2; AMD4] [Mandatory Condition OAR 345-025-0006 (13)]

6.14. The certificate holder shall notify the Department, the State Building Codes Division and DOGAMI promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and Building Codes Division to propose and implement corrective or mitigation actions.  
[Final Order V.A.2.3; AMD4] [Mandatory Condition OAR 345-025-0006 (14)]

6.15. To reduce the visual impact of the facility, the certificate holder shall:

a. Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity, neutral gray, white, or off-white color.

b. Paint the substation structures in a low-reflectivity neutral color to blend with the surrounding landscape.

c. Not allow any advertising to be used on any part of the facility.

d. Use only those signs required for facility safety, required by law or otherwise required by this site certificate, except that the certificate holder may erect a sign near the O&M building to identify the facility, may paint turbine numbers on each tower and may allow unobtrusive manufacturers’ logos on turbine nacelles.

e. Maintain any signs allowed under this condition in good repair.  
[Final Order IV.I.2.1]

6.16. The certificate holder shall design and construct the O&M building to be generally consistent with the character of similar buildings used by commercial farmers or ranchers in the area and shall paint the building in a low-reflectivity, neutral color to blend with the surrounding landscape.  
[Final Order IV.I.2.2]

6.17. The certificate holder shall design and construct new access roads and private road improvements to standards approved by the Wasco County Road Department. Where modifications of County roads are necessary, the certificate holder shall construct the modifications entirely within the County road rights-of-way and in conformance with County road design standards subject to the approval of the Wasco County Road Department. Where modifications of State roads or highways are necessary, the certificate holder shall construct the modifications entirely within the public road rights-of-way and in conformance with ODOT standards subject to the approval of ODOT.  
[Final Order V.C.2.13]
6.18. The certificate holder shall cooperate with the Wasco County Public Works Department to ensure that any unusual damage or wear to county roads that is caused by construction of the facility is repaired by the certificate holder. Upon completion of construction, the certificate holder shall restore public roads to pre-construction condition or better to the satisfaction of the applicable county departments. [Final Order V.C.2.14]

6.19. During construction of the facility, the certificate holder shall implement measures to reduce traffic impacts, including:
   a. Providing notice to adjacent landowners when heavy construction traffic is anticipated.
   b. Providing appropriate traffic safety signage and warnings.
   c. Requiring flaggers to be at appropriate locations at appropriate times during construction to direct traffic reduce accident risks.
   d. Using traffic diversion equipment (such as advance signage and pilot cars) when slow or oversize construction loads are anticipated.
   e. Maintaining at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles.
   f. Encouraging carpooling for the construction workforce.
   g. Including traffic control procedures in contract specifications for construction of the facility.
   h. Keeping Highway 197 free of gravel that tracks out onto the highway at facility access points. [Final Order V.C.2.15]

6.20. The certificate holder shall ensure that no equipment or machinery is parked or stored on any County road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within County rights-of-way with the approval of the County Roadmaster. [Final Order V.C.2.16]

6.21. The height of the proposed Operations and Maintenance building shall not exceed 35 feet in height. [Final Order IV.D.2.1] [WCLUDO Section 3.210(F)(2)]

6.22. Signage for the proposed facility shall conform to the following requirements:
   a. The certificate holder shall install the following signs at the facility:
      i. “No Trespassing” signs shall be attached to any perimeter fence;
      ii. “Danger” signs shall be posted at the height of five feet on turbine towers and accessory structures;
      iii. A sign shall be posted on the tower showing an emergency telephone number; and
      iv. Manual electrical and/or overspeed shutdown disconnect switch(es) shall be clearly labeled. [Final Order IV.D.2.2] [WCLUDO Section 19.030(C)(7)]:
b. Signage installed in accordance with Condition 6.22.a shall meet the following requirements:
   i. Permanent signs shall not project beyond the property line.
   ii. Signs shall not be illuminated or capable of movement.
   iii. Permanent signs shall describe only uses permitted and conducted on the property on which the sign is located.
   iv. Freestanding signs shall be limited to twelve square feet in area and 8 feet in height measured from natural grade. Signs on buildings are permitted in a ratio of one square foot of sign area to each linear foot of building frontage but in no event shall exceed 32 square feet and shall not project above the building.
   v. Freestanding signs shall be limited to one at the entrance of the property. Up to one additional sign may be placed in each direction of vehicular traffic running parallel to the property if they are more than 750 feet from the entrance of the property.
   vi. Signs on buildings shall be limited to one per building and only allowed on buildings conducting the use being advertised.

[Final Order IV.D.2.2] [WCLUDO Section 3.210(F)(4)]

6.23. Except as necessary to meet the requirements of the Federal Aviation Administration to warn aircraft of obstructions, the certificate holder shall design and implement a lighting plan to ensure that all outdoor lighting is directed downward, limited in intensity, and is shielded and hooded to prevent light from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.

[Final Order IV.D.2.3] [WCLUDO section 3.210(F)(4)]

6.24. The certificate holder shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility.

[Final Order IV.D.2.5] [WCLUDO Section 3.210(J)(8)(c)]

6.25. The certificate holder shall consult with area landowners and lessees during construction and operation of the facility and shall implement measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs.

[Final Order IV.D.2.6] [WCLUDO Sections 5.020(J) and 5.020(K)]

6.26. The certificate holder shall not use exterior nighttime lighting except:
   a. The minimum turbine tower lighting required or recommended by the Federal Aviation Administration.
   b. Safety and security lighting at the O&M facility and substation, if such lighting is shielded or downward-directed to reduce offsite glare.

