

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

FIFTH AMENDED SITE CERTIFICATE
FOR THE
SUMMIT RIDGE WIND FARM

Issued December 2020
by

OREGON ENERGY FACILITY SITING COUNCIL
550 Capitol Street NE
Salem, OR 97301-2567

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

ISSUANCE DATES

Site Certificate	August 19, 2011
First Amended Site Certificate	August 7, 2015
Second Amended Site Certificate	November 4, 2016
Third Amended Site Certificate	January 8, 2018
Fourth Amended Site Certificate	August 23, 2019
Fifth Amended Site Certificate	December 18, 2020

**SUMMIT RIDGE WIND FARM SITE CERTIFICATE
TABLE OF CONTENTS**

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

Acronyms and Abbreviations

Council	Oregon Energy Facility Siting Council
Department	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
DPO	Draft Proposed Order
ESCP	Erosion and Sediment Control Plan
FAA	Federal Aviation Administration
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
WCLUDO	Wasco County Land Use and Development Ordinance

1 **1.0. INTRODUCTION**

2
3 The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Summit
4 Ridge Wind Farm (Summit Ridge or the facility) in the manner authorized under Oregon Revised
5 Statute (ORS) Chapter 469. This site certificate is a binding agreement between the State of
6 Oregon (State), acting through the Council, and Summit Ridge Wind, LLC (certificate holder),
7 which is a wholly owned subsidiary of Aypa Power LLC (Aypa or owner), a subsidiary of
8 Blackstone Energy Partners. The Council issues this site certificate authorizing the certificate
9 holder to construct, operate, and retire the facility in Wasco County, subject to the conditions set
10 forth herein.

11
12 The findings of fact, reasoning, and conclusions of law underlying the terms and conditions of
13 this site certificate are set forth in the Council’s *Final Order in the Matter of the Application for a*
14 *Site Certificate for the Summit Ridge Wind Farm* (Final Order on ASC) issued on August 19,
15 2011, the Council’s *Amended Final Order in the Matter of the Request for Amendment #1*
16 (Amended Final Order on Amendment 1) issued on August 7, 2015, the Council’s *Final Order*
17 *on the Request for Contested Case, Amendment #2 and Request for Transfer of the Site*
18 *Certificate* (Final Order on Amendment 2) issued on November 4, 2016, the Council’s *Final*
19 *Order on Request for Transfer* (Final Order on Amendment 3) issued on December 15, 2017,
20 the Council’s *Final Order on Request for Amendment 4* (Final Order on Amendment 4), the
21 Council’s *Final Order on Request for Amendment 5* (Final Order on Amendment 5) issued on
22 December 18, 2020 and incorporated herein by this reference. In interpreting this site certificate,
23 any ambiguity will be clarified by reference to and the record of the proceedings that led to the
24 following, in order of priority: (1) this Amended Site Certificate, (2) Final Order on Amendment
25 5; (3) Final Order on Amendment 4; (4) Final Order on Amendment 3, (5) the Final Order on
26 Amendment 2, (6) the Amended Final Order on Amendment 1, and (7) the Final Order on ASC.

27
28 This amended site certificate does not address, and is not binding with respect to, matters that
29 were not addressed in the Council’s Final Order on ASC, Amended Final Order on Amendment
30 1, Final Order on Amendment 2, Final Order on Amendment 3, Final Order on Amendment 4, and
31 Final Order on Amendment 5. Such matters include, but are not limited to: building code
32 compliance; wage; hour; and other labor regulations; local government fees and charges; other
33 design or operational issues that do not relate to siting the facility [ORS 469.401(4)]; and permits
34 issued under statutes and rules for which the decision on compliance has been delegated by the
35 federal government to a state agency other than the Council. ORS 469.503(3).

36
37 The obligation of the certificate holder to report information to the Oregon Department of Energy
38 (Department) or the Council under the conditions listed in this amended site certificate is subject
39 to the provisions of ORS 192.502 *et seq.* and ORS 469.560. To the extent permitted by law, the
40 Department and the Council will not publicly disclose information that may be exempt from
41 public disclosure if the certificate holder has clearly labeled such information and stated the basis
42 for the exemption at the time of submitting the information to the Department or the Council. If
43 the Council or the Department receives a request for the disclosure of the information, the
44 Council or the Department, as appropriate, will make a reasonable attempt to notify the certificate
45 holder and will refer the matter to the Attorney General for a determination of whether the
46 exemption is applicable, pursuant to ORS 192.450.

1 The Council recognizes that many specific tasks related to the design, construction, operation and
2 retirement of the facility will be undertaken by the certificate holder’s agents or contractors.
3 Nevertheless, the certificate holder is responsible for ensuring compliance with all provisions of
4 the site certificate.

5
6 The definitions in ORS 469.300 and OAR 345-001-0010 apply to terms used in this site
7 certificate, except where otherwise stated, or where the context clearly indicates otherwise.
8

9 **2.0. SITE CERTIFICATION**

10
11 2.1. To the extent authorized by state law and subject to the conditions set forth herein, the
12 State authorizes the certificate holder to construct, operate, and retire a wind energy
13 facility, together with certain related or supporting facilities, at the site in Wasco
14 County, Oregon, as described in Section 3.0 of this site certificate.
15 [ORS 469.401(1)]
16

17 2.2. This site certificate is effective until 1) it is terminated under OAR 345-027-0110 or the
18 rules in effect on the date that termination is sought; or 2) until the site certificate is
19 revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect
20 on the date that revocation is ordered.
21 [ORS 469.401(1)]
22

23 2.3. Both the State and the certificate holder shall abide by local ordinances, state law, and
24 the rules of the Council in effect on the date this site certificate is executed. ORS
25 469.401(2). In addition, upon a clear showing of a significant threat to public health,
26 safety, or the environment that requires application of later-adopted laws or rules, the
27 Council may require compliance with such later-adopted laws or rules.
28 [ORS 469.401(2)]
29

30 2.4. For a permit, license, or other approval addressed in and governed by this site
31 certificate, the certificate holder shall comply with applicable state and federal laws
32 adopted in the future to the extent that such compliance is required under the respective
33 state agency statutes and rules.
34 [ORS 469.401(2)]
35

36 2.5. Subject to the conditions herein, this site certificate binds the State and all counties,
37 cities, and political subdivisions in Oregon as to the approval of the site and the
38 construction, operation, and retirement of the facility as to matters that are addressed in
39 and governed by this site certificate.
40 [ORS 469.401(3)]
41
42
43
44
45
46

- 1 2.6. Each affected state agency, county, city, and political subdivision in Oregon with
2 authority to issue a permit, license, or other approval addressed in or governed by this
3 site certificate shall, upon submission of the proper application and payment of the
4 proper fees, but without hearings or other proceedings, issue such permit, license, or
5 other approval subject only to conditions set forth in this site certificate.
6 [ORS 469.401(3)]
7
- 8 2.7. After issuance of this site certificate, each state agency or local government agency that
9 issues a permit, license, or other approval for the facility shall continue to exercise
10 enforcement authority over such permit, license, or other approval.
11 [ORS 469.401(3)]
12
- 13 2.8. After issuance of this site certificate, the Council shall have continuing authority over
14 the site and may inspect, or direct the Oregon Department of Energy (Department) to
15 inspect, or request another state agency or local government to inspect, the site at any
16 time in order to ensure that the facility is being operated consistently with the terms and
17 conditions of this site certificate.
18 [ORS 469.430]
19
- 20 2.9. [DELETED] [Final Order III.D.7; AMD2; AMD4] [Mandatory Condition OAR 345-
21 025-0006 (3)]
22
- 23 2.10. Before any transfer of ownership of the facility or ownership of the site certificate
24 holder, the certificate holder shall inform the Department of the proposed new owners.
25 The requirements of OAR 345-027-0400 apply to any transfer of ownership that
26 requires a transfer of the site certificate.
27 [Final Order IV.B.2.8; AMD5] [Mandatory Condition OAR 345-025-0006 (15)]
28
- 29 2.11. Any matter of non-compliance under the site certificate shall be the responsibility of the
30 certificate holder. Any notice of violation issued under the site certificate shall be issued
31 to the certificate holder. Any civil penalties assessed under the site certificate shall be
32 levied on the certificate holder.
33 [Final Order IV.B.2.5]
34
- 35 2.12. Within 72 hours after discovery of conditions or circumstances that may violate the
36 terms or conditions of the site certificate, the certificate holder shall report the
37 conditions or circumstances to the Department.
38 [Final Order IV.B.2.7]
39
- 40 2.13. The Council shall not change the conditions of this site certificate except as provided
41 for in OAR Chapter 345, Division 27.
42 [Final Order VII.1] [Mandatory Condition OAR 345-025-0006 (1)]
43
44
45
46

1 2.14. Following the completion of surveys required by this site certificate, the Department
2 will present the results of those surveys and required consultations at the next regularly
3 scheduled Council meeting.

4 [Added at the August 7, 2015 Energy Facility Siting Council Meeting]

5

1 **3.0 DESCRIPTION OF FACILITY**

2
3 **LOCATION AND SITE BOUNDARY**

4
5 Summit Ridge is located in Wasco County, Oregon approximately 17 miles southeast of The
6 Dalles, and eight miles east of Dufur, Oregon.

7
8 As defined by OAR 345-001-0010, the “site boundary” is the perimeter of the site of the energy
9 facility, its related or supporting facilities, all temporary laydown and staging areas and all
10 corridors and micrositing corridors. The facility site boundary encompasses approximately
11 11,000 acres on private land subject to long-term wind energy leases with the landowners.

12
13 As defined in OAR 345-001-0010, a “micrositing corridor” means a continuous area of land
14 within which construction of facility components may occur, subject to site certificate
15 conditions.¹ Micrositing corridors are intended to allow some flexibility in specific component
16 locations and design in response to site-specific conditions and engineering requirements to be
17 determined prior to construction. The approved micrositing corridor includes approximately
18 1,300-foot around locations of temporary and permanent disturbance. In order to utilize the
19 approved micrositing corridor, the certificate holder is obligated to satisfy pre-construction
20 survey requirements imposed in the site certificate (Conditions 10.7, 11.3).

21
22 **THE ENERGY FACILITY**

23
24 The facility is approved to consist of up to 72 wind turbine generators.

25
26 Turbines will be mounted on tubular steel towers no greater than 91 meters (299 feet) tall at the
27 turbine hub, with a maximum blade tip height no greater than 152 meters (499 feet) and a
28 minimum blade tip clearance of no less than 18 meters (59 feet) above the ground. Turbines
29 include a nacelle that houses the generator and gearbox, and supports the rotor and blades at the
30 hub. A gravel turbine pad area would surround the base of each concrete turbine foundation. A
31 step-up transformer increases the output voltage of each wind turbine generator to the voltage of
32 the power collection system. The step-up transformer will be installed on its own concrete pad at
33 the base of each wind turbine tower, or located in the nacelle, depending on the final turbine
34 model selected.

