

# **Request for Amendment No. 3**

## **to the Site Certificate for the**

## **Carty Generating Station**

Submitted to:  
**Oregon Department of Energy**

**February 3, 2022**

Prepared by:  
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## **Acronyms and Abbreviations**

BCP	Boardman Coal Plant
CGS	Carty Generating Station
Council	Oregon Energy Facility Siting Council
CTG	Combustion Turbine Generator
dBA	A-weighted decibels
Department	Oregon Department of Energy
DEQ	Oregon Department of Environmental Quality
DOGAMI	Oregon Department of Geology and Mineral Industries
HMA	Habitat Mitigation Area
kV	Kilovolt
MW	Megawatt
MCZO	Morrow County Zoning Ordinance
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 Statutes
PGE	Portland General Electric Company
RFP	Request for Proposal
WPCF	Water Pollution Control Facility

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## 1.0 Introduction

The Portland General Electric Company (PGE or the Certificate Holder) holds the Second Amended Site Certificate for the Carty Generating Station.<sup>1</sup> As approved, the Carty Generating Station (CGS or Facility) is capable of generating up to 500 megawatts (MW) of electrical power. The CGS consists of the operating 450-MW natural gas-fueled combined-cycle unit (Unit 1) and includes the not-yet-constructed 50-MW Carty Solar Farm (Carty Solar Farm) on 315 acres (0.49 sq. miles) located south of the Carty Reservoir in Morrow County, Oregon.

The Oregon Energy Facility Siting Council (Council) originally issued a site certificate to PGE for the CGS on June 29, 2012.<sup>2</sup> The Carty Solar Farm was evaluated and approved under the First Amended Site Certificate for the CGS issued on December 14, 2018.<sup>3</sup> Electrical power produced by the Carty Solar Farm will be collected and routed via a new 34.5 kilovolt (kV) transmission line through one of five potential transmission line routes to one of three interconnection options located north of the Carty Reservoir and permitted with the First Amended Site Certificate for the CGS. The Second Amended Site Certificate for the CGS was issued on November 19, 2020, which increased the CGS site boundary to incorporate existing permitted facilities from the Boardman Coal Plant (BCP) and authorized a number of related or supporting facilities for use at the CGS. The Carty Solar Farm occurs entirely within a portion of the CGS site boundary approved in the Second Amended Site Certificate and shown on Figure 1 (Carty Generating Station Site Boundary).

PGE files this third Request for Amendment (RFA 3) to the Carty Generating Station Site Certificate seeking approval from the Council to extend the start date of construction and construction completion deadline for the Carty Solar Farm. The proposed change is described in further detail in Section 3.0, and the portion of the previously approved site boundary subject to RFA 3 is illustrated on Figure 2 (Area Subject to RFA 3). This RFA 3 is required by Oregon Administrative Rule (OAR) 345-027-0350(3) because the Certificate Holder seeks to extend the construction beginning and completion deadline. No other changes requiring an amendment to the Site Certificate per OAR 345-027-0350 are proposed in this RFA 3.

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<sup>1</sup> Second Amended Site Certificate for the Carty Generating Station. 2020. Available at: [https://www.oregon.gov/energy/facilities-safety/facilities/Facilities\\_library/2020-11-19-CGS-AMD2-SIGNED-Second-Amended-Site-Certificate-Attachment-1.pdf](https://www.oregon.gov/energy/facilities-safety/facilities/Facilities_library/2020-11-19-CGS-AMD2-SIGNED-Second-Amended-Site-Certificate-Attachment-1.pdf).

<sup>2</sup> Site Certificate for the Carty Generating Station. 2012. Available at: [https://www.oregon.gov/energy/facilities-safety/facilities/Facilities\\_library/CGS\\_site\\_certificate\\_070212.pdf](https://www.oregon.gov/energy/facilities-safety/facilities/Facilities_library/CGS_site_certificate_070212.pdf).

<sup>3</sup> First Amended Site Certificate for the Carty Generating Station. 2018. Available at: [https://www.oregon.gov/energy/facilities-safety/facilities/Facilities\\_library/2018-12-14-CGS-AMD1-Amended-Site-Certificate.pdf](https://www.oregon.gov/energy/facilities-safety/facilities/Facilities_library/2018-12-14-CGS-AMD1-Amended-Site-Certificate.pdf).

## **1.1 Amendment Determination Request, Type B Review – OAR 345-027-0357**

### *OAR 345-027-0357 Amendment Determination Request*

*(3) For any request for amendment described under OAR 345-027-0350(3) or (4), the certificate holder may submit an amendment determination request to the Department for a written determination of whether a request for amendment justifies review under the type B review process described in OAR 345-027-0351(3).*

*(4) A request described in section (1), (2), or (3) of this rule must be submitted in writing to the Department and must include:*

*(a) A narrative description of the proposed change;*

**Response:** See Section 1.0 and 3.0 of this amendment request.

*(b) Maps and/or geospatial data layers representing the effects and/or location of the proposed change;*

**Response:** Figures 1 and 2 depicting the approved site boundary and area subject to RFA 3, respectively, are provided at the end of this application. PGE has submitted related geospatial data layers to the Oregon Department of Energy (ODOE) concurrently with this amendment request.

*(c) The certificate holder's evaluation of the determinations it is requesting under sections (1), (2), or (3) of this rule; and*

**Response:** A request for a Type B review process is provided below, along with an analysis of why this process is appropriate for this amendment request.

*(d) Any additional information the certificate holder believes will assist the Department's evaluation.*

**Response:** A detailed analysis of how the Carty Solar Farm continues to comply with relevant standards is provided in Sections 2 through 8 of this amendment request.

*(8) In determining whether a request for amendment justifies review under the type B review process described in OAR 345-027-0351(3), the Department and the Council may consider factors including, but not limited to:*

**Response:** As allowed under OAR 345-027-0351(3), PGE requests a Type B review process for this amendment request. The following items are identified for consideration of a Type B review request in OAR 345-027-0057(8):

*(a) The complexity of the proposed change;*

**Response:** This RFA 3 seeks only to extend the start date of construction and construction completion deadline for the Carty Solar Farm and its related or supporting facilities as defined in Section 3 of the Second Amended Site Certificate to the CGS. This amendment request does not

change the CGS site boundary approved in the Second Amended Site Certificate<sup>4</sup> and shown on Figure 1. This RFA 3 makes no changes to the Carty Solar Farm, its related or supporting components, or the permanent or temporary disturbance areas identified in the Final Order on Request for Amendment 1 (Amendment 1)<sup>5</sup> and Exhibit C to RFA 1.<sup>6</sup> The Council previously concluded that the Carty Solar Farm complied with the applicable substantive criteria of Council standards and Morrow County's comprehensive plan and zoning ordinance.<sup>7</sup> Sections 4, 6, and 7 of this RFA 3 demonstrate that standards and facts have not substantively changed since RFA 1. This amendment request makes two changes to the Site Certificate Conditions 4.1.i and 4.2.ii identified in Section. The proposed changes to the construction deadlines do not affect the Certificate Holder's ability to comply with any of the other previously imposed Site Certificate Conditions. Therefore the change to extend the start date of construction and construction completion deadline for the Carty Solar Farm is not complex and requires only minor revisions to the Second Amended Site Certificate.

*(b) The anticipated level of public interest in the proposed change;*

**Response:** RFA 1 had five public comments,<sup>8</sup> all of which were in support of the Carty Solar Farm. As detailed above, the change is not complex and seeks only to extend the start date of construction and construction completion deadline for the Carty Solar Farm. Therefore, the anticipated level of public interest in this amendment request is low.

*(c) The anticipated level of interest by reviewing agencies;*

**Response:** There were six reviewing agency comments on the Proposed Order related to the Carty Solar Farm, all of which were considered and addressed as part of Final Order on Amendment 1.<sup>9</sup> Prior to submittal of this RFA 3, the Certificate Holder contacted the Morrow County Planning Department (Attachment 1), Oregon Department of Fish and Wildlife (Attachment 2), State Historic Preservation Office (Attachment 3), and local service providers (Boardman Rural Fire Protection District for fire service and the Morrow County Sheriff's Office) (Attachment 4) to identify the proposed amendment, seek input on the request, and answer any questions or concerns raised. The

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<sup>4</sup> Final Order on Request for Amendment 2, Figure 2 (November 2020). Available at: <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2020-11-19-CGS-AMD2-SIGNED-Final-Order.pdf>.

<sup>5</sup> Final Order on Request for Amendment 1, Table 5 (December 2018). Available at: <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2018-12-14-CGS-AMD1-Final-Order-AMD1.pdf>.

<sup>6</sup> Revised Request for Amendment 1, Exhibit C, Tables C-1 and C-2, and Figures C-1 and C-2 (February 2018). Available at: <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2018-02-21-CGS-AMD1-ExAE.PDF>.

<sup>7</sup> Final Order on Request for Amendment 1, p. 35 (December 2018).

<sup>8</sup> Final Order on Request for Amendment 1, p. 11 and Attachment B (December 2018).

<sup>9</sup> Final Order on Request for Amendment 1, p. 10 and Attachment B (December 2018).

level of interest from reviewing agencies was low because the change is not complex and there is no change to resource impacts resulting from the extension to construction deadlines.

*(d) The likelihood of significant adverse impact; and*

**Response:** This RFA 3 makes no changes to the Carty Solar Farm, its related or supporting components, or the permanent or temporary disturbance areas identified in the Final Order on Amendment 1<sup>10</sup> and Exhibit C to RFA 1.<sup>11</sup> RFA 3 does not change the CGS Site Boundary. All previously imposed conditions related to construction and operation of the Carty Solar Farm apply to RFA 3. There will be no changes to the conditions, and the proposed change to extend the construction deadlines for the Carty Solar Farm does not affect the Certificate Holder's ability to comply with any of the other previously imposed site conditions for construction and operation. Following initial coordination with agencies and service providers (listed above), there were no changes identified from extending the start date of construction and construction completion for the Carty Solar Farm that would alter the council's previous evaluation and determination of impacts. Therefore, there is little to no likelihood of significant adverse impacts related to this request.

*(e) The type and amount of mitigation, if any.*

**Response:** There is no mitigation resulting from the proposed amendment because there are no new impacts that will occur as a result of the construction deadline extension. All previously imposed conditions and plans related to mitigation apply to RFA 3. There will be no changes to the conditions or plans, and the proposed change to extend the construction deadlines for the Carty Solar Farm does not affect the Certificate Holder's ability to comply with any of the other previously imposed site conditions or plans related to mitigation. Following initial coordination with the agencies and service providers (listed above), there were no changes identified that would alter the council's previous evaluation and determination of impacts. Therefore, there is no changes to the type and amount of mitigation related to this request.

## 1.2 Need for Amendment – OAR 345-027-0385

*OAR 345-027-0385 Request for Amendment to Extend Construction Deadlines*

*(1) The certificate holder may request an amendment to the site certificate to extend the deadlines for beginning or completing construction of the facility, or portion/phase of the facility, that the Council has approved in a site certificate or an amended site certificate by submitting a preliminary request for amendment in accordance with OAR 345-027-0360. The preliminary request for amendment must include an explanation of the need for an extension*

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10 Final Order on Request for Amendment 1, Table 5 (December 2018). Available at: <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2018-12-14-CGS-AMD1-Final-Order-AMD1.pdf>.

11 Revised Request for Amendment 1, Exhibit C, Tables C-1 and C-2, and Figures C-1 and C-2 (February 2018). Available at: <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2018-02-21-CGS-AMD1-ExAE.PDF>.

*and must be submitted to the Department before the applicable construction deadline, but no earlier than the date twelve months before the applicable construction deadline.*

**Response:** The Certificate Holder is requesting an amendment to the Site Certificate to extend the deadline for completing construction of the Carty Solar Farm. The Certificate Holder's explanation of the need for the extension is provided below. The Certificate Holder is submitting this RFA 3 in accordance with OAR 345-027-0360 before the applicable construction deadline of (February 4, 2022) and no earlier than 12 months before the applicable construction deadline.

The extensions of the construction start and completion deadlines are needed because development planning could not be completed early enough to start construction by February 4, 2022. At the time the Carty Solar Farm was originally approved, PGE expected to repurpose the BCP infrastructure using an alternative fuel source once it ceased burning coal. However, after evaluating several options for maintaining the BCP as an operational facility, the decision was ultimately made to demolish the BCP. Demolition is expected to be completed late 2022 or early 2023. PGE needs additional time to consider how to best utilize the available land that will no longer be occupied with BCP infrastructure before moving forward with construction of the Carty Solar Farm. In addition, because of the expected size of the Carty Solar Farm, it would need to be awarded a contract under the Competitive Bidding Rules under OAR 860-089-0100(1); due to the timing and requirements of PGE's 2018 and 2021 All-Source Request for Proposal (RFP) the status of the Carty Solar Farm development was not sufficiently along to qualify for either RFP; therefore, PGE requests the extension of the construction start and completion deadlines to maintain the Carty Solar Farm for potential submittal into the next RFP estimated to be in 2024.

*(2) A preliminary request for amendment received by the Department within the time allowed under section (1) of this rule to extend the deadlines for beginning and completing construction suspends expiration of the site certificate or amended site certificate until the Council acts on the request for amendment. If the Council denies the extension request after the applicable construction deadline, the site certificate is deemed expired as of the applicable construction deadline specified in the site certificate or amended site certificate.*

**Response:** The Certificate Holder understands and acknowledges this rule.

*(3) If the Council grants an amendment under this rule, the Council must specify new deadlines for beginning or completing construction that are the later of:*

*(a) Three years from the deadlines in effect before the Council grants the amendment; or*

*(b) Following a contested case proceeding conducted pursuant to OAR 345-027-0371, two years from the date the Council grants the amendment.*

**Response:** The Certificate Holder requests that the new deadline for the start of construction be February 4, 2025, and the new deadline for completing construction be February 4, 2028. These dates are three years from the deadlines currently in effect under the Second Amended Site Certificate for the Carty Generation Station for the Carty Solar Farm. The Certificate Holder

recognizes, however, that if there is a contested case on this RFA, the Council must select the later of the two dates under OAR 345-027-0385(3).

*(4) For requests for amendment to the site certificate received under this rule to extend construction deadlines for facilities or portions of the facility the Council may not grant more than two amendments to extend the deadline for beginning construction of a facility or a phase of a facility.*

**Response:** This is the first request to extend the deadline for beginning construction of the Facility.

*(5) For requests for an amendment to the site certificate to extend construction deadlines for facilities, or portions/phases of facilities, not yet in construction, but already approved for construction in the site certificate or amended site certificate prior to October 24, 2017:*

**Response:** The construction deadlines in effect for the Carty Solar Farm under the Second Amended Site Certificate for the CGS were originally approved in December 2018 under the First Amended Site Certificate, after October 24, 2017. Therefore, OAR 345-027-0385(5) does not apply.

## 2.0 Certificate holder Information – OAR 345-027-0360(1)(a)

*OAR 345-027-0360(1)(a) – The name of the facility, the name and mailing address of the certificate holder, and the name, mailing address, email address and phone number of the individual responsible for submitting the request;*

### 2.1 Name of the Facility

Carty Generating Station

### 2.2 Name and Mailing Address of Certificate Holder

Portland General Electric Company

121 SW Salmon Street, 3WTC0403

Portland, OR 97204

### 2.3 Name and Address of Individual Responsible for Submitting Request

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## **3.0 Description of Proposed Change – OAR 345-027-0360(1)(b)**

*OAR 345-027-0360 Preliminary Request for Amendment*

*(1) To request an amendment to the site certificate required by OAR 345-027-0350(3) and (4), the certificate holder shall submit a written preliminary request for amendment to the Department of Energy that includes the following:*

*(b) A detailed description of the proposed change, including:*

### **Proposed Change: Extension of Facility Construction Start and Completion Deadlines.**

The current deadline for the start of construction for the Carty Solar Farm is February 4, 2022. The Certificate Holder, PGE, requests the Council amend Conditions 4.1(ii) and 4.2(ii) to extend construction start and completion deadlines by three years respectively.

### **3.1 Effect of Proposed Changes on the Facility – OAR 345-027-0360(1)(b)(A)**

*(A) a description of how the proposed change affects the facility,*

This request does not change the Facility as described in the First and Second Amended Site Certificate. It only seeks to change the Carty Solar Farm construction start deadline from February 4, 2022 to February 4, 2025; and to change the deadline for construction completion from February 4, 2025 to February 4, 2028. An explanation of the need for the extension is described in Section 1.2.

### **3.2 How Proposed Change Affects Protected Resources and Interests – OAR 345-027-0360(1)(b)(B)**

*(B) a description of how the proposed change affects those resources or interests protected by applicable laws and Council standards, and*

The change proposed in this RFA 3 will not create significant new impacts affecting those resources and interests protected by the Council's siting standards and will not alter the basis of the Council's previous findings that the Facility complies with all applicable laws and standards. To the extent that the proposed change could affect protected resources and interests, PGE demonstrates that the Facility will continue to comply with all applicable laws and Council standards in Sections 4 through 7 of this amendment request.

### **3.3 Location of the Proposed Change – OAR 345-027-0060(1)(b)(C)**

*(C) the specific location of the proposed change, and any updated maps and/or geospatial data layers relevant to the proposed change.*

Figure 1 shows the approved CGS site boundary. The extension of the construction deadlines will not alter the approved CGS site boundary and no change to the site boundary is proposed as part of RFA 3. In addition, RFA 3 makes no changes to the previously approved Carty Solar Farm, its related

or supporting components, or the associated permanent and temporary disturbance areas.<sup>12</sup> Figure 2 shows the area subject to RFA 3, which excludes the already constructed transmission line corridors that are part of the overall site boundary approved in the Second Amended Site Certificate for the CGS. The area subject to RFA 3, as depicted on Figure 2, is the basis of regulatory compliance analysis provided in this application, and is used as the Facility site for noticing requirements (see Section 8).<sup>13</sup> Related geospatial data layers have been provided to ODOE concurrently with this request.

## **4.0 Applicable Division 21 Requirements – OAR 345-027-0360(1)(c)**

### ***OAR 345-027-0360 Preliminary Request for Amendment***

*(1) To request an amendment to the site certificate required by OAR 345-027-0350(3) and (4), the certificate holder shall submit a written preliminary request for amendment to the Department of Energy that includes the following:*

\*\*\*

*(c) References to any specific Division 21 information that may be required for the Department to make its findings.*

**Response:** All exhibits of the Application for Site Certificate and subsequent requests for amendments that provide Division 21 information are hereby incorporated by reference. The Certificate Holder understands that Division 21 standards under OAR 345-021-0010 have been amended twice since submittal of RFA 1 in February 2018. OAR 345-021-0010 was amended in October 2017 to update the requirements of Exhibit H and the Structural Standard under 345-022-0020.<sup>14</sup> The Certificate Holder previously provided a revised Exhibit H to RFA 1 which followed the requirements established by the rulemaking finalized on October 18, 2017.<sup>15</sup> OAR 345-021-0010 was amended again in October 2019 with administrative changes such as reducing the number of printed copies of materials that an applicant or Certificate Holder must submit and aligning property owner listing requirements with local government practices.<sup>16</sup> For these reasons, the

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<sup>12</sup> Revised Request for Amendment 1, Exhibit C, Tables C-1 and C-2, and Figures C-1 and C-2 (February 2018).

<sup>13</sup> Email correspondence, Oregon Department of Energy (February 1, 2022). The email constitutes approval of the RFA 3 analysis and notification area under OAR 345-027-0360(3).

<sup>14</sup> Office of the Secretary of the State. Permanent Administrative Order. EFSC 2-2017. Available at: <http://records.sos.state.or.us/ORSOSWebDrawer/Recordpdf/6842573>.

<sup>15</sup> Final Order on Request for Amendment 1, Attachment C, RAI-12 (December 2018).

<sup>16</sup> Office of the Secretary of the State. Permanent Administrative Order. EFSC 10-2019. Available at: <http://records.sos.state.or.us/ORSOSWebDrawer/Recordpdf/6950164>.

Council may continue to rely on the Division 21 information provided, evaluated, and approved under RFA 1, and incorporated by reference in this amendment request.

## 5.0 Site Certificate Revisions – OAR 345-027-0360(1)(d)

*OAR 345-027-0360(1)(d) The specific language of the site certificate, including conditions, that the certificate holder proposes to change, add or delete through the amendment.*

**Response:** Attachment 5 provides a redlined version of the current Site Certificate for CGS. PGE has proposed modifications to the Site Certificate to reflect the proposed change described in this RFA 3, to update information that has changed since the issuance of the Second Amended Site Certificate for CGS, as needed, and to correct a misspelling in Condition 6.25. The proposed substantive changes to the Site Certificate are identified with strikethrough and underlined text as follows:

### Amended Condition 4.1:

*The certificate holder shall:*

ii. *Begin construction of the Carty Solar Farm ~~within three years after the effective date of the amended site certificate, or by February 4, 2022~~2025. Under OAR 345-015-0085(8), the site certificate is effective upon execution by the Council Chair and the certificate holder. [AMD1][AMD3]*

### Amended Condition 4.2:

*The certificate holder shall:*

ii. *Complete construction of the Carty Solar Farm ~~within six years of the effective date of the amended site certificate, or by February 4, 2025~~2028. The certificate holder shall promptly notify the Department of the date of completion of construction of the Carty Solar Farm and its supporting facilities. [AMD1][AMD3]*

## 6.0 Analysis of Council Standards and Other Laws

*OAR 345-027-0360(1)(e) A list of the Council standards and all other laws, including statutes, rules and ordinances, applicable to the proposed change, and an analysis of whether the facility, with the proposed change, would comply with those applicable laws and Council standards. For the purpose of this rule, a law or Council standard is “applicable” if the Council would apply or consider the law or Council standard under OAR 345-027-0375(2); and*

**Response:** Council standards for siting energy facilities are intended to address three broad issues:

- The ability of the applicant to construct and operate the Facility;
- The suitability of the site; and
- What adverse impacts the Facility could have on the environment and community?

These same issues apply to the Council's evaluation of a request for amendment to a site certificate. The Council standards that are relevant to the changes proposed in this RFA 3 are presented in Sections 6 and 7 together with a response from the Certificate Holder that provides analysis of compliance with those standards. Where applicable, supporting information from the original ASC, RFA 1, RFA 2, the Final Order, the Final Order on Amendment 1, and the Final Order on Amendment 2 is provided.