[Final Order IV.I.2.3]
6.27. The certificate holder shall design, construct and operate the facility in a manner to ensure that the facility avoids any material signal interference with communication systems such as, but not limited to, radio, telephone, television, satellite, microwave or emergency communication systems. Should any material interference occur, the certificate holder must develop and implement a mitigation plan in consultation with the Department. [Amended Final Order on Amendment 1 IV.D.2.9]

6.28. During facility design and construction, the certificate holder shall comply with the following turbine setback distances, as measured from the centerline of the turbine to the edge of the dwelling, as set forth below.

   a. Except as provided in subsection (b) of this condition, wind turbines shall be set back from the property line of any abutting property not part of the project (non-project boundaries), the right-of-way of any dedicated road, and any above ground major utility facility line a minimum of 1.5 times the blade tip height of the wind turbine tower. Wind turbines shall be set back from any above ground minor utility facility line a minimum of 1.1 times the blade tip height of the wind turbine tower.
   b. Wind turbine tower numbers 21, 22, 23, 24, 26, 27, 28, 29, 30, 54, 55, 56, 57, 58, 59, 60, and 61 shall be set back a minimum of 1.1 times the blade tip height of the wind turbine tower from the right-of-way of any dedicated road within the site boundary.
   c. Wind turbines must be setback a minimum of 1 mile (5,280 feet) from all non-resource zoned property boundaries located outside of urban growth boundaries or urban reserves (as measured from the centerline of the turbine to the edge of the property boundary zoned for non-resource purposes, e.g. rural residential).

[Final Order on Amendment 2]

6.29. The certificate holder must maintain all access roads for all-weather use to assure adequate, safe and efficient emergency vehicle and maintenance vehicle access to the site. [Amended Final Order on Amendment 1 V.C.2.18]

6.30. The certificate holder shall submit a legal description of the site to the Wasco County GIS Department upon the beginning operation of the facility. This information shall include the actual latitude and longitude or Oregon State Plane North American Datum 1983 (NAD83) High Accuracy Reference Network (HARN) coordinates of each turbine tower, support structures for the 34.5-kV collector lines and 230-kV transmission line, and other related and supporting facilities. The certificate holder may provide the information in a GIS layer based on the geospatial data that includes all characteristics of spatial features of the facility site boundary. The certificate holder shall confer with the Department prior to submittal of GIS-based information. [Amended Final Order on Amendment 1 IV.D.2.11]

6.31. During facility construction and operation, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of such as changes within Board of Directors, President or Chief Executive Officer of Aypa Power LLC, Aypa Power Canada LP or Blackstone Energy Partners. The certificate holder shall
report promptly to the Department any change in its access to the resources, expertise, and personnel of Aypa Power LLC, Aypa Power Canada LP or Blackstone Energy Partners.

[AMD3; AMD5]

6.32 During facility design and construction, the certificate holder shall ensure that the foundations of the turbines, substation, and operations and maintenance building are set back a minimum of 100 feet from any waterbodies designated as fish-bearing, 50 feet from any waterbodies designated as non-fish bearing, and 25 feet from all waterbodies (seasonal or permanent) not identified on any federal, state, or local inventory.

[Final Order on Amendment 2]

6.33 During facility design and construction, the certificate holder shall ensure that facility components are not developed within the Environmental Protection District 4 as designated by Wasco County.

[Final Order on Amendment 2]

6.34 During facility design and construction, the certificate holder shall ensure that facility components are sited to avoid direct impacts to wetlands and waterways.

[Final Order on Amendment 2]
7.0. PUBLIC HEALTH AND SAFETY

7.1. The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. The certificate holder shall keep tower access doors locked at all times, except when authorized personnel are present.
[Final Order IV.K.2.1]

7.2. For turbine types having pad-mounted step-up transformers, the certificate holder shall install the transformers at the base of each tower in locked cabinets designed to protect the public from electrical hazards and to avoid creation of artificial habitat for raptor prey.
[Final Order IV.K.2.2]

7.3. To protect the public from electrical hazards, the certificate holder shall enclose the facility substation with appropriate fencing and locked gates.
[Final Order IV.K.2.3]

7.4. The certificate holder shall follow manufacturers’ recommended handling instructions and procedures to prevent damage to turbine or turbine tower components that could lead to failure. In the compliance plan required per OAR 345-026-0048, the certificate holder shall describe the process or protocol to be implemented to ensure that manufacturer’s handling instruction and procedures are followed during equipment delivery.
[Final Order IV.K.2.5; AMD4]

7.5. Prior to operation, the certificate holder shall:
   a. Submit to the Department, for review and approval, an operational safety-monitoring program that includes a cause analysis program. The safety monitoring program shall include, at a minimum, requirements for regular turbine blade and turbine tower component inspections and maintenance, based on wind turbine manufacturer recommended frequency.
   b. Document the inspection of and maintenance activities of all turbine and turbine tower components on a regular basis. The inspection documentation must include, but is not limited to, the date, turbine number, inspection type (regular or other), turbine tower and blade condition, maintenance requirements (i.e. equipment used, component repair or replacement description, impacted area location and size), and wind turbine operating status. This information shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility’s annual compliance report.
   c. In the event of blade or tower failure, the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 90 days of a blade or tower failure event, submit a root cause analysis to the Department for compliance evaluation.
[Final Order IV.K.2.6; AMD4]
7.6. The certificate holder shall install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, to alert operators to potentially dangerous conditions, and the certificate holder shall immediately remedy any dangerous conditions. The certificate holder shall maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical problem causing a fire.