35
36 Summit Ridge includes the following related or supporting facilities described below and in
37 greater detail in the *Final Order on ASC*, and the *Final Order on Amendment 3*:

- 38
39
- 40 ● Power collection system
 - 41 ● Collector substation
 - 42 ● 230-kV transmission line
 - 43 ● Supervisory Control and Data Acquisition (SCADA) System
 - 44 ● Operations and maintenance (O&M) facility
 - 45 ● Meteorological (met) towers
 - Access roads

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,

1 and will include up to 10,000 square feet of enclosed space for office and workshop areas, a
2 control room, and kitchen and sanitary facilities. The O&M facility will have an adjacent
3 graveled parking area and an approximately 300-foot by 300-foot fenced storage area. The
4 Facility will also include an on-site well and septic system. Domestic water needs for the O&M
5 facility will be served by an on-site well and septic system.

6 7 **METEOROLOGICAL TOWERS**

8
9 A maximum of three permanent un-guyed meteorological towers will be placed within the site
10 boundary to collect wind resource data (these towers will replace seven existing temporary
11 towers). The met towers will be the same height as the hub of the turbines, approximately 80
12 meters (263 feet) tall. Met tower foundations may be constructed as deep as 40 feet, depending
13 on soil conditions and geotechnical engineering requirements.

14 15 **ACCESS ROADS**

16
17 Approximately 19 miles of new roads will be constructed within the site boundary to provide
18 access to the turbines and other facility components. Access roads will be designed to be 20- foot
19 wide graveled surfaces with 10-foot compacted shoulders to accommodate construction cranes.
20 After the completion of construction, all new roads within the site boundary will be restored to a
21 total width of 20 feet for general use during facility operation.

22 23 **TEMPORARY ROADWAY MODIFICATIONS**

24
25 Approximately six miles of existing private roads will be upgraded to accommodate construction
26 and operation of the facility. Where needed, existing roads will be improved to 20-foot wide
27 graveled surfaces with 10-foot compacted shoulders to accommodate construction equipment and
28 cranes. After the completion of construction, improved roads within the site boundary will be
29 restored to a total width of 20-feet for general use during facility operation.

30 31 **ADDITIONAL CONSTRUCTION AREAS**

32
33 During construction, up to six temporary laydown areas will be used for the delivery and staging
34 of wind turbine components and other equipment and materials, as well as the staging of
35 construction trailers for the construction crews. Five of the six temporary laydown areas will be
36 located on approximately four acres, covered with gravel, which will be removed following
37 completion of facility construction. The sixth temporary laydown area will encompass the
38 permanent five-acre collector substation and O&M site. Concrete for construction of the facility
39 would be obtained from an on-site concrete batch plant to be located on a graveled 2-acre site
40 within the site boundary.

1 **4.0. GENERAL ADMINISTRATIVE CONDITIONS**

- 2
- 3 4.1. The certificate holder shall begin construction of the facility by August 19, 2020. The
4 Council may grant an extension of the deadline to begin construction in accordance
5 with OAR 345-027- 0385 or any successor rule in effect at the time the request for
6 extension is submitted.
7 [Final Order on Amendment 2; AMD4] [Mandatory Condition OAR 345-025-0006 (4)]
8
- 9 4.2. The certificate holder shall complete construction of the facility by August 19, 2023.
10 Construction is complete when: 1) the facility is substantially complete as defined by
11 the certificate holder’s construction contract documents, 2) acceptance testing has been
12 satisfactorily completed; and 3) the energy facility is ready to begin continuous
13 operation consistent with the site certificate. The certificate holder shall promptly notify
14 the Department of the date of completion of construction. The Council may grant an
15 extension of the deadline for completing construction in accordance with OAR 345-
16 027-0385 or any successor rule in effect at the time the request for extension is
17 submitted.
18 [Final Order III.D.2; AMD2; AMD4] [Mandatory Condition OAR 345-025-0006 (4)]
19
- 20 4.3. The certificate holder shall submit a legal description of the site to the Department of
21 Energy within 90 days after beginning operation of the facility. The legal description
22 required by this rule means a description of metes and bounds or a description of the
23 site by reference to a map and geographic data that clearly and specifically identifies the
24 outer boundaries that contain all parts of the facility.
25 [Final Order III.D.3] [Mandatory Condition OAR 345-025-0006 (2)]
26
- 27 4.4. The certificate holder shall design, construct, operate and retire the facility:
28 a. Substantially as described in the site certificate;
29 b. In compliance with the requirements of ORS Chapter 469, applicable Council rules,
30 and applicable state and local laws, rules and ordinances in effect at the time the site
31 certificate is issued; and
32 c. In compliance with all applicable permit requirements of other state agencies.
33 [Final Order III.D.4] [Mandatory Condition OAR 345-025-0006 (3)]
34
- 35 4.5. The certificate holder shall construct the 230 kV transmission line within a 1,300 foot
36 corridor , as represented on Figure 1 of the site certificate, subject to the conditions of
37 this site certificate.
38 [Final Order III.D.8; AMD4] [Mandatory Condition OAR 345-025-0010(5)]
39
- 40 4.6. The certificate holder shall obtain all necessary federal, state, and local permits or
41 approvals required for construction, operation, and retirement of the facility or ensure
42 that its contractors obtain the necessary federal, state, and local permits or approvals.
43 [Final Order IV.B.2.4]
44

1 **5.0. PRE-CONSTRUCTION REQUIREMENTS**
2

3 In addition to pre-construction requirements contained elsewhere in this site certificate, the
4 certificate holder must meet the following requirements:
5

6 5.1. Before beginning construction, the certificate holder shall notify the Department of the
7 identity and qualifications of the major design, engineering and construction
8 contractor(s) for the facility. The certificate holder shall select contractors that have
9 substantial experience in the design, engineering and construction of similar facilities.
10 The certificate holder shall report to the Department any change of major contractors.
11 [Final Order IV.B.2.1]
12

13 5.2. The certificate holder shall contractually require all construction contractors and
14 subcontractors involved in the construction of the facility to comply with all applicable
15 laws and regulations and with the terms and conditions of the site certificate. Such
16 contractual provisions shall not operate to relieve the certificate holder of responsibility
17 under the site certificate.
18 [Final Order IV.B.2.2]
19

20 5.3. Before beginning construction, the certificate holder shall ensure that participating
21 landowners obtain a Farm-Forest Management Easement. The landowner is required to
22 sign and record in the deed records for the county a document binding the landowner,
23 and the landowner’s successors in interest, prohibiting them from pursuing a claim for
24 relief or case of action alleging injury from farming or forest practices for which no
25 action or claim is allowed under ORS 30.936 or 30.937.
26 [Final Order IV.D.2.4] [WCLUDO section 3.210(H)]
27

28 5.4. Before beginning construction, the certificate holder shall submit a Notice of Proposed
29 Construction or Alteration to the Federal Aviation Administration (FAA) and the
30 Oregon Department of Aviation identifying the proposed final locations of turbine
31 towers and meteorological towers, and shall provide to the Department copies of a
32 Determination of No Hazard for all turbine towers and meteorological towers or an
33 equivalent determination to confirm that the structures comply with applicable FAA
34 and Oregon Department of Aviation air hazard rules. The certificate holder shall
35 promptly notify the Department of the responses from the FAA and Oregon Department
36 of Aviation.
37 [Amended Final Order on Amendment 1 IV.K.2.4]
38

39 5.5. Before beginning construction, the certificate holder shall provide to the Department a
40 description of the turbine types selected for the facility demonstrating compliance with
41 this condition. The certificate holder may select turbines of any type, subject to the
42 following restrictions and compliance with all other site certificate conditions:
43 a. The total number of turbines at the facility must not exceed 72 turbines.
44 b. The turbine hub height must not exceed 91 meters, the maximum blade tip height
45 must not exceed 152 meters, and the rotor diameter must not exceed 132 meters.
46 c. The minimum blade tip clearance must be 18 meters above ground.

1 [Final Order on Amendment 2; AMD4] [Mandatory Condition OAR 345-025-0006 (3)]

2
3 5.6. Before beginning construction the certificate holder shall obtain approval of a final
4 Revegetation and Weed Control Plan [based upon the draft plan included as Attachment
5 E of the *Final Order on Amendment 4*] from the Department, in consultation with the
6 Wasco County Weed Department and ODFW, to control the introduction and spread of
7 noxious weeds, and shall implement that approved plan during all phases of
8 construction and operation of the facility.

9 [Final Order on ASC; AMD2; AMD4] [WCLUDO Section 3.210(J)(17)(5)]

10
11 5.7. Except as necessary for the initial survey or as otherwise allowed for wind energy
12 facilities, transmission lines or pipelines under OAR 345-027-0020, the certificate
13 holder shall not begin construction, as defined in OAR 345-001-0010, or create a
14 clearing on any part of the site until the certificate holder has construction rights on all
15 parts of the site. For the purpose of this rule, “construction rights” means the legal right
16 to engage in construction activities. For wind energy facilities, transmission lines or
17 pipelines, if the certificate holder does not have construction rights on all parts of the
18 site, the certificate holder may nevertheless begin construction, as defined in OAR 345-
19 001-0010, or create a clearing on a part of the site if the certificate holder has
20 construction rights on that part of the site and:

21 a. The certificate holder would construct and operate part of the facility on that part of
22 the site even if a change in the planned route of the transmission line or pipeline
23 occurs during the certificate holder’s negotiations to acquire construction rights on
24 another part of the site; or

25 b. The certificate holder would construct and operate part of a wind energy facility on
26 that part of the site even if other parts of the facility were modified by amendment of
27 the site certificate or were not built.

28 [Final Order III.D.6] [Mandatory Condition OAR 345-025-0006 (5)]

29
30 5.8. Before beginning construction, the certificate holder shall conduct a site-specific
31 geotechnical investigation and shall report its findings to the Oregon Department of
32 Geology & Mineral Industries (DOGAMI) and the Department. The report must be
33 submitted to the Department and DOGAMI at least 90 days prior to beginning
34 construction unless otherwise agreed upon by the Department. The certificate holder
35 shall conduct the geotechnical investigation in general accordance with current
36 DOGAMI guidelines for engineering geologic reports and site-specific seismic hazard
37 reports. The geotechnical report must, at a minimum, include geotechnical
38 investigations at all wind turbine locations, transmission line dead-end and turning
39 structures, substation(s), and the operations and maintenance building.

