FIFTH AMENDED SITE CERTIFICATE

FOR THE

SUMMIT RIDGE WIND FARM

Issued December 2020
by

oregon energy facility sitting council
550 capitol street NE
Salem, OR 97301-2567

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ISSUANCE DATES

<table>
<thead>
<tr>
<th>Certificate Type</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Certificate</td>
<td>August 19, 2011</td>
</tr>
<tr>
<td>First Amended Site Certificate</td>
<td>August 7, 2015</td>
</tr>
<tr>
<td>Second Amended Site Certificate</td>
<td>November 4, 2016</td>
</tr>
<tr>
<td>Third Amended Site Certificate</td>
<td>January 8, 2018</td>
</tr>
<tr>
<td>Fourth Amended Site Certificate</td>
<td>August 23, 2019</td>
</tr>
<tr>
<td>Fifth Amended Site Certificate</td>
<td>December 18, 2020</td>
</tr>
</tbody>
</table>
# SUMMIT RIDGE WIND FARM SITE CERTIFICATE
## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>2.0</td>
<td>SITE CERTIFICATION</td>
<td>2</td>
</tr>
<tr>
<td>3.0</td>
<td>DESCRIPTION OF FACILITY</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>LOCATION AND SITE BOUNDARY</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>THE ENERGY FACILITY</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>POWER COLLECTION SYSTEM</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>COLLECTOR SUBSTATION</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>230 KV TRANSMISSION LINE</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>OPERATIONS AND MAINTENANCE (O&amp;M) FACILITY</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>METEOROLOGICAL TOWERS</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>ACCESS ROADS</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>TEMPORARY ROADWAY MODIFICATIONS</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>ADDITIONAL CONSTRUCTION AREAS</td>
<td>7</td>
</tr>
<tr>
<td>4.0</td>
<td>GENERAL ADMINISTRATIVE CONDITIONS</td>
<td>8</td>
</tr>
<tr>
<td>5.0</td>
<td>PRE-CONSTRUCTION REQUIREMENTS</td>
<td>9</td>
</tr>
<tr>
<td>6.0</td>
<td>DESIGN, CONSTRUCTION, AND OPERATIONS</td>
<td>11</td>
</tr>
<tr>
<td>7.0</td>
<td>PUBLIC HEALTH AND SAFETY</td>
<td>19</td>
</tr>
<tr>
<td>8.0</td>
<td>ON-SITE SAFETY AND SECURITY</td>
<td>23</td>
</tr>
<tr>
<td>9.0</td>
<td>PROTECTION OF SOIL</td>
<td>25</td>
</tr>
<tr>
<td>10.0</td>
<td>PROTECTION OF NATURAL RESOURCES</td>
<td>27</td>
</tr>
<tr>
<td>11.0</td>
<td>PROTECTION OF HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES</td>
<td>33</td>
</tr>
<tr>
<td>12.0</td>
<td>NOISE CONTROL AND NOISE COMPLAINT RESPONSE</td>
<td>35</td>
</tr>
<tr>
<td>13.0</td>
<td>MONITORING AND REPORTING REQUIREMENTS - GENERAL</td>
<td>37</td>
</tr>
<tr>
<td>14.0</td>
<td>RETIREMENT AND FINANCIAL ASSURANCE</td>
<td>39</td>
</tr>
<tr>
<td>15.0</td>
<td>SUCCESSORS AND ASSIGNS</td>
<td>42</td>
</tr>
<tr>
<td>16.0</td>
<td>SEVERABILITY AND CONSTRUCTION</td>
<td>42</td>
</tr>
<tr>
<td>17.0</td>
<td>GOVERNING LAW AND FORUM</td>
<td>42</td>
</tr>
<tr>
<td>18.0</td>
<td>EXECUTION</td>
<td>42</td>
</tr>
</tbody>
</table>
**Acronyms and Abbreviations**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council</td>
<td>Oregon Energy Facility Siting Council</td>
</tr>
<tr>
<td>Department</td>
<td>Oregon Department of Energy</td>
</tr>
<tr>
<td>DOGAMI</td>
<td>Oregon Department of Geology and Mineral Industries</td>
</tr>
<tr>
<td>DPO</td>
<td>Draft Proposed Order</td>
</tr>
<tr>
<td>ESCP</td>
<td>Erosion and Sediment Control Plan</td>
</tr>
<tr>
<td>FAA</td>
<td>Federal Aviation Administration</td>
</tr>
<tr>
<td>NPDES</td>
<td>National Pollutant Discharge Elimination System</td>
</tr>
<tr>
<td>O&amp;M</td>
<td>Operations and Maintenance</td>
</tr>
<tr>
<td>OAR</td>
<td>Oregon Administrative Rule</td>
</tr>
<tr>
<td>ODFW</td>
<td>Oregon Department of Fish and Wildlife</td>
</tr>
<tr>
<td>ORS</td>
<td>Oregon Revised Statute</td>
</tr>
<tr>
<td>WCLUDO</td>
<td>Wasco County Land Use and Development Ordinance</td>
</tr>
</tbody>
</table>
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 graveled, 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
graveled 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 graveled 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
graveled 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 graveled 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. [Final Order on Amendment 2; AMD4] [Mandatory Condition OAR 345-025-0006 (4)]

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. [Final Order III.D.2; AMD2; AMD4] [Mandatory Condition OAR 345-025-0006 (4)]

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. [Final Order III.D.3] [Mandatory Condition OAR 345-025-0006 (2)]

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. [Final Order III.D.4] [Mandatory Condition OAR 345-025-0006 (3)]

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. [Final Order III.D.8; AMD4] [Mandatory Condition OAR 345-025-0010(5)]

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]
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 set back 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 4A5OBC 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.
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>
</tbody>
</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.

[Final Order VII.4.a] [OAR 345-026-0080(1)]

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

Marcia L. Grail, Chair
Oregon Energy Facility Siting Council

Summit Ridge Wind, LLC

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