[Final Order IV.K.2.7]

7.7. The certificate holder shall notify the Department of Energy and Wasco County within 72 hours of any occurrence involving the facility if:

a. There is an attempt by anyone to interfere with its safe operation;

b. A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused event such as a fire or explosion affects or threatens to affect the public health and safety or the environment;

c. There is a mechanical failure or accident on the site associated with construction or operation of the facility that may result in public health and safety concerns; or

d. There is any fatal injury at the facility.

[Final Order IV.K.2.8 and OAR 345-026-017]

7.8. During operation, the certificate holder shall discharge sanitary wastewater generated at the Operations and Maintenance building to a licensed on-site septic system in compliance with State of Oregon permit requirements. The certificate holder shall design the septic systems for a discharge capacity of less than 5,000 gallons per day.

[Final Order V.C.2.2]

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

a. Constructing all aboveground transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.

b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 20 feet from the ground.

c. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 25 feet from the ground.

d. Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks from electric and magnetic fields.

e. Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9-kV per meter at one meter above the ground surface in areas accessible to the public.

f. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.

[Final Order VI.D.2.2]
7.10. The certificate holder must develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line. [Final Order IV.M.2.2] [Site Specific Condition OAR 345-027-0023(4)]

7.11. A current copy of the electrical protection plan developed in compliance with Condition 7.10 must be available at the O&M building and provided upon request by ODOE staff. [Final Order IV.M.2.3]

7.12 Prior to construction, the certificate holder shall schedule a time to brief the OPUC Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities. [Final Order on Amendment 2]

7.13 During operation, the certificate holder shall:
   a. Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 on an ongoing basis considering future operations, maintenance, emergency response, and alterations until facility retirement.
   b. File the following required information with the Commission:
      i. Each person who is subject to the Public Utility Commission’s authority under ORS 757.035 and who engages in the operation of an electric power line as described in ORS 757.035 must provide the commission with the following information before January 2 of each even-numbered year:
         a. The name and contact information of the person that is responsible for the operation and maintenance of the electric power line, and for ensuring that the electric power line is safe, on an ongoing basis; and
         b. The name and contact information of the person who is responsible for responding to conditions that present an imminent threat to the safety of employees, customers and the public.
      ii. In the event that the contact information described in subsection (a) of this condition changes or that ownership of the electric power line changes, the person who engages in the operation of the electric power line must notify the commission of the change as soon as practicable, but no later than within 90 days.
      iii. If the person described in subsection (a) of this condition is not the public utility, as defined in ORS 757.005, in whose service territory the electric power line is located, the commission shall make the information provided to the commission under subsection (1) of this section available to the public utility in whose service territory the electric power line is located. [2013 c.235 §3]
   c. Provide OPUC Safety Staff with:
      i. Maps and Drawings of routes and installation of electrical supply lines showing:
         • Transmission lines and structures (over 50,000 Volts)
• Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts)
• Substations, roads and highways
  ii. Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer).

[Final Order on Amendment 2]
8.0. ON-SITE SAFETY AND SECURITY

8.1. During construction and operation of the facility, the certificate holder shall provide for on-site security and shall establish good communications between on-site security personnel and the Wasco County Sheriff’s Office. During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site.
[Final Order V.C.2.3]

8.2. Prior to construction, the certificate holder shall require that all on-site construction contractors develop a site health and safety plan to be implemented during facility construction that informs workers and others on-site about first aid techniques and what to do in case of an emergency and that includes important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The certificate holder shall ensure that construction contractors have personnel on-site who are trained and equipped for tower rescue and who are first aid and CPR certified.
[Final Order on Amendment 2]

8.3. Prior to commencing operation, the certificate holder shall develop a site health and safety plan to be implemented during facility operation that informs employees and others on-site about first aid techniques and what to do in case of an emergency and that includes important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The certificate holder shall ensure that operations personnel are trained and equipped for tower rescue. The facility must maintain training records and have a current copy of the site health and safety plan on-site and available upon request by the Department of Energy.
[Final Order on Amendment 2]

8.4. Prior to construction, the certificate holder shall develop fire safety plans in consultation with the Columbia Rural Fire District to minimize the risk of fire and to respond appropriately to any fires that occur on the facility site. The plans shall be maintained onsite and implemented throughout construction and operation of the facility. In developing the fire safety plans, the certificate holder shall take into account the dry nature of the region and shall address risks on a seasonal basis. The certificate holder shall meet annually with local fire protection agency personnel to discuss emergency planning and shall invite local fire protection agency personnel to observe any emergency drill or tower rescue training conducted at the facility.
[Final Order on Amendment 2]
8.5. Upon the beginning of operation of the facility, the certificate holder shall provide a site plan to the Columbia Rural Fire District. The certificate holder shall indicate on the site plan the identification number assigned to each turbine and the actual location of all facility structures. The certificate holder shall provide an updated site plan if additional turbines or other structures are later added to the facility. During operation, the certificate holder shall ensure that appropriate fire protection agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. [Final Order V.C.2.7]

8.6. The certificate holder shall construct turbines and pad-mounted transformers on concrete foundations and shall cover the ground within a 15-foot radius with non-flammable material. The certificate holder shall maintain the non-flammable pad area covering during operation of the facility. [Final Order V.C.2.8]