40 [Final Order V.A.2.1; AMD4]

41
42 5.9. Before beginning construction of any new State Highway approaches or utility
43 crossings, the certificate holder shall obtain all required permits from the Oregon
44 Department of Transportation (ODOT) subject to the applicable conditions required by
45 OAR Chapter 734, Divisions 51 and 55. The certificate holder shall submit the
46 necessary application or applications in a form satisfactory to ODOT and the

1 Department for the location, construction and maintenance of approaches to State
2 Highway 197 for access to the site. The certificate holder shall submit the necessary
3 application or applications in a form satisfactory to ODOT and the Department for the
4 location, construction and maintenance of collector cables or transmission lines
5 crossing Highway 197.
6 [Final Order V.C.2.12]
7

8 5.10. Before beginning construction, the certificate holder shall notify the Department in
9 advance of any work on the site that does not meet the definition of “construction” in
10 ORS 469.300 (excluding surveying, exploration, or other activities to define or
11 characterize the site) and shall provide to the Department a description of the work and
12 evidence that its value is less than \$250,000.
13 [Final Order IV.B.2.6]
14

15 5.11. Prior to the beginning of construction a Road Impact Assessment/Geotechnical Report
16 for roads to be used by the project shall be submitted to the Department and Wasco
17 County. Said report should include an analysis of project-related traffic routes to be
18 used during phases of construction, project operation and decommissioning. These
19 reports shall be incorporated into a Road Use Agreement with the County.
20 [Amended Final Order on Amendment 1 V.C.2.17]
21

22 5.12. Prior to beginning construction of new access roads, the certificate holder shall obtain
23 any Road Approach Permit(s) that may be required by the Wasco County Public
24 Works Department.
25 [Final Order on Amendment 2]
26

27 5.13. Prior to beginning construction, the certificate holder shall obtain any Utility Permit(s)
28 that may be required by the Wasco County Public Works Department.
29 [Final Order on Amendment 2]
30

31 5.14. Before beginning construction, the certificate holder shall provide to the Department
32 evidence demonstrating that the certificate holder has obtained a guarantee from the
33 turbine manufacturer for those turbines located within one mile of the boundaries of the
34 Deschutes Federal Wild and Scenic River and the Deschutes State Scenic Waterway
35 that the maximum sound power of those turbines would not exceed 109 dBA plus 2 dB
36 uncertainty when measured according to IEC (International Electrotechnical
37 Commission) 61400-11:2002 ed. 2. No turbine shall be located closer than 0.72 miles
38 from any protected area.
39

40 **6.0. DESIGN, CONSTRUCTION, AND OPERATIONS**

41

42 6.1. The certificate holder shall:

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

1 construction project.

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

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

12 d. The certificate holder shall notify the Department within 72-hours upon any change
13 in personnel or contact information provided to satisfy Condition 6.1(a) through (c).
14 [Final Order on Amendment 3]
15

16 6.2. The certificate holder shall provide portable toilets for on-site sewage handling during
17 construction and shall ensure that they are pumped and cleaned regularly by a licensed
18 contractor who is qualified to pump and clean portable toilet facilities.
19 [Final Order V.C.2.1]
20

21 6.3. The certificate holder shall implement a waste management plan during construction
22 that includes but is not limited to the following measures:

23 a. Recycling steel and other metal scrap.

24 b. Recycling wood waste.

25 c. Recycling packaging wastes such as paper and cardboard.

26 d. Collecting non-recyclable waste for transport to a local landfill by a licensed water
27 hauler.

28 e. Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent
29 materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for
30 disposal by a licensed firm specializing in the proper recycling or disposal of
31 hazardous wastes.

32 f. Confining concrete delivery truck rinse-out to a designated wash-out area and burying
33 other concrete waste as part of backfilling.

34 [Final Order V.D.2.1]
35

36 6.4. The certificate holder shall install the 34.5-kV collector system underground to the
37 extent practical. The certificate holder shall install underground lines at a minimum
38 depth of three feet. Based on geotechnical conditions or other engineering
39 considerations, the certificate holder may install segments of the collector system
40 aboveground, but the total length of aboveground segments must not exceed five miles.
41 [Final Order VI.D.2.1]
42
43
44
45
46

- 1 6.5. In advance of, and during, preparation of detailed design drawings and specifications
2 for the 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with
3 the Utility Safety and Reliability Section of the Oregon Public Utility Commission to
4 ensure that the designs and specifications are consistent with applicable codes and
5 standards.
6 [Final Order VI.D.2.3]
7
- 8 6.6. [DELETED] [AMD2; AMD4] [Mandatory Condition OAR 345-025-0006 (4)(a)]
9
- 10 6.7. The certificate holder shall consult with the Wasco Electric Cooperative during the
11 design, construction, and operation of the Summit Ridge Wind Farm to ensure that the
12 integrity and reliability of the power grid in Wasco County is maintained.
13 [Final Order VI.D.2.4]
14
- 15 6.8. The certificate holder shall design and construct the facility in accordance with
16 requirements set forth by the Oregon Building Codes Division and any other applicable
17 codes and design procedures.
18 [Final Order V.A.2.4]
19
- 20 6.9. To protect wetlands and waterways, the certificate holder shall construct the proposed
21 facility substantially as described in the Final Order. Specifically, the certificate holder
22 shall not remove material from waters of the State or add new fill material to waters of
23 the State such that the total volume of removal and fill exceeds 50 cubic yards for the
24 project as a whole.
25 [Final Order VI.B.2.1]
26
- 27 6.10. The certificate holder shall design, engineer and construct the facility to avoid dangers
28 to human safety presented by non-seismic hazards. As used in this condition, “non-
29 seismic hazards” include settlement, landslides, flooding and erosion.
30 [Final Order V.A.2.5]
31
- 32 6.11. The certificate holder shall design, engineer and construct the facility to avoid dangers
33 to human safety and the environment presented by seismic hazards affecting the site
34 that are expected to result from all maximum probable seismic events. “Seismic hazard”
35 includes ground shaking, ground failure, landslide, liquefaction triggering and
36 consequences (including flow failure, settlement buoyancy, and lateral spreading),
37 cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure
38 interaction.
39 [Final Order V.A.2.6; AMD4] [Mandatory Condition OAR 345-025-0006 (12)]
- 40 6.12. The certificate holder shall design and construct the facility using the minimum land
41 area necessary for safe construction and operation. The certificate holder shall locate
42 access roads and temporary construction laydown and staging areas to minimize
43 disturbance of farming practices and, wherever feasible, shall place turbines and
44 transmission interconnection lines along the margins of cultivated areas to reduce the
45 potential for conflict with farm operations.
46 [Final Order IV.D.2.7] [WCLUDO Section 3.210(J)(17)(5)]

1
2 6.13. The certificate holder shall notify the Department, the State Building Codes Division
3 and the Department of Geology and Mineral Industries promptly if site investigations
4 or trenching reveal that conditions in the foundation rocks differ significantly from
5 those described in the application for a site certificate. After the Department receives
6 the notice, the Council may require the certificate holder to consult with the DOGAMI
7 and the Building Codes Division and to propose and implement corrective or mitigation
8 actions.

9 [Final Order V.A.2.2; AMD4] [Mandatory Condition OAR 345-025-0006 (13)]

10
11 6.14. The certificate holder shall notify the Department, the State Building Codes Division
12 and DOGAMI promptly if shear zones, artesian aquifers, deformations or clastic dikes
13 are found at or in the vicinity of the site. After the Department receives notice, the
14 Council may require the certificate holder to consult with the Department of Geology
15 and Mineral Industries and Building Codes Division to propose and implement
16 corrective or mitigation actions.

17 [Final Order V.A.2.3; AMD4] [Mandatory Condition OAR 345-025-0006 (14)]

18
19 6.15. To reduce the visual impact of the facility, the certificate holder shall:

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

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

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

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

29 e. Maintain any signs allowed under this condition in good repair.

30 [Final Order IV.I.2.1]

31
32 6.16. The certificate holder shall design and construct the O&M building to be generally
33 consistent with the character of similar buildings used by commercial farmers or
34 ranchers in the area and shall paint the building in a low-reflectivity, neutral color to
35 blend with the surrounding landscape.

36 [Final Order IV.I.2.2]

37
38 6.17. The certificate holder shall design and construct new access roads and private road
39 improvements to standards approved by the Wasco County Road Department. Where
40 modifications of County roads are necessary, the certificate holder shall construct the
41 modifications entirely within the County road rights-of-way and in conformance with
42 County road design standards subject to the approval of the Wasco County Road
43 Department. Where modifications of State roads or highways are necessary, the
44 certificate holder shall construct the modifications entirely within the public road rights-
45 of-way and in conformance with ODOT standards subject to the approval of ODOT.

46 [Final Order V.C.2.13]

1
2 6.18. The certificate holder shall cooperate with the Wasco County Public Works
3 Department to ensure that any unusual damage or wear to county roads that is caused
4 by construction of the facility is repaired by the certificate holder. Upon completion of
5 construction, the certificate holder shall restore public roads to pre-construction
6 condition or better to the satisfaction of the applicable county departments.
7 [Final Order V.C.2.14]
8

9 6.19. During construction of the facility, the certificate holder shall implement measures to
10 reduce traffic impacts, including:
11 a. Providing notice to adjacent landowners when heavy construction traffic is
12 anticipated.
13 b. Providing appropriate traffic safety signage and warnings.
14 c. Requiring flaggers to be at appropriate locations at appropriate times during
15 construction to direct traffic reduce accident risks.
16 d. Using traffic diversion equipment (such as advance signage and pilot cars) when
17 slow or oversize construction loads are anticipated.
18 e. Maintaining at least one travel lane at all times to the extent reasonably possible so
19 that roads will not be closed to traffic because of construction vehicles.
20 f. Encouraging carpooling for the construction workforce.
21 g. Including traffic control procedures in contract specifications for construction of the
22 facility.
23 h. Keeping Highway 197 free of gravel that tracks out onto the highway at facility
24 access points.
25 [Final Order V.C.2.15]
26

27 6.20. The certificate holder shall ensure that no equipment or machinery is parked or stored
28 on any County road whether inside or outside the site boundary. The certificate holder
29 may temporarily park equipment off the road but within County rights-of-way with the
30 approval of the County Roadmaster.
31 [Final Order V.C.2.16]
32

33 6.21. The height of the proposed Operations and Maintenance building shall not exceed 35
34 feet in height.
35 [Final Order IV.D.2.1] [WCLUDO Section 3.210(F)(2)]
36

37 6.22. Signage for the proposed facility shall conform to the following requirements:
38 a. The certificate holder shall install the following signs at the facility:
39 i. “No Trespassing” signs shall be attached to any perimeter fence;
40 ii. “Danger” signs shall be posted at the height of five feet on turbine towers and
41 accessory structures;
42 iii. A sign shall be posted on the tower showing an emergency telephone
43 number; and
44 iv. Manual electrical and/or overspeed shutdown disconnect switch(es) shall be
45 clearly labeled.
46 [Final Order IV.D.2.2] [WCLUDO Section 19.030(C)(7)]

- 1 b. Signage installed in accordance with Condition 6.22.a shall meet the following
2 requirements:
3 i. Permanent signs shall not project beyond the property line.
4 ii. Signs shall not be illuminated or capable of movement.
5 iii. Permanent signs shall describe only uses permitted and conducted on the
6 property on which the sign is located.
7 iv. Freestanding signs shall be limited to twelve square feet in area and 8 feet in
8 height measured from natural grade. Signs on buildings are permitted in a
9 ratio of one square foot of sign area to each linear foot of building frontage
10 but in no event shall exceed 32 square feet and shall not project above the
11 building.
12 v. Freestanding signs shall be limited to one at the entrance of the property. Up
13 to one additional sign may be placed in each direction of vehicular traffic
14 running parallel to the property if they are more than 750 feet from the
15 entrance of the property.
16 vi. Signs on buildings shall be limited to one per building and only allowed on
17 buildings conducting the use being advertised.