## 6.1 OAR 345-022-0000 General Standard of Review

*(1) To issue a site certificate for a proposed facility or to amend a site certificate, the Council shall determine that the preponderance of evidence on the record supports the following conclusions:*

*(a) The facility complies with the requirements of the Oregon Energy Facility Siting statutes, ORS 469.300 to 469.570 and 469.590 to 469.619, and the standards adopted by the Council pursuant to 469.501 or the overall public benefits of the facility outweigh any adverse effects on a resource or interest protected by the applicable standards the facility does not meet as described in section (2);*

*(b) Except as provided in OAR 345-022-0030 for land use compliance and except for those statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council, the facility complies with all other Oregon statutes and administrative rules identified in the project order, as amended, as applicable to the issuance of a site certificate for the proposed facility. If the Council finds that applicable Oregon statutes and rules, other than those involving federally delegated programs, would impose conflicting requirements, the Council shall resolve the conflict consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.*

**Response:** The Council previously found that the Carty Solar Farm complies with the General Standard of Review under OAR 345-022-0000.<sup>17</sup> The standards under OAR 345-022-0000 have not changed since the Final Order on Amendment 1.<sup>18</sup> In this amendment request, the requirements of OAR 345-022-0000 are addressed in the findings, analysis, and conclusions discussed in the following Sections 6.0 and 7.0, as previously incorporated into the exhibits of RFA 1, and as previously determined in the Council's findings of fact and conclusions of law in the Final Order on Amendment 1. In particular, Exhibit E to RFA 1 identified the new permits and associated standards required for amending the Carty Solar Farm to the CGS.<sup>19</sup> Exhibit CC to RFA 1 identified other state statutes and administrative rules, not listed in Exhibit E, that contain standards imposed in the Site

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<sup>17</sup> Final Order on Request for Amendment 1, p. 12 (December 2018).

<sup>18</sup> Oregon Administrative Rules Database. Available at:  
<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77075>.

<sup>19</sup> Revised Request for Amendment 1, Exhibit E, Table E-1 (February 2018).

Certificate for the CGS.<sup>20</sup> The listed permits in Table E-1 to Exhibit E of RFA 1 included those governed by the Site Certificate, federal permits not governed by the Site Certificate or delegated to the State, and other permits not governed by the Site Certificate, such as local building and utility permits and transportation related permits. This amendment request to extend the construction start and completion deadlines of the Carty Solar Farm does not change the permits needed for construction and operation of the Carty Solar Farm and does not require any new permits, nor any new Site Certificate conditions for permits, which were not previously considered by the Council.

Under this standard, the Council previously adopted Conditions 4.1.ii and 4.2.ii to establish construction beginning and completion dates for the Carty Solar Farm in accordance with OAR 345-025-0006(4).<sup>21</sup> The Council acknowledged in the Final Order on Amendment 1 that there are unforeseen factors that can delay a Certificate Holder's commencement and completion of construction which may include but are not limited to financial, economic, and technological changes.<sup>22</sup> The Certificate Holder's need for this amendment is provided in Section 1.2 and is consistent with these factors previously identified by the Council. The Certificate Holder does not propose to add any new conditions, rather proposes updates to Conditions 4.1.ii and 4.2.ii to reflect the changes proposed in this amendment request. The Certificate Holder does not propose changes to the balance of Conditions in the Second Amended Site Certificate for the CGS.

In addition, the sections below demonstrate that RFA 3 does not change the Carty Solar Farm's ability to comply with requirements of the siting statutes and standards adopted by the Council and imposed in the Second Amended Site Certificate for the CGS. This amendment request also demonstrates how the Facility complies with relevant Oregon statutes and administrative rules including those identified in the Final Order on Amendment 1. Therefore, the Council may find that the Facility, as amended by RFA 3, will continue to comply with OAR 345-022-0000.

## 6.2 OAR 345-022-0010 Organizational Expertise

### *OAR 345-022-0010 Organizational Expertise*

*(1) To issue a site certificate, the Council must find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate. To conclude that the applicant has this expertise, the Council must find that the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety and has demonstrated the ability to restore the site to a useful, non-hazardous condition. The Council may consider the applicant's experience, the applicant's access to technical expertise and the applicant's past performance*

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<sup>20</sup> Revised Request for Amendment 1, Exhibit CC, Table CC-1 (February 2018).

<sup>21</sup> First Amended Site Certificate for the Carty Generating Station. 2018.

<sup>22</sup> Final Order on Request for Amendment 1, p. 15 (December 2018).

*in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations issued to the applicant.*

**Response:** The Council previously found that the Certificate Holder has the ability to design, construct, operate, and retire the Carty Solar Farm, in compliance with all Council standards and conditions, as required by the Organizational Expertise standard.<sup>23</sup> The standards under OAR 345-022-0010 have not changed since the Final Order on Amendment 1.<sup>24</sup> Specifically, the Council found that the Certificate Holder has demonstrated, through construction of previous energy facilities, that it is capable of designing and constructing the Carty Solar Farm in compliance with Site Certificate conditions.<sup>25</sup> When the First Amended Site Certificate to the CGS was approved by the Council, the Certificate Holder operated a combination of six natural gas facilities, one coal facility, seven hydro-electric facilities, two wind facilities, and five solar facilities with a nameplate capacity of approximately 9 MW.<sup>26</sup> In Exhibit D to RFA 1, the Certificate Holder also identified violations and citations for PGE facilities that occurred between 2010 and 2017.<sup>27</sup> These violations were promptly identified and resolved immediately. None of the violations were issued by the Council or to the CGS. For these reasons, the Council found that the Certificate Holder demonstrated the ability to construct and operate the Carty Solar Farm in compliance with existing and amended Site Certificate conditions.<sup>28</sup> In addition, the Council adopted Condition 2.14 which prohibits the Certificate Holder from beginning construction until evidence is provided to the Department that the third party permit for a limited water use license from the Oregon Department of Water Quality has been obtained.<sup>29</sup>

The proposed amendment to Conditions 4.1(ii) and 4.2(ii) to extend the construction start and completion deadlines for the Carty Solar Farm, as approved in Amendment 1, does not alter the organizational expertise needed for the Certificate Holder to comply with Council standards and conditions of the Site Certificate. The Certificate Holder has operated for 133 years and as of the end of 2020 serves 902,000 customers in 51 cities. Since the Council's approval of Amendment 1 in December 2018, the Certificate Holder has added one new wind resource, Wheatridge Renewable Energy Facility I, to their energy generation portfolio and retired one coal facility from their energy generation portfolio. Since December 2017 through January 2022, the Certificate Holder has been issued one warning letter in constructing or operating a facility, type of equipment, or process similar to the Carty Solar Farm. The warning letter was issued by the Department of Environmental

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<sup>23</sup> Final Order on Request for Amendment 1, p. 20 and 21 (December 2018).

<sup>24</sup> Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77076>.

<sup>25</sup> Final Order on Request for Amendment 1, p. 19 (December 2018).

<sup>26</sup> Final Order on Request for Amendment 1, p. 19 (December 2018).

<sup>27</sup> Revised Request for Amendment 1, Exhibit D, p. D-4 (February 2018).

<sup>28</sup> Final Order on Request for Amendment 1, p. 20 (December 2018).

<sup>29</sup> Final Order on Request for Amendment 1, p. 20 and 21 (December 2018).

Quality (DEQ) on April 15, 2019 for nine missed pH samples required by Water Pollution Control Facilities (WPCF) permit No. 100189 for the BCP and CGS. The Certificate Holder identified the issue on February 8, 2019 and immediately self-reported the issue to DEQ and implemented corrective actions in consultation with DEQ. In the warning letter, DEQ noted they did not intend to take enforcement action. Note that although this warning letter was not for a solar farm, it is listed here because the Carty Solar Farm panel wash water disposal is authorized by the same WPCF permit for which the warning letter was issued. The Certificate Holder has not received any regulatory citations for any solar facilities. The CGS is currently operated in compliance with its respective Site Certificate conditions and in a manner that protects public health and safety. Given the Certificate Holder's successful expansion of their renewable energy generation portfolio, their successful operation of the CGS in compliance with Site Certificate conditions, their demonstrated ability to restore the Carty Solar Farm to a useful, non-hazardous condition (see Conditions 15.1 through 15.7),<sup>30</sup> and given the limited scope of this request to extend the construction start and completion deadlines for the Carty Solar Farm, the Council may conclude that the Facility, as amended by RFA 3, will continue to comply with OAR 345-022-0010.

### **6.3 OAR 345-022-0020 Structural Standard**

*(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that:*

- (a) The applicant, through appropriate site-specific study, has adequately characterized the seismic hazard risk of the site; and*
- (b) The applicant can design, engineer, and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site, as identified in subsection (1)(a);*
- (c) The applicant, through appropriate site-specific study, has adequately characterized the potential geological and soils hazards of the site and its vicinity that could, in the absence of a seismic event, adversely affect, or be aggravated by, the construction and operation of the proposed facility; and*
- (d) The applicant can design, engineer and construct the facility to avoid dangers to human safety and the environment presented by the hazards identified in subsection (c).*

**Response:** The Council previously found that the Carty Solar Farm complies with the Structural Standard under OAR 345-022-0020.<sup>31</sup> Based on the evidence provided in RFA 1, the Council found that with existing and amended Site Certificate conditions imposed in Amendment 1, the Certificate Holder has the ability to design, construct, and operate the Carty Solar Farm in a manner that

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<sup>30</sup> Second Amended Site Certificate for the Carty Generating Station. 2020.

<sup>31</sup> Final Order on Request for Amendment 1, p. 26 (December 2018).

avoids danger to human safety presented by the non-seismic hazards identified at the site.<sup>32</sup> Prior to the Final Order on Amendment 1, the Certificate Holder submitted a revised RFA 1 Exhibit H in June 2018<sup>33</sup> that provided responses and analysis pursuant to OAR 345-021-0010(1)(h) as last substantively amended October 18, 2017. As of this RFA 3 submittal, the Exhibit H requirements under OAR 345-021-0010(1)(h) have not changed since October 18, 2017. Minor corrections to spelling were amended to OAR 345-022-0020 in April 2019<sup>34</sup> but these corrections did not substantively change the standards considered and approved by the Council in Amendment 1 under this Structural Standard. The Council's previously imposed Conditions 5.4, 6.6, 6.7, 6.8, 6.10, and 6.11 to ensure compliance with this Structural Standard. The Council also previously amended Conditions 6.7, 6.10, and 6.11 in Amendment 2 to be consistent with the mandatory condition language required in the Council's October 2017 rule change for OAR 345-025-0006.<sup>35</sup> Furthermore, Condition 5.4 will continue to apply to the Carty Solar Farm, which requires pre-construction site-specific geotechnical investigations based upon a protocol reviewed and approved by ODOE in consultation with the Oregon Department of Geology and Mineral Industries (DOGAMI).<sup>36</sup>

This RFA 3 does not seek to enlarge the existing Site Boundary, does not change the physical components of the Carty Solar Farm, and makes no changes to the analysis area where development of the Carty Solar Farm components will occur. Based on evidence provided in revised RFA 1 Exhibit H, the Council found that the Carty Solar Farm is over 200 miles from the Cascadia Subduction Zone, no mapped active crustal faults are located within six miles of the site, and risk of fault rupture is low.<sup>37</sup> The Certificate Holder will address seismic resiliency by adhering to current seismic building codes, which incorporate the latest, widely-accepted earthquake data and science. As discussed in revised RFA 1 Exhibit H, the Certificate Holder will adhere to the International Building Code or the Oregon Structural Specialty Code guidelines released prior to final design efforts for the Carty Solar Farm. The two key geotechnical issues identified for the Carty Solar Farm present minor geotechnical concerns (potential for erosion of loose surficial soils, and a low potential for collapse of the relatively loose, near-surface wind-blown soils) and can be mitigated for during final design and construction phases of the Carty Solar Farm.<sup>38</sup> Here again, Condition 5.4, as previously amended, requires that the Certificate Holder will complete a pre-construction site-

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<sup>32</sup> Final Order on Request for Amendment 1, p. 26 (December 2018).

<sup>33</sup> Final Order on Request for Amendment 1, Attachment RAI-12 (December 2018).

<sup>34</sup> Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=257893>.

<sup>35</sup> Final Order on Request for Amendment 2, p. 25 and 26 (November 2020).

<sup>36</sup> Final Order on Request for Amendment 1, p. 25 (December 2018).

<sup>37</sup> Final Order on Request for Amendment 1, p. 24 (December 2018).

<sup>38</sup> Final Order on Request for Amendment 1, p. 24 (December 2018).

specific geotechnical investigation to further assess, and ensure avoidance of, potential seismic, geologic, and soil hazards of the proposed Carty Solar Farm.

The extension of the construction deadlines proposed in this RFA 3 does not affect the Council's previous finding that the construction and operation of the Carty Solar Farm will be consistent with the requirements of the Council's Structural Standard. The proposed amendment makes no changes to the Carty Solar Farm or Site Certificate conditions related to the Structural Standard, and any potential change in site risks will be identified prior to construction in compliance with the existing Site Certificate Condition 5.4 as noted above. Therefore, the Council may conclude that the Facility, as amended by RFA 3, will continue to comply with OAR 345-022-0020.

#### **6.4 OAR 345-022-0022 Soil Protection**

*To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in a significant adverse impact to soils including, but not limited to, erosion and chemical factors such as salt deposition from cooling towers, land application of liquid effluent, and chemical spills.*

**Response:** The Council previously found that the Carty Solar Farm complies with the Soil Protection standard.<sup>39</sup> The Soil Protection standard requires the Council to find that the design, construction, and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to soils. The standards under OAR 345-022-0022 have not changed since the Final Order on Amendment 1.<sup>40</sup> The Certificate Holder identified existing soil conditions within the analysis area for the Carty Solar Farm and its related or supporting components in RFA 1 Exhibit I and determined the Carty Solar Farm would permanently disturb approximately 321.5 acres.<sup>41</sup> The majority of land proposed for the Carty Solar Farm and its interconnection routes (described in Exhibits B, C, and K to RFA 1) is classified as sagehill fine sandy loam.

Based on the Certificate Holder's assessment of potential impacts to soils that could result from construction and operation of the Carty Solar Farm, the Council determined that erosion control measures will be implemented during construction in accordance with Conditions 9.1 through 9.5. In particular, Conditions 9.1 and 9.4 require the Certificate Holder to conduct inspections of erosion and sediment control measures and best management practices in compliance with the DEQ approved National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit (NPDES) 1200-C. The Certificate Holders draft Erosion and Sediment Control Plan was provided as Attachment F to the Final Order on Amendment 1.<sup>42</sup> Condition 9.5 also requires the Certificate Holder to monitor, inspect, and maintain areas of disturbance to ensure that

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<sup>39</sup> Final Order on Request for Amendment 1, p. 31 (December 2018).

<sup>40</sup> Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77078>.

<sup>41</sup> Revised Request for Amendment 1, Exhibit I, Table I-1 and Figure I-1 (February 2018).

<sup>42</sup> Final Order on Request for Amendment 1, p. 28 (December 2018).

sediment control measures are sufficient for erosion control during operation of the Carty Solar Farm. The Council also imposed Conditions 5.9 and 10.36 to develop and implement a Spill Prevention Control and Countermeasures (SPCC) Plan during construction and operations, and amended Condition 10.28 in the Final Order on Amendment 1 requiring the Certificate Holder to modify its WPCF permit to allow disposal of solar panel washwater through onsite evaporation and seepage.<sup>43</sup> The amended condition was necessary because disposal of solar panel washwater was not addressed in the WPCF permit, issued by DEQ and governed by the Site Certificate.

The Certificate Holder reviewed the Natural Resources Conservation Service (NRCS) Soil Survey Geographic Database and verified that soils underlying the Carty Solar Farm and its related or supporting components, such as the interconnection routes, have not changed since the approval of Amendment 1.<sup>44</sup> The Certificate Holder identified one soil type within the southwest corner of the area subject to RFA 3 that was not previously evaluated in RFA 1 Exhibit I. Approximately 1.8 acre of warden silt loam, 20 percent to 40 percent slopes, occurs on the southwest corner of the CGS site boundary and southwest of the Carty Reservoir where no Carty Solar Farm components will occur. This area makes up 0.1 percent of the area subject to RFA 3 on Figure 2 and is not within the development footprint of the Carty Solar Farm or its related or supporting components identified in RFA 1 Exhibit C.<sup>45</sup> For these, reasons, the small area of warden silt loam will not be affected by the Carty Solar Farm or this amendment request and is not addressed further in this RFA 3.

The extension of the construction deadlines proposed in this RFA 3 does not affect the Council's previous findings of compliance with the Council's Soil Protection standard.<sup>46</sup> RFA 3 makes no changes to the previously approved Carty Solar Farm, its related or supporting components, or the associated permanent and temporary disturbance areas.<sup>47</sup> RFA 3 does not change the ability of the Carty Solar Farm to comply with soil protection conditions previously imposed for the Facility, such as Conditions 5.9, 9.1 through 9.5, 10.28, and 10.36. No new conditions or changes to existing conditions related to soil protection are proposed as a result of this amendment request. Furthermore, as described in Section 7.4 below, PGE will obtain a renewed WPCF permit to maintain compliance with Condition 10.28. Therefore, the Council may conclude that the Facility, as amended by RFA 3, will continue to comply with OAR 345-022-0022.

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<sup>43</sup> Final Order on Request for Amendment 1, p. 30 (December 2018).

<sup>44</sup> Soil Survey Staff. Gridded Soil Survey Geographic (gSSURGO) Database for Oregon. United States Department of Agriculture, Natural Resources Conservation Service. Available online at <https://gdg.sc.egov.usda.gov/>. October 2021.

<sup>45</sup> Revised Request for Amendment 1, Exhibit C, Tables C-1 and C-2, and Figures C-1 and C-2 (February 2018).

<sup>46</sup> Final Order on Request for Amendment 2, p. 29 (November 19, 2020).

<sup>47</sup> Revised Request for Amendment 1, Exhibit C, Tables C-1 and C-2, and Figures C-1 and C-2 (February 2018).

## 6.5 OAR 345-022-0030 Land Use

*(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.*

*(2) The Council shall find that a proposed facility complies with section (1) if:*

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*(b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:*

*(A) The proposed facility complies with applicable substantive criteria as described in section*

*(3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);*

*(B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or*

*(C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).*

**Response:** The Council previously found that the Carty Solar Farm complies with the Land Use Standard.<sup>48</sup> The Certificate Holder elected to have the Council make the land use determination for the Facility, including the Carty Solar Farm, under ORS 469.504(1)(b) and OAR 345-022-0030(2)(b). Minor corrections to rule references were amended to OAR 345-022-0030 in May 2019<sup>49</sup> but these corrections did not substantively change the standards considered and approved by the Council in Amendment 1 under this Land Use Standard. The following sections describe how the Carty Solar Farm remains consistent with statewide planning goals and the applicable comprehensive plan and zoning ordinances of Morrow County.

### 6.5.1 **Morrow County Applicable Substantive Criteria and Comprehensive Plan**

The Council previously concluded that the Carty Solar Farm complied with the applicable substantive criteria of Morrow County's comprehensive plan and zoning ordinance.<sup>50</sup> The

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<sup>48</sup> Final Order on Request for Amendment 1, p. 73 (December 2018).

<sup>49</sup> Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=257894>.

<sup>50</sup> Final Order on Request for Amendment 1, p. 35 (December 2018).

Certificate Holder submitted the initial RFA 1 in August 2016 and submitted the revised RFA 1 in February 2018. The Morrow County Planning Department verified that, with the exception of one difference identified in Table 1, there have been no substantive modifications to the Morrow County Zoning Ordinance (MCZO)<sup>51</sup> or to the Morrow County Comprehensive Plan (MCCP)<sup>52</sup> that were reviewed in RFA 1 Exhibit K and approved by the Council in Amendment 1 for the Carty Solar Farm (Attachment 1). Specifically, the Certificate Holder has reviewed and confirmed there have been no changes to the Agricultural, Energy, and Economic Element policies of the Morrow County Comprehensive Plan that were identified in the Final Order on Amendment 1.<sup>53</sup> Morrow County has amended the Morrow County Comprehensive Plan since August 29, 2016, but the amendments address protections for aggregate sites under Statewide Planning Goal 5 and adoptions of Goal 3 exceptions related to other solar energy facilities. No aggregate sites protected under Goal 5 or other solar energy facilities occur within the CGS site boundary or within 0.5 mile of the area subject to RFA 3. As such, applicable sections of Morrow County's comprehensive plan have not changed in ways that would impact the Council's prior findings under the land use standard.

In July 2017, Morrow County amended the MCZO using the Department of Land Conservation and Development (LCD) farm and forest use model code.<sup>54</sup> Affected articles of the MCZO included Article 1 Definitions, Article 6 Conditional Uses, and portions of Article 3 Use Zones (Exclusive Farm Use). The Certificate Holder completed a comparison of the MCZO criteria addressed in RFA 1 Exhibit K and the Final Order on Amendment 1 with the articles subject to the County's July 2017 amendment and verified that the criteria addressed in Amendment 1 match the MCZO, as amended in July 2017, with the one difference identified in Table 1. The difference identified in applicable standards under the MCZO since submittal of RFA 1 occurs under MCZO 3.010(K)(3)(f)(7) for solar energy facilities and addresses the high-value farmland definition under ORS 195.300(10)(f)(C). The Council previously found in the Final Order on Amendment 1<sup>55</sup> that the site of the Carty Solar Farm is "high-value farmland" because it falls within ORS 195.300(10)(f)(C). The Certificate Holder does not contend that the site meets the requirements of OAR 660-033-0130(h)(H). Thus, as described below in Section 6.5.2.3 a goal exception is still required for siting on more than 12 acres of high-value farmland. This comparison was verified by Morrow County (Attachment 1). The County noted in correspondence that the standards under ORS 215.446, approved with House Bill 2329, may also apply to the Carty Solar Farm. The Certificate Holder understands that ORS 215.446

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51 Morrow County. 2017. Morrow County Zoning Ordinance of 1980. Amended March 6, 1985, amended and readopted in its entirety on November 7, 2001, with recent substantive amendments adopted on July 5, 2017 and October 31, 2017.

52 Morrow County. 1986. Morrow County Comprehensive Plan. Acknowledged by the LCDC on January 30, 1986. Amendments to the Morrow County Comprehensive Plan since 2016 include protections for aggregate sites and adoption of Goal 3 exceptions for solar energy facilities.

53 Final Order on Request for Amendment 1, Table 1 (December 2018).

54 Morrow County. 2022. Email communication with documentation provided by Tamra Mabbott, Morrow County Planning Director. January 25, 2021.

55 Final Order on Request for Amendment 1, p. 41-42 (December 2018).

could apply to the Carty Solar Farm, but has elected to defer regulatory authority to the Council. For this reason, the standards under ORS 215.446 are not addressed herein. The County also amended the MCZO in October 2017 to remove Section 4.170 (Site Development Review) and to update provisions in Section 3.130 (Speedway Overlay Zone). The October 2017 amendments to the MCZO are not applicable to the Carty Solar Farm. For these reasons, the applicable articles and sections of the MCZO have not changed in ways that would impact the Council's prior findings under the land use standard.

The Council previously found that the Carty Solar Farm would be consistent with applicable criteria of the MCZO and the proposed change to extend construction deadlines does not affect the findings provided in the Final Order on Amendment 1 and summarized in Table 1.