8.7. During construction and operation of the facility, the certificate holder shall ensure that the O&M building and all service vehicles are equipped with shovels and portable fire extinguishers of a 4A50BC or equivalent rating. [Final Order V.C.2.9]

8.8. During construction, the certificate holder shall ensure that construction vehicles and equipment are operated on graveled areas to the extent possible and that open flames, such as cutting torches, are kept away from dry grass areas. [Final Order V.C.2.10]

8.9. During operation, the certificate holder shall ensure that all on-site employees receive annual fire prevention and response training by qualified instructors or members of the local fire districts. The certificate holder shall ensure that all employees are instructed to keep vehicles on roads and off dry grassland, except when off-road operation is required for emergency purposes. [Final Order V.C.2.11]
9.0. PROTECTION OF SOIL

9.1. The certificate holder shall conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge General Permit #1200-C. The certificate holder shall include in the ESCP any procedures necessary to meet local erosion and sediment control requirements or storm water management requirement. [Final Order IV.C.2.1]

9.2. During construction, the certificate holder shall limit truck traffic to improved road surfaces to avoid soil compaction and wind erosion on dirt roads, to the extent practicable. [Final Order IV.C.2.2]

9.3. During construction, the certificate holder shall implement best management practices to control any dust generated by construction activities, such as applying water to roads and disturbed soil areas. [Final Order IV.C.2.3]

9.4. The certificate holder shall handle hazardous materials used on the site in a manner that protects public health, safety and the environment and shall comply with all applicable local, state and federal environmental laws and regulations. The certificate holder shall not store diesel fuel or gasoline on the facility site. [Final Order IV.C.2.4]

9.5. If a spill or release of hazardous material occurs during construction or operation of the facility, the certificate holder shall notify the Department within 72 hours and shall clean up the spill or release and dispose of any contaminated soil or other materials according to applicable regulations. The certificate holder shall make sure that spill kits containing items such as absorbent pads are located on equipment and at the O&M building. The certificate holder shall instruct employees about proper handling, storage and cleanup of hazardous materials. [Final Order IV.C.2.5]

9.6. Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use and in compliance with the Revegetation and Weed Control Plan (Exhibit 1 to the Final Order). Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. [Final Order IV.C.2.6] [Mandatory Condition OAR 345-025-0006 (11)]
9.7. During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the Revegetation and Weed Control Plan.

[Final Order IV.C.2.7]

9.8. During facility operation, the certificate holder shall routinely inspect and maintain all transmission line corridors, roads, pads and trenched areas and, as necessary, maintain or repair erosion and sediment control measures and control the introduction and spread of noxious weeds.

[Final Order IV.C.2.8]
10.0. PROTECTION OF NATURAL RESOURCES

10.1. Before beginning construction, the certificate holder shall provide to the Department, to the Oregon Department of Fish and Wildlife (ODFW) and to the Planning Director of Wasco County detailed maps of the facility site, showing the final locations where the certificate holder proposes to build facility components, and a table showing the acres of temporary habitat impact by habitat category and subtype and the acres of permanent habitat impact by habitat category and subtype. The detailed maps of the facility site shall indicate the habitat categories of all areas that would be affected during construction. In classifying the affected habitat into habitat categories, the certificate holder shall consult with ODFW. The certificate holder shall not begin ground disturbance in an affected area until the habitat assessment has been approved by the Department. The Department may employ a qualified contractor to confirm the habitat assessment by on-site inspection.

[Final Order IV.G.2.1]

10.2. The certificate holder shall incorporate the design elements listed below into the final facility design to avoid or mitigate impacts to sensitive wildlife habitat:

a. Where practicable, facility components and construction areas shall be located to avoid or minimize temporary and permanent impacts to high quality native habitat and to retain habitat cover in the general landscape.

b. No facility components may be constructed within areas of Category 1 habitat and temporary disturbance of Category 1 habitat shall be avoided.

c. The design of the facility and areas of temporary and permanent disturbance shall avoid impacts to any Category 1 habitat, to any State-listed threatened or endangered plant or wildlife species, and to any State Candidate plant species.

[Final Order IV.G.2.2]

10.3. The certificate holder shall implement measures to avoid or mitigate impacts to sensitive wildlife habitat during construction including, but not limited to, the following:

a. Preparing and distributing maps to employees and contractors to show areas that are off-limits to construction personnel, such as nesting or denning areas for sensitive wildlife species;

b. Avoiding unnecessary road construction, temporary disturbance and vehicle use;

c. Limiting construction work to approved and surveyed areas shown on facility constraint maps; and

d. Ensuring that all construction personnel are instructed to avoid driving cross-country or taking short-cuts within the site boundary or otherwise disturbing areas outside of the approved and surveyed construction areas.

[Final Order IV.G.2.3]
10.4. Prior to construction, the certificate holder shall:
   a. Select qualified specialists (wildlife biologist/botanist) that have substantial experience in creating, enhancing, and protecting habitat mitigation areas within Oregon;
   b. Notify the Department of the identity and qualifications of the personnel or contractors selected to implement and manage the habitat mitigation area;
   c. Acquire the legal right to create, enhance, maintain and protect a habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance;
   d. Conduct a field-based habitat assessment of the habitat mitigation sites, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map, and available acres by habitat category and subtype in tabular format.
   e. Develop and submit a final Habitat Mitigation Plan (HMP) for approval by the Department in consultation with ODFW, based upon the draft amended HMP included as Attachment D of the Final Order on Amendment #4. The Council retains the authority to approve, reject or modify the final HMP and any future amendments; and,
   f. Improve the habitat quality, within the habitat mitigation area, as described in the final HMP, and as amended.