18 [Final Order IV.D.2.2] [WCLUDO Section 3.210(F)(4)]
19

- 20 6.23. Except as necessary to meet the requirements of the Federal Aviation Administration to
21 warn aircraft of obstructions, the certificate holder shall design and implement a
22 lighting plan to ensure that all outdoor lighting is directed downward, limited in
23 intensity, and is shielded and hooded to prevent light from projecting onto adjacent
24 properties, roadways, and waterways. Shielding and hooding materials shall be
25 composed of nonreflective, opaque materials.

26 [Final Order IV.D.2.3] [WCLUDO section 3.210(F)(4)]
27

- 28 6.24. The certificate holder shall be responsible for restoring, as nearly as possible, to its
29 former condition any agricultural land and associated improvements that are damaged
30 or otherwise disturbed by the siting, maintenance, repair or reconstruction of the
31 facility.

32 [Final Order IV.D.2.5] [WCLUDO Section 3.210(J)(8)(c)]
33

- 34 6.25. The certificate holder shall consult with area landowners and lessees during
35 construction and operation of the facility and shall implement measures to reduce or
36 avoid any adverse impacts to farm practices on surrounding lands and to avoid any
37 increase in farming costs.

38 [Final Order IV.D.2.6] [WCLUDO Sections 5.020(J) and 5.020(K)]
39

- 40 6.26. The certificate holder shall not use exterior nighttime lighting except:

- 41 a. The minimum turbine tower lighting required or recommended by the Federal
42 Aviation Administration.
43 b. Safety and security lighting at the O&M facility and substation, if such lighting is
44 shielded or downward-directed to reduce offsite glare.

45 [Final Order IV.I.2.3]
46

1 6.27. The certificate holder shall design, construct and operate the facility in a manner to
2 ensure that the facility avoids any material signal interference with communication
3 systems such as, but not limited to, radio, telephone, television, satellite, microwave or
4 emergency communication systems. Should any material interference occur, the
5 certificate holder must develop and implement a mitigation plan in consultation with the
6 Department.
7 [Amended Final Order on Amendment 1 IV.D.2.9]
8

9 6.28. During facility design and construction, the certificate holder shall comply with the
10 following turbine setback distances, as measured from the centerline of the turbine to
11 the edge of the dwelling, as set forth below.
12 a. Except as provided in subsection (b) of this condition, wind turbines shall be set back
13 from the property line of any abutting property not part of the project (non-project
14 boundaries), the right-of-way of any dedicated road, and any above ground major
15 utility facility line a minimum of 1.5 times the blade tip height of the wind turbine
16 tower. Wind turbines shall be set back from any above ground minor utility facility
17 line a minimum of 1.1 times the blade tip height of the wind turbine tower.
18 b. Wind turbine tower numbers 21, 22, 23, 24, 26, 27, 28, 29, 30, 54, 55, 56, 57, 58, 59,
19 60, and 61 shall be set back a minimum of 1.1 times the blade tip height of the wind
20 turbine tower from the right-of-way of any dedicated road within the site boundary.
21 c. Wind turbines must be setback a minimum of 1 mile (5,280 feet) from all non-
22 resource zoned property boundaries located outside of urban growth boundaries or
23 urban reserves (as measured from the centerline of the turbine to the edge of the
24 property boundary zoned for non-resource purposes, e.g. rural residential).
25 [Final Order on Amendment 2]
26

27 6.29. The certificate holder must maintain all access roads for all-weather use to assure
28 adequate, safe and efficient emergency vehicle and maintenance vehicle access to the
29 site.
30 [Amended Final Order on Amendment 1 V.C.2.18]
31

32 6.30. The certificate holder shall submit a legal description of the site to the Wasco County
33 GIS Department upon the beginning operation of the facility. This information shall
34 include the actual latitude and longitude or Oregon State Plane North American Datum
35 1983 (NAD83) High Accuracy Reference Network (HARN) coordinates of each turbine
36 tower, support structures for the 34.5-kV collector lines and 230-kV transmission line,
37 and other related and supporting facilities. The certificate holder may provide the
38 information in a GIS layer based on the geospatial data that includes all characteristics
39 of spatial features of the facility site boundary. The certificate holder shall confer with
40 the Department prior to submittal of GIS-based information.
41 [Amended Final Order on Amendment 1 IV.D.2.11]
42

43 6.31. During facility construction and operation, the certificate holder shall report to the
44 Department, within 7 days, any change in the corporate structure of such as changes
45 within Board of Directors, President or Chief Executive Officer of Aypa Power LLC,
46 Aypa Power Canada LP or Blackstone Energy Partners. The certificate holder shall

1 report promptly to the Department any change in its access to the resources, expertise,
2 and personnel of Aypa Power LLC, Aypa Power Canada LP or Blackstone Energy
3 Partners.

4 [AMD3; AMD5]
5

6 6.32 During facility design and construction, the certificate holder shall ensure that the
7 foundations of the turbines, substation, and operations and maintenance building are set
8 back a minimum of 100 feet from any waterbodies designated as fish-bearing, 50 feet
9 from any waterbodies designated as non-fish bearing, and 25 feet from all waterbodies
10 (seasonal or permanent) not identified on any federal, state, or local inventory.
11 [Final Order on Amendment 2]
12

13 6.33 During facility design and construction, the certificate holder shall ensure that facility
14 components are not developed within the Environmental Protection District 4 as
15 designated by Wasco County.

16 [Final Order on Amendment 2]
17

18 6.34 During facility design and construction, the certificate holder shall ensure that facility
19 components are sited to avoid direct impacts to wetlands and waterways.

20 [Final Order on Amendment 2]
21
22

1 **7.0. PUBLIC HEALTH AND SAFETY**

2
3 7.1. The certificate holder shall construct turbine towers with no exterior ladders or access
4 to the turbine blades and shall install locked tower access doors. The certificate holder
5 shall keep tower access doors locked at all times, except when authorized personnel are
6 present.
7 [Final Order IV.K.2.1]

8
9 7.2. For turbine types having pad-mounted step-up transformers, the certificate holder shall
10 install the transformers at the base of each tower in locked cabinets designed to protect
11 the public from electrical hazards and to avoid creation of artificial habitat for raptor
12 prey.
13 [Final Order IV.K.2.2]

14
15 7.3. To protect the public from electrical hazards, the certificate holder shall enclose the
16 facility substation with appropriate fencing and locked gates.
17 [Final Order IV.K.2.3]

18
19 7.4. The certificate holder shall follow manufacturers’ recommended handling instructions
20 and procedures to prevent damage to turbine or turbine tower components that could
21 lead to failure. In the compliance plan required per OAR 345-026-0048, the certificate
22 holder shall describe the process or protocol to be implemented to ensure that
23 manufacturer’s handling instruction and procedures are followed during equipment
24 delivery.
25 [Final Order IV.K.2.5; AMD4]

26
27 7.5. Prior to operation, the certificate holder shall:
28 a. Submit to the Department, for review and approval, an operational safety-monitoring
29 program that includes a cause analysis program. The safety monitoring program shall
30 include, at a minimum, requirements for regular turbine blade and turbine tower
31 component inspections and maintenance, based on wind turbine manufacturer
32 recommended frequency.
33 b. Document the inspection of and maintenance activities of all turbine and turbine tower
34 components on a regular basis. The inspection documentation must include, but is not
35 limited to, the date, turbine number, inspection type (regular or other), turbine tower
36 and blade condition, maintenance requirements (i.e. equipment used, component repair
37 or replacement description, impacted area location and size), and wind turbine
38 operating status. This information shall be submitted to the Department pursuant to
39 OAR 345-026-0080 in the facility’s annual compliance report.
40 c. In the event of blade or tower failure, the certificate holder shall report the incident to
41 the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall,
42 within 90 days of a blade or tower failure event, submit a root cause analysis to the
43 Department for compliance evaluation.
44 [Final Order IV.K.2.6; AMD4]

1 7.6. The certificate holder shall install and maintain self-monitoring devices on each turbine,
2 linked to sensors at the operations and maintenance building, to alert operators to
3 potentially dangerous conditions, and the certificate holder shall immediately remedy
4 any dangerous conditions. The certificate holder shall maintain automatic equipment
5 protection features in each turbine that would shut down the turbine and reduce the
6 chance of a mechanical problem causing a fire.

7 [Final Order IV.K.2.7]
8

9 7.7. The certificate holder shall notify the Department of Energy and Wasco County within
10 72 hours of any occurrence involving the facility if:

- 11 a. There is an attempt by anyone to interfere with its safe operation;
- 12 b. A natural event such as an earthquake, flood, tsunami or tornado, or a human- caused
13 event such as a fire or explosion affects or threatens to affect the public health and
14 safety or the environment;
- 15 c. There is a mechanical failure or accident on the site associated with construction or
16 operation of the facility that may result in public health and safety concerns; or
- 17 d. There is any fatal injury at the facility.

18 [Final Order IV.K.2.8 and OAR 345-026-017]
19

20 7.8. During operation, the certificate holder shall discharge sanitary wastewater generated at
21 the Operations and Maintenance building to a licensed on-site septic system in
22 compliance with State of Oregon permit requirements. The certificate holder shall
23 design the septic systems for a discharge capacity of less than 5,000 gallons per day.

24 [Final Order V.C.2.2]
25

26 7.9. The certificate holder shall take reasonable steps to reduce or manage human exposure
27 to electromagnetic fields, including but not limited to:

- 28 a. Constructing all aboveground transmission lines at least 200 feet from any residence
29 or other occupied structure, measured from the centerline of the transmission line.
- 30 b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance
31 of 20 feet from the ground.
- 32 c. Constructing all aboveground 230-kV transmission lines with a minimum clearance
33 of 25 feet from the ground
- 34 d. Providing to landowners a map of underground and overhead transmission lines on
35 their property and advising landowners of possible health risks from electric and
36 magnetic fields.
- 37 e. Designing and maintaining all transmission lines so that alternating current electric
38 fields do not exceed 9-kV per meter at one meter above the ground surface in areas
39 accessible to the public.
- 40 f. Designing and maintaining all transmission lines so that induced voltages during
41 operation are as low as reasonably achievable.