**Table 1. Morrow County Applicable Substantive Criteria**

Section/Subsection	Name	Effect of Proposed Change
<b>Morrow County Zoning Ordinance (MCZO)</b>		
<i>Article 1 – Introductory Provisions</i>		
Section 1.050	Zoning Permit	<b>No change.</b> The proposed extension of the construction deadlines for the Carty Solar Farm does not affect compliance with local zoning permit criteria. Condition 4.6 requires that the Certificate Holder obtain all necessary permits, including the zoning permit.
<i>Article 3 – Use Zones</i>		
Section 3.010	Exclusive Farm Use, EFU Zone	<b>No change.</b> The Carty Solar Farm is a photovoltaic solar power generation facility for the purpose of generating power for public use by sale, which is permitted as a conditional use in the EFU zone. RFA 1 addressed applicable substantive criteria of Section 3.010. The proposed change to construction dates does not affect compliance with standards of the EFU Zone.
Subsection B	Uses Permitted Outright	<b>No change.</b> The Carty Solar Farm's Grassland Switchyard ("utility facility necessary for public service") and transmission alternatives ("associated transmission line") subject to MCZO 3.010(D)(10)(b). The proposed change to construction dates does not affect compliance with this provision of the EFU Zone.
Subsection C	Conditional Uses	<b>No change.</b> The Carty Solar Farm, as a "photovoltaic solar power generation facility," is a listed conditional use in the EFU zone pursuant to MCZO 3.010(C)(24) and is

Section/Subsection	Name	Effect of Proposed Change
		therefore subject to Section 3.010(K). The proposed change to construction dates does not affect compliance with this provision of the EFU Zone.
Subsection D	Use Standards	<b>No change.</b> The applicable substantive criteria of MCZO Section 3.010(D)(10) were addressed in RFA 1. The Council found the analysis of utility facilities associated with the Carty Solar Farm to be consistent with MCZO 3.010(D)(10). The proposed change to construction dates does not affect compliance with this subsection of the MCZO Section 3.010, which has not changed since RFA 1.
Subsection K	Photovoltaic Solar Power Generation Facility	<p><b>Change.</b> The applicable substantive criteria of MCZO 3.010(K) were addressed in RFA 1 with an analysis for the Carty Solar Farm that the Council found to be consistent with MCZO 3.010(K). The only difference identified in applicable standards under the MCZO since submittal of RFA 1 occurs under MCZO 3.010(K)(3)(f)(7) for solar energy facilities and addresses the soil defintion in ORS 195.300(10)(f)(C).</p> <p>The Council's Final Order on Amendment 1 approved a Goal 3 exception for use of over 12 acres of high value farmland and more than 20 acres of arable land for the Carty Solar Farm. The Final Order verifies that the Carty Solar Farm would be sited on approximately 57 acres of high-value farmland using the definition of ORS 195.300(10)(f)(C). MCZO 3.010(K)(3)(f)(7) does not change the Council's findings in the Final Order on Amendment 1 that the Goal 3 exception is required for nonfarm use of both high-value and arable soils as previously approved by the Council.</p> <p>The proposed change to construction dates does not affect compliance with this subsection of the MCZO 3.010. MCZO 3.010.(K)(3)(f)(7) does not change the Council's findings in RFA 1 that a Goal 3 exception is required.</p>

Section/Subsection	Name	Effect of Proposed Change
Subsection M	Yards	<b>No change.</b> The Council previously imposed Condition 6.22(b), which is consistent with the requirements of MCZO Section 3.010(M)(1-4). The Certificate Holder affirms that the proposed Carty Solar Farm would be designed to satisfy the setback requirements established in Condition 6.22(b).
Subsection N	Transportation Impacts	<b>No change.</b> The proposed extension of construction deadlines will not result in transportation impacts. The Certificate Holder affirms the Carty Solar Farm will satisfy the existing Condition 6.17 regarding implementation of traffic control measures.
Section 3.070	General Industrial Zone	<b>No change.</b> The proposed extension of construction deadlines does not affect compliance with standards of the General Industrial Zone.
Subsection A	Uses Permitted Outright	<b>No change.</b> The Carty Solar Farm's 34.5 kV interconnection component is a permitted use pursuant to MCZO 3.070(A)(15). As required by Condition 4.6, previously imposed by the Council, the Certificate Holder is required to secure zoning, building and Conditional Use permits from Morrow County prior to construction of the Carty Solar Farm components. The proposed change to construction dates does not affect compliance with this subsection of the MCZO Section 3.070(A).
Subsection D	Dimension Requirements	<b>No change.</b> The Council previously imposed Condition 6.22(a), which is consistent with the requirements of MCZO 3.070(D)(1-4). The Certificate Holder affirms that the proposed Carty Solar Farm would be designed to satisfy the setback requirements established in Condition 6.22(a).
Subsection E	Transportation Impacts	<b>No change.</b> The proposed extension of construction deadlines will not result in transportation impacts. The Certificate Holder affirms the Carty Solar Farm will satisfy the existing Condition 6.17 regarding implementation of traffic control measures.
<i>Article 4 – Supplementary Provisions</i>		
Section 4.165	Site Plan Review	<b>No change.</b> As required by Condition 4.6, previously imposed by Council, the

Section/Subsection	Name	Effect of Proposed Change
		<p>Certificate Holder is required to secure zoning, building and conditional use permits from Morrow County prior to construction of the Carty Solar Farm.</p> <p>Site plan review is a ministerial review conducted prior to issuance of a zoning permit. The proposed extension of construction deadlines will not result in changes that affect the site plan review.</p>
<i>Article 6 – Conditional Uses</i>		
Section 6.015	Requirements Under a State Energy Facility Site Certificate	<p><b>No change.</b> The Carty Solar Farm, a “photovoltaic solar power generation facility,” is a listed conditional use in the EFU zone pursuant to MCZO 3.010(C)(24) and is subject to General Criteria of MCZO Section 6. This provision implements the requirement of ORS 469.401(3). RFA 1 addressed applicable substantive criteria of MCZO 6.015. Site Certificate Condition 4.6, which applies to the Carty Solar Farm, requires the Certificate Holder to obtain all local permits, including a conditional use permit. The Council previously found the Carty Solar Farm was consistent with MCZO 6.015. The proposed change to construction dates does not affect compliance with this section of the MCZO, which has not changed since RFA 1.</p>
Section 6.020	General Criteria	<p><b>No change.</b> The applicable substantive criteria of MCZO 6.020 were addressed in RFA 1 with an analysis for the Carty Solar Farm that the Council found to be consistent with MCZO 6.020. The proposed change to construction dates does not affect compliance with this section of the MCZO, which has not changed since RFA 1.</p>
Section 6.025	Resource Zone Standards for Approval	<p><b>No change.</b> The applicable substantive criteria of MCZO 6.025 were addressed in RFA 1 with an analysis for the Carty Solar Farm that the Council found to be consistent with MCZO 6.025. The proposed change to construction dates does not affect compliance with this section of the MCZO, which has not changed since RFA 1.</p>
Section 6.030	General Conditions	<p><b>No change.</b> The applicable substantive criteria of MCZO 6.030 were addressed in</p>

Section/Subsection	Name	Effect of Proposed Change
		RFA 1 with an analysis for the Carty Solar Farm that the Council found to be consistent with MCZO 6.030. The proposed change to construction dates does not affect compliance with this section of the MCZO, which has not changed since RFA 1.
Section 6.040	Permit and Improvements Assurance	<b>No change.</b> The applicable substantive criteria of MCZO 6.040 were addressed in RFA 1 with an analysis for the Carty Solar Farm that the Council found to be consistent with MCZO 6.040. The proposed change to construction dates does not affect compliance with this section of the MCZO, which has not changed since RFA 1.
Section 6.050	Standards Governing Conditional Uses	<b>No change.</b> The applicable substantive criteria of MCZO 6.050 were addressed in RFA 1 with an analysis for the Carty Solar Farm that the Council found to be consistent with MCZO 6.040. The proposed change to construction dates does not affect compliance with this section of the MCZO, which has not changed since RFA 1.
<b>Morrow County Comprehensive Plan</b>		
Agricultural Policy 1 and 4		<b>No change.</b> The proposed extension of construction deadlines does not affect consistency with Agricultural Policies 1 and 4. The Carty Solar Farm site does not impact cultivated farms, has no irrigation water rights, occurs on sites currently owned by PGE, and facilitates interconnection to existing transmission systems without impacting cultivated land. These policies have not changed since RFA 1.
Energy Policies 3 and 9		<b>No change.</b> The proposed extension of construction deadlines does not affect consistency with Energy Policies 3 and 9. The Carty Solar Farm supports the development of renewable energy in the county. These policies have not changed since RFA 1.
Economic Element Policy 2A, 3A, 5A and 6C		<b>No change.</b> The proposed extension of construction deadlines does not affect consistency with Economic Element Policies 2A, 3A, 5A, and 6C. The Carty Solar Farm will support the local economy by diversifying income sources and diversifying Morrow County's economic mix without removing

Section/Subsection	Name	Effect of Proposed Change
		any land from another productive economic use or adversely affecting the economic productivity of surrounding lands. These policies have not changed since RFA 1.

## 6.5.2 Directly Applicable Statutes and Administrative Rules

### 6.5.2.1 ORS 215.296(1)

*(1) A use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may be approved only where the local governing body or its designee finds that the use will not:*

- 1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or*
- 2. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

**Response:** The Council previously found that the Carty Solar Farm components would satisfy the requirements under MCZO 6.025.A<sup>56</sup> which are substantively the same as ORS 215.296(1) and the standards of OAR 660-033-0130(5). As stated in the Final Order on Amendment 1, the Carty Solar Farm is not adjacent to forest use or lands cultivated for farm use.<sup>57</sup> The closest cultivated agricultural land is approximately 1.7 miles west of the western edge of the Carty Solar Farm and is separated from the Carty Solar Farm by uncultivated land and the Carty Reservoir. The farming that occurs approximately 1.7 miles west of the Carty Solar Farm is conducted by Threemile Canyon Farms, which has approximately 35,000 acres under cultivation using center pivot irrigation. This amendment request does not change the location of the Carty Solar Farm, does not expand the development footprint, and makes no changes to the approved components of the Carty Solar Farm. Therefore, the Council may continue to rely on its previous findings that construction and maintenance of the Carty Solar Farm and its related or supporting facilities will not alter or reduce the area under cultivation by Threemile Canyon Farms, will not necessitate relocating any access routes or farm infrastructure, and will not result in changes to the practices for planting, irrigating, fertilizing, or harvesting the circles.<sup>58</sup> This amendment request is specific to extending construction deadlines and does not affect the Council's finding that the Carty Solar Farm satisfies the requirements under ORS 215.296(1).

<sup>56</sup> Final Order on Request for Amendment 1, p. 60 (December 2018).

<sup>57</sup> Final Order on Request for Amendment 1, p. 60 (December 2018).

<sup>58</sup> Final Order on Request for Amendment 1, p. 60 (December 2018).

#### 6.5.2.2 OAR 660-033-0130(5)

**Response:** The criteria of OAR 660-033-0130(5) are identical to ORS 215.296(1) and are addressed above.

#### 6.5.2.3 Statewide Planning Goal 3-Agricultural Lands

The Carty Solar Farm will preclude more than 12 acres of high value farmland and more than 20 acres of arable land from use as a commercial agricultural enterprise which requires a Goal 3 exception under MCZO 3.010(K)(3)(f) and OAR 37 660-033-0130(38)<sup>59</sup>. The Council previously found that LCD's OAR 660-033-0130(38) is implemented by the Morrow County Zoning Ordinance as MCZO 3.010(K)(3).<sup>60</sup> The LCD solar rules, and therefore MCZO 3.010(K)(3), establish requirements requiring that for the Carty Solar Farm to preclude more than 12 acres of high value farmland and more than 20 acres of arable land from use as a commercial agricultural enterprise, exception must first be taken pursuant to ORS 197.732 and OAR Chapter 660, division 4. Non-compliance with a statewide planning goal requires a determination by Council that an exception to Goal 3 is warranted under ORS 469.504(2) and the implementing rule at OAR 345-022-0030(4).

Section III.E.4 of the Final Order on Amendment 1 states the Council's findings that an exception to Goal 3 is justified under OAR 345-022-0030(4)(c) and ORS 469.504(2)(c); and that therefore the proposed Carty Solar Farm and its related or supporting facilities comply with MCZO 3.010.K.3 and the applicable statewide planning goal (Goal 3).<sup>61</sup> In summary, the Council found that the Carty Solar Farm met the goal exception reasons standard OAR 345-022-0030(4)(c)(A) due to the site's limited impacts to nonirrigated, nonproductive agriculture lands, limited impacts to adjacent farmland operations, access to transportation systems, access to local energy infrastructure and regional electric transmission grid-system, and benefits to the regional and county economy.<sup>62</sup> The Council also found the Carty Solar Farm would not cause significant adverse environmental consequences or impacts, would result in a net economic benefit compared to the site's existing uses and economic value, would not cause significant adverse social consequences, would provide a positive energy consequence by producing clean, renewable electricity, would not cause a significant change to accepted farm practices nor significantly increase the cost of accepted farm

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<sup>59</sup> OAR 660-033-0130(38) has been amended since the submittal of RFA 1 to provide that, under certain circumstances, "A photovoltaic solar power generation facility may be sited on more than 12 acres of high-value farmland described in ORS 195.300(10)(f)(C) without taking an exception pursuant to ORS 197.732 and OAR chapter 660, division 4." See OAR 660-033-0130(38)(h)(H). As the Council found in the Final Order on Amendment 1, pp. 41-42, the site of the Carty Solar Farm is "high-value farmland" because it falls within ORS 195.300(10)(f)(C). The Certificate Holder does not contend that the site meets the requirements of OAR 660-033-0130(h)(H). Thus, a goal exception is still required for siting on more than 12 acres of high-value farmland.

<sup>60</sup> Final Order on Request for Amendment 1, p. 41 (December 2018).

<sup>61</sup> Final Order on Request for Amendment 1, p. 73 (December 2018).

<sup>62</sup> Final Order on Request for Amendment 1, p. 69 (December 2018).

practices within the surrounding area, and would be compatible with other adjacent land uses and land use zones.<sup>63</sup>

The provisions under ORS 469.504 have not changed since the Certificate Holder submitted RFA 1, the applicable standards under MCZO 3.010(K)(3) have not changed from those addressed in RFA 1 Exhibit K, and Section 6.5 also demonstrates that no substantive changes have occurred to OAR 345-022-0030. Furthermore, RFA 3 makes no changes to the previously approved Carty Solar Farm, its related or supporting components, or the associated permanent and temporary disturbance areas.<sup>64</sup> The Certificate Holder also reviewed the NRCS Soil Survey Geographic Database and verified that soils underlying the Carty Solar Farm and its related or supporting components, such as the interconnection routes, have not changed since the approval of Amendment 1 (see Section 6.4).<sup>65</sup> For these reasons, the extension of the construction deadlines proposed in this RFA 3 does not affect the Council's previous finding that an exception to Goal 3 is justified for the Carty Solar Farm under OAR 27 345-022-0030(4)(c) and ORS 469.504(2)(c).<sup>66</sup> Therefore, the Council may conclude that the Facility, as amended by RFA 3, will continue to comply with the Council's Land Use Standard.

### ***6.5.3 Conclusions and Compliance with Existing Site Certificate Conditions***

The Site Certificate for CGS issued in 2012 included seven site certificate conditions for land use to ensure consistency with the land use standard. The Site Certificate on Amendment 1 for CGS did not alter the conditions applied to land use. Similarly, no modifications to existing conditions or new conditions associated with land use were necessary for RFA 2, except for clarifying the application of Condition 6.17 to pertain specifically to Carty Solar Farm.<sup>67</sup> This amendment request does not propose modifications to existing conditions or new conditions associated with land use. Therefore, the extension of the construction deadlines proposed in this RFA 3 will not alter the Council's basis for its previous findings that an exception to the statewide planning goal is justified and the Council may conclude that the Facility, as amended in RFA 3, will continue to comply with OAR 345-022-0030.

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<sup>63</sup> Final Order on Request for Amendment 1, p. 73 (December 2018).

<sup>64</sup> Revised Request for Amendment 1, Exhibit C, Tables C-1 and C-2, and Figures C-1 and C-2 (February 2018).

<sup>65</sup> Soil Survey Staff. Gridded Soil Survey Geographic (gSSURGO) Database for Oregon. United States Department of Agriculture, Natural Resources Conservation Service. Available online at <https://gdg.sc.egov.usda.gov/>. October 2021.

<sup>66</sup> Final Order on Request for Amendment 2, p. 73 (November 19, 2020).

<sup>67</sup> Final Order on Request for Amendment 2, p. 44 (November 19, 2020).

## 6.6 OAR 345-022-0040 Protected Areas

*(1) Except as provided in sections (2) and (3), the Council shall not issue a site certificate for a proposed facility located in the areas listed below. To issue a site certificate for a proposed facility located outside the areas listed below, the Council must find that, taking into account mitigation, the design, construction and operation of the facility are not likely to result in significant adverse impact to the areas listed below. References in this rule to protected areas designated under federal or state statutes or regulations are to the designations in effect as of May 11, 2007:*

- (a) National parks, including but not limited to Crater Lake National Park and Fort Clatsop National Memorial;*
- (b) National monuments, including but not limited to John Day Fossil Bed National Monument, Newberry National Volcanic Monument and Oregon Caves National Monument;*
- (c) Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C. 1131 et seq. and areas recommended for designation as wilderness areas pursuant to 43 U.S.C. 1782;*
- (d) National and state wildlife refuges, including but not limited to Ankeny, Bandon Marsh, Baskett Slough, Bear Valley, Cape Meares, Cold Springs, Deer Flat, Hart Mountain, Julia Butler Hansen, Klamath Forest, Lewis and Clark, Lower Klamath, Malheur, McKay Creek, Oregon Islands, Sheldon, Three Arch Rocks, Umatilla, Upper Klamath, and William L. Finley;*
- (e) National coordination areas, including but not limited to Government Island, Ochoco and Summer Lake;*
- (f) National and state fish hatcheries, including but not limited to Eagle Creek and Warm Springs;*
- (g) National recreation and scenic areas, including but not limited to Oregon Dunes National Recreation Area, Hell's Canyon National Recreation Area, and the Oregon Cascades Recreation Area, and Columbia River Gorge National Scenic Area;*
- (h) State parks and waysides as listed by the Oregon Department of Parks and Recreation and the Willamette River Greenway;*
- (i) State natural heritage areas listed in the Oregon Register of Natural Heritage Areas pursuant to ORS 273.581;*
- (j) State estuarine sanctuaries, including but not limited to South Slough Estuarine Sanctuary, OAR chapter 142;*
- (k) Scenic waterways designated pursuant to ORS 390.826, wild or scenic rivers designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and rivers listed as potentials for designation;*

*(l) Experimental areas established by the Rangeland Resources Program, College of Agriculture, Oregon State University: the Prineville site, the Burns (Squaw Butte) site, the Starkey site and the Union site;*

*(m) Agricultural experimental stations established by the College of Agriculture, Oregon State University, including but not limited to:*

*Coastal Oregon Marine Experiment Station, Astoria.*

*Mid-Columbia Agriculture Research and Extension Center, Hood River.*  
*Agriculture Research and Extension Center, Hermiston.*

*Columbia Basin Agriculture Research Center, Pendleton. Columbia Basin Agriculture Research Center, Moro.*

*North Willamette Research and Extension Center, Aurora. East Oregon Agriculture Research Center, Union.*

*Malheur Experiment Station, Ontario.*

*Eastern Oregon Agriculture Research Center, Burns. Eastern Oregon Agriculture Research Center, Squaw Butte. Central Oregon Experiment Station, Madras.*

*Central Oregon Experiment Station, Powell Butte. Central Oregon Experiment Station, Redmond.*

*Central Station, Corvallis.*

*Coastal Oregon Marine Experiment Station, Newport. Southern Oregon Experiment Station, Medford.*

*Klamath Experiment Station, Klamath Falls.*

*(n) Research forests established by the College of Forestry, Oregon State University, including but not limited to McDonald Forest, Paul M. Dunn Forest, the Blodgett Tract in Columbia County, the Spaulding Tract in the Mary's Peak area and the Marchel Tract;*

*(o) Bureau of Land Management areas of critical environmental concern, outstanding natural areas and research natural areas;*

*(p) State wildlife areas and management areas identified in OAR chapter 635, division 8.*

**Response:** The Council previously found that the Carty Solar Farm complies with the Protected Areas standard.<sup>68</sup> The standards under OAR 345-022-0040 have not changed since the Final Order

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<sup>68</sup> Final Order on Request for Amendment 1, p. 80 (December 2018).

on Amendment 1.<sup>69</sup> The Certificate Holder previously analyzed the potential for the Carty Solar Farm to impact Protected Areas in RFA 1 Exhibit L. The Exhibit L analysis examined potential project-related noise, visual, water use, and wastewater disposal impacts on protected areas summarized below:

- *Noise:* The Certificate Holder stated that operational noise from the Carty Solar Farm would be less than 20 A-weighted decibels (dBA) at the closest noise-sensitive receiver more than 2 miles away. As such, the Certificate Holder concluded that operational noise would not influence sound at the nearest Protected Areas.
- *Visual:* The Certificate Holder provided Figure L-2 in RFA 1<sup>70</sup> which represents areas where the Carty Solar Farm panels could be visible at Protected Areas. The figure represents areas where there is line-of-sight to the solar panels; however, it does not take into account other limiting factors to human sight. Given the distance from the solar panels to each of the areas the impact was determined not to be significant. Therefore, the Certificate Holder concluded that it does not anticipate operation of the Carty Solar Farm, as amended, would significantly alter the view from any Protected Areas within the analysis area.
- *Traffic:* The Certificate Holder concluded that there would be no significant impacts on Protected Areas based on the distance of the protected areas from the routes personnel would use during construction and operation of the Carty Solar Farm.
- *Water Use and Wastewater Disposal:* The Certificate Holder expressed that the Carty Solar Farm would not use water from any Protected Areas, nor would it dispose of any wastewater in or near Protected Areas, or in a manner that could lead to drainage into Protected Areas. Therefore, the Certificate Holder concluded that it expects the Carty Solar Farm would have no impacts on Protected Areas as a result of water use or wastewater disposal.

The Council found that the Carty Solar Farm is not located in or near any of the Protected Areas listed in OAR 345-022-0040, and determined that “the facility, as amended, is not likely to result in significant adverse impacts to any protected area and complies with the Protected Areas Standard.”<sup>71</sup> There have been no new Protected Areas added to OAR 345-022-0040. The Certificate Holder reviewed available databases to confirm the presence of new or previously unevaluated Protected Areas that occur within the 20-mile analysis area from the area subject to RFA 3. Data bases reviewed included:

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<sup>69</sup> Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77084>.

<sup>70</sup> Figure L-2 provided as a response to a Request for Additional Information on RFA 1.

<sup>71</sup> Final Order on Request for Amendment 1, p. 80 (December 2018).

- U.S. Department of Interior, Bureau of Land Management, Areas of Critical Environmental Concern.<sup>72</sup>
- U.S. Geological Survey (USGS) Gap Analysis Project (GAP), 2020, Protected Areas Database of the United States (PAD-US) 2.1: U.S. Geological Survey.<sup>73</sup>
- ODFW, Oregon Hatcheries.<sup>74</sup>
- ODFW, Wildlife Areas.<sup>75</sup>
- Oregon Parks and Recreation Department (OPRD). Oregon State Parks.<sup>76</sup>
- Institute of Natural Resources – Portland, Natural Areas.<sup>77</sup>
- Other online database and mapping searches.