[Final Order on Amendment 2; AMD4]

10.5. Prior to construction, the certificate holder shall finalize the Wildlife Monitoring and Mitigation Plan (WMMP), based on the draft WMMP included as Attachment F of the Final Order on Amendment 4, as approved by the Department in consultation with ODFW. The certificate holder shall conduct wildlife monitoring as described in the final WMMP, as amended from time to time. The final WMMP shall specify that the first long-term raptor nest survey will be conducted in the first raptor nesting season that is at least 5 years after the completion of construction and is in a year that is divisible by five (i.e., 2020, 2025, 2030); the certificate holder shall repeat the survey at 5-year intervals thereafter. The final WMMP must include a requirement that the certificate holder consult with the Department and ODFW after concluding the required two-year operational avian fatality monitoring. If the results of the two-year operational avian fatality monitoring exceed thresholds of concern established in the WMMP, the certificate holder must provide additional mitigation in a form and amount agreed upon by the Department, in consultation with ODFW. If the two-year operational avian fatality monitoring results exceed thresholds of concern established in the WMMP, in addition to the mitigation that must be provided per this condition, the certificate holder must conduct an additional two-years of avian fatality monitoring, and report those results to the Department and ODFW for review and if necessary, further mitigation as agreed upon by the Department in consultation with ODFW. The results of the avian fatality monitoring must be posted to the Department website and presented to EFSC by Department and ODFW staff.

[Final Order on Amendment 2; AMD4]
10.6. The certificate holder shall hire a qualified environmental professional to provide environmental training during construction and operation. Environmental training includes information on the sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. The certificate holder shall instruct construction and operations personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager.

[Final Order IV.G.2.6]

10.7. Before beginning construction, the certificate holder shall:

a) Consider micrositing factors designed to minimize bird and bat collision risk including but not limited to locating wind turbines away from saddles in long ridges and locating wind turbines on the top of or slightly downwind of distinct ridges and set back from the prevailing upwind side. The certificate holder shall provide a map, to the Department and ODFW, showing the final design locations of all facility components and the areas of potential disturbance, and that identifies geographic and micrositing factors considered in final design.

b) Hire a qualified professional biologist to conduct a pre-construction habitat survey (Condition 10.7) and Threatened and Endangered (T&E) plant survey (Condition 10.13). The surveys shall be conducted concurrently and in accordance with the survey protocol set forth in the Survey Protocol provided in Attachment G of the Final Order on Amendment 4 (for T&E plants and raptors), and in accordance with a survey protocol reviewed and approved by ODFW for habitat categorization. The survey area will include all areas within the micrositing corridor. The pre construction habitat and T&E plant survey shall be planned in consultation with the Department and ODFW, and shall include both desktop and field surveys to be confirmed with the Department and ODFW. The desktop survey shall evaluate habitat within ½ mile from the site boundary (analysis area). Field surveys shall be conducted the entirety of the micrositing corridor in areas that are not active agriculture (Category 6 habitat).

c) Following completion of the habitat and T&E plant surveys, and final layout design and engineering, the certificate holder shall provide the Department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources. The report shall present in tabular format the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The pre-construction habitat survey shall be used to complete final design, facility layout, and any additional micrositing adjustment of facility components. Based on the field survey report, the Department in consultation with ODFW shall verify that the final facility layout, design, and construction timing minimizes impacts to non-Category 6 habitat, state-listed sensitive species, and state-listed threatened and endangered species. The report must be posted to the Department website. The results of the survey must be presented to EFSC at a future EFSC meeting by both the Department and ODFW staff. As part of the
report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage for each transmission structure, wind turbine, access road, and all other facility components. If construction laydown yards are to be retained post construction, due to a landowner request or otherwise, the construction laydown yards must be calculated as permanent impacts, not temporary.

[Final Order on Amendment 2; AMD4]

10.8. The certificate holder shall reduce the risk of injuries to avian species by:
   a. Installing turbine towers that are smooth steel structures that lack features that would allow avian perching.
   b. Installing meteorological towers that are non-guyed structures to eliminate the risk of avian collision with guy-wires.
   c. Designing and installing all aboveground transmission line support structures following the most current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.

[Final Order IV.H.2.1]

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

[Final Order VI.C.2.1]

10.10. During facility operation, if equipment washing becomes necessary, the certificate holder shall ensure that there is no runoff of wash water from the site or discharges to surface waters, storm sewers or dry wells. The certificate holder shall not use acids, bases or metal brighteners with the wash water. The certificate holder may use biodegradable, phosphate-free cleaners sparingly.

[Final Order VI.C.2.2]

10.11. The certificate holder shall implement a waste management plan during operation that includes but is not limited to the following measures:
   a. Training employees to minimize and recycle solid waste.
   b. Recycling paper products, metals, glass and plastics.
   c. Recycling used oil and hydraulic fluid.
   d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
   e. Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes.

[Final Order V.D.2.2]
10.12 The certificate holder shall not conduct any construction activities on land mapped as Big Game Winter Range by the Oregon Department of Fish and Wildlife between December 1 and April 15. Upon request by the certificate holder, the Department may provide exceptions to this restriction. The certificate holder’s request must include a justification for the request, including any actions the certificate holder will take to avoid, minimize, or mitigate impacts to big game and big game habitat in the relevant area. The Department will consult with ODFW on any request made under this condition.