42 [Final Order VI.D.2.2]
43
44
45
46

- 1 7.10. The certificate holder must develop and implement a program that provides reasonable
2 assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a
3 permanent nature that could become inadvertently charged with electricity are grounded
4 or bonded throughout the life of the line.
5 [Final Order IV.M.2.2] [Site Specific Condition OAR 345-027-0023(4)]
6
- 7 7.11. A current copy of the electrical protection plan developed in compliance with Condition
8 7.10 must be available at the O&M building and provided upon request by ODOE staff.
9 [Final Order IV.M.2.3]
10
- 11 7.12 Prior to construction, the certificate holder shall schedule a time to brief the OPUC
12 Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with
13 OAR Chapter 860, Division 024 during design, construction, operations, and
14 maintenance of the facilities.
15 [Final Order on Amendment 2]
16
- 17 7.13 During operation, the certificate holder shall:
18 a. Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter
19 860, Division 024 on an ongoing basis considering future operations, maintenance,
20 emergency response, and alterations until facility retirement.
21 b. File the following required information with the Commission:
22 i. Each person who is subject to the Public Utility Commission’s authority under
23 ORS 757.035 and who engages in the operation of an electric power line as
24 described in ORS 757.035 must provide the commission with the following
25 information before January 2 of each even-numbered year:
26 a. The name and contact information of the person that is responsible for
27 the operation and maintenance of the electric power line, and for
28 ensuring that the electric power line is safe, on an ongoing basis; and
29 b. The name and contact information of the person who is responsible for
30 responding to conditions that present an imminent threat to the safety
31 of employees, customers and the public.
32 ii. In the event that the contact information described in subsection (a) of this
33 condition changes or that ownership of the electric power line changes, the
34 person who engages in the operation of the electric power line must notify the
35 commission of the change as soon as practicable, but no later than within 90
36 days.
37 iii. If the person described in subsection (a) of this condition is not the public
38 utility, as defined in ORS 757.005, in whose service territory the electric
39 power line is located, the commission shall make the information provided to
40 the commission under subsection (1) of this section available to the public
41 utility in whose service territory the electric power line is located. [2013
42 c.235 §3]
43 c. Provide OPUC Safety Staff with:
44 i. Maps and Drawings of routes and installation of electrical supply lines
45 showing:
46 • Transmission lines and structures (over 50,000 Volts)

1
2
3
4
5
6
7
8
9

- 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]

1 **8.0. ON-SITE SAFETY AND SECURITY**

2
3 8.1. During construction and operation of the facility, the certificate holder shall provide for
4 on-site security and shall establish good communications between on-site security
5 personnel and the Wasco County Sheriff’s Office. During operation, the certificate
6 holder shall ensure that appropriate law enforcement agency personnel have an up-to-
7 date list of the names and telephone numbers of facility personnel available to respond
8 on a 24-hour basis in case of an emergency on the facility site.
9 [Final Order V.C.2.3]

10
11 8.2. Prior to construction, the certificate holder shall require that all on-site construction
12 contractors develop a site health and safety plan to be implemented during facility
13 construction that informs workers and others on-site about first aid techniques and what
14 to do in case of an emergency and that includes important telephone numbers and the
15 locations of on-site fire extinguishers and nearby hospitals. The certificate holder shall
16 ensure that construction contractors have personnel on-site who are trained and
17 equipped for tower rescue and who are first aid and CPR certified.
18 [Final Order on Amendment 2]

19
20 8.3. Prior to commencing operation, the certificate holder shall develop a site health and
21 safety plan to be implemented during facility operation that informs employees and
22 others on-site about first aid techniques and what to do in case of an emergency and that
23 includes important telephone numbers and the locations of on-site fire extinguishers and
24 nearby hospitals. The certificate holder shall ensure that operations personnel are
25 trained and equipped for tower rescue. The facility must maintain training records and
26 have a current copy of the site health and safety plan on-site and available upon request
27 by the Department of Energy.
28 [Final Order on Amendment 2]

29
30 8.4. Prior to construction, the certificate holder shall develop fire safety plans in
31 consultation with the Columbia Rural Fire District to minimize the risk of fire and to
32 respond appropriately to any fires that occur on the facility site. The plans shall be
33 maintained onsite and implemented throughout construction and operation of the
34 facility. In developing the fire safety plans, the certificate holder shall take into account
35 the dry nature of the region and shall address risks on a seasonal basis. The certificate
36 holder shall meet annually with local fire protection agency personnel to discuss
37 emergency planning and shall invite local fire protection agency personnel to observe
38 any emergency drill or tower rescue training conducted at the facility.
39 [Final Order on Amendment 2]

- 1 8.5. Upon the beginning of operation of the facility, the certificate holder shall provide a site
2 plan to the Columbia Rural Fire District. The certificate holder shall indicate on the site
3 plan the identification number assigned to each turbine and the actual location of all
4 facility structures. The certificate holder shall provide an updated site plan if additional
5 turbines or other structures are later added to the facility. During operation, the
6 certificate holder shall ensure that appropriate fire protection agency personnel have an
7 up-to-date list of the names and telephone numbers of facility personnel available to
8 respond on a 24-hour basis in case of an emergency on the facility site.
9 [Final Order V.C.2.7]
10
- 11 8.6. The certificate holder shall construct turbines and pad-mounted transformers on
12 concrete foundations and shall cover the ground within a 15-foot radius with non-
13 flammable material. The certificate holder shall maintain the non-flammable pad area
14 covering during operation of the facility.
15 [Final Order V.C.2.8]
16
- 17 8.7. During construction and operation of the facility, the certificate holder shall ensure that
18 the O&M building and all service vehicles are equipped with shovels and portable fire
19 extinguishers of a 4A50BC or equivalent rating.
20 [Final Order V.C.2.9]
21
- 22 8.8. During construction, the certificate holder shall ensure that construction vehicles and
23 equipment are operated on graveled areas to the extent possible and that open flames,
24 such as cutting torches, are kept away from dry grass areas.
25 [Final Order V.C.2.10]
26
- 27 8.9. During operation, the certificate holder shall ensure that all on-site employees receive
28 annual fire prevention and response training by qualified instructors or members of the
29 local fire districts. The certificate holder shall ensure that all employees are instructed to
30 keep vehicles on roads and off dry grassland, except when off-road operation is
31 required for emergency purposes.
32 [Final Order V.C.2.11]
33
34

1 **9.0. PROTECTION OF SOIL**

2
3 9.1. The certificate holder shall conduct all construction work in compliance with an
4 Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of
5 Environmental Quality and as required under the National Pollutant Discharge
6 Elimination System (NPDES) Storm Water Discharge General Permit #1200-C. The
7 certificate holder shall include in the ESCP any procedures necessary to meet local
8 erosion and sediment control requirements or storm water management requirement.
9 [Final Order IV.C.2.1]

10
11 9.2. During construction, the certificate holder shall limit truck traffic to improved road
12 surfaces to avoid soil compaction and wind erosion on dirt roads, to the extent
13 practicable.
14 [Final Order IV.C.2.2]

15
16 9.3. During construction, the certificate holder shall implement best management practices
17 to control any dust generated by construction activities, such as applying water to roads
18 and disturbed soil areas.
19 [Final Order IV.C.2.3]

20
21 9.4. The certificate holder shall handle hazardous materials used on the site in a manner that
22 protects public health, safety and the environment and shall comply with all applicable
23 local, state and federal environmental laws and regulations. The certificate holder shall
24 not store diesel fuel or gasoline on the facility site.
25 [Final Order IV.C.2.4]

26
27 9.5. If a spill or release of hazardous material occurs during construction or operation of the
28 facility, the certificate holder shall notify the Department within 72 hours and shall
29 clean up the spill or release and dispose of any contaminated soil or other materials
30 according to applicable regulations. The certificate holder shall make sure that spill kits
31 containing items such as absorbent pads are located on equipment and at the O&M
32 building. The certificate holder shall instruct employees about proper handling, storage
33 and cleanup of hazardous materials.
34 [Final Order IV.C.2.5]

35
36 9.6. Upon completion of construction, the certificate holder shall restore vegetation to the
37 extent practicable and shall landscape all areas disturbed by construction in a manner
38 compatible with the surroundings and proposed use and in compliance with the
39 Revegetation and Weed Control Plan (Exhibit 1 to the Final Order). Upon completion
40 of construction, the certificate holder shall remove all temporary structures not required
41 for facility operation and dispose of all timber, brush, refuse and flammable or
42 combustible material resulting from clearing of land and construction of the facility.
43 [Final Order IV.C.2.6] [Mandatory Condition OAR 345-025-0006 (11)]

1 9.7. During operation of the facility, the certificate holder shall restore areas that are
2 temporarily disturbed during facility maintenance or repair activities using the same
3 methods and monitoring procedures described in the Revegetation and Weed Control
4 Plan.
5 [Final Order IV.C.2.7]
6

7 9.8. During facility operation, the certificate holder shall routinely inspect and maintain all
8 transmission line corridors, roads, pads and trenched areas and, as necessary, maintain
9 or repair erosion and sediment control measures and control the introduction and spread
10 of noxious weeds.
11 [Final Order IV.C.2.8]
12
13

1 **10.0. PROTECTION OF NATURAL RESOURCES**
2

3 10.1. Before beginning construction, the certificate holder shall provide to the Department, to
4 the Oregon Department of Fish and Wildlife (ODFW) and to the Planning Director of
5 Wasco County detailed maps of the facility site, showing the final locations where the
6 certificate holder proposes to build facility components, and a table showing the acres
7 of temporary habitat impact by habitat category and subtype and the acres of permanent
8 habitat impact by habitat category and subtype. The detailed maps of the facility site
9 shall indicate the habitat categories of all areas that would be affected during
10 construction. In classifying the affected habitat into habitat categories, the certificate
11 holder shall consult with ODFW. The certificate holder shall not begin ground
12 disturbance in an affected area until the habitat assessment has been approved by the
13 Department. The Department may employ a qualified contractor to confirm the habitat
14 assessment by on-site inspection.
15 [Final Order IV.G.2.1]
16

17 10.2. The certificate holder shall incorporate the design elements listed below into the final
18 facility design to avoid or mitigate impacts to sensitive wildlife habitat:
19 a. Where practicable, facility components and construction areas shall be located to
20 avoid or minimize temporary and permanent impacts to high quality native habitat
21 and to retain habitat cover in the general landscape.
22 b. No facility components may be constructed within areas of Category 1 habitat and
23 temporary disturbance of Category 1 habitat shall be avoided.
24 c. The design of the facility and areas of temporary and permanent disturbance shall
25 avoid impacts to any Category 1 habitat, to any State-listed threatened or endangered
26 plant or wildlife species, and to any State Candidate plant species.
27 [Final Order IV.G.2.2]
28