The Certificate Holder identified one Protected Area, Arlington Park (also known as “Arlington Wayside”), that is not newly added to OAR 345-022-0040, but was not previously identified in the initial Protected Areas analysis in RAI 1 Exhibit L. The Arlington Wayside meets the Protected Areas designation criteria under OAR 345-022-0040(1)(h) and is an undeveloped 219-acre parcel of land owned by the OPRD.<sup>78</sup> The parcel is located between the Columbia River and I-84, approximately 2 miles east of Arlington and approximately 15 miles northwest of the area subject to RFA 3. At this distance, the Carty Solar Farm would not introduce noise, visual, traffic, water use, and wastewater disposal to the Arlington Wayside, which is not operational.

There will be no change to predicted noise levels, transport or haul routes, water use or wastewater disposal, or visual impacts from the proposed changes than what was previously reviewed and approved by the Council in Amendment 1. Therefore, the proposed changes do not affect the Council’s previous findings on Protected Areas and the Council may conclude that the Facility, as amended by RFA 3, will continue to comply with OAR 345-022-0040.

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<sup>72</sup> U.S. Department of Interior. Bureau of Land Management. 2021. Areas of Critical Environmental Concern. Published November 16, 2021. Available at: <http://www.blm.gov/or/gis/data.php>.

<sup>73</sup> U.S. Geological Survey (USGS) Gap Analysis Project (GAP), 2020, Protected Areas Database of the United States (PAD-US) 2.1: U.S. Geological Survey. Available at: <https://doi.org/10.5066/P92QM3NT>.

<sup>74</sup> ODFW. 2006. Oregon Hatcheries. May 3, 2006. Digital Data, Version 3.

<sup>75</sup> ODFW. 2021. Wildlife Areas. Published June 22, 2021. Available at: <https://nrimp.dfw.state.or.us/DataClearinghouse/default.aspx?p=202&XMLname=861.xml>.

<sup>76</sup> Oregon Parks and Recreation Department (OPRD). 2014. Oregon State Parks – 2014. Accessed at: <https://spatialdata.oregonexplorer.info/osdl-geoportal/catalog/search/resource/details.page?uuid=%7B9ED99BB8-3640-4819-86F8-0CBFD377124F%7D>.

<sup>77</sup> Institute of Natural Resources – Portland. 2021. Oregon’s Natural Areas. Biodiversity Data Manager. Digital Data.

<sup>78</sup> Oregon Parks and Recreation Department (OPRD). 2014. Oregon State Parks – 2014.

## 6.7 OAR 345-022-0050 Retirement and Financial Assurance

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

- (1) *The site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.*
- (2) *The applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.*

**Response:** The Council previously found that the Carty Solar Farm could be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the Carty Solar Farm.<sup>79</sup> The standards under OAR 345-022-0050 have not changed since the Final Order on Amendment 1.<sup>80</sup> Exhibit W of the 2011 ASC and Exhibit W for RFA 1 detail actions to restore CGS, including the Carty Solar Farm, to a useful, non-hazardous condition upon retirement per OAR 345-027-0110.

In RFA 1, the Certificate Holder described the tasks and actions necessary to restore the site of the Carty Solar Farm and its facilities to a useful, nonhazardous condition. The Council amended Condition 15.1 to include the Carty Solar Farm and its supporting facilities in the retirement cost estimate. With RFA 2, the Certificate Holder proposed to operate CGS, including new facilities in compliance with Site Certificate Conditions 15.1 (as modified in RFA 2) through 15.7. The Council found that, based on compliance with existing and amended conditions in RFA 1 and 2, the CGS, including Carty Solar Farm and its related or supporting facilities, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation.<sup>81</sup> The proposed changes in this amendment request are specific to the extension of construction deadlines and do not include modifications to conditions related to retirement and financial assurance. Therefore, the Council may conclude that the Facility, as amended by RFA 3, will continue to comply with OAR 345-022-0050.

## 6.8 OAR 345-022-0060 Fish and Wildlife Habitat

*To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are consistent with:*

- (1) *The general fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025(1) through (6) in effect as of February 24, 2017, and*

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<sup>79</sup> Final Order on Request for Amendment 1, p. 84 (December 2018).

<sup>80</sup> Oregon Administrative Rules Database. Available at:  
<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77085>.

<sup>81</sup> Final Order on Request for Amendment 2, p. 54 (November 19, 2020).

*(2) For energy facilities that impact sage-grouse habitat, the sage-grouse specific habitat mitigation requirements of the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-415-0025(7) and OAR 635-140-0000 through -0025 in effect as of February 24, 2017.*

**Response:** The Council previously found that the Carty Solar Farm would comply with the Council's Fish and Wildlife Habitat standard.<sup>82</sup> The standards under OAR 345-022-0060 have not changed since the Final Order on Amendment 1.<sup>83</sup> The Final Order on Amendment 1 identifies estimated temporary and permanent habitat impacts for the Carty Solar Farm and related or supporting facilities.<sup>84</sup> The Council found that based on the draft amended Revegetation and Weed Control Plan provided as Attachment E to the Final Order on Amendment 1, the Certificate Holder would meet the habitat mitigation goals for temporary habitat impacts.<sup>85</sup> The Council also found that the Certificate Holder's proposed habitat mitigation area would satisfy ODFW's habitat mitigation goals and Council's Fish and Wildlife Habitat standard.

The Certificate Holder performed a desktop review of aerial imagery within the analysis area (0.5-mile buffer of the Area Subject to RFA 3 shown on Figure 2) and did not identify any significant land use changes. Therefore, the characterization of habitat described under RFA 1 and RFA 2 is still applicable. The Certificate Holder also reviewed sensitive species lists<sup>86</sup> and occurrences based on updated Oregon Biodiversity Information Center (ORBIC) data<sup>87</sup> and did not identify any new information that would modify the characterization of state sensitive fish and wildlife species presented in RFA 1 and RFA 2. The Certificate Holder also met with ODFW on January 27, 2022 to review this amendment request and ODFW noted that they do not feel any additional surveys or conditions regarding future surveys need to be completed for the proposed amendment to extend the completion date of the Carty Solar project (Attachment 2).

In addition to the habitat mitigation requirements, the Council adopted conditions requiring additional pre-construction surveys, and implementation of a Revegetation and Noxious Weed Control Plan approved by Morrow County and ODFW.<sup>88</sup> All previously imposed Council conditions for fish and wildlife habitat apply to RFA 3. There will be no changes to the conditions, and the proposed change to extend the construction deadlines for the Carty Solar Farm do not affect the

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82 Final Order on Request for Amendment 1, p. 98 (December 2018).

83 Oregon Administrative Rules Database. Available at:  
<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77086>.

84 Final Order on Request for Amendment 1, Table 5 (December 2018).

85 Final Order on Request for Amendment 1, p. 90 (December 2018).

86 ODFW. 2021a. Oregon Department of Fish and Wildlife Sensitive Species List. Available at:  
[https://www.dfw.state.or.us/wildlife/diversity/species/sensitive\\_species.asp](https://www.dfw.state.or.us/wildlife/diversity/species/sensitive_species.asp).

87 ORBIC 2022. ORBIC data request for the Carty Generating Station. Received February 3, 2022.

88 Final Order on Request for Amendment 2, p. 58 (November 19, 2020).

Certificate Holder's ability to comply with any of the other previously imposed site conditions for fish and wildlife habitat. Therefore, the Council may conclude that the Facility, as amended by RFA 3, will continue to comply with OAR 345-022-0060.

## **6.9 OAR 345-022-0070 Threatened and Endangered Species**

*To issue a site certificate, the Council, after consultation with appropriate state agencies, must find that:*

*(1) For plant species that the Oregon Department of Agriculture has listed as threatened or endangered under ORS 564.105(2), the design, construction and operation of the proposed facility, taking into account mitigation:*

*(a) Are consistent with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3); or*

*(b) If the Oregon Department of Agriculture has not adopted a protection and conservation program, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species; and*

*(2) For wildlife that the Oregon Fish and Wildlife Commission has listed as threatened or endangered under ORS 496.172(2), the design, construction and operation of the proposed facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species.*

**Response:** The Council previously found that the Carty Solar Farm complies with the Council's Threatened and Endangered Species standard.<sup>89</sup> The standards under OAR 345-022-0070 have not changed since the Final Order on Amendment 1.<sup>90</sup> Based on compliance with previously imposed and amended conditions in the Final Order on Amendment 1, the Council determined that the Carty Solar Farm would not be likely to cause a significant reduction in the likelihood of survival of any wildlife species listed as threatened or endangered. The previously approved Site Boundary and analysis area evaluated in RFA 1 identified suitable Washington ground squirrel habitat, and the Council imposed numerous conditions (Condition 10.1, 10.7, 10.14, 10.15, 10.17, and 10.18) to avoid and minimize potential direct and indirect impacts to Washington ground squirrels and their Category 1 habitat. The Council also adopted an amendment to Condition 10.14 requiring additional pre-construction surveys for Washington ground squirrels and Lawrence's milkvetch.<sup>91</sup>

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<sup>89</sup> Final Order on Request for Amendment 1, p. 103 (December 2018).

<sup>90</sup> Oregon Administrative Rules Database. Available at:  
<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77087>.

<sup>91</sup> Final Order on Request for Amendment 1, p. 102 (December 2018).

The Certificate Holder has reviewed the ODFW threatened and endangered species list,<sup>92</sup> the ODA threatened and endangered plant species list,<sup>93</sup> and updated threatened and endangered species occurrences.<sup>94</sup> The Certificate Holder did not identify any new information that would modify the characterization of threatened and endangered species presented in RFA 1 and RFA 2. The Certificate Holder verified that ODFW does not feel any additional surveys or conditions regarding future surveys need to be completed for the proposed amendment to extend the completion date of the Carty Solar project (Attachment 2). All previously imposed Council conditions for threatened and endangered species apply to RFA 3. There will be no changes to the conditions, and the proposed change to extend the construction deadlines for the Carty Solar Farm do not affect the Certificate Holder's ability to comply with any of the other previously imposed site conditions for threatened and endangered species. RFA 3 will not alter the basis for the Council's previous findings. Therefore, the Council may conclude that the Facility, as amended by RFA 3, will continue to comply with OAR 345-022-0070.

## 6.10 OAR 345-022-0080 Scenic Resources

*(1) Except for facilities described in section (2), to issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified as significant or important in local land use plans, tribal land management plans and federal land management plans for any lands located within the analysis area described in the project order.*

**Response:** The Council previously found that the Carty Solar Farm would comply with the Council's Scenic Resources standard.<sup>95</sup> The standards under OAR 345-022-0080 have not changed since the Final Order on Amendment 1.<sup>96</sup> The 10-mile analysis area in RFA 1 included parts of two Oregon counties (Morrow and Gilliam), one Oregon municipality (Boardman), land administered by the Oregon Department of Transportation (ODOT), and land administered by the Bureau of Land Management and U.S. Fish & Wildlife Service. Corresponding with the analysis area in RFA 1, the Certificate Holder evaluated eight land use management plans listed below to determine whether scenic resources were identified as significant or important:

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<sup>92</sup> ODFW. 2021b. Threatened, Endangered, and Candidate Fish and Wildlife Species in Oregon. [https://www.dfw.state.or.us/wildlife/diversity/species/threatened\\_endangered\\_candidate\\_list.asp](https://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp).

<sup>93</sup> ODA. 2022. Oregon's threatened, endangered, and candidate plants. Available online at: <https://www.oregon.gov/oda/programs/plantconservation/pages/aboutplants.aspx>.

<sup>94</sup> ORBIC 2022. ORBIC data request for the Carty Generating Station. Received February 3, 2022.

<sup>95</sup> Final Order on Request for Amendment 1, p. 106 (December 2018).

<sup>96</sup> Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77088>.

- Gilliam County Comprehensive Plan (Gilliam County 2017)<sup>97</sup>
- Morrow County Comprehensive Plan (Morrow County 2013)<sup>98</sup>
- Bureau of Land Management John Day Basin Resource Management Plan (BLM 2015)<sup>99</sup>
- Umatilla National Wildlife Refuge Comprehensive Conservation Plan (USFWS 2008)<sup>100</sup>
- Oregon Department of Transportation 1999 Highway Plan (ODOT 2015)<sup>101</sup>
- City of Boardman's Comprehensive Plan<sup>102</sup>
- Columbia Basin Wildlife Area Management Plan (ODFW 2008)<sup>103</sup>
- Oregon Trail Comprehensive Management and Use Plan (U.S. National Park Service 1999)<sup>104</sup>

The 10-mile analysis area for this amendment request applied to the area subject to RFA 3 incorporates the same jurisdictions and plans identified above. None of the previously evaluated land use management plans have been amended or changed since the Certificate Holder's submission of revised RFA 1 in February 2018. The Certificate Holder has not identified any new or previously unevaluated land use management plans in the 10-mile analysis area for the area subject to RFA 3. Accordingly, no new resources are identified or discussed as a result of this amendment request.

The Council previously found that the Blue Mountain Scenic Byway and the Boardman Segment and Well Springs site of the Oregon National Historic Trail were not specifically managed for their scenic qualities; nonetheless, the Council reviewed these potentially important scenic resources

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97 Gilliam County Comprehensive Plan Available online at:

[http://www.co.gilliam.or.us/government/planning\\_department/2017\\_comprehensive\\_plan\\_and\\_zoning\\_order\\_nance.php#revize\\_document\\_center\\_rz404](http://www.co.gilliam.or.us/government/planning_department/2017_comprehensive_plan_and_zoning_order_nance.php#revize_document_center_rz404).

98 Morrow County Comprehensive Plan Available online at:

<https://www.co.morrow.or.us/planning/page/comprehensive-plan>.

99 Bureau of Land Management John Day Basin Resource Management Plan Available online at:

<https://www.blm.gov/or/districts/prineville/plans/johndayrmp/files/JDB/JDB%20AMS%20Executive%20Summary%20.pdf>.

100 Umatilla National Wildlife Refuge Comprehensive Conservation Plan Available online at:

<https://permanent.fdlp.gov/gpo76002/UmatillaNWRComprehensiveConservationPlanManagementDirection.pdf>.

101 Oregon Department of Transportation 1999 Highway Plan Available online at:

<https://www.oregon.gov/odot/Planning/Documents/OHP.pdf>.

102 City of Boardman's Comprehensive Plan Available online at:

<https://www.cityofboardman.com/communitydevelopment/page/comprehensive-plan>.

103 Columbia Basin Wildlife Area Management Plan. <https://wdfw.wa.gov/publications/00461>.

104 Oregon Trail Comprehensive Management and Land Use Plan Available online at:

[https://www.nps.gov/oreg/getinvolved/upload/Comprehensive\\_Management\\_Plan-508.pdf](https://www.nps.gov/oreg/getinvolved/upload/Comprehensive_Management_Plan-508.pdf).

and determined the Carty Solar Farm and its related or supporting facilities would result in limited to no visual impacts on these resources. The Council also adopted previously imposed Conditions 5.5 and 6.12 through 6.14, which include measures to reduce visual impacts from construction equipment, to paint facility buildings and structures with low-reflectivity neutral colors to blend with the surrounding landscape, and to limit nighttime lighting, respectively. RFA 3 makes no changes to the previously approved Carty Solar Farm, its related or supporting components, or the associated permanent and temporary disturbance areas.<sup>105</sup> RFA 3 does not change the ability of the Carty Solar Farm to comply with conditions imposed to reduce visual impacts. Therefore, the Council may conclude that the Facility, as amended by RFA 3, will continue to comply with OAR 345-022-0080.

## **6.11 OAR 345-022-0090 Historic, Cultural and Archaeological Resources**

*(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to:*

- (a) Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places;*
- (b) For a facility on private land, archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in 358.905(1)(c); and*
- (c) For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c).*

**Response:** The Council previously found that the Carty Solar Farm would comply with the Council's Historic, Cultural, and Archaeological Resources standard.<sup>106</sup> The standards under OAR 345-022-0090 have not received substantive changes since the Final Order on Amendment 1.<sup>107</sup> RFA 1 provided information regarding historic, cultural, and archaeological resources within the site boundary expansion that included Carty Solar Farm. The analysis of the expansion area identified multiple isolates that were deemed not significant. The Certificate Holder submitted a letter to SHPO on January 31, 2021 requesting concurrence with findings that no additional surveys have been completed and no additional resources identified within the previously approved Carty Solar Farm development footprint (Attachment 3).

A field survey of the historic built-environment has not previously been completed for the area subject to RFA 3. Therefore, a desktop review of aerial photographs and assessors' records was completed by Tetra Tech on January 10, 2021. This review indicates that there are no historic buildings within the site boundary expansion area or within one mile. The BCP facility which

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<sup>105</sup> Revised Request for Amendment 1, Exhibit C, Tables C-1 and C-2, and Figures C-1 and C-2 (February 2018).

<sup>106</sup> Final Order on Request for Amendment 1, p. 110 (December 2018).

<sup>107</sup> Oregon Administrative Rules Database. Available at:  
<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=259971>.

overlaps with the CGS site boundary was constructed in 1980. It is the last remaining coal plant in Oregon, however, it ceased operations in 2020. PGE owns the facility and plans to demolish it in 2022. The Facility is ineligible for listing on the National Register of Historic Places as it has not reached 50 years of age.

The Council imposed conditions in Section 11.0 of the Second Amended Site Certificate for the CGS that require the Certificate Holder to conduct pre-construction surveys in disturbance areas that have not been previously surveyed. The Certificate Holder's combined approach of cultural resources awareness training and robust Inadvertent Discovery Protocol will guide staff and contractors in conducting work in this area. In addition, RFA 3 makes no changes to the previously approved Carty Solar Farm, its related or supporting components, or the associated permanent and temporary disturbance areas.<sup>108</sup> RFA 3 does not change the ability of the Carty Solar Farm to comply with historical, cultural and archaeological conditions previously imposed for the Facility. Therefore, the Council may conclude that the Facility, as amended by RFA 3, will continue to comply with OAR 345-022-0090.

## 6.12 OAR 345-022-0100 Recreation

*(1) Except for facilities described in section (2), to issue a site certificate, the Council must find that the design, construction and operation of a facility, taking into account mitigation, are not likely to result in a significant adverse impact to important recreational opportunities in the analysis area as described in the project order. The Council shall consider the following factors in judging the importance of a recreational opportunity:*

- (a) Any special designation or management of the location;*
- (b) The degree of demand;*
- (c) Outstanding or unusual qualities;*
- (d) Availability or rareness;*
- (e) Irreplaceability or irretrievability of the opportunity.*

**Response:** The Council previously found that the Carty Solar Farm complies with the Council's Recreation standard.<sup>109</sup> The standards under OAR 345-022-0100 have not changed since the Final Order on Amendment 1.<sup>110</sup> In the Final Order on Amendment 1, the Council found that the CGS, including the Carty Solar Farm, is not likely to result in a significant adverse impact to identified important recreational opportunities. In RFA 1 Exhibit T, the Certificate Holder evaluated the

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<sup>108</sup> Revised Request for Amendment 1, Exhibit C, Tables C-1 and C-2, and Figures C-1 and C-2 (February 2018).

<sup>109</sup> Final Order on Request for Amendment 1, p. 114 (December 2018).

<sup>110</sup> Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77099>.

resources listed below to determine whether scenic resources were identified as significant or important:<sup>111</sup>

- “Find a Park,” Oregon Parks and Recreation Department website (OPRD 2018)<sup>112</sup>
- “Oregon National Historic Trail: Accessibility,” National Park Service website, (National Park Service n.d.)<sup>113</sup>
- “Recreation in Morrow County,” Morrow County website (Morrow County n.d.)<sup>114</sup>
- Gilliam County Comprehensive Plan (Gilliam County 2017)<sup>115</sup>
- Morrow County Comprehensive Land Use Plan (Morrow County 2011)<sup>116</sup>

The single important recreational opportunity within the 5-mile analysis area evaluated in RFA 1 is the Oregon National Historic Trail, which runs east-west approximately 2.1 miles south of the Carty Solar Farm.<sup>117</sup> The Certificate Holder completed a current review of the same resources listed above and confirmed that the Oregon National Historic Trail is still the only important recreational opportunity identified within the 5-mile analysis area from the area subject to RFA 3. The Council previously found that, given the distance of over 2 miles from the amended site boundary to the nearest point of the Oregon National Historic Trail, and the overall height of proposed structures, the visual impacts of the proposed Carty Solar Farm would not likely result in a significant adverse impact to this important recreational opportunity.<sup>118</sup> No new important recreational opportunities, not previously evaluated by the Council, occur within the 5-mile analysis area from the area subject to RFA 3. The requested extension of the deadlines to begin and complete construction of Carty Solar Farm will not alter the basis for the Council’s previous findings. Therefore, the Council may conclude that the Facility, as amended by RFA 3, will continue to comply with OAR 345-022-0100.

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<sup>111</sup> Revised Request for Amendment 1, Exhibit T, p. T-1 (February 2018).

<sup>112</sup> OPRD “Find a Park.” Available online at: <https://stateparks.oregon.gov/index.cfm?do=visit.find>.

<sup>113</sup> National Park Service “Oregon National Historic Trail: Accessibility.” Available online at: <https://www.nps.gov/state/or/index.htm>.

<sup>114</sup> Recreation in Morrow County. <https://www.co.morrow.or.us/planning/page/recreation-morrow-county>.

<sup>115</sup> Gilliam County Comprehensive Plan. Available online at: [http://www.co.gilliam.or.us/government/planning\\_department/2017\\_comprehensive\\_plan\\_and\\_zoning\\_ordi\\_nance.php#revize\\_document\\_center\\_rz404](http://www.co.gilliam.or.us/government/planning_department/2017_comprehensive_plan_and_zoning_ordi_nance.php#revize_document_center_rz404).

<sup>116</sup> Morrow County Comprehensive Land Use Plan. Available online at: [https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/991/8\\_of\\_19\\_-mc\\_comp\\_plan - goal 8.pdf](https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/991/8_of_19_-mc_comp_plan - goal 8.pdf).

<sup>117</sup> Final Order on Request for Amendment 1, p. 111 (December 2018).

<sup>118</sup> Final Order on Request for Amendment 1, p. 114 (December 2018).