[Amended Final Order on Amendment 1 IV.G.2.2; AMD4]

10.13. Prior to the beginning of construction of the facility the certificate holder shall perform new field surveys for threatened and endangered species following the survey protocol set forth in the Northwest Wildlife Consultants Memorandum regarding Endangered and Threatened Plant Species and Raptor Nest Surveys dated October 17, 2014. The certificate holder shall report the results of the field surveys to the Department, ODA and ODFW. If the surveys identify the presence of threatened or endangered species within the survey area, the certificate holder shall implement appropriate measures to avoid a significant reduction in the likelihood of survival or recovery of the species, as approved by the Department, in consultation with ODA and ODFW.

[Amended Final Order on Amendment 1 IV.H.2.2]

10.14. The certificate holder shall conduct two (2) seasons of raptor nest surveys with at least one (1) season of the surveys occurring prior to the beginning of construction. The raptor nest surveys shall be conducted following the instructions set forth in the Raptor Nest Survey Protocol for Summit Ridge Wind Farm included as Attachment G to the Final Order on Amendment 4. The certificate holder shall report the results of the field surveys to the Department and ODFW. If the surveys identify the presence of raptor nests within the survey area, the certificate holder shall implement appropriate measures to assure that the design, construction and operation of the facility are consistent with the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025, as approved by the Department, in consultation with ODFW.

[Final Order on ASC, Condition IV.G.2.8; AMD1; AMD4]
10.15. During construction the certificate holder shall observe the raptor nest avoidance
guidelines shown in the following table around known raptor nests in the vicinity of
ground-disturbing construction activities, unless the nest fledges young, the nest fails
(i.e., is abandoned), or the Department in consultation with ODFW approves an
alternative plan.

<table>
<thead>
<tr>
<th>Species</th>
<th>Disturbance Buffer</th>
<th>Nesting Season – Avoidance Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golden eagle</td>
<td>0.25 mile</td>
<td>Feb 1 - Aug 31</td>
</tr>
<tr>
<td>Red-tailed hawk</td>
<td>500 feet</td>
<td>Mar 1 - Aug 31</td>
</tr>
<tr>
<td>Ferruginous hawk</td>
<td>0.25 mile</td>
<td>Mar 15 - Aug 15</td>
</tr>
<tr>
<td>Swainson’s hawk</td>
<td>0.25 mile</td>
<td>April 1 - Aug 15</td>
</tr>
<tr>
<td>Prairie Falcon</td>
<td>0.25 mile</td>
<td>Jan 1 - Jul 31</td>
</tr>
<tr>
<td>American peregrine falcon</td>
<td>0.5 mile</td>
<td>Mar 15 - Jul 15</td>
</tr>
<tr>
<td>American kestrel</td>
<td>0.25 mile</td>
<td>Mar 1 - Jul 31</td>
</tr>
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</table>

[Final Order on Amendment 2]
11.0. PROTECTION OF HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES

11.1. Before beginning construction, the certificate holder shall label all identified historic, cultural or archaeological resource sites on construction maps and drawings as “no entry” areas. The applicant shall implement a 200 foot buffer for all rock alignment and cairn sites, and shall implement a 100 foot buffer for all other archaeological sites. The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within the buffer areas.

[Final Order Section V.B.2.1]

11.2. Before beginning construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility, the areas that would be temporarily disturbed during construction and the areas that were previously surveyed as described in the Application for Site Certificate.

[Final Order V.B.2.2]

11.3. The certificate holder shall hire qualified personnel to conduct field investigation of all areas to be disturbed during construction that lie outside the previously-surveyed areas. The certificate holder shall provide a written report of the field investigation to the Department and to the Oregon State Historic Preservation Office (SHPO). If any potentially significant historic, cultural or archaeological resource sites are found during the field investigation, the certificate holder shall instruct all construction personnel to avoid the identified sites and shall implement appropriate measures to protect the sites, including the measures described in Condition 11.5 and in accordance with the Archaeological Monitoring Plan required per Condition 11.6.

[Final Order V.B.2.3]

11.4. The certificate holder shall ensure that a qualified archaeologist, as defined in OAR 736-051-0070, instructs construction personnel in the identification of cultural materials and avoidance of accidental damage to identified resource sites. Records of such training shall be maintained at the Operations and Maintenance Building and made available to authorized representatives of the Oregon Department of Energy upon request.

[Final Order V.B.2.4]
11.5. The certificate holder shall ensure that construction personnel cease all ground-
disturbing activities in the immediate area if any archaeological or cultural resources are
found during construction of the facility until a qualified archeologist can evaluate the
significance of the find. The certificate holder shall notify the Department and SHPO of
the find. If the SHPO determines that the resource is significant, the certificate holder
shall make recommendations to the Council for mitigation, including avoidance, field
documentation and data recovery, in consultation with the Department, SHPO,
interested tribes and other appropriate parties. The certificate holder shall not restart
work in the affected area until the certificate holder has demonstrated to the Department
and the SHPO that it has complied with archaeological resource protection regulations.
[Final Order V.B.2.5]

11.6. The certificate holder shall prepare and implement an Archaeological Monitoring Plan
for construction and maintenance activities to address and mitigate impacts from
exposure of unanticipated or previously unidentified cultural properties that may be
exposed during construction or operation of the facility. A current copy of the plan must
be maintained at the Operations and Maintenance Building and made available to
authorized representatives of the Oregon Department of Energy upon request.
[Final Order V.B.2.6]
12.0. NOISE CONTROL AND NOISE COMPLAINT RESPONSE