29 10.3. The certificate holder shall implement measures to avoid or mitigate impacts to
30 sensitive wildlife habitat during construction including, but not limited to, the
31 following:
32 a. Preparing and distributing maps to employees and contractors to show areas that are
33 off-limits to construction personnel, such as nesting or denning areas for sensitive
34 wildlife species;
35 b. Avoiding unnecessary road construction, temporary disturbance and vehicle use;
36 c. Limiting construction work to approved and surveyed areas shown on facility
37 constraint maps; and
38 d. Ensuring that all construction personnel are instructed to avoid driving cross- country
39 or taking short-cuts within the site boundary or otherwise disturbing areas outside of
40 the approved and surveyed construction areas.
41 [Final Order IV.G.2.3]
42
43
44
45
46

- 1 10.4. Prior to construction, the certificate holder shall:
2 a. Select qualified specialists (wildlife biologist/botanist) that have substantial
3 experience in creating, enhancing, and protecting habitat mitigation areas within
4 Oregon;
5 b. Notify the Department of the identity and qualifications of the personnel or
6 contractors selected to implement and manage the habitat mitigation area;
7 c. Acquire the legal right to create, enhance, maintain and protect a habitat mitigation
8 area, as long as the site certificate is in effect, by means of an outright purchase,
9 conservation easement or similar conveyance;
10 d. Conduct a field-based habitat assessment of the habitat mitigation sites, based on a
11 protocol approved by the Department in consultation with ODFW, which includes
12 methodology, habitat map, and available acres by habitat category and subtype in
13 tabular format.
14 e. Develop and submit a final Habitat Mitigation Plan (HMP) for approval by the
15 Department in consultation with ODFW, based upon the draft amended HMP
16 included as Attachment D of the Final Order on Amendment #4. The Council retains
17 the authority to approve, reject or modify the final HMP and any future amendments;
18 and,
19 f. Improve the habitat quality, within the habitat mitigation area, as described in the
20 final HMP, and as amended.
21 [Final Order on Amendment 2; AMD4]

- 22
23 10.5. Prior to construction, the certificate holder shall finalize the Wildlife Monitoring and
24 Mitigation Plan (WMMP), based on the draft WMMP included as Attachment F of the
25 *Final Order on Amendment 4*, as approved by the Department in consultation with
26 ODFW. The certificate holder shall conduct wildlife monitoring as described in the
27 final WMMP, as amended from time to time. The final WMMP shall specify that the
28 first long-term raptor nest survey will be conducted in the first raptor nesting season
29 that is at least 5 years after the completion of construction and is in a year that is
30 divisible by five (i.e., 2020, 2025, 2030); the certificate holder shall repeat the survey at
31 5-year intervals thereafter. The final WMMP must include a requirement that the
32 certificate holder consult with the Department and ODFW after concluding the required
33 two-year operational avian fatality monitoring. If the results of the two-year operational
34 avian fatality monitoring exceed thresholds of concern established in the WMMP, the
35 certificate holder must provide additional mitigation in a form and amount agreed upon
36 by the Department, in consultation with ODFW. If the two-year operational avian
37 fatality monitoring results exceed thresholds of concern established in the WMMP, in
38 addition to the mitigation that must be provided per this condition, the certificate holder
39 must conduct an additional two-years of avian fatality monitoring, and report those
40 results to the Department and ODFW for review and if necessary, further mitigation as
41 agreed upon by the Department in consultation with ODFW. The results of the avian
42 fatality monitoring must be posted to the Department website and presented to EFSC by
43 Department and ODFW staff.
44 [Final Order on Amendment 2; AMD4]

1 10.6. The certificate holder shall hire a qualified environmental professional to provide
2 environmental training during construction and operation. Environmental training
3 includes information on the sensitive species present onsite, precautions to avoid
4 injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit
5 requirements and other environmental issues. The certificate holder shall instruct
6 construction and operations personnel to report any injured or dead wildlife detected
7 while on the site to the appropriate onsite environmental manager.
8 [Final Order IV.G.2.6]
9

10 10.7. Before beginning construction, the certificate holder shall:

- 11 a) Consider micrositeing factors designed to minimize bird and bat collision risk
12 including but not limited to locating wind turbines away from saddles in long
13 ridges and locating wind turbines on the top of or slightly downwind of distinct
14 ridges and set back from the prevailing upwind side. The certificate holder shall
15 provide a map, to the Department and ODFW, showing the final design
16 locations of all facility components and the areas of potential disturbance, and
17 that identifies geographic and micrositeing factors considered in final design.
- 18 b) Hire a qualified professional biologist to conduct a pre-construction habitat
19 survey (Condition 10.7) and Threatened and Endangered (T&E) plant survey
20 (Condition 10.13). The surveys shall be conducted concurrently and in
21 accordance with the survey protocol set forth in the Survey Protocol provided
22 in Attachment G of the Final Order on Amendment 4 (for T&E plants and
23 raptors), and in accordance with a survey protocol reviewed and approved by
24 ODFW for habitat categorization. The survey area will include all areas within
25 the micrositeing corridor. The pre construction habitat and T&E plant survey
26 shall be planned in consultation with the Department and ODFW, and shall
27 include both desktop and field surveys to be confirmed with the Department
28 and ODFW. The desktop survey shall evaluate habitat within ½ mile from the
29 site boundary (analysis area). Field surveys shall be conducted the entirety of
30 the micrositeing corridor in areas that are not active agriculture (Category 6
31 habitat).
- 32 c) Following completion of the habitat and T&E plant surveys, and final layout
33 design and engineering, the certificate holder shall provide the Department and
34 ODFW a report containing the results of the survey, showing expected final
35 location of all facility components, the habitat categories of all areas that will
36 be affected by facility components, and the locations of any sensitive resources.
37 The report shall present in tabular format the acres of expected temporary and
38 permanent impacts to each habitat category, type, and sub-type. The pre-
39 construction habitat survey shall be used to complete final design, facility
40 layout, and any additional micrositeing adjustment of facility components. Based
41 on the field survey report, the Department in consultation with ODFW shall
42 verify that the final facility layout, design, and construction timing minimizes
43 impacts to non-Category 6 habitat, state-listed sensitive species, and state-listed
44 threatened and endangered species. The report must be posted to the
45 Department website. The results of the survey must be presented to EFSC at a
46 future EFSC meeting by both the Department and ODFW staff. As part of the

1 report, the certificate holder shall include its impact assessment methodology
2 and calculations, including assumed temporary and permanent impact acreage
3 for each transmission structure, wind turbine, access road, and all other facility
4 components. If construction laydown yards are to be retained post construction,
5 due to a landowner request or otherwise, the construction laydown yards must
6 be calculated as permanent impacts, not temporary.

7 [Final Order on Amendment 2; AMD4]
8

9 10.8. The certificate holder shall reduce the risk of injuries to avian species by:

- 10 a. Installing turbine towers that are smooth steel structures that lack features that would
11 allow avian perching.
12 b. Installing meteorological towers that are non-guyed structures to eliminate the risk of
13 avian collision with guy-wires.
14 c. Designing and installing all aboveground transmission line support structures
15 following the most current suggested practices for avian protection on power lines
16 published by the Avian Power Line Interaction Committee.

17 [Final Order IV.H.2.1]
18

19 10.9. During facility operation, the certificate holder shall obtain water for on-site uses from
20 an on-site well located near the O&M building. The certificate holder shall construct the
21 on-site well subject to compliance with the provisions of ORS 537.765 relating to
22 keeping a well log. The certificate holder shall not use more than 5,000 gallons of water
23 per day from the on-site well. The certificate holder may use other sources of water for
24 on-site uses subject to prior approval by the Department.

25 [Final Order VI.C.2.1]
26

27 10.10. During facility operation, if equipment washing becomes necessary, the certificate
28 holder shall ensure that there is no runoff of wash water from the site or discharges to
29 surface waters, storm sewers or dry wells. The certificate holder shall not use acids,
30 bases or metal brighteners with the wash water. The certificate holder may use
31 biodegradable, phosphate-free cleaners sparingly.

32 [Final Order VI.C.2.2]
33

34 10.11. The certificate holder shall implement a waste management plan during operation that
35 includes but is not limited to the following measures:

- 36 a. Training employees to minimize and recycle solid waste.
37 b. Recycling paper products, metals, glass and plastics.
38 c. Recycling used oil and hydraulic fluid.
39 d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste
40 hauler.
41 e. Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-
42 absorbent materials, mercury-containing lights and lead-acid and nickel- cadmium
43 batteries for disposal by a licensed firm specializing in the proper recycling or
44 disposal of hazardous wastes.

45 [Final Order V.D.2.2]
46

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

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

10
11 10.13. Prior to the beginning of construction of the facility the certificate holder shall perform
12 new field surveys for threatened and endangered species following the survey protocol
13 set forth in the Northwest Wildlife Consultants Memorandum regarding Endangered
14 and Threatened Plant Species and Raptor Nest Surveys dated October 17, 2014. The
15 certificate holder shall report the results of the field surveys to the Department, ODA
16 and ODFW. If the surveys identify the presence of threatened or endangered species
17 within the survey area, the certificate holder shall implement appropriate measures to
18 avoid a significant reduction in the likelihood of survival or recovery of the species, as
19 approved by the Department, in consultation with ODA and ODFW.

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

21
22 10.14. The certificate holder shall conduct two (2) seasons of raptor nest surveys with at least
23 one (1) season of the surveys occurring prior to the beginning of construction. The
24 raptor nest surveys shall be conducted following the instructions set forth in the Raptor
25 Nest Survey Protocol for Summit Ridge Wind Farm included as Attachment G to the
26 Final Order on Amendment 4. The certificate holder shall report the results of the field
27 surveys to the Department and ODFW. If the surveys identify the presence of raptor
28 nests within the survey area, the certificate holder shall implement appropriate measures
29 to assure that the design, construction and operation of the facility are consistent with
30 the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025, as
31 approved by the Department, in consultation with ODFW.

32 [Final Order on ASC, Condition IV.G.2.8; AMD1; AMD4]

1 10.15. During construction the certificate holder shall observe the raptor nest avoidance
2 guidelines shown in the following table around known raptor nests in the vicinity of
3 ground-disturbing construction activities, unless the nest fledges young, the nest fails
4 (i.e., is abandoned), or the Department in consultation with ODFW approves an
5 alternative plan.
6

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

7
8 [Final Order on Amendment 2]
9
10

1 **11.0. PROTECTION OF HISTORIC, CULTURAL AND ARCHAEOLOGICAL**
2 **RESOURCES**
3

4 11.1. Before beginning construction, the certificate holder shall label all identified historic,
5 cultural or archaeological resource sites on construction maps and drawings as “no
6 entry” areas. The applicant shall implement a 200 foot buffer for all rock alignment and
7 cairn sites, and shall implement a 100 foot buffer for all other archaeological sites. The
8 certificate holder may use existing private roads within the buffer areas but may not
9 widen or improve private roads within the buffer areas. The no-entry restriction does
10 not apply to public road rights-of-way within the buffer areas.

11 [Final Order Section V.B.2.1]
12

13 11.2. Before beginning construction, the certificate holder shall provide to the Department a
14 map showing the final design locations of all components of the facility, the areas that
15 would be temporarily disturbed during construction and the areas that were previously
16 surveyed as described in the Application for Site Certificate.