## 6.13 OAR 345-022-0110 Public Services

*(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to the ability of public and private providers within the analysis area described in the project order to provide: sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools.*

**Response:** The Council previously found that the Carty Solar Farm would comply with the Council's Public Services Resources standard.<sup>119</sup> The standards under OAR 345-022-0110 have not changed since the Final Order on Amendment 1.<sup>120</sup> RFA 1 Exhibit U provided a detailed overview of service providers in and around the analysis area. RFA 1 Table U-1 detailed a list of potential providers in the vicinity for sewage collection and treatment, water, storm water drainage, solid waste management, health care, and education. The analysis of potential impacts to services was based on the maximum number of workers anticipated during construction (100 to 130 workers) and operation (1 to 2 workers).<sup>121</sup> The Council concluded that through previously imposed and amended conditions, the Carty Solar Farm will not result in significant adverse impacts to the ability of public and private service providers to supply sewer and sewage treatment, water, stormwater drainage, solid waste management, housing, traffic safety, police and fire protection, health care, and schools.<sup>122</sup>

Since Amendment 1, the Certificate Holder installed a septic system at CGS that operational personnel from the Carty Solar Farm would use. Operation of the Carty Solar Farm would no longer need to send sewage to the Boardman sewage lagoons as proposed in the Final Order on Amendment 1. The septic system is adequately sized to accommodate the one or two operations personnel at the Carty Solar Farm. Also, during RFA 1, it was not known that BCP would be demolished. The Certificate Holder initiated demolition of the BCP and demolition will be completed prior to construction of the Carty Solar Farm so there will be no overlap of construction traffic or use of services. In addition, the Certificate Holder obtained an updated letter of service assurance from the Boardman Rural Fire Protection District for fire service (Attachment 4). The letter continues to demonstrate that the proposed amended to extend the construction deadlines will not substantially increase impacts on the Boardman Rural Fire Protection District. The Certificate Holder also communicated with the Morrow County Undersheriff via phone call on January 26, 2022 and discussed RFA 3; a follow up email was provided to the Undersheriff on January 26, 2022 summarizing the telephone call. On January 31, 2022 the Undersheriff indicated

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<sup>119</sup> Final Order on Request for Amendment 1, p. 120 (December 2018).

<sup>120</sup> Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77106>.

<sup>121</sup> Final Order on Request for Amendment 1, p. 115 (December 2018).

<sup>122</sup> Final Order on Request for Amendment 1, p. 115 through 120 (December 2018).

that a service provider letter would be prepared and provided to the Certificate Holder; however, the letter has not yet been received as of the submittal date for RFA 3. In lieu of the letter, Attachment 4 includes the email correspondence between the Certificate Holder and the Sheriff's Office. Therefore, based on the findings of fact in the Final Orders on Amendment 1 and Amendment 2, the changes described in RFA 3 will not alter the basis for EFSC's earlier findings, nor change the Certificate Holder's ability to comply with the intent of any requirements and conditions issued by the Council regarding public health and safety. The Council may conclude that the Facility, as amended by RFA 3, will continue to comply with OAR 345-022-0110.

## **6.14 OAR 345-022-0120 Waste Minimization**

*(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that, to the extent reasonably practicable:*

- (a) The applicant's solid waste and wastewater plans are likely to minimize generation of solid waste and wastewater in the construction and operation of the facility, and when solid waste or wastewater is generated, to result in recycling and reuse of such wastes;*
- (b) The applicant's plans to manage the accumulation, storage, disposal and transportation of waste generated by the construction and operation of the facility are likely to result in minimal adverse impact on surrounding and adjacent areas.*

**Response:** The Council previously found that the Carty Solar Farm complies with the Council's Waste Minimization standard.<sup>123</sup> The standards under OAR 345-022-0120 have not changed since the Final Order on Amendment 1.<sup>124</sup> Exhibit V of the 2011 ASC for the CGS and Exhibit V of RFA 1 for the Carty Solar Farm addressed the potential for plans to minimize the generation of solid waste and wastewater during construction and operation, and to recycle and reuse such wastes if generated. Following review of the 2011 ASC, the Council adopted Conditions 6.2, 6.3, 6.24, 6.25, 9.5, 10.22, 10.24, 10.30, 10.32, and 10.36 to address waste and wastewater minimization in the 2012 Site Certificate for CGS. As documented in the Final Order on Amendment 1, the Council again found that, with the inclusion of Conditions 6.3 and 10.22, CGS would continue to comply with OAR 345-022-0120. Conditions 6.3 and 10.22 require that the Certificate Holder, during construction and operation, develop Waste Management Plans that would implement waste reducing measures including training employees to segregate and recycle recyclable materials. As documented in the Final Order on Amendment 1, the Certificate Holder maintains an existing WPCF permit. The WPCF permit was modified as part of RFA 1 to include authorization to dispose of solar panel wash water. Potential wastewater generated from stormwater runoff during construction would be managed in accordance with the best management practices described in the NPDES 1200-C/Erosion and Sediment Control Plan until that permit is terminated. Condition 9.5 also requires the Certificate

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<sup>123</sup> Final Order on Request for Amendment 1, p. 122 (December 2018).

<sup>124</sup> Oregon Administrative Rules Database. Available at:  
<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77107>.

Holder to monitor and repair any erosion concerns during operations. These conditions would continue to apply to the Carty Solar Farm, with proposed changes. Therefore, the proposed changes do not affect the Council's previous findings on Waste Minimization and the Council may conclude that the Facility, as amended by RFA 3, will continue to comply with OAR 345-022-0120.

## 6.15 OAR 345-024-0090 Siting Standards for Transmission Lines

*To issue a site certificate for a facility that includes any transmission line under Council jurisdiction, the Council must find that the applicant:*

- (1) Can design, construct and operate the proposed transmission line so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public;*
- (2) Can design, construct and operate the proposed transmission line so that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable.*

**Response:** The Council previously found that the Carty Solar Farm complies with the Siting Standards for Transmission Lines.<sup>125</sup> The standards under OAR 345-024-0090 have not changed since the Final Order on Amendment 1.<sup>126</sup> OAR 345-024-0090(1) sets a limit for electric fields from transmission lines of not more than 9 kV per meter at one meter above the ground surface in areas that are accessible to the public. Section (2) requires the Certificate Holder design, construct and operate the line in a manner that reduces the risk posed by induced current. Based on the Certificate Holder's modeling provided in RFA 1 Exhibit AA, the Council found that the Carty Solar Farm's supporting 34.5 kV interconnection transmission line would not exceed 9-kV per meter at one meter above ground level. The Council's previously imposed Condition 6.5 and 7.9 ensure that the Certificate Holder can construct, and operate the proposed transmission line so that induced currents resulting from the transmission line would be as low as reasonably achievable.<sup>127</sup> Condition 6.5 requires the Certificate Holder design, construct and operate transmission lines in accordance with requirements of the National Electrical Safety Code. The proposed amendment to extend construction deadlines does not change the previously approved transmission system. Therefore, the Council may conclude that the Facility, as amended by RFA 3, will continue to comply with OAR 345-024-0090.

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125 Final Order on Request for Amendment 1, p. 124 (December 2018).

126 Oregon Administrative Rules Database. Available at: [https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID\\_OARD=cEvl4-1cwjkYFPai2eKxcwHAUj20YEiO\\_RiPf4ZhVo\\_kY-DY71211243901809?selectedDivision=1581](https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID_OARD=cEvl4-1cwjkYFPai2eKxcwHAUj20YEiO_RiPf4ZhVo_kY-DY71211243901809?selectedDivision=1581).

127 Final Order on Request for Amendment 1, p. 124 (December 2018).

## 7.0 Other Applicable Requirements – OAR 345-027-0360(1)(e)

### 7.1 Noise Control Regulations

*OAR 340-035-0035 Noise Control Regulations for Industry and Commerce*

*(1) Standards and Regulations:*

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*(b) New Noise Sources: (A) New Sources Located on Previously Used Sites. No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the operation of that noise source if the statistical noise levels generated by that new source and measured at an appropriate measurement point, specified in subsection (3)(b) of this rule, exceed the levels specified in Table 8, except as otherwise provided in these rules. For noise levels generated by a wind energy facility including wind turbines of any size and any associated equipment or machinery, subparagraph (1)(b)(B)(iii) applies.*

**Response:** The Council previously found that the Carty Solar Farm satisfies the ODEQ noise control regulations.<sup>128</sup> Based on the acoustic noise modeling assessment completed for RFA 1 Exhibit X, the proposed Carty Solar Farm would result in potential maximum overall A-weighted sound power level output of 44 dBA at 400 feet.<sup>129</sup> The predicted sound levels from the proposed Carty Solar Farm at the closest residence (approximately 2.3 miles away) would be less than 30 dBA.

Therefore, the Council found that operational noise generated from the proposed Carty Solar Farm would comply with OAR 340-035-0035. Minor corrections for spelling where applied to OAR 340-035-0035 in April 2018<sup>130</sup> and no other changes to OAR 340-035-0035 have occurred since the Final Order on Amendment 1 that would alter the Council's previous findings. Extension of the construction start and completion deadlines for the Carty Solar Farm as proposed in this RFA 3 will not change any of the predicted sound levels from the proposed Carty Solar Farm, and no new residences or other sensitive noise receptors are located closer than the previously analyzed locations in RFA 1. Therefore, RFA 3 does not alter the Council's basis for its previous findings and the Facility, as amended by RFA 3, will continue to comply with DEQ's noise control regulations.

### 7.2 Removal-Fill Law

**Response:** A removal-fill permit will not be required because no impacts to waters of the state are expected. As noted in the Final Order on Amendment 1, DSL reviewed the revised wetland

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<sup>128</sup> Final Order on Request for Amendment 1, p. 127 (December 2018).

<sup>129</sup> Revised Request for Amendment 1, Exhibit X, p. X-5 (February 2018).

<sup>130</sup> Office of the Secretary of the State. Permanent Administrative Order. DEQ 23-2018. Available at: <http://records.sos.state.or.us/ORSOSWebDrawer/Recordpdf/6844441>.

delineation report prepared in support of Carty Solar Farm and provided concurrence with the delineation and classifications on September 18, 2018.<sup>131</sup> RFA 3 does not add or change any Facility components, which as approved do not occur in water features, and no removal-fill in waters of the state will be necessary to construct or operate the Carty Solar Farm or related or supporting facilities. A desktop review of the site comparing current Google Earth imagery to data from the revised 2016 and 2018 Ecology and Environment (E&E) Delineation Report indicates site conditions appear consistent with the findings of the E&E Delineation Report.

The Council previously imposed Condition 10.26 and 10.27 requiring that the Certificate Holder avoid any disturbance to delineated wetlands, and provide final design maps to ODOE demonstrating that proposed components would be sited to avoid jurisdictional waters.. Condition 10.27 also requires that construction and operation of the Facility avoid impacts to any jurisdictional water identified in the pre-construction investigation in a manner that would require a removal-fill permit and pre-construction surveys for areas to be disturbed that lie outside previously-surveyed areas. RFA 3 does not impede the Certificate Holder's ability to comply with Condition 10.26 and 10.27, which will provide updated evidence that a removal-fill permit is not required. Therefore, the Council may conclude that the Facility will continue to comply with the Oregon Removal-Fill Law (ORS 196.795 through 196.990) and regulations (OAR 141-085-0500 through 141-085-0785).

### **7.3 Water Rights**

**Response:** The proposed change detailed in this RFA 3 does not increase the quantity of water used and wastewater generated during construction and operations from what was originally authorized in the Site Certificate because no changes to the Facility footprint or construction and operation activities are proposed. Water uses and sources for the Carty Solar Farm will remain the same as described in RFA 1 Exhibit O and the Final Order on Amendment 1 (III.Q.3. Water Rights).

Specifically, water for construction will be sourced from Carty Reservoir under PGE's existing water right and obtained by a third-party contractor through a limited water use license. Site Certificate Condition 2.14 will continue to apply, which requires evidence prior to construction of the Carty Solar Farm that a limited water use license from the Oregon Department of Water Quality has been obtained by the Certificate Holder's third-party contractor, and requires semi-annual reports during construction that demonstrate allowable water use has not been exceeded. Water for solar panel washing during operations will be obtained either from Carty Reservoir or a municipal source under existing water rights. Potable water used during operations will be obtained from either an existing onsite well, hauled in from nearby water systems, or a private provider.

Therefore, the proposed change does not affect the Certificate Holder's ability to comply with the Site Certificate, and OAR Chapter 690 Divisions 310 and 380. The Council may conclude that the Facility, as amended in RFA 3, does not need a groundwater permit, surface water permit, or water right transfer.

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<sup>131</sup> Final Order on Request for Amendment 1, p. 128 (December 2018).

## 7.4 Water Pollution Control Facilities Permit

**Response:** The Carty Solar Farm is covered under the terms and conditions of WPCF Permit 100189. The WPCF permit was issued on May 2, 2013, with an April 30, 2023 expiration date. DEQ approved Addendum 1 to WPCF Permit 100189 to allow construction and operation of a photovoltaic solar generating unit at the site (i.e., the Carty Solar Farm) with an effective date of January 24, 2019. The issuance of Addendum 1 to WPCF Permit 100189 addressed Site Certificate Condition 10.28(ii) requiring PGE to demonstrate that DEQ has issued a modified WPCF Permit 100189 that specifically addresses solar panel wash water. The WPCF has an expiration date of April 30, 2023. Therefore, PGE is required to submit a renewal application at least 180 days prior to the expiration date. Accordingly, PGE will submit a renewal application and obtain a renewed WPCF permit and remain in compliance with Site Certificate conditions that require compliance with a WPCF permit. Therefore, the Council may conclude the Facility will continue to comply with the WPCF permit requirement.

## 8.0 Property Owners Located within or Adjacent to the Site of the Facility - OAR 345-027-0360(1)(f)

*(f) A list of the names and mailing addresses of property owners, as described in this rule:*

*(A) The list must include all owners of record, as shown on the most recent property tax assessment roll, of property located:*

*(iii) Within 500 feet of property which is the subject of the request for amendment, where the subject property is within a farm or forest zone; and*

*(B) In addition to incorporating the list in the request for amendment, the applicant must submit the list to the Department in an electronic format acceptable to the Department.*

**Response:** A list of the names and mailing addresses of property owners located within 500 feet of the property underlying the area subject to RFA 3 is provided in Attachment 6. A mapbook showing the location of the properties is also shown in Attachment 6, Figures 1.1 through 1.6. The Certificate Holder requested the most recent property tax assessment roll from the Morrow County Assessor on January 24, 2022 and the property owner information provided in Attachment 6 reflects information received on January 31, 2022.

## 9.0 Conclusion

This amendment request demonstrates that the proposed extensions to the construction start and completion deadlines comply with all applicable laws and Council standards. For the reasons stated above, the Certificate Holder respectfully requests approval of RFA 3.

# **Figures**

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# Carty Generating Station

**Figure 1**  
**Carty Generating Station**  
**Site Boundary**

MORROW COUNTY, OR

Site Boundary –  
Approved with the First  
Amended Site Certificate  
(December 14, 2018)

Site Boundary –  
Approved with the  
Second Amended Site  
Certificate (December 9,  
2020)

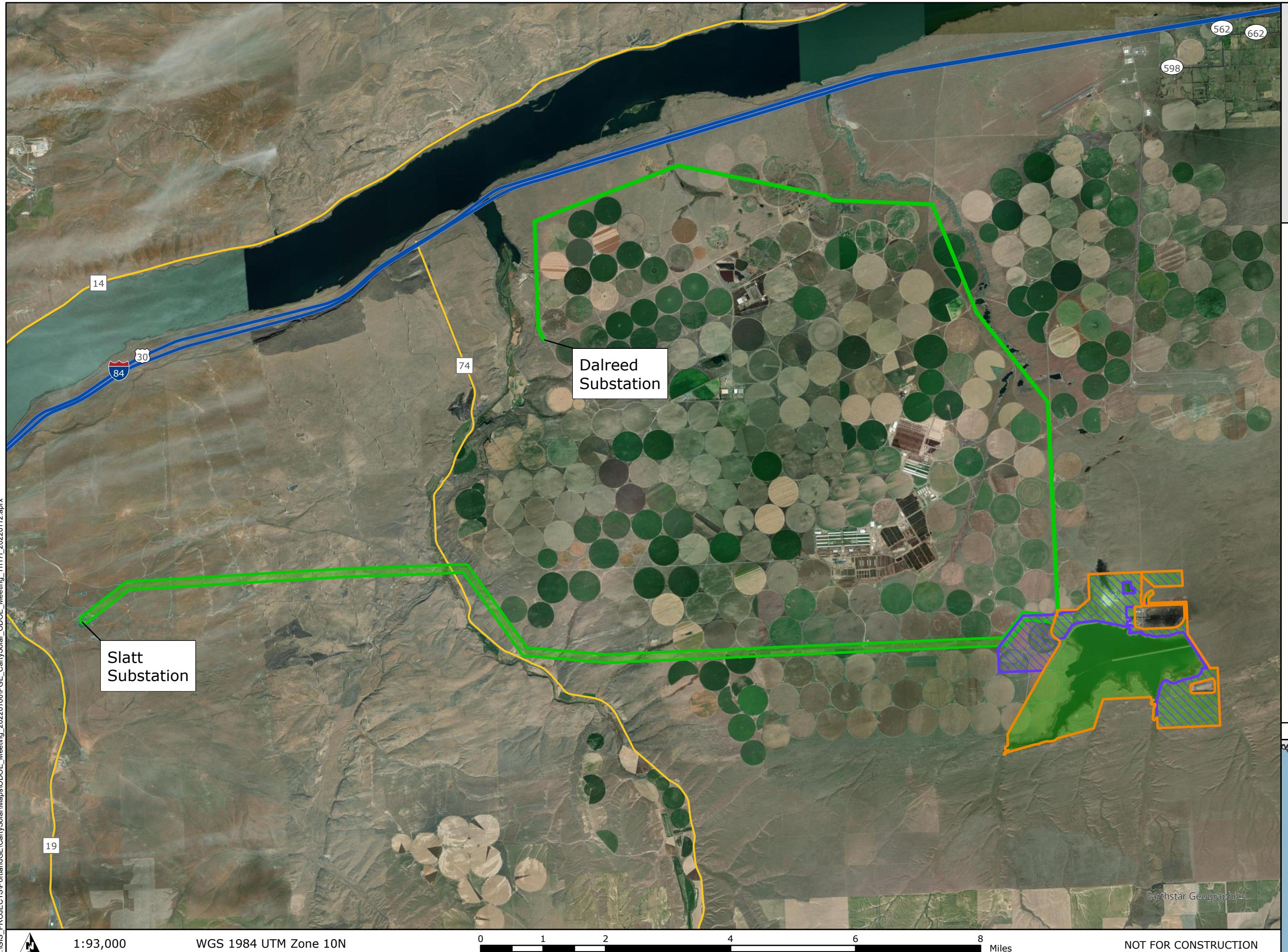
Site Boundary Area  
Subject to Request for  
Amendment 3

- Interstate Highway
- US Highway
- State Highway
- County Highway

TETRA TECH

PGE

Reference Map



**Carty  
Generating Station**

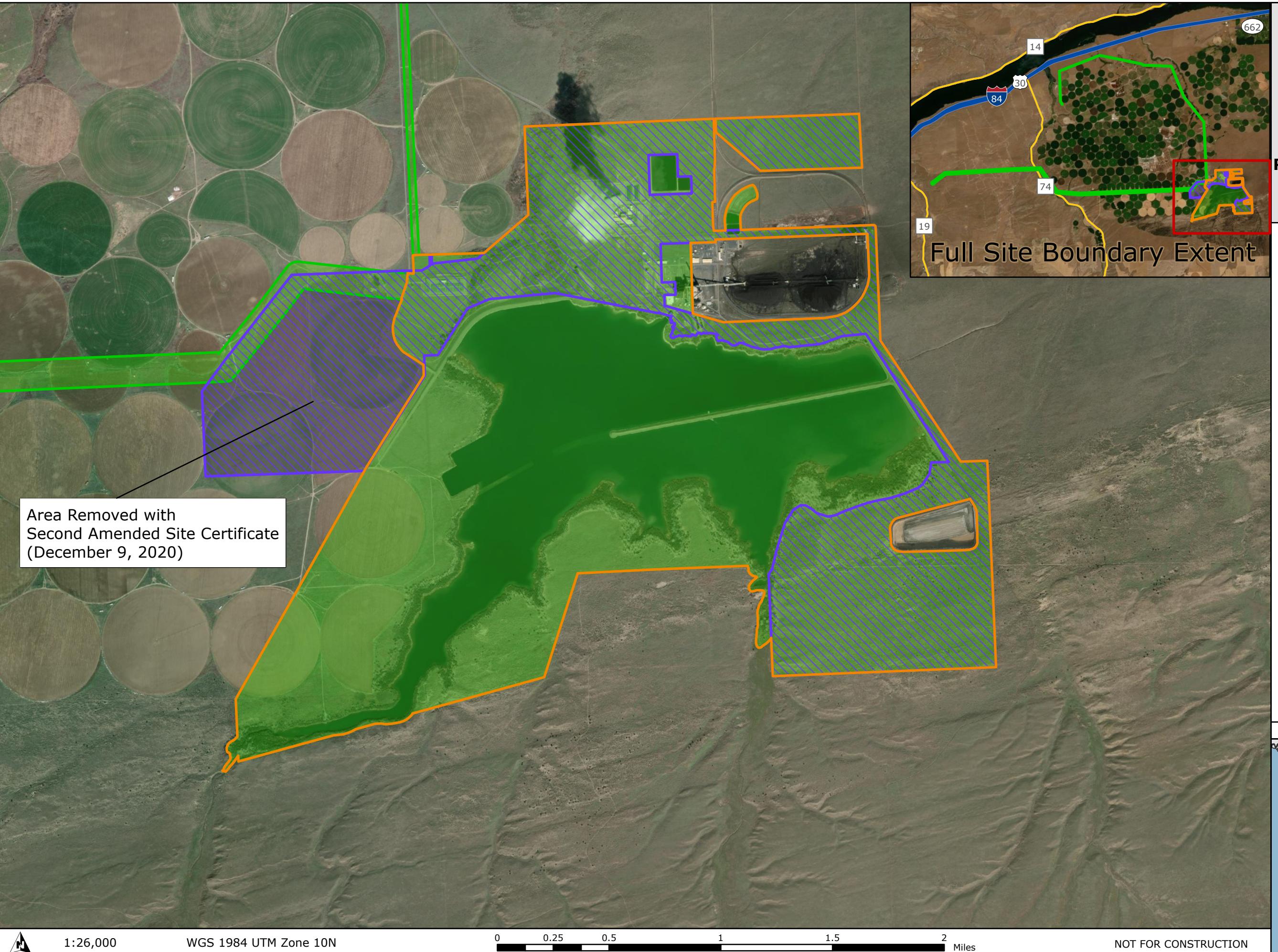
**Figure 2  
Area Subject to  
Request for Amendment 3**

MORROW COUNTY, OR

Site Boundary –  
Approved with the First  
Amended Site Certificate  
(December 14, 2018)

Site Boundary –  
Approved with the  
Second Amended Site  
Certificate (December 9,  
2020)

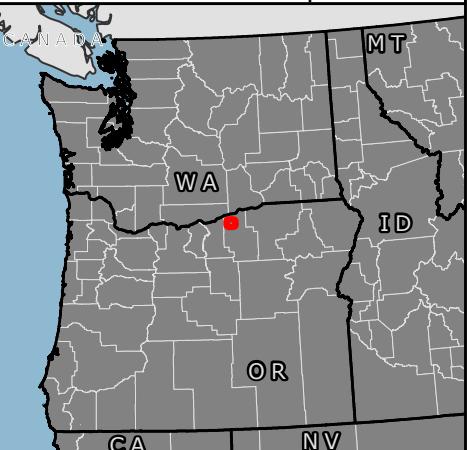
Site Boundary Area  
Subject to Request for  
Amendment 3