12.1. To reduce construction noise impacts at nearby residences, the certificate holder shall:
   a. Confine the noisiest operation of heavy construction equipment to the daylight hours.
   b. Require contractors to install and maintain exhaust mufflers on all combustion
      engine-powered equipment; and
   c. Establish a complaint response system at the construction manager’s office to address
      noise complaints. Records of noise complaints during construction must be made
      available to authorized representatives of the Department of Energy upon request.
      [Final Order VI.A.2.1]

12.2. Before beginning construction, the certificate holder shall provide to the Department:
   a. Information that identifies the final design locations of all turbines to be built at the
      facility;
   b. The maximum sound power level for the substation transformers and the maximum
      sound power level and octave band data for the turbine type(s) selected for the
      facility based on manufacturers’ warranties or confirmed by other means acceptable
      to the Department;
   c. The results of the noise analysis of the final facility design performed in a manner
      consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI).
      The analysis must demonstrate to the satisfaction of the Department that the total
      noise generated by the facility (including the noise from turbines and substation
      transformers) will not exceed the maximum allowable noise level at any potentially-
      affected noise receptor. The analysis must also demonstrate that the facility would
      meet the ambient degradation test at the appropriate measurement point for
      potentially-affected noise sensitive properties, or that the certificate holder has
      obtained the noise waiver described in Condition 12.2.d for each noise-sensitive
      property where the ambient degradation standard cannot be met.
   d. For each noise-sensitive property where the certificate holder relies on a noise waiver
      to demonstrate compliance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the
      a legally effective easement or real covenant pursuant to which the owner of the
      property authorizes the certificate holder’s operation of the facility to increase
      ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate
      measurement point. The legally-effective easement or real covenant must meet all of
      the following criteria:
         i. Include a legal description of the burdened property (the noise sensitive
            property);
         ii. Be recorded in the real property records of the county;
         iii. Expressly benefit the certificate holder;
         iv. Expressly run with the land and bind all future owners, lessees or holders of
            any interest in the burdened property; and
         v. Not be subject to revocation without the certificate holder’s written approval.
      [Final Order VI.A.2.2]
12.3. During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the Department within 15 days of receiving a complaint about noise from the facility. The notification should include, but is not limited to, the date the complaint was received, the nature of the complaint, the complainant’s contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint.  

[Final Order VI.A.2.3]

12.4. During operations, the certificate holder shall:

a. Upon written notification from the Department, monitor and record the actual statistical noise levels to verify that the facility is in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the Department prior to implementation. The cost of such monitoring, if required, will be borne by the certificate holder.

b. If the results of the pre-construction final noise analysis submitted per Condition 12.2 identify that modeled noise levels are predicted to be within 1 dBA of the ambient degradation threshold (10 dBA) for noise sensitive properties that have not agreed to a noise waiver with the certificate holder, or within 1 dBA of the maximum allowable noise level (50 dBA) for any noise sensitive property, the certificate holder shall monitor and record actual statistical noise levels during Year 1 of operations to verify that the certificate holder is operating the facility in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the Department prior to implementation.

c. If the ambient degradation threshold (10 dBA) at noise sensitive properties that have not agreed to a noise waiver with the certificate holder, or maximum allowable noise level (50 dBA) at any noise sensitive property is measured at any noise sensitive property during monitoring conducted to satisfy (a) or (b) of this condition, the certificate holder shall submit to the Department its mitigation proposal demonstrating the measures to be utilized to lower noise levels and achieve compliance with the applicable noise standard. The mitigation proposal shall be reviewed and approved by the Department.  

[Final Order VI.A.2.4; AMD4]
13.0. MONITORING AND REPORTING REQUIREMENTS - GENERAL

13.1. In addition to monitoring and reporting requirements elsewhere in this Site Certificate, the certificate holder shall also report according to the following requirements:

a. General reporting obligation for energy facilities under construction or operating:

i. Within six months after beginning construction, and every six months thereafter during construction of the energy facility and related or supporting facilities, the certificate holder shall submit a semiannual construction progress report to the Department of Energy. In each construction progress report, the certificate holder shall describe any significant changes to major milestones for construction. The certificate holder shall include such information related to construction as specified in the site certificate. When the reporting date coincides, the certificate holder may include the construction progress report within the annual report described in Condition 13.1.b.

ii. By April 30 of each year after beginning construction, the certificate holder shall submit an annual report to the Department addressing the subjects listed in Condition 13.1.b. The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date.

iii. To the extent that information required by Condition 13.1.b is contained in reports the certificate holder submits to other state, federal or local agencies, the certificate holder may submit excerpts from such other reports to satisfy this rule. The Council reserves the right to request full copies of such excerpted reports.

b. In the annual report, the certificate holder shall include the following information for the calendar year preceding the date of the report:

i. Facility Status: An overview of site conditions, the status of facilities under construction, and a summary of the operating experience of facilities that are in operation. In this section of the annual report, the certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.

ii. Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.

iii. Status of Surety Information: Documentation demonstrating that bonds or letters of credit as described in the site certificate are in full force and effect and will remain in full force and effect for the term of the next reporting period.

iv. Monitoring Report: A list and description of all significant monitoring and mitigation activities performed during the previous year in accordance with site certificate terms and conditions, a summary of the results of those activities and a discussion of any significant changes to any monitoring or
mitigation program, including the reason for any such changes.