17 [Final Order V.B.2.2]
18

19 11.3. The certificate holder shall hire qualified personnel to conduct field investigation of all
20 areas to be disturbed during construction that lie outside the previously-surveyed areas.
21 The certificate holder shall provide a written report of the field investigation to the
22 Department and to the Oregon State Historic Preservation Office (SHPO). If any
23 potentially significant historic, cultural or archaeological resource sites are found during
24 the field investigation, the certificate holder shall instruct all construction personnel to
25 avoid the identified sites and shall implement appropriate measures to protect the sites,
26 including the measures described in Condition 11.5 and in accordance with the
27 Archaeological Monitoring Plan required per Condition 11.6.

28 [Final Order V.B.2.3]
29

30 11.4. The certificate holder shall ensure that a qualified archaeologist, as defined in OAR
31 736-051-0070, instructs construction personnel in the identification of cultural materials
32 and avoidance of accidental damage to identified resource sites. Records of such
33 training shall be maintained at the Operations and Maintenance Building and made
34 available to authorized representatives of the Oregon Department of Energy upon
35 request.

36 [Final Order V.B.2.4]
37
38
39
40
41
42
43
44
45
46

- 1 11.5. The certificate holder shall ensure that construction personnel cease all ground-
2 disturbing activities in the immediate area if any archaeological or cultural resources are
3 found during construction of the facility until a qualified archeologist can evaluate the
4 significance of the find. The certificate holder shall notify the Department and SHPO of
5 the find. If the SHPO determines that the resource is significant, the certificate holder
6 shall make recommendations to the Council for mitigation, including avoidance, field
7 documentation and data recovery, in consultation with the Department, SHPO,
8 interested tribes and other appropriate parties. The certificate holder shall not restart
9 work in the affected area until the certificate holder has demonstrated to the Department
10 and the SHPO that it has complied with archaeological resource protection regulations.
11 [Final Order V.B.2.5]
12
- 13 11.6. The certificate holder shall prepare and implement an Archaeological Monitoring Plan
14 for construction and maintenance activities to address and mitigate impacts from
15 exposure of unanticipated or previously unidentified cultural properties that may be
16 exposed during construction or operation of the facility. A current copy of the plan must
17 be maintained at the Operations and Maintenance Building and made available to
18 authorized representatives of the Oregon Department of Energy upon request.
19 [Final Order V.B.2.6]
20

1 **12.0. NOISE CONTROL AND NOISE COMPLAINT RESPONSE**

- 2
- 3 12.1. To reduce construction noise impacts at nearby residences, the certificate holder shall:
- 4 a. Confine the noisiest operation of heavy construction equipment to the daylight hours.
- 5 b. Require contractors to install and maintain exhaust mufflers on all combustion
- 6 engine-powered equipment; and
- 7 c. Establish a complaint response system at the construction manager’s office to address
- 8 noise complaints. Records of noise complaints during construction must be made
- 9 available to authorized representatives of the Department of Energy upon request.

10 [Final Order VI.A.2.1]

- 11
- 12 12.2. Before beginning construction, the certificate holder shall provide to the Department:
- 13 a. Information that identifies the final design locations of all turbines to be built at the
- 14 facility;
- 15 b. The maximum sound power level for the substation transformers and the maximum
- 16 sound power level and octave band data for the turbine type(s) selected for the
- 17 facility based on manufacturers’ warranties or confirmed by other means acceptable
- 18 to the Department;
- 19 c. The results of the noise analysis of the final facility design performed in a manner
- 20 consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI).
- 21 The analysis must demonstrate to the satisfaction of the Department that the total
- 22 noise generated by the facility (including the noise from turbines and substation
- 23 transformers) will not exceed the maximum allowable noise level at any potentially-
- 24 affected noise receptor. The analysis must also demonstrate that the facility would
- 25 meet the ambient degradation test at the appropriate measurement point for
- 26 potentially-affected noise sensitive properties, or that the certificate holder has
- 27 obtained the noise waiver described in Condition 12.2.d for each noise-sensitive
- 28 property where the ambient degradation standard cannot be met.
- 29 d. For each noise-sensitive property where the certificate holder relies on a noise waiver
- 30 to demonstrate compliance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the
- 31 a legally effective easement or real covenant pursuant to which the owner of the
- 32 property authorizes the certificate holder’s operation of the facility to increase
- 33 ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate
- 34 measurement point. The legally-effective easement or real covenant must meet all of
- 35 the following criteria:
- 36 i. Include a legal description of the burdened property (the noise sensitive
- 37 property);
- 38 ii. Be recorded in the real property records of the county;
- 39 iii. Expressly benefit the certificate holder;
- 40 iv. Expressly run with the land and bind all future owners, lessees or holders of
- 41 any interest in the burdened property; and
- 42 v. Not be subject to revocation without the certificate holder’s written approval.

43 [Final Order VI.A.2.2]

1 12.3. During operation, the certificate holder shall maintain a complaint response system to
2 address noise complaints. The certificate holder shall notify the Department within 15
3 days of receiving a complaint about noise from the facility. The notification should
4 include, but is not limited to, the date the complaint was received, the nature of the
5 complaint, the complainant's contact information, the location of the affected property,
6 and any actions taken, or planned to be taken, by the certificate holder to address the
7 complaint.

8 [Final Order VI.A.2.3]
9

10 12.4. During operations, the certificate holder shall:

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

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

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

33 [Final Order VI.A.2.4; AMD4]
34

1 **13.0. MONITORING AND REPORTING REQUIREMENTS - GENERAL**
2

3 13.1. In addition to monitoring and reporting requirements elsewhere in this Site Certificate,
4 the certificate holder shall also report according to the following requirements:

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

- 6 i. Within six months after beginning construction, and every six months
7 thereafter during construction of the energy facility and related or supporting
8 facilities, the certificate holder shall submit a semiannual construction
9 progress report to the Department of Energy. In each construction progress
10 report, the certificate holder shall describe any significant changes to major
11 milestones for construction. The certificate holder shall include such
12 information related to construction as specified in the site certificate. When
13 the reporting date coincides, the certificate holder may include the
14 construction progress report within the annual report described in Condition
15 13.1.b.
- 16 ii. By April 30 of each year after beginning construction, the certificate holder
17 shall submit an annual report to the Department addressing the subjects listed
18 in Condition 13.1.b. The Council Secretary and the certificate holder may, by
19 mutual agreement, change the reporting date.
- 20 iii. To the extent that information required by Condition 13.1.b is contained in
21 reports the certificate holder submits to other state, federal or local agencies,
22 the certificate holder may submit excerpts from such other reports to satisfy
23 this rule. The Council reserves the right to request full copies of such
24 excerpted reports.

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

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

- 28 i. Facility Status: An overview of site conditions, the status of facilities under
29 construction, and a summary of the operating experience of facilities that are
30 in operation. In this section of the annual report, the certificate holder shall
31 describe any unusual events, such as earthquakes, extraordinary windstorms,
32 major accidents or the like that occurred during the year and that had a
33 significant adverse impact on the facility.
- 34 ii. Reliability and Efficiency of Power Production: For electric power plants, the
35 plant availability and capacity factors for the reporting year. The certificate
36 holder shall describe any equipment failures or plant breakdowns that had a
37 significant impact on those factors and shall describe any actions taken to
38 prevent the recurrence of such problems.
- 39 iii. Status of Surety Information: Documentation demonstrating that bonds or
40 letters of credit as described in the site certificate are in full force and effect
41 and will remain in full force and effect for the term of the next reporting
42 period.
- 43 iv. Monitoring Report: A list and description of all significant monitoring and
44 mitigation activities performed during the previous year in accordance with
45 site certificate terms and conditions, a summary of the results of those
46 activities and a discussion of any significant changes to any monitoring or

1 mitigation program, including the reason for any such changes.

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

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

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

10
11 13.2. The certificate holder and the Department of Energy shall exchange copies of all
12 correspondence or summaries of correspondence related to compliance with statutes,
13 rules and local ordinances on which the Council determined compliance, except for
14 material withheld from public disclosure under state or federal law or under Council
15 rules. The certificate holder may submit abstracts of reports in place of full reports;
16 however, the certificate holder shall provide full copies of abstracted reports and any
17 summarized correspondence at the request of the Department.

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

19
20 13.3. The following general monitoring conditions apply:

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

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

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

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

39 [Final Order VII.2] [Mandatory Condition OAR 345-025-0006 (6)]

1 **14.0. RETIREMENT AND FINANCIAL ASSURANCE**
2

3 14.1. Before beginning construction, the certificate holder shall submit to the State of Oregon
4 through the Council a bond or letter of credit in the amount described herein naming the
5 State of Oregon, acting by and through the Council, as beneficiary or payee. The initial
6 bond or letter of credit amount is either \$ 12.019 million (in 4th Quarter 2018 dollars),
7 to be adjusted to the date of issuance as described in (b), or the amount determined as
8 described in Condition 14.1.a below. The certificate holder shall adjust the amount of
9 the bond or letter of credit on an annual basis thereafter as described in Condition
10 14.1.b.

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

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

19 i. Adjust the Subtotal component of the bond or letter of credit amount
20 (expressed in 4th Quarter 2018 dollars) to present value, using the U.S. Gross
21 Domestic Product Implicit Price Deflator, Chain-Weight, as published in the
22 Oregon Department of Administrative Services “Oregon Economic and
23 Revenue Forecast” or by any successor agency (the “Index”) and using the
24 4th Quarter 2018 index value and the quarterly index value for the date of
25 issuance of the new bond or letter of credit. If at any time the Index is no
26 longer published, the Council shall select a comparable calculation to adjust
27 4th Quarter 2018 dollars to present value.