TETRA TECH

PGE

Reference Map



## **Attachment 1. Morrow County Correspondence**

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**From:** [Hicks, Paul](#)  
**To:** [Hicks, Paul](#)  
**Subject:** RE: [Response Requested] PGE Carty Solar Farm Morrow County Coordination  
**Date:** Thursday, February 3, 2022 5:08:03 PM  
**Attachments:** [image001.png](#)

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**From:** Tamra Mabbott <tmabbott@co.morrow.or.us>  
**Sent:** Thursday, February 3, 2022 1:44 PM  
**To:** Hicks, Paul <Paul.Hicks@tetrtech.com>  
**Cc:** Stephen Wrecks <swrecks@co.morrow.or.us>; Lenna Cope <Lenna.Cope@pgn.com>; Hawkinson, Eric <ERIC.HAWKINSON@tetrtech.com>  
**Subject:** RE: [Response Requested] PGE Carty Solar Farm Morrow County Coordination

**⚠ CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments.

Paul – I concur with your assessment but offer one clarification.  
While you are correct about the solar siting standards in the MCZO, the new OARs adopted by state pursuant to HB 2329 apply to the project.  
Do you agree?  
Unlike land use standards, EFSC standards do not have a “goal post” rule and I believe the new standards are applicable.  
Let me know if you agree. It may be worthwhile checking with the EFSC Siting Officer on this.  
I am out of the office tomorrow, Friday, returning Tuesday, February 8th, but feel free to communicate with Stephen Wrecks.  
Tamra

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**From:** Hicks, Paul <[Paul.Hicks@tetrtech.com](mailto:Paul.Hicks@tetrtech.com)>  
**Sent:** Wednesday, February 2, 2022 2:56 PM  
**To:** Tamra Mabbott <[tmabbott@co.morrow.or.us](mailto:tmabbott@co.morrow.or.us)>  
**Cc:** Stephen Wrecks <[swrecks@co.morrow.or.us](mailto:swrecks@co.morrow.or.us)>; Lenna Cope <[Lenna.Cope@pgn.com](mailto:Lenna.Cope@pgn.com)>; Hawkinson, Eric <[ERIC.HAWKINSON@tetrtech.com](mailto:ERIC.HAWKINSON@tetrtech.com)>  
**Subject:** RE: [Response Requested] PGE Carty Solar Farm Morrow County Coordination

**STOP and VERIFY - This message came from outside of Morrow County Government.**

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Hi Tamra,

I am following up from our discussion last week on Tuesday, January 25, 2022. Please let me know if you can provide a response by tomorrow afternoon. We reviewed the documents you provided following our call, which included:

1. A summary list of amendments to the Morrow County Comprehensive Plan and Morrow County Zoning Ordinance dating back to 1990 (provided as the PAPA List for Morrow County),
2. Ordinance Number ORD-2017-4 “2017 Farm and Forest Use Model Code Update,” with Planning Commission findings, and
3. MCZO Article 6 (Conditional Uses) and MCZO Article 7 (Dimensional Adjustments, Variances, Special or Temporary Use Permits, and Non-conforming Uses) current since August 1, 2017:

Portland General Electric (PGE) Company initially submitted Request for Amendment 1 (RFA1) to the Carty Generating Station (CGS) Site Certificate in August 2016; however, PGE submitted a revised version of RFA1, including Exhibit K in February 2018. Exhibit K addressed that Council's Land Use Standard and the applicable policies of the Morrow County Comprehensive Plan and provisions of the Morrow County Zoning Ordinance that were current at the time of submittal (February 2018). With one exception identified below, the applicable standards of the MCZO and the applicable policies of the Morrow County Comprehensive Plan addressed in RFA 1 Exhibit K, appear identical to the County's current code and the documents that you had provided as listed above.

Our evaluation of the code and Comprehensive Plan, as submitted in February 2018, versus the County's current criteria is identified in the Table below.

<b>MCZO – Substantive Criteria Addressed in RFA 1 Exhibit K and the Final Order on Amendment 1</b>	<b>Change Identified between Current County Criteria (as of February 2, 2022) and Criteria Addressed in RFA 1 (February 22, 2018) (Yes/No)</b>	<b>Response</b>
Article 1 – Introductory Provisions		
Section 1.050 Zoning Permit	No	NA
Article 3 – Use Zones		
Section 3.010 Exclusive Farm Use, EFU Zone	No	NA
Section B Uses Permitted Outright	No	NA
Section C Conditional Uses	No	NA
Section D Use Standards	No	NA
Section K Photovoltaic Solar Power Generation Facility	Yes	<p>The only difference identified in applicable standards under the MCZO since submittal of RFA 1 occurs under MCZO 3.010(K)(3)(f)(7) for solar energy facilities and addresses the AVA soil standards in ORS 195.300(10)(f)(C) (see specific text underlined below referencing paragraph 7 from the MCZO).</p> <p>The Council's Final Order on Amendment 1 approved a Goal 3 exception for use of over 12 acres of high value farmland and more than 20 acres of arable land for the Carty Solar Farm. The Final Order verifies that the Carty Solar Farm would be sited on approximately 57 acres of high-value farmland using the definition of</p>

		<p>ORS 195.300(10)(f)(C). Paragraph 7 does not change the Council's findings in the Final Order on Amendment 1 that the Goal 3 exception is required for nonfarm use of both high-value and arable soils as previously approved by the Council. Therefore, no further analysis under MCZO 3.010(K)(3)(f)(7) is applied for the Carte Solar Farm.</p> <p><i>f. For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4 <u>or the requirements of paragraph (7) are met</u>. The governing body or its designate must find that:</i></p> <p><i>(7) A photovoltaic solar generation facility may be sited on more than 12 acres of high-value farmland described in ORS 195.300(10)(f)(C) without taking an exception pursuant to ORS 197.732 and OAR chapter 660, division 4, provided the land:</i></p> <p><i>(a) Is not located within the boundaries of an irrigation district;</i></p> <p><i>(b) Is not at the time of the facility's establishment, and was not at any time during the 20 years immediately preceding the facility's establishment, the place of use of a water right permit, certificate, decree, transfer order or ground water registration authorizing the use of water for the purpose of irrigation;</i></p> <p><i>(c) Is located within the service area of an electric utility described in ORS 469A.052(2);</i></p> <p><i>(d) Does not exceed the acreage the electric utility reasonably anticipates to be necessary to achieve the applicable renewable portfolio standard described in ORS 469A.052(3); and</i></p> <p><i>(e) Does not qualify as high-value farmland under any other provision of law.</i></p> <p>See <a href="3.010_exclusive_farm_use_11012018.pdf">3.010_exclusive_farm_use_11012018.pdf</a> (<a href="http://morrow.or.us">morrow.or.us</a>)</p>
Section M Yards	No	NA
Section N Transportation Impacts	No	NA
Section 3.070 General Industrial Zone	No	NA
Section A Uses Permitted Outright	No	NA
Section D Dimension Requirements	No	NA

Section E Transportation Impacts	No	NA
Article 4 – Supplementary Provisions		
Section 4.165 Site Plan Review	No	NA
Article 6 – Conditional Uses		
Section 6.015 Requirements Under a State Energy Facility Site Certificate	No	NA
Section 6.020 General Criteria	No	NA
Section 6.025 Resource Zone Standards for Approval	No	NA
Section 6.030 General Conditions	No	NA
Section 6.040 Permit and Improvements Assurance	No	NA
Section 6.050 Standards Governing Conditional Uses	No	NA
<b>Morrow County Comprehensive Plan - Substantive Policies Addressed in RFA 1 Exhibit K and the Final Order on Amendment 1</b>	<b>Change Identified between Current County Policy (as of February 2, 2022) and Criteria Addressed in RFA 1 (February 22, 2018) (Yes/No)</b>	<b>Response</b>
Agricultural Policy 1 and 4 Energy Policies 3 and 9 Economic Element Policy 2A, 3A, 5A and 6C	No	<p>We reviewed the PAPA List for Morrow County and determined there have been no changes to the Agricultural, Energy, and Economic Element policies of the Morrow County Comprehensive Plan that were identified in the Final Order on Amendment 1.</p> <p>Morrow County has amended the Morrow County Comprehensive Plan since RFA 1, but the amendments address protections for aggregate sites under Statewide Planning Goal 5 and adoptions of Goal 3 exceptions related to other solar energy facilities. No aggregate sites protected under Goal 5 or other solar energy facilities occur within 0.5 mile of the Carty Solar Farm area subject to RFA 3. No further analysis is required.</p>

While there have been other updates to the MCZO and Morrow County Comprehensive Plan since 2018 (see attached PAPA list in Morrow County), these amendments did not include changes to the applicable standards referenced in RFA 1. The standards and Comprehensive Plan policies referenced in RFA 1 are identical to current provisions (with the one exception addressed in the table above MCZO 3.010(K)(3)(f)(7)).

We request concurrence from Morrow County that there have been no substantive code criteria changes since the RFA 1 submittal in 2018 that necessitate further evaluation for RFA 3. Please let us know if you have any questions or request for additional information.

Thank you!

**Paul Hicks**

Mobile +1 (916) 764-8382 | [paul.hicks@tetrtech.com](mailto:paul.hicks@tetrtech.com)

---

**From:** Lenna Cope

**Sent:** Friday, January 07, 2022 1:06 PM

**To:** [tmabbott@co.morrow.or.us](mailto:tmabbott@co.morrow.or.us)

**Subject:** [Response Requested] PGE Carty Solar Farm Morrow County Coordination

Dear Tamra Mabbott,

The Portland General Electric (PGE) Company holds a Site Certificate for the Carty Generating Station (CGS). As approved, under the First Amended Site Certificate for the CGS issued on December 14, 2018, the CGS includes a not-yet-constructed 50 MW Carty Solar Farm on 315 acres located south of the Carty Reservoir. The CGS site boundary is within Morrow County's General Industrial (MG) and Exclusive Farm Use (EFU) zoning districts. The Second Amended Site Certificate for the CGS was issued on November 19, 2020, which authorized a number of related or supporting facilities for use at the CGS.

PGE will file a third Request for Amendment (RFA 3) to the Carty Generating Station Site Certificate seeking approval from the Council to extend the start date of construction and construction completion deadline for the previously approved but not-yet-constructed 50 MW Carty Solar Farm as follows:

- Condition 4.1.ii - Extend construction beginning to February 4, 2025.
- Condition 4.2.ii - Extend construction completion to February 4, 2028.
- 

There are no changes to the previously approved 50 MW Carty Solar Farm components. As part of the proposed request to the Oregon Energy Facility Siting Council, PGE is seeking coordination with the County to confirm there have been no substantive code criteria changes applicable to the project since the First Amended Site Certificate for the CGS issued on December 14, 2018. The prior First and Second Amendments complied with applicable sections of the Morrow County Zoning Ordinance (MCZO) adopted in 1980, amended March 6, 1985, and amended and readopted in its entirety on November 7, 2001. Applicable sections of the Morrow County Comprehensive Plan (updated in 2013) were also included in the previous amendments. The applicable Morrow County substantive criteria for RFA 3 are as follows:

- Article 1 - Section 1.050 Zoning Permit
- Article 3 - Section 3.010 Exclusive Farm Use Zone
- Article 3 - Section 3.070 General Industrial Zone
- Article 4 - Section 4.165 Site Plan Review
- Article 9 - Section 9.060 Sewage Disposal Approval
- Morrow County Comprehensive Plan Agricultural Policy 1 and 4
- Morrow County Comprehensive Plan Energy Policies 3 and 9
- Morrow County Comprehensive Plan Economic Element Policy 2A, 3A, 5A, and 6C

We would like to set up a call to discuss these updates further, identify any substantive code criterial changes since December 14, 2018 that may be applicable to the Carty Solar Farm, and answer any questions you may have. Please let us know your earliest availability and we will send a scheduled meeting invite.

Thank you.



**Lenna Cope**

Pronouns: she/her

Senior Environmental Specialist | 503-464-2634 | 503-313-5022

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## **Attachment 2. ODFW Correspondence**

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**From:** [CHERRY Steve P \\* ODFW](#)  
**To:** [Lenna Cope](#)  
**Cc:** [Leah Hough](#); [Andrew Bidwell](#)  
**Subject:** RE: PGE Carty Solar Farm RFA3 ODFW Concurrence  
**Date:** Thursday, January 27, 2022 12:26:25 PM  
**Attachments:** [image001.png](#)

---

**\*\*\*Please take care when opening links, attachments or responding to this email as it originated outside of PGE.\*\*\***

---

Lenna,

Thanks for taking the time to work through the amendment request and the existing Conditions in the Site Certificate. Based on our conversation ODFW does not feel that any additional surveys or conditions regarding future surveys need to be completed for the proposed amendment to extend the completion date of the Carty Solar project. Please let me know if you need anything else from me. Thanks

Steve

---

**From:** Lenna Cope <Lenna.Cope@pgn.com>  
**Sent:** Thursday, January 27, 2022 9:25 AM  
**To:** CHERRY Steve P \* ODFW <Steve.P.CHERRY@odfw.oregon.gov>  
**Cc:** Leah Hough <Leah.Hough@pgn.com>; Andrew Bidwell <Andrew.Bidwell@pgn.com>  
**Subject:** PGE Carty Solar Farm RFA3 ODFW Concurrence

Steve,

I appreciate your availability for the call on January 24, 2022 for ODFW's input prior to PGE's submittal of the third Request for Amendment to extend the construction deadlines for the Carty Solar Farm. As we discussed on our call, the amendment will not change the approved impact areas for the Carty Solar Farm and will not change the approved approach to mitigation. Based on this understanding please respond to this email with your concurrence that no new surveys of the area subject to amendment are necessary for the construction extension and the previously approved conditions of the Site Certificate (those that we reviewed together under Section 10 of the site certificate) are sufficient for EFSC's review.

Thank you,



**Lenna Cope**

Pronouns: she/her

Senior Environmental Specialist | 503-464-2634 | 503-313-5022  
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## **Attachment 3. SHPO Letter**

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# OR SHPO SUBMITTAL FORM

**RESPONSE REQUIRED IN ALL SECTIONS**

## WHY

This submittal is (Select One)

the First Initiation of Consultation and no SHPO Case # exists  
 a Response to SHPO Request for more information on existing SHPO Case # provided below  
 New Information for review on existing SHPO Case # provided below

10-0046

Existing SHPO Case #

## WHAT

Your Project Name Carty Generating Station Site Certificate

Your Project Number

Extremely Brief Project/Undertaking Description

The Carty Generating Station (CGS) includes a not-yet constructed 50 MW Carty Solar Farm on 315 acres located south of the Carty Reservoir in Morrow County, Oregon. Portland General Electric (PGE) Company seeks an amendment to the Facility's Site Certificate to extend the construction start and completion deadlines.

## WHERE

Project Location

County(s) Morrow

Street Address 73396 Tower Rd.

City Boardman

OR Legal Description T/R/S

OR Long/Lat (decimal degrees to 4 decimal places)

Long

Lat

## WHO RECEIVES CORRESPONDENCE FROM THE SHPO

If not the Formal Contact, the Working Project Contact is who the SHPO communicates with for more information about the project and/or submittal package

Formal Contact

Working Project Contact (cc'd on all correspondence to Formal Contact)

Name Lara Rooke  
Org Tetra Tech  
Address 19803 Northcreek Parkway  
Address  
City/ST/Zip Bothell, WA 98011  
Phone 4252177625  
Email LARA.ROOKE@TETRATCH.COM

Name  
Org  
Address  
Address  
City/St/Zip  
Phone  
Email

## HOW

Is there a federal nexus for the project (funding, permitting, licensing, etc.)?  Yes  No

Ownership of Project Land?  Private  Public  Both

Additional Comments (Optional)

---

## SUBMITTED TO SHPO FOR

Built Environment Review  
 Archaeology Review  
 Both Built and Archaeology Review

## ADDITIONAL ATTACHMENTS (Select All that Apply & Attach Individually)

Cover Letter  
 Map(s) (Required for Archaeology if not included in a Report)  
 Oregon SHPO Clearance Form (Built Environment)  
 106 Documentation Form (Built Environment)  
 Built Environment Only Report  
 Archaeology Report INCLUDING State of Oregon Report Cover Sheet  
 Combined Arch & Built Report INCLUDING State of Oregon Report Cover  
 Sheet BLM or USFS Archaeology Site Record(s)  # Individually Attached  
 Spatial Data  
 Other 1 (Name It)   
 Other 2 (Name It)   
 Other 3 (Name It)

## SUBMITTAL EMAIL ACCOUNT

ORSHPO.Clearance@oregon.gov



February 1, 2022

Oregon Heritage  
Oregon Parks & Recreation Department  
725 Summer St NE, Suite C  
Salem, OR 97301

SHPO Case NO. 10-0046

**Subject:** Cultural Resources Review of RFA3 Carty Generating Station Site Certificate

To Whom It May Concern:

The Portland General Electric (PGE) Company holds a Site Certificate from the Oregon Energy Facility Siting Council (Council) for the Carty Generating Station (CGS). As approved, under the First Amended Site Certificate for the CGS issued on December 14, 2018, the CGS includes a not-yet-constructed 50 MW Carty Solar Farm on 315 acres located south of the Carty Reservoir in Morrow County, Oregon. The Second Amended Site Certificate for the CGS was issued on December 9, 2020, which authorized a number of related or supporting facilities for use at the CGS.

PGE will file a third Request for Amendment (RFA 3) to the Carty Generating Station Site Certificate seeking approval from the Council to extend the start date of construction and construction completion deadline for the previously approved but not-yet-constructed 50 MW Carty Solar Farm as follows:

- Condition 4.1.ii – Extend construction beginning to February 4, 2025.
- Condition 4.2.ii – Extend construction completion to February 4, 2028.

A cultural resource survey was completed in 2016 by Willamette CRA. This survey provided information regarding cultural and archaeological resources within the CGS. The 2016 analysis identified multiple isolates that were deemed not significant. Tetra Tech reviewed the Oregon State Historic Preservation Office's (SHPO) Oregon Archaeological Records Remote Access (OARRA) database on January 10, 2022. Based on current information in OARRA, no additional surveys have been completed and no additional resources identified within the previously approved Carty Solar Farm development footprint.

A field survey of the historic built-environment has not been completed for the CGS. A desktop review of aerial photographs and assessors' records was completed by Tetra Tech on January 10, 2022. This review indicates that there are no historic buildings within the previously approved CGS or within one mile of the portion of the approved CGS site boundary that is subject RFA 3. Figure 1 identifies the CGS site boundary area that is subject to RFA 3 which encompasses the previously approved 50 MW Carty Solar Farm development footprint. The Boardman Coal Plant facility, which



overlaps with some portions of the CGS site boundary, was constructed in 1980. It is the last remaining coal plant in Oregon; however, it was closed in 2020. PGE owns the facility and plans to demolish it in 2022. The Facility is ineligible for listing on the National Register of Historic Places as it has not reached 50 years of age.

There are no changes to the previously approved 50 MW Carty Solar Farm components or associated permanent or temporary disturbance areas as a result of RFA 3. PGE proposes to carry forward the Site Certificate conditions listed in Section 11.0 of the Second Amended Site Certificate for RFA 3, and as such, commits to pre-construction surveys in any disturbance areas that would lie outside of previously surveyed areas, if needed based on final design. As part of the proposed request to the Council, PGE is seeking concurrence from SHPO that extending the construction and completion deadlines of the previously approved 50 MW Carty Solar Farm will have no adverse effects to cultural resources and will continue to comply with Council standards under OAR 345-022-0090.

Sincerely,

A handwritten signature in blue ink that reads "Lara Rooke".

Lara Rooke, MA, RPA  
Archaeologist  
Tetra Tech, Inc.  
Direct: (425) 2177625  
E-mail: [Lara.Rooke@tetrtech.com](mailto:Lara.Rooke@tetrtech.com)

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# Carty Generating Station

**Figure 1**  
**Carty Generating Station**  
**Site Boundary**

MORROW COUNTY, OR

Site Boundary –  
Approved with the First  
Amended Site Certificate  
(December 14, 2018)

Site Boundary –  
Approved with the  
Second Amended Site  
Certificate (December 9,  
2020)

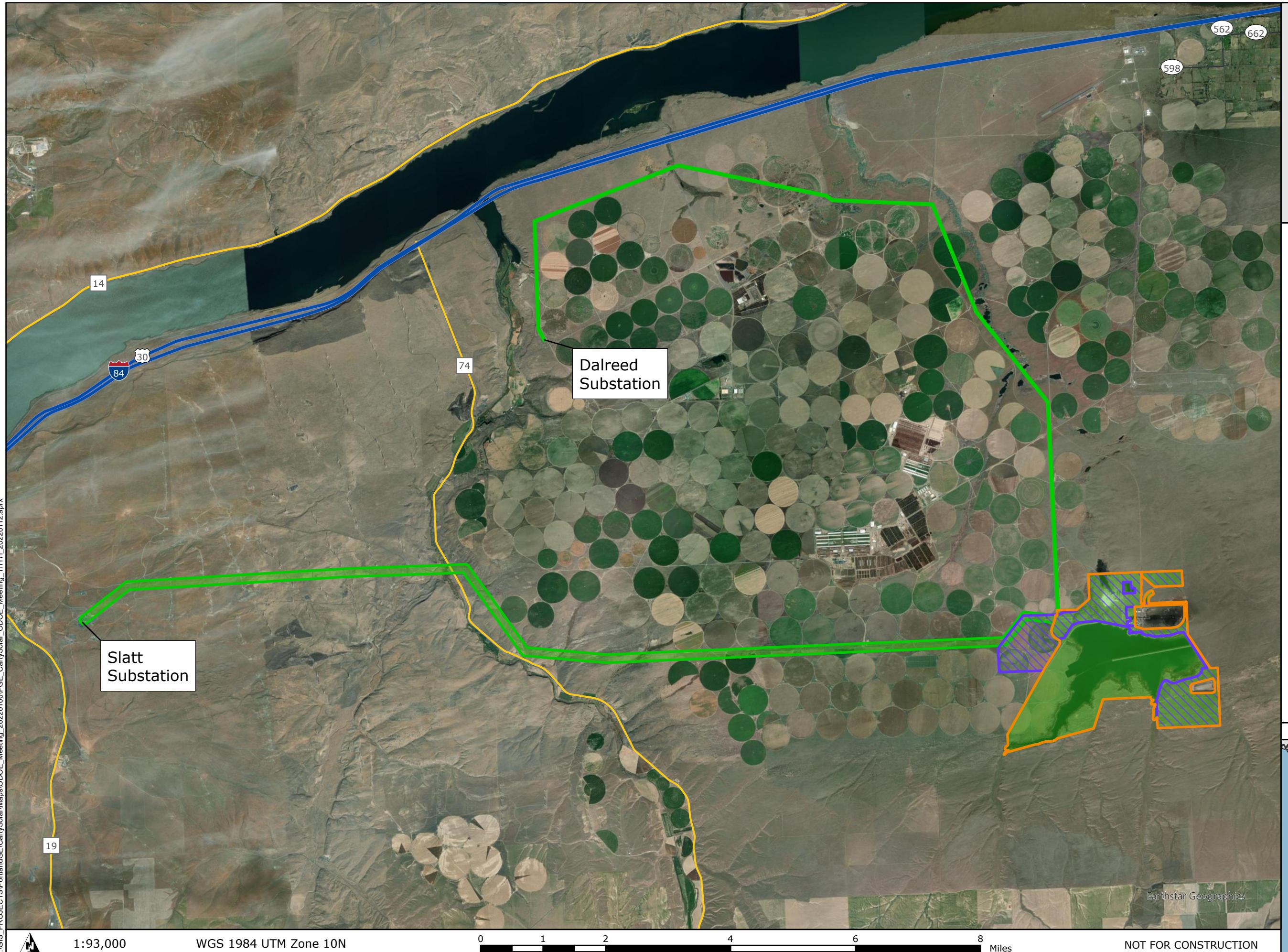
Site Boundary Area  
Subject to Request for  
Amendment 3

- Interstate Highway
- US Highway
- State Highway
- County Highway

TETRA TECH

PGE

Reference Map



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## **Attachment 4. Updated Service Provider Letters**

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# Boardman Fire Rescue District

(541) 481-FIRE (3473)

Fax (541) 481-0909

e-mail: [mhughes@boardmanfd.com](mailto:mhughes@boardmanfd.com)

**Mike Hughes, Fire Chief**

**Marty Broadbent, Fire Marshal**

**Suzanne Gray, Executive Assistant**

**300 Wilson Lane, Boardman, Oregon 97818**

## Emergency Response

Boardman Fire Rescue District  
300 SW Wilson Lane  
Boardman, OR 97818

1/14/2022

Lenna Cope  
Portland General Electric

RE: Boardman Fire Rescue District Emergency Response For Carty

The Boardman Fire Rescue District is responsible for Fire, Rescue and EMS Protection of the Carty location. While the facility is not anticipated to cause any substantial increase to the impacts to the fire district, it is located in an area that is subject to high indices of large and rapid spreading wildfires. After review of the facility's management plan documentation sent to us.