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

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

[Final Order VII.4.b] [OAR 345-026-0080(b)]

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

[Final Order VII.5] [OAR 345-026-0105]

13.3. The following general monitoring conditions apply:

a. The certificate holder shall consult with affected state agencies, local governments and tribes and shall develop specific monitoring programs for impacts to resources protected by the standards of Divisions 22 and 24 of OAR Chapter 345 and resources addressed by applicable statutes, administrative rules and local ordinances. The certificate holder must submit the monitoring programs to the Department of Energy and receive Department approval before beginning construction or, as appropriate, operation of the facility.

b. The certificate holder shall implement the approved monitoring programs described in Condition 13.3.a and monitoring programs required by permitting agencies and local governments.

c. For each monitoring program described in Conditions 13.3.a and 13.3.b, the certificate holder shall have quality assurance measures approved by the Department before beginning construction or, as appropriate, before beginning commercial operation.

d. If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions.

[Final Order VII.2] [Mandatory Condition OAR 345-025-0006 (6)]
14.0. RETIREMENT AND FINANCIAL ASSURANCE

14.1. Before beginning construction, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is either $12,019 million (in 4th Quarter 2018 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in Condition 14.1.a below. The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in Condition 14.1.b.

a. The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility and turbine types selected, by applying the unit costs and general costs presented in Table 3 of the Final Order on Amendment 4. Any revision to the restoration costs should be adjusted to the date of issuance as described in Condition 14.1.b, and is subject to review and approval by the Department.

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

i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in 4th Quarter 2018 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services “Oregon Economic and Revenue Forecast” or by any successor agency (the “Index”) and using the 4th Quarter 2018 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust 4th Quarter 2018 dollars to present value.

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

iii. Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of the adjusted Gross Cost (ii) for the adjusted future developments contingency.

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

c. The certificate holder shall use a form of bond or letter of credit approved by the Council.

d. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.

e. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council required by Condition 13.1.b.

f. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

[Final Order IV.F.2.1; AMD4] [Mandatory Condition OAR 345-025-0006 (8)]
14.2. If the certificate holder elects to use a bond to meet the requirements of Condition 14.1, the certificate holder shall ensure that the surety is obligated to comply with the requirements of applicable statutes, Council rules and this site certificate when the surety exercises any legal or contractual right it may have to assume construction, operation or retirement of the energy facility. The certificate holder shall also ensure that the surety is obligated to notify the Council that it is exercising such rights and to obtain any Council approvals required by applicable statutes, Council rules and this site certificate before the surety commences any activity to complete construction, operate or retire the energy facility. [Final Order IV.F.2.2]

14.3. The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. [Final Order IV.F.2.3] [Mandatory Condition OAR 345-025-0006 (7)]

14.4. The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, non-hazardous condition, as described in OAR 345-027-0110(5). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site. [Final Order IV.F.2.4] [Mandatory Condition OAR 345-025-0006 (9)]

14.5. The certificate holder is obligated to retire the facility upon permanent cessation of construction or operation. If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the Department to prepare a proposed final retirement plan for the Council’s approval. [Final Order IV.F.2.5] [Mandatory Condition OAR 345-025-0006 (16)]

14.6. Upon the Council’s approval of the final retirement plan, the Council may draw on the bond or letter of credit submitted per the requirements of Condition 6.1 to restore the site to a useful, non-hazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any additional cost necessary to restore the site to a useful, non-hazardous condition. After completion of site restoration, the Council shall issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan. [Final Order IV.F.2.6] [Mandatory Condition OAR 345-025-0006 (16)]
14.7. At least 90 days prior to beginning construction (unless otherwise agreed to by the
Department), the certificate holder shall submit to the Department, a compliance plan
that documents and demonstrates completed actions or actions to be completed to
satisfy the requirements of all terms and conditions of the amended site certificate and
applicable statutes and rules. The certificate holder shall implement the plan that
verifies compliance with all site certificate terms and conditions and applicable statutes
and rules. As a part of the compliance plan, to verify compliance with the requirement
to begin construction by the date specified in the site certificate, the certificate holder
shall report promptly to the Department of Energy when construction begins.
Construction is defined in OAR 345-001-0010. In reporting the beginning of
construction, the certificate holder shall describe all work on the site performed before
beginning construction, including work performed before the Council issued the site
certificate, and shall state the cost of that work. For the purpose of this exhibit, “work
on the site” means any work within a site or corridor, other than surveying, exploration
or other activities to define or characterize the site or corridor. The certificate holder
shall document the compliance plan and maintain it for inspection by the Department or
the Council.
[Final Order VII.3; AMD4] [OAR 345-026-0048]
15.0. SUCCESSORS AND ASSIGNS

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

16.0. SEVERABILITY AND CONSTRUCTION

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

17.0. GOVERNING LAW AND FORUM

This amended site certificate shall be governed by the laws of the State of Oregon. Any litigation or arbitration arising out of this agreement shall be conducted in an appropriate forum in Oregon.

18.0. EXECUTION

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

IN WITNESS THEREOF, this amended site certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, and by Summit Ridge Wind, LLC.

Energy Facility Siting Council  Certificate Holder

Marcia L. Grail  Christie Kneteman

By: Marcia L. Grail (Jan 15, 2021 19:01 PST)  By: Christie Kneteman (Jan 20, 2021 20:36 EST)

Marcia L. Grail, Chair  Summit Ridge Wind, LLC
Oregon Energy Facility Siting Council

Date: Jan 15, 2021  Date: Jan 20, 2021
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Figure 1: Facility Site Boundary