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

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

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

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

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

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

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

44 [Final Order IV.F.2.1; AMD4] [Mandatory Condition OAR 345-025-0006 (8)]
45
46

- 1 14.2. If the certificate holder elects to use a bond to meet the requirements of Condition 14.1,
2 the certificate holder shall ensure that the surety is obligated to comply with the
3 requirements of applicable statutes, Council rules and this site certificate when the
4 surety exercises any legal or contractual right it may have to assume construction,
5 operation or retirement of the energy facility. The certificate holder shall also ensure
6 that the surety is obligated to notify the Council that it is exercising such rights and to
7 obtain any Council approvals required by applicable statutes, Council rules and this site
8 certificate before the surety commences any activity to complete construction, operate
9 or retire the energy facility.
10 [Final Order IV.F.2.2]
11
- 12 14.3. The certificate holder shall prevent the development of any conditions on the site that
13 would preclude restoration of the site to a useful, non-hazardous condition to the extent
14 that prevention of such site conditions is within the control of the certificate holder.
15 [Final Order IV.F.2.3] [Mandatory Condition OAR 345-025-0006 (7)]
16
- 17 14.4. The certificate holder must retire the facility in accordance with a retirement plan
18 approved by the Council if the certificate holder permanently ceases construction or
19 operation of the facility. The retirement plan must describe the activities necessary to
20 restore the site to a useful, non-hazardous condition, as described in OAR 345-027-
21 0110(5). After Council approval of the plan, the certificate holder must obtain the
22 necessary authorization from the appropriate regulatory agencies to proceed with
23 restoration of the site.
24 [Final Order IV.F.2.4] [Mandatory Condition OAR 345-025-0006 (9)]
25
- 26 14.5. The certificate holder is obligated to retire the facility upon permanent cessation of
27 construction or operation. If the Council finds that the certificate holder has
28 permanently ceased construction or operation of the facility without retiring the facility
29 according to a final retirement plan approved by the Council, as described in OAR 345-
30 027-0110, the Council shall notify the certificate holder and request that the certificate
31 holder submit a proposed final retirement plan to the Department within a reasonable
32 time not to exceed 90 days. If the certificate holder does not submit a proposed final
33 retirement plan by the specified date, the Council may direct the Department to prepare
34 a proposed final retirement plan for the Council's approval.
35 [Final Order IV.F.2.5] [Mandatory Condition OAR 345-025-0006 (16)]
36
- 37 14.6. Upon the Council's approval of the final retirement plan, the Council may draw on the
38 bond or letter of credit submitted per the requirements of Condition 6.1 to restore the
39 site to a useful, non-hazardous condition according to the final retirement plan, in
40 addition to any penalties the Council may impose under OAR Chapter 345, Division 29.
41 If the amount of the bond or letter of credit is insufficient to pay the actual cost of
42 retirement, the certificate holder shall pay any additional cost necessary to restore the
43 site to a useful, non-hazardous condition. After completion of site restoration, the
44 Council shall issue an order to terminate the site certificate if the Council finds that the
45 facility has been retired according to the approved final retirement plan.
46 [Final Order IV.F.2.6] [Mandatory Condition OAR 345-025-0006 (16)]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

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]

1 **15.0. SUCCESSORS AND ASSIGNS**

2
3 To transfer this amended site certificate or any portion thereof or to assign or dispose of it in any
4 other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0400.
5

6 **16.0. SEVERABILITY AND CONSTRUCTION**

7
8 If any provision of this agreement and amended site certificate is declared by a court to be illegal
9 or in conflict with any law, the validity of the remaining terms and conditions shall not be
10 affected, and the rights and obligations of the parties shall be construed and enforced as if the
11 agreement and certificate did not contain the particular provision held to be invalid.
12

13 **17.0. GOVERNING LAW AND FORUM**

14
15 This amended site certificate shall be governed by the laws of the State of Oregon. Any litigation
16 or arbitration arising out of this agreement shall be conducted in an appropriate forum in Oregon.
17

18 **18.0. EXECUTION**

19
20 This amended site certificate may be executed in counterparts and will become effective upon
21 signature by the Chair of the Energy Facility Siting Council and the authorized representative of
22 the certificate holder.
23

24 **IN WITNESS THEREOF**, this amended site certificate has been executed by the State of
25 Oregon, acting by and through its Energy Facility Siting Council, and by Summit Ridge Wind,
26 LLC.
27

28 Energy Facility Siting Council

Certificate Holder

29
30 Marcia L. Grail
31 By: [Marcia L. Grail \(Jan 15, 2021 19:01 PST\)](#)

Christie Kneteman
By: [Christie Kneteman \(Jan 20, 2021 20:36 EST\)](#)

32
33 Marcia L. Grail, Chair
34 Oregon Energy Facility Siting Council

Summit Ridge Wind, LLC

35
36 Date: Jan 15, 2021

Date: Jan 20, 2021










Summit Ridge Transfer AMD5 Amended Site Certificate Sig Page 2020-12-18

Final Audit Report

2021-01-21


Created:	2021-01-14
By:	Energy Siting (Energy.Siting@Oregon.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAvengPKapykwYiFJJEhiY9fE5T-N-ZVn_

"Summit Ridge Transfer AMD5 Amended Site Certificate Sig Page 2020-12-18" History

-  Document created by Energy Siting (Energy.Siting@Oregon.gov)
2021-01-14 - 3:36:09 PM GMT- IP address: 70.122.116.171
-  Document emailed to mary.grail@efsc.oregon.gov for signature
2021-01-14 - 3:37:00 PM GMT
-  Energy Siting (Energy.Siting@Oregon.gov) replaced signer mary.grail@efsc.oregon.gov with Marcy@ibew125.com
2021-01-14 - 3:37:13 PM GMT- IP address: 70.122.116.171
-  Document emailed to Marcy@ibew125.com for signature
2021-01-14 - 3:37:13 PM GMT
-  Email sent to mary.grail@efsc.oregon.gov bounced and could not be delivered
2021-01-14 - 3:37:16 PM GMT
-  Email sent to mary.grail@efsc.oregon.gov bounced and could not be delivered
2021-01-14 - 3:37:36 PM GMT
-  Energy Siting (Energy.Siting@Oregon.gov) replaced signer mary.grail@efsc.oregon.gov with Marcia L. Grail (marcy.grail@efsc.oregon.gov)
2021-01-14 - 6:21:33 PM GMT- IP address: 70.122.116.171
-  Document emailed to Marcia L. Grail (marcy.grail@efsc.oregon.gov) for signature
2021-01-14 - 6:21:34 PM GMT
-  Email sent to mary.grail@efsc.oregon.gov bounced and could not be delivered
2021-01-14 - 6:21:36 PM GMT

 Email viewed by Marcia L. Grail (marcy.grail@efsc.oregon.gov)

2021-01-16 - 2:47:15 AM GMT- IP address: 71.34.75.140

 Document e-signed by Marcia L. Grail (marcy.grail@efsc.oregon.gov)


Signature Date: 2021-01-16 - 3:01:41 AM GMT - Time Source: server- IP address: 71.34.75.140

 Document emailed to cketeman@aypa.com for signature


2021-01-16 - 3:01:41 AM GMT

 Email sent to cketeman@aypa.com bounced and could not be delivered

2021-01-16 - 3:02:11 AM GMT

 Energy Siting (Energy.Siting@Oregon.gov) replaced signer cketeman@aypa.com with Christie Kneteman (ckneteman@aypa.com)

2021-01-20 - 7:27:31 PM GMT- IP address: 70.122.116.171

 Document emailed to Christie Kneteman (ckneteman@aypa.com) for signature

2021-01-20 - 7:27:32 PM GMT

 Email viewed by Christie Kneteman (ckneteman@aypa.com)

2021-01-20 - 7:31:54 PM GMT- IP address: 99.230.132.220

 Email viewed by Christie Kneteman (ckneteman@aypa.com)

2021-01-21 - 1:34:46 AM GMT- IP address: 99.230.132.220

 Document e-signed by Christie Kneteman (ckneteman@aypa.com)

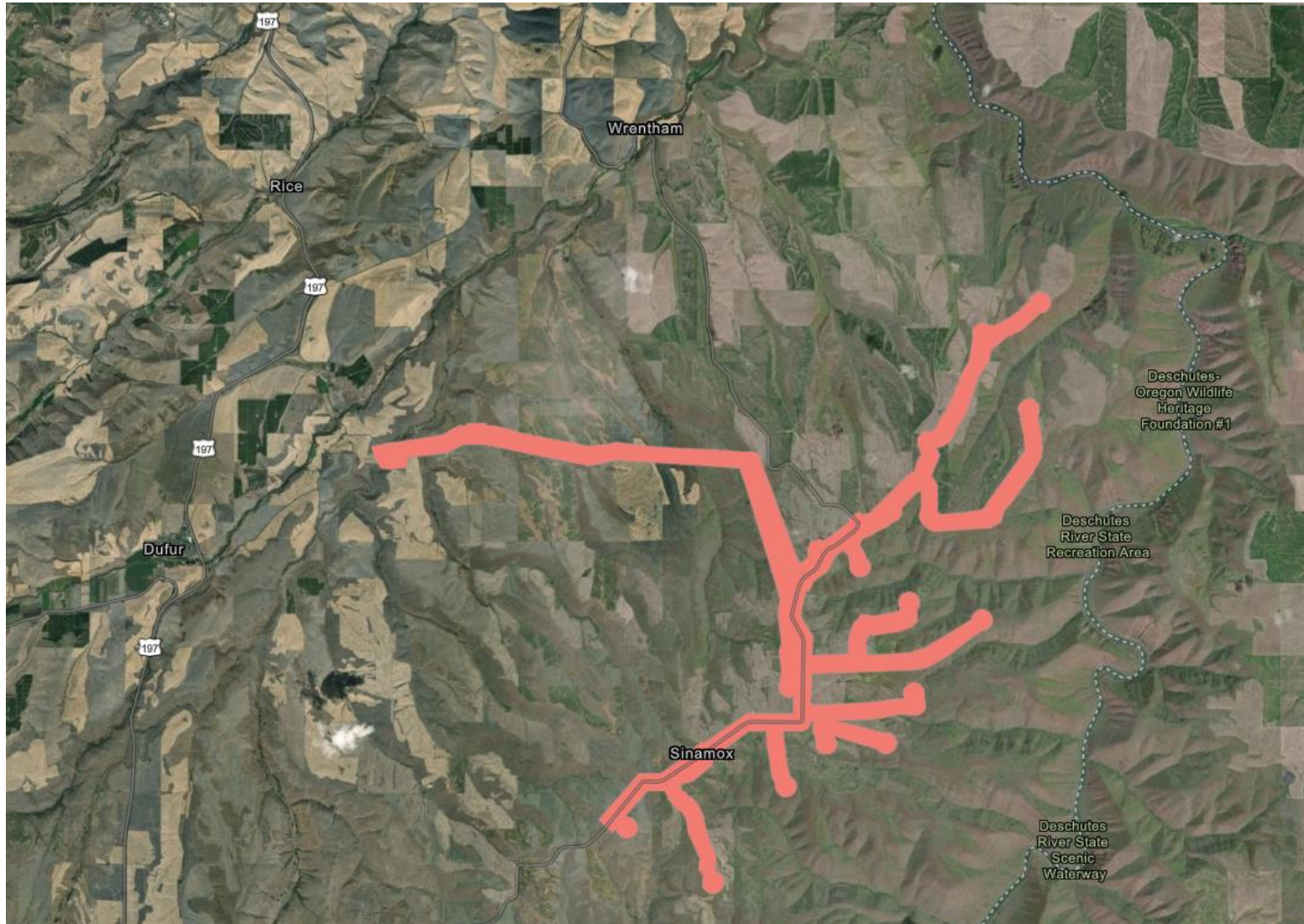
Signature Date: 2021-01-21 - 1:36:01 AM GMT - Time Source: server- IP address: 99.230.132.220

 Agreement completed.

2021-01-21 - 1:36:01 AM GMT

1 **Figure 1: Facility Site Boundary**

2
3



4