"The equipment and operation expected for the Carty Solar Farm does not pose a significant fire concern. For the Carty Solar Farm, the equipment specified will meet all applicable national Electric Code (NEC) and Institute of Electrical and Electronics Engineers (IEEE) standards. In addition, the Carty Solar Farm generating facility will be constructed to meet State of Oregon requirements (Oregon Fire Code 605.12) to reduce the risk of fire. The Carty Solar Farm inter-array and perimeter roads will act as fire breaks and be sized for emergency vehicle access per applicable fire codes. Any potential incipient fires will be controlled by trained Carty Operations staff. If needed, additional fire prevention measures would be coordinated with the local fire district."

The Fire District will require that there will be no vegetation on the site as required in Oregon Fire Code 605.12.2 The area under and around the installation will have a gravel or other noncombustible base that is approved by the local fire code official and does not create a dust hazard. Additionally, the Fire District requires access to a consistent water supply. The water supply can be from the existing above ground water tank or the existing onsite fire hydrant.

If you have any questions, please contact me.

Thank you,

Mike Hughes  
Fire Chief  
Boardman Fire Rescue District

**From:** [John Bowles](#)  
**To:** [Lenna Cope](#)  
**Cc:** [Melissa Ross](#)  
**Subject:** Re: PGE Carty Generating Station Amendment Request  
**Date:** Monday, January 31, 2022 11:06:20 AM  
**Attachments:** [image003.png](#)  
[image003.png](#)

---

\*\*\*Please take care when opening links, attachments or responding to this email as it originated outside of PGE.\*\*\*

---

Hi Lenna,

Yes I did receive your email. My administrative LT. will Put the letter together, have the Sheriff sign it and forward it on time you.

Have a good day,

John

Sent from my iPhone

On Jan 31, 2022, at 9:51 AM, Lenna Cope <[Lenna.Cope@pgn.com](mailto:Lenna.Cope@pgn.com)> wrote:

**STOP and VERIFY - This message came from outside of Morrow County Government.**

---

Undersheriff Bowles,

I just wanted to confirm that you received the email below and make sure I didn't write down the wrong email address when we were on the phone. Thank you.

**Lenna Cope** Senior Environmental Specialist | 503-464-2634

---

**From:** Lenna Cope  
**Sent:** Wednesday, January 26, 2022 4:02 PM  
**To:** [jbowles@co.morrow.or.us](mailto:jbowles@co.morrow.or.us)  
**Subject:** PGE Carty Generating Station Amendment Request

Dear Undersheriff Bowles,

Thank you for the phone call today. As I mentioned over the phone Portland General Electric (PGE) Company holds a Site Certificate for the Carty Generating Station (CGS) located at the end of Tower Road. As approved, under the First Amended Site Certificate for the CGS issued on December 14, 2018, the CGS includes a not-yet-constructed 50 MW Carty Solar Farm on 315 acres located south of the Carty Reservoir.

As part of the First Amended Site Certificate application, the Morrow County Sheriff's Office issued a letter on February 12, 2018 indicating the ability to provide service to the Project (attached). The Second Amended Site Certificate for the CGS was issued on November 19, 2020, which authorized a number of related or supporting facilities for use at the CGS.

PGE will file a third Request for Amendment (RFA 3) to the Carty Generating Station Site Certificate seeking approval from the Council to extend the start date of construction and construction completion deadline for the not-yet-constructed 50 MW Carty Solar Farm as follows:

- Condition 4.1.ii – Extend construction beginning to February 4, 2025.
- Condition 4.2.ii – Extend construction completion to February 4, 2028.

There are no changes to project components. As part of the pending request to the Oregon Energy Facility Siting Council, PGE is seeking another letter from the Morrow County Sheriff's Office to confirm this amendment to construction deadlines does not impact service to the project and that your February 7, 2018 letter remains accurate through the revised construction period extended through February 4, 2028.



**Lenna Cope**

Pronouns: she/her

Senior Environmental Specialist | 503-464-2634 | 503-313-5022

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## **Attachment 5. Proposed Revisions to the Carty Generating Station Site Certificate**

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**ENERGY FACILITY SITING COUNCIL**

**OF THE**

**STATE OF OREGON**

**SecondThird Amended  
Site Certificate  
for the  
Carty Generating Station**

**ISSUE DATES**

1

Site Certificate July 2, 2012

First Amended Site Certificate December 14, 2018

Second Amended Site Certificate November 19, 2020

Third Amended Site Certificate MONTH DATE, 2022

2

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# CARTY GENERATING STATION SITE CERTIFICATE

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## Acronyms and Abbreviations

AC	alternating current
ACEC	Area of Critical Environmental Concern
ADA	Americans with Disabilities Act
AMD1	Final Order on Amendment No. 1
AMD2	Final Order on Amendment No. 2
<u>AMD3</u>	<u>Final Order on Amendment No. 3</u>
Btu	British Thermal Unit
BCP	Boardman Coal Plant
Carty	Carty Generating Station
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
Council	Oregon Energy Facility Siting Council
CTG	combustion turbine generator
CTUIR	Confederated Tribes of the Umatilla Indian Reservation
DC	direct current
Department	Oregon Department of Energy
DEQ	Oregon Department of Environmental Quality
DOGAMI	Oregon Department of Geology and Mineral Industries
DPO	Draft Proposed Order
EPCRA	Emergency Planning and Community Right-to-Know Act
ESCP	Erosion and Sediment Control Plan
FAA	Federal Aviation Administration
FERC	Federal Energy Regulatory Commission
GTN	Gas Transmission Northwest LLC
HMA	Habitat Mitigation Area
HRSG	Heat Recovery Steam Generator
kV	kilovolt

MCZO	Morrow County Zoning Ordinance
MOU	Memorandum of Understanding
MSL	mean sea level
MW	megawatt
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 Statutes
OSSC	Oregon Structural Specialty Code
PGE	Portland General Electric Company
PV	photovoltaic
SHPO	Oregon State Historic Preservation Office
SPCC	Spill Prevention, Control, and Countermeasure
STG	Steam Turbine Generator
USFWS	United States Fish and Wildlife Service
Unit 1	450 megawatt natural gas-fueled, combined-cycle, combustion turbine generator
WGS	Washington Ground Squirrel
WPCF	Water Pollution Control Facilities

## 1.0 INTRODUCTION

The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Carty Generating Station in the manner authorized under the Oregon Revised Statutes (ORS) Chapter 469. This site certificate is a binding agreement between the State of Oregon (State), acting through the Council, and Portland General Electric Company (certificate holder) authorizing the certificate holder to construct and operate the facility in Morrow and Gilliam counties, Oregon.

The findings of fact, reasoning, and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, which by this reference are incorporated herein: (a) the Council's *Final Order in the Matter of the Application for a Site Certificate for the Carty Generating Station* (Final Order on the Application) issued on June 29, 2012, (b) the Council's *Final Order in the Matter of the Site Certificate for the Carty Generating Station Request for Amendment No.1* (Final Order on Amendment No. 1 [AMD1]), and (c) the Council's *Final Order in the Matter of the Site Certificate for the Carty Generating Station Request for Amendment No.2* (Final Order on Amendment No. 2 [AMD2]), and (d) the Council's Final Order in the Matter of the Site Certificate for the Carty Generating Station Request for Amendment No. 3 (Final Order on Amendment No. 3 [AMD3]). In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) this Site Certificate (issued November 19MONTH DAY, 20202022, effective December 9  
MONTH DAY, 20202022), (2) the Final Order on Amendment No. 23, (3) the record of the proceedings that led to the Final Order on Amendment No. 23, (4) the Final Order on Amendment No. 42, (5) the record of the proceedings that led to the Final Order on Amendment No. 42, (6) the Final Order on Amendment No. 1, (7) the record of the proceedings that led to the Final Order on Amendment No. 1, (8) the Final Order on the Application, and (9) the record of the proceedings that led to the Final Order on the Application.

This Site Certificate does not address, and is not binding with respect to, matters that were not addressed in the Council's Final Order on the Application, Final Order on Amendment No. 1, Final Order on Amendment No. 2, or Final Order on Amendment No. 32. Such matters include, but are not limited to: building code compliance; wage; hour; and other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility [ORS 469.401(4)]; and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council. ORS 469.503(3).

The obligation of the certificate holder to report information to the Department or the Council under the conditions listed in this site certificate is subject to the provisions of ORS 192.502 *et seq.* and ORS 469.560. To the extent permitted by law, the Department and the Council will not

publicly disclose information that may be exempt from public disclosure if the certificate holder has clearly labeled such information and stated the basis for the exemption at the time of submitting the information to the Department or the Council. If the Council or the Department receives a request for the disclosure of the information, the Council or the Department, as appropriate, will make a reasonable attempt to notify the certificate holder and will refer the matter to the Attorney General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.

The Council recognizes that many specific tasks related to the design, construction, operation and retirement of the facility will be undertaken by the certificate holder's agents or contractors. Nevertheless, the certificate holder is responsible for ensuring compliance with all provisions of the site certificate. The definitions in ORS 469.300 and Oregon Administrative Rule (OAR) 345-001-0010 apply to terms used in this site certificate, except where otherwise stated, or where the context clearly indicates otherwise.

## **2.0 SITE CERTIFICATION**

- 2.1 To the extent authorized by state law and subject to the conditions set forth herein, the State authorizes the certificate holder to construct, operate, and retire a facility that includes a natural gas-fueled electrical generating unit and a photovoltaic (PV) solar electrical generating unit, together with certain related or supporting facilities, at the site in Morrow County and Gilliam County, Oregon, as described in Section 3.0 of this site certificate.  
[ORS 469.401(1)][AMD1; AMD2]
- 2.2 This site certificate is effective until 1) it is terminated under OAR 345-027-0110 or the rules in effect on the date that termination is sought; or 2) until the site certificate is revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered.  
[ORS 469.401(1)]
- 2.3 Both the State and the certificate holder shall abide by local ordinances, state law, and the rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In addition, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules.  
[ORS 469.401(2)]
- 2.4 For a permit, license, or other approval addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws

adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules.

[ORS 469.401(2)]

2.5 Subject to the conditions herein, this site certificate binds the State and all counties, cities, and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate.

[ORS 469.401(3)]

2.6 Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate shall, upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license, or other approval subject only to conditions set forth in this site certificate.

[ORS 469.401(3)]

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

[ORS 469.401(3)]

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

[ORS 469.430]

2.9 The certificate holder shall design, construct, operate and retire the facility:

- Substantially as described in the site certificate;
- In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and
- In compliance with all applicable permit requirements of other state agencies.

[Final Order III.D.2] [Mandatory Condition OAR 345-027-0020(3)]

2.10 Before any transfer of ownership of any unit of the facility or ownership of the site certificate holder, the certificate holder shall inform the Department of the proposed

new owners. The requirements of OAR 345-027-0350(1) apply to any transfer of ownership that requires a transfer of the site certificate (per OAR 345-027-0400). [Final Order IV.B.2.8] [Mandatory Condition OAR 345-025-0006(15)] [AMD1; AMD2]

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

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

2.13 The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.  
[Final Order VI.1] [Mandatory Condition OAR 345-025-0006(1)] [AMD2]

2.14 The certificate holder must:

- Prior to construction of the Carty Solar Farm, provide evidence to the Department that a limited water use license from Oregon Department of Water Quality has been obtained by its third-party-contractor.
- During construction of the Carty Solar Farm, provide to the Department in semi-annual reports, pursuant to OAR 345-026-0080, documentation of the record of all water use, as required by the third-party's limited water use license, demonstrating that the allowable total and per minute water use (total gallons and gallons per minute) have not been exceeded.

[AMD1]

### **3.0 DESCRIPTION OF FACILITY**

#### **LOCATION AND SITE BOUNDARY**

The Carty Generating Station is located in Morrow and Gilliam Counties, Oregon, southwest of the City of Boardman and adjacent to the Carty Reservoir. This location is also adjacent to the existing Boardman Coal Plant (BCP). The BCP has a December 31, 2020 deadline to cease operations; operations ceased October 15, 2020.

As defined by OAR 345-001-0010, the “site boundary” is the perimeter of the site of the energy facility, its related or supporting facilities, all temporary staging areas, and all corridors. The site boundary for the Carty Generating Station encompasses approximately 4,997 acres.

## **THE ENERGY FACILITY**

The Carty Generating Station includes a natural gas-fueled combined-cycle unit and a solar PV electric power generating unit. The Carty Generating Station is capable of generating up to 500 megawatt (MW) of electrical power (up to 450 MW from the natural gas-fueled combined-cycle unit [Unit 1], and up to 50 MW from the solar PV generating unit).

Unit 1 of the Carty Generating Station includes one natural-gas-fueled generating unit consisting of one high efficiency combustion turbine generator (CTG), heat recovery steam generator (HRSG), and a steam turbine generator (STG). Within this unit, the natural gas CTG produces electricity, with the exhaust gases from the CTG supplying heat to the HRSG. Steam produced in the HRSG is used to power the STG to produce additional electricity. Duct burners fueled by natural gas in the HRSG allow for production of additional steam and additional electricity from the STG. Steam exhausted from the STG is condensed in a water-cooled condenser, with the resultant condensate returned to the HRSG to produce additional steam. Water used for cooling in the water-cooled condenser is routed to a cooling tower, where the water is cooled and then pumped back through the condenser. If required for starting the CTG or to maintain the plant in a ready-to-start condition, a natural gas-fueled auxiliary boiler will be used to supply steam when none is available from the HRSG. The CTG and STG are located within a generating building to control noise during operation and to allow a controlled atmosphere for maintenance activities. A separate water treatment building houses the equipment necessary to purify raw water, producing de-mineralized water for use in the steam cycle of the unit.

Generator transformers step up the voltage produced by the gas-fueled unit to 500 kilovolts (kV). A 500-kV transmission line connects the generator transformers to a 500-kV switchyard, the Grassland Switchyard. From the switchyard, Portland General Electric Company (PGE) utilizes the existing 500-kV Boardman to Slatt transmission line to connect to the Slatt Substation.

The Carty Generating Station will consume about 75 million cubic feet of natural gas per day during operation of the gas-fired generating unit. Natural gas is supplied to the facility through a lateral pipeline operated by Gas Transmission Northwest LLC (GTN). This lateral pipeline is owned and operated by GTN and is outside the jurisdiction of the Council. This natural gas pipeline was permitted by the Federal Energy Regulatory Commission (FERC). A control and administrative building provides space for plant controls and offices for plant personnel for all units.

In addition to Unit 1, the Carty Generating Station also includes a 50MW PV solar power generating unit, the Carty Solar Farm, occupying a 315-acre site located south of the Carty Reservoir. The Carty Solar Farm was permitted through the First Amended Site Certificate, and consists of multiple solar modules mounted on racking systems, connected in series strings, to produce direct current (DC) electricity from sunlight. The DC electricity is then routed to inverters and step-up transformers to be converted to alternating current (AC) electricity and voltage increased to the appropriate collector circuit potential. Electrical power produced by the Carty Solar Farm would be collected and routed via a new 34.5 kV transmission line to one of three interconnection options located north of the Carty Reservoir. Five potential transmission line routes from the Carty Solar Farm to the three interconnection options are currently permitted under the First Amended Site Certificate for Carty Generating Station. Each route would be of the same approximate design and would be approximately 2 to 3 miles long, depending on the route selected. If an interconnection to the Grassland Switchyard is selected, the switchyard would be enlarged to 15 acres, as approved in the original Site Certificate and the First Amended Site Certificate for Carty Generating Station. . The Carty Generating Station includes the following related or supporting facilities:

- Carty Reservoir and portions of the raw water intake system and associated electrical connection
- Grassland Switchyard
- 500-kV transmission line from Unit 1 to the Grassland Switchyard
- 500-kV transmission line from Grassland Switchyard to the Slatt Substation
- 230-kV transmission line from the Carty Substation to the Dalreed substation
- 34.5-kV Grassland backup station transmission line
- 34.5-kV construction substation to railroad crossing transmission line
- 34.5-kV Carty Solar Farm transmission line
- 7.2-kV Carty Generating Station backup transmission line
- 4.2-kV Grassland substation service line
- Interconnecting water pipelines
- Well (Boeing Well) / pump house and associated 12.5-kV power line
- Cooling tower
- Liquid storage facilities
- Sanitary sewer (sewer lagoons and septic system)
- Accessory buildings
- Utility and communication lines

- Access Roads
- Additional temporary construction areas
- Water Discharge Channel
- Construction Substation
- 300,000-gallon water storage tank, adjacent pumphouse, and associated water pipeline
- Evaporation Ponds
- Irrigation Pump Station and 34.5 kV transmission line
- Septic system
- Water pipeline connecting BCP's 300,000-gallon water tank
- Security guard station
- Office and warehouse building
- Carty Substation and associated distribution lines

Two control and administrative buildings provides space for plant controls and offices for plant personnel for Unit 1 and the Carty Solar Farm. A description of major components, structures, and systems of each related or supporting facility that is part of Carty Generating Station per the Site Certificate for Carty Generating Station is provided in the following subsections.

## **Carty Reservoir**

Carty Reservoir is a wastewater and cooling pond that provides service water to the Carty Generating Station and receives cooling tower blow down and wastewater from the wastewater collection sump. The reservoir also stores water used to irrigate nearby agricultural fields. Because the area is arid, all the water for filling and maintaining the reservoir is pumped through pipes from the Columbia River, approximately 10 miles to the north. When full, at a surface elevation of 677 feet above mean sea level (MSL), the reservoir has a capacity of 38,000-acre feet, a surface area of approximately 1,450 acres (2.3 square miles), and a maximum depth of 77 feet. The average pool elevation for the reservoir since 1990 has been approximately 667 to 668 feet above MSL. At this elevation, the reservoir surface area is approximately 1,100 acres and contains approximately 26,000-acre feet of water. The reservoir is not used for recreation, and there is no public access to it.

Water leaves Carty Reservoir through withdrawals for use at the Carty Generating Station, through evaporation from the surface of the reservoir, withdrawals for irrigation, and through underground seepage from the reservoir. A buried toe drain at the West Dam captures

seepage to pump back into the reservoir, and there is a concrete emergency spillway adjacent to the West Dam. There is an irrigation pump station located on the southwest arm shore of Carty Reservoir within an approximately 0.2 acre fenced area; the irrigation pump station is used to pump water out of Carty Reservoir for irrigation of nearby agricultural fields. There is a 2,600 foot-long underground 34.5 kV transmission line that powers the pump station from a PacifiCorp transmission line.

## **On-Site Transmission Lines**

**500 kV Unit 1 to Grassland Switchyard Transmission Line** An approximate 1-mile long 500-kV transmission line, mounted on four steel lattice towers, connects the step-up transformers located at the gas-fueled generating unit to the Grassland Switchyard. These towers are between 100 and 150 feet tall and are spaced approximately between 800 feet and 1,700 feet apart.

### **4.2 kV Grassland Station Service Line**

A 4.2 kV station service line extends approximately 1 mile from Carty Generating Station to the Grassland Switchyard. For most of its length, this line is mounted on wood poles. However, the line runs underground for approximately 750 feet prior to entering the Grassland Switchyard to avoid clearance conflicts with the 230 kV BCP to Dalreed transmission line. This line provides power to the Grassland Switchyard from Carty Generating Station.

### **7.2 kV Carty Generating Station Backup Power Line**

A 7.2 kV above ground backup power line extends approximately 0.5 mile from BCP or the Carty substation once constructed to Carty Generating Station. This line runs underground approximately 0.10 mile north of BCP; the remainder of the line is mounted on wood poles. Once the Carty substation is constructed the line will be entirely above ground.

### **34.5 kV Grassland Backup Station Service Line**

A 34.5 kV line (referred to as the Grassland backup station service line) provides backup power to Grassland Switchyard via an approximately 800-foot underground line extending west and then north from the transformer within Grassland Switchyard, connecting to the existing 34.5 kV BCP to Railroad Crossing at Tower Road Transmission Line described above.

### **34.5 Carty Solar Farm Transmission Line**

A 34.5-kV transmission line from the Carty Solar Farm will route around the eastern end of Carty Reservoir and then follow one of five potential routes to the point of interconnection at the Grassland Switchyard, Unit 1, or the Boardman Plant.

## **Off-Site Transmission Lines**

### **500 kV BCP to Slatt Transmission Line**

To access the grid, certificate holder utilizes the 500-kV Boardman to Slatt transmission line, a 500-kV single circuit transmission line, to connect the Grassland Switchyard to the Slatt Substation. The transmission line is approximately 17 miles long from Grassland Switchyard to Slatt Substation.

### **230 kV BCP to Dalreed Transmission Line**

The 230kV BCP to Dalreed transmission line connects the Dalreed substation to the power block at BCP or the Carty substation once built. It is used to provide power to Carty Generating Station via the 7.2 kV Carty Generating Station back up transmission line and provide power to the construction substation.

### **34.5 kV BCP to Railroad Crossing at Tower Road Transmission Line**

The 34.5 kV BCP to Railroad Crossing at Tower Road Transmission Line provides power to the railroad crossing signal at Tower Road and power to the seepage pumps for Carty Reservoir. The power for this line is provided via the construction substation.

### **Grassland Switchyard**

A 500-kV, alternating current, open-air switchyard is located west of the Carty Generating Station. The switchyard consists of an 8.5-acre leveled and graveled area surrounded by a security fence. The switchyard was approved up to approximately 15 acres in size in the original Site Certificate, and may be expanded to that size depending on the interconnection needs of the Carty Solar Farm. The switchyard includes 500-kV circuit breakers and disconnect switches to allow for clearing faults on the connected transmission lines and for maintenance of the circuit breakers and transmission lines. Steel take-off towers terminate 500-kV overhead transmission lines that connect the switchyard with the plant generator step-up transformers and outgoing transmission lines. An additional small building provides a controlled environment for the protective relaying and communication equipment.

### **Carty Substation**

Carty Substation is a 7.2 kV open box structure substation, with control house for relay, SCADA, communications, and DC system, dead-end structure for the existing 230 kV Boardman to Dalreed transmission line, and surrounding fence that would be located southeast of the construction substation. It will provide backup power to Carty Generating Station via an above ground distribution line that connects to the 7.2 kV Carty Generating Station backup transmission line, and power to the construction substation via an underground distribution line.

### **Construction Substation**

The Construction Substation is located within a 40-foot by 80-foot fenced area that contains three wooden H-frame structures, transformers and associated electrical equipment, including a 6-foot by 8-foot control house. It was built originally to provide construction power during construction of BCP and continues to be used as part of the onsite electrical distribution system. This facility is located approximately 0.3 miles south of CGS. The construction substation is powered by an underground distribution line from Carty substation.

## **Water Sources and Discharges**

There are four categories of water sources and discharges that serve Carty Generating Station: raw water/fire water, wastewater, potable water, and sanitary sewer.

### **Raw Water/Fire Water**

Raw water from the Carty Reservoir is used for service water and fire water. It is withdrawn via a single intake structure located inside the Raw Water Intake Building, from which it is taken in through a channel outfitted with a traveling screen and enters a wet well. Power is provided to the intake building via an underground distribution line from Carty Generating Station to the intake building.

### **Wastewater**

Carty Generating Station process waste and plant drainage waste flows are discharged into holding ponds, which can provide 7 days of holding capacity (if needed for discharge line maintenance or some other event preventing direct discharge). From the holding ponds, wastewater is discharged via an 8-inch-diameter pipeline into Water Discharge Channel prior to entering Carty Reservoir or to evaporation ponds located northeast of Carty Generating Station (formerly BCP evaporation ponds).

### **Potable Water**

Potable water for drinking fountains, showers (emergency and lavatory), sinks, and flushing of lavatory fixtures comes from the Boeing Well. The Boeing Well is a groundwater extraction well located just south of Carty Generating Station. The well is 600 feet deep with a 30 horsepower pump hung at around 440 feet below ground surface. The well fills a holding tank within Carty Generating Station prior to direct distribution to the plant services building. The Boeing Well pump drive motor is powered from a 150-kilovolt-ampere 12470-480/277 V distribution transformer. This transformer is connected via a 12.5 kV overhead underground distribution line to the construction substation. The construction substation, in turn, derives power from a 12.5kV originating at the 1X33 transformer at BCP.

Carty Generating Station also includes backup potable/firewater storage in a 300,000 gallon, welded-steel water storage tank with adjacent pump house. This facility is connected to Boeing well via a 4-inch-diameter intake pipeline and to Carty Generating Station via a water pipeline.

### **Sanitary Sewer**

Sanitary sewer flows at Carty Generating Station are solely from plant lavatories, sinks, and bathroom showers used by plant personnel. These flows are directly discharged to the sewage lagoons via a sewer lift station, or an onsite septic system. There are three existing sewage lagoons: the South Lagoon and Middle Lagoon (both lined), and the North Lagoon (unlined). The South and Middle Lagoons can also be made common by a gated pipe through the separating dike. The only connection between the lined lagoons and the unlined lagoon is overflow through a chlorinating weir at the northeast corner of the Middle Lagoon. The clay liners in the South and Middle Lagoons were replaced with new synthetic liners in the fall of 2014. The sewage lagoons are permitted under Water Pollution Control Facilities (WPCF) permit number 100189.

The septic system is sized per state and county standards and the Umatilla County Public Health Department requirements and is in an area deemed acceptable for a standard, non-residential septic system. Because the design flow of the system is less than 2,501 gallons per day, the facility is not governed by a permit from Oregon Department of Environmental Quality (DEQ).

### **Cooling Tower**

The cooling tower at the Carty Generating Station exhausts excess heat from the power generation process. The cooling tower consists of a structure to contain a water-cooling medium, with exhaust fans located within an open-top, bell-shaped housing which pulls air under and through the water-cooling medium. The cooling tower is approximately 50 feet in height. The mechanical-draft wet cooling tower serves the combined cycle unit of the Carty facility.

### **Liquid Storage Facilities**

Liquid fuel is not stored on the Carty facility site. Anhydrous ammonia, a chemical used for emissions control, is stored in steel horizontal sealed storage tanks with secondary containment. Other liquid chemicals such as sulfuric acid (used for pH control) and sodium hypochlorite and sodium bromide (used as biocides in cooling tower water) are stored in tanks or totes with secondary containment. Small-quantity chemicals such as cleaners and lubricants are stored within on-site accessory buildings.

### **Accessory Buildings**

Accessory buildings at the Carty Generating Station site house boiler feed pumps, chemical feed equipment, water treatment equipment, and other equipment requiring protection from weather or noise containment. Accessory buildings common to the gas-fired generating unit and solar unit include warehouse and office space, administration areas, and security guard station.

## **Communication Lines**

Communication lines supporting the Carty Generating Station originate from a Century Link vault near the northwest corner of the BCP lined evaporation ponds, run down the dirt access road, along Tower Road, and then into the Carty facility.

## **Access Roads**

A paved loop road, approximately 24 feet wide and 2,100 feet long, connects with Tower Road at both ends of the loop to serve normal truck and operator vehicle traffic for Unit 1. This loop road has spur roads leading to individual buildings and areas that require access. An existing paved and graveled road provides access to the permitted location of the Carty Solar Farm. The Carty Solar Farm would contain unpaved on-site access roads.

## **Additional Temporary Construction Areas**

Additional areas in the vicinity of the proposed Carty Generating Station are provided for construction offices, construction parking, construction staging, and temporary storage of soil displaced during the construction process. Similar temporary construction areas are provided in the vicinity of the Grassland Switchyard.

## **4.0 GENERAL ADMINISTRATIVE CONDITIONS**

4.1. The certificate holder shall:

- i. Begin construction of Unit 1 within three years after the effective date of the site certificate. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the applicant. The Council may grant an extension of the deadline to begin construction in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted.

[Final Order III.D.3; Mandatory Condition OAR 345-027-0020(4)]

- ii. Begin construction of the Carty Solar Farm ~~within three years after the effective date of the amended site certificate, or by~~ February 4, 2022~~2025~~. Under OAR 345-015-

~~0085(8), the site certificate is effective upon execution by the Council Chair and the certificate holder.~~

[AMD1: [AMD3](#)]

- iii. Begin construction of the facility components authorized by the Final Order on Request for Amendment 2 within three years after the effective date of the amended site certificate, or [December 9, 2020]. Under OAR 345-015-0085(8), the site certificate is effective upon execution by the Council Chair and the certificate holder.  
[AMD2]

4.2. The certificate holder must:

- i. Complete construction of Unit 1 of the facility within three years of beginning construction of Unit 1. Construction is complete when: 1) the facility is substantially complete as defined by the certificate holder's construction contract documents; 2) acceptance testing has been satisfactorily completed; and 3) the energy facility is ready to begin continuous operation consistent with the site certificate. The certificate holder shall promptly notify the Department of the date of completion of construction of Unit 1. The Council may grant an extension of the deadline for completing construction in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted.

[Final Order III.D.4] [Mandatory Condition OAR 345-027-0020(4)] [AMD1]

- ii. Complete construction of the Carty Solar Farm ~~within six years of the effective date of the amended site certificate, or by~~ February 4, 2025~~2028~~. The certificate holder shall promptly notify the Department of the date of completion of construction of the Carty Solar Farm and its supporting facilities.

[AMD1: [AMD3](#)]

- iii. Complete construction of the facility components authorized by the Final Order on Request for Amendment 2 within six years of the effective date of the amended site certificate, or [December 9, 2020]. The certificate holder shall promptly notify the Department of the date of completion of construction of these supporting facilities.  
[AMD2]

4.3. [DELETED]

[AMD1]

4.4. The certificate holder shall submit a legal description of the site to the Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the

site by reference to a map and geographic data that clearly and specifically identifies the outer boundaries that contain all parts of the facility.

[Final Order III.D.1] [Mandatory Condition OAR 345-025-0006(2)] [AMD1]

- 4.5 The certificate holder shall obtain all necessary federal, state, and local permits or approvals required for construction, operation, and retirement of the facility or ensure that its contractors obtain the necessary federal, state, and local permits or approvals.  
[Final Order IV.B.2.4]
- 4.6 The certificate holder must obtain, as required by ORS 469.401(3), all local permits, to include a Conditional Use Permit for the portion of the Carty Generating Station facility located on land zoned Exclusive Farm Use and a Zoning Permit for the entire facility located within Morrow County.  
[Final Order IV.E.4.6] [AMD2]

## **5.0 PRE-CONSTRUCTION REQUIREMENTS**

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

- 5.1. Before beginning construction, the certificate holder must notify the Department of the identity and qualifications of the major design, engineering, and construction contractor(s) for the facility. The certificate holder must select contractors that have substantial experience in the design, engineering, and construction of similar facilities. The certificate holder must report to the Department any change of major contractors.  
[Final Order IV.B.2.1] [AMD1]
- 5.2. The certificate holder must contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions do not relieve the certificate holder of responsibility under the site certificate.  
[Final Order IV.B.2.3] [AMD1]
- 5.3. Before beginning construction of Unit 1, the certificate holder shall submit a final parking lot plan to Morrow County for approval as part of the certificate holder's building permit application for the energy facility. This parking lot plan shall comply with Section 4.040 and 4.060 of the Morrow County Zoning Ordinance (MCZO) and with Americans with Disabilities Act (ADA) requirements. This plan shall provide a minimum of 22 parking spaces and one ADA-accessible space, or the minimum number of parking spaces required by MCZO Section 4.040 based on the number of employees on the largest

shift, whichever is greater. The certificate holder shall construct on-site parking in conformance with the approved parking lot plan.

[Final Order IV.E.4.2] [MCZO Section 4.040-4.060] [AMD2]

5.4. Before beginning construction of Unit 1 and Carty Solar Farm, the certificate holder must:

i. Complete an investigation of subsurface soil and geologic conditions to identify geological or geotechnical hazards per Condition 5.4.a and obtain Department approval of the investigation report per Condition 5.4.b.

a. The investigation must include at least the following activities:

1. Drilling of six to eight exploratory borings up to a depth of 75 feet under proposed critical structure locations, including the gas turbine units, cooling tower, transmission structures, and switchyard. Standard penetration tests should be conducted at 2.5-foot and 5-foot intervals. Drilling of exploratory borings along transmission line corridor is not necessary if such information is available from the construction of the existing transmission line.
2. Digging of test pits to assess the extent and thickness of any loose, surficial soil layers at the site. Key focus areas should include planned locations of critical structures, roadways, and landscaped areas where irrigation would occur.
3. Performing laboratory testing to evaluate the engineering properties of soils, including natural water contents on all samples collected, mechanical and hydrometer gradations, Atterberg limits, and collapsibility and consolidation tests on selected samples.

b. The certificate holder must prepare a geotechnical report with final facility design recommendations based on the investigation conducted per the requirements of Condition 5.4.a. The geotechnical report must be submitted to the Oregon Department of Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder may not commence construction of the facility prior to Department approval of this report.

[Final Order IV.C.2.1]

ii. Complete an investigation of subsurface soil and geologic conditions, based upon a protocol reviewed and approved by the Department in consultation with DOGAMI, to identify geological or geotechnical hazards and obtain Department approval of the investigation report per Condition 5.4.i.b.

a. The investigation must include at least the following activities:

1. Drilling of additional borings at scattered locations across the Carty Solar Farm and associated transmission lines and access roads, up to a depth of 50 feet.  
[AMD1] [AMD2]

5.5 Prior to beginning construction of Unit 1, facility components approved in Final Order on RFA1, or facility components approved in Final Order on RFA2, the certificate holder must consult with the Morrow County Weed Control Supervisor and obtain approval of a Revegetation and Noxious Weed Control Plan. The final Revegetation and Noxious Weed Control Plan must be submitted to the Department of Energy, based upon the draft amended plan provided as Attachment D of the Final Order on Amendment 2, for approval prior to the start of construction.  
During construction and operation of the facility, the certificate holder must implement a revegetation and weed control plan. The certificate holder must comply with the applicable provisions of the Morrow County Weed Control Ordinances, as determined by the Morrow County Weed Control Supervisor and the Gilliam County Weed Control Officer.  
[Final Order IV.D.2.6] [AMD1] [AMD2]

5.6 Before beginning construction of Unit 1, the certificate holder must submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying the final location of the facility exhaust stack. The certificate holder must promptly notify the Department of the responses from the FAA and the Oregon Department of Aviation.  
[Final Order V.D.2.5]

5.7 Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under OAR 345-027-0020, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities.  
[Final Order III.D.6] [Mandatory Condition OAR 345-027-0020(5)]

5.8 Before beginning construction, the certificate holder must notify the Department in advance of any work on the site that does not meet the definition of "construction" in ORS 469.300 (excluding surveying, exploration, or other activities to define or

characterize the site) and must provide to the Department a description of the work and evidence that its value is less than \$250,000.

[Final Order IV.B.2.6]

- 5.9. The certificate holder shall develop and implement a Spill Prevention, Control and Countermeasure (SPCC) Plan in accordance with 40 Code of Federal Regulations (CFR) 112. A copy of this plan shall be provided to the Department prior to the commencement of operation of Carty Generating Station, and shall be updated according to the timelines provided in 40 CFR 112.

[Final Order IV.G.2.1] [AMD1] [AMD2]
- 5.10. Before beginning construction of the Carty Solar Farm, the certificate holder shall record in the deed records of Morrow County a document binding the certificate holder and its successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

## **6.0 DESIGN, CONSTRUCTION AND OPERATIONS**

- 6.1. During construction, the certificate holder must have a full-time, on-site manager who is qualified in environmental compliance to ensure compliance with all site certificate conditions. The certificate holder must notify the Department of the name, telephone number, and e-mail address of this person prior to the start of construction and immediately upon any change in the contact information.

[Final Order IV.B.2.2]
- 6.2. The certificate holder shall provide portable toilets for on-site sewage handling during construction and shall ensure that they are pumped and cleaned regularly by a licensed contractor who is qualified to pump and clean portable toilet facilities.

[Final Order IV.N.2.3]
- 6.3. The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures:
  - a. Recycling steel and other metal scrap.
  - b. Recycling wood waste.
  - c. Recycling packaging wastes such as paper and cardboard.
  - d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.

- e. Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes.
- f. Confining concrete delivery truck rinse-out to a designated wash-out area and burying other concrete waste as part of backfilling.

[Final Order IV.N.2.1]

- 6.4. In advance of, and during, preparation of detailed design drawings and specifications for the 500-kV transmission line, the certificate holder shall consult with the Utility Safety and Reliability Section of the Oregon Public Utility Commission to ensure that the designs and specifications are consistent with applicable codes and standards.  
[Final Order V.D.2.3]
- 6.5. The certificate holder must design, construct and operate the transmission lines in accordance with the requirements of the National Electrical Safety Code (American National Standards Institute, Section C2, 1997 Edition, or its successor document).  
[Final Order IV.O.2.1] [Mandatory Condition OAR 345-027-0023(4)] [AMD2]
- 6.6. The certificate holder must design and construct the facility in accordance with requirements of the current Oregon Structural Specialty Code and the International Building Code in effect at the time of the start of construction for each unit.  
[Final Order IV.C.2.4] [AMD1]
- 6.7. The certificate holder must design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction, triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced coastal subsidence.  
[Final Order IV.C.2.5] [Mandatory Condition OAR 345-025-0006(12)][AMD2]
- 6.8. The certificate holder must design, engineer and construct the facility to avoid dangers to human safety presented by non-seismic hazards. As used in this condition, “non-seismic hazards” include settlement, landslides, flooding and erosion.  
[Final Order IV.C.2.6]

6.9. The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall locate access roads and temporary construction laydown and staging areas to minimize disturbance of farming practices.

[Final Order IV.E.4.1] [MCZO Section 3.010.D]

6.10. The certificate holder must notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate or requests for amendment. After the Department receives the notice, the Council may require the certificate holder to consult with the DOGAMI and the Building Codes Division to propose and implement corrective or mitigation actions.

[Final Order IV.C.2.2] [Mandatory Condition OAR 345-025-0006(13)] [AMD1] [AMD2]

6.11. The certificate holder must notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.

[Final Order IV.C.2.3] [Mandatory Condition OAR 345-025-0006(14)][AMD2]

6.12. During construction of the facility, the certificate holder shall ensure that contractors move equipment out of the construction area when it is no longer expected to be used. To the extent practical, contractors shall lower equipment with long arms, such as cranes, bucket trucks, and backhoes when not in use, in order to minimize visibility.

[Final Order IV.J.2.1]

6.13. To reduce the visual impact of the facility, the certificate holder shall paint the buildings and structures in low-reflectivity neutral colors to blend with the surrounding landscape.

[Final Order IV.J.2.2]

6.14. The certificate holder shall not use exterior nighttime lighting except:

- The minimum exhaust stack lighting required or recommended by the Federal Aviation Administration.
- Safety and security lighting at the Carty Generating Station, provided that such lighting is shielded or downward-directed to reduce offsite glare.

c. Minimum lighting necessary for repairs or emergencies.

d. As required during construction.

[Final Order IV.J.2.3] [AMD1]

6.17. During construction:

- i. The certificate holder shall implement measures to reduce traffic impacts, as follows:
  - a. The certificate holder shall reduce peak hour volumes during construction by staggering shift start times or implementing other measures that would significantly reduce the total number of construction worker vehicle trips through the westbound I-84/Tower Road ramp terminal; or
  - b. The certificate holder shall install temporary traffic controls during peak construction to prioritize westbound left-turning vehicles at the westbound Tower Road ramp terminal during the weekday a.m. peak hour.
- [Final Order IV.M.2.9]
- ii. For construction of the Carty Solar Farm, the certificate holder shall:
  - a. Implement a final Construction Traffic Management Plan, as approved by the Department per Condition 6.26.
  - b. Include the requirements of the Construction Traffic Management Plan in contract specifications for construction contractors, as applicable.
  - c. Maintain a monthly log, to be submitted monthly to the Department for review and confirmation of compliance with the components of the Construction Traffic Management Plan.
  - d. The Department, in consultation with the Morrow County Public Works Department, may require implementation of additional traffic management measures including a Traffic Impact Assessment per MCZO Section 3.010(N)(1) if any requirement of the Construction Traffic Management Plan is determined not adequately implemented, or if additional measures are deemed necessary based on actual passenger car equivalent trips per day during facility construction. Within 30-days of submittal of the monthly compliance report required under sub(c), the certificate holder shall obtain written confirmation from the Department on any additional construction traffic management measures required to be implemented.

[AMD1] [AMD2]

6.18. Unless legally permissible, the certificate holder shall ensure that no equipment or machinery associated with the construction is parked or stored on any public road within Morrow or Gilliam Counties. The certificate holder may temporarily park equipment off the road but within County rights-of-way with the approval of the County Roadmaster.

[Final Order IV.M.2.10] [AMD1] [AMD2]

6.19. The certificate holder shall cooperate with the Morrow County Public Works Department and the Gilliam County Road Department to ensure that any unusual damage or wear to county roads that is caused by construction of the facility is repaired by the certificate holder. Upon completion of construction, the certificate holder shall restore public roads to pre-construction condition or better to the satisfaction of applicable county departments.

[Final Order IV.M.2.11] [AMD1] [AMD2]

6.20 [Deleted]

[Final Order IV.M.2.12] [AMD1]

6.21. Oversize and overweight deliveries shall be made by rail and barge when feasible, to limit impacts to the I-84/Tower Road interchange.

[Final Order IV.M.2.13]

6.22. The certificate holder shall construct all facility components in compliance with the following setback requirements. The transmission lines connecting the Carty Generating Station and the Grassland Switchyard are exempt from this condition.

a. For portions of the facility located in the Morrow County General Industrial Zoning District:

i. The minimum setback between a structure and the right-of-way of an arterial street shall be 50 feet. The minimum setback of a structure from the right-of-way of a collector shall be 30 feet, and from all lower class streets the minimum setback shall be 20 feet.

ii. Any sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams

or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

- b. For portions of the facility located in the Morrow County Exclusive Farm Use Zoning District:
  - i. The front yard setback from the property line shall be a minimum of 100 feet if the property line is adjacent to an intensive agricultural use; otherwise, front yards shall be 20 feet for property fronting on a local minor collector or marginal access street right-of-way, 30 feet from a property line fronting on a major collector right-of-way, and 80 feet from an arterial right-of-way.
  - ii. Each side yard shall be a minimum of 20 feet except that for parcels or lots with side yards adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 100 feet.
  - iii. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to an intensive agricultural use, where rear yards shall be a minimum of 100 feet.
  - iv. Any sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

[Final Order IV.E.4.3] [MCZO Section 3.010(H)] [AMD1]

- 6.23. The certificate holder must limit signage to directional signs necessary for deliveries and general site circulation. No sign may be placed so as to interfere with visibility or effectiveness of any permanent traffic control device. No sign may be placed so as to impede the sight distance triangle at any access point or intersection as specified in Section 4.020 of the Morrow County Zoning Code. No sign shall cause glare, distraction or other driving hazards within a street or road right-of-way.

[Final Order IV.E.4.5] [MCZO Sections 4.020 and 4.070]

- 6.24. The certificate holder shall comply with Section 5, Public Responsibilities, of the Morrow County Solid Waste Management Ordinance. Any hauling of solid waste from the Carty Generating Station facility during construction, operation, or retirement shall

be performed by a franchised solid waste hauler or otherwise comply with the Morrow County Solid Waste Management Ordinance.

[Final Order IV.E.4.7] [Morrow County Waste Management Ordinance Section 5.000] [AMD2]

6.25. Recycling by the certificate holder and certificate holder's contractors during construction, operation, and retirement of the Carty Generating Station facility shall be done in accordance with Oregon Department of Environmental Quality regulations and shall be reported as part of the Morrow County watershed.

[Final Order IV.E.4.7] [AMD2]

6.26. The certificate holder is authorized to construct approximately 3 miles of 34.5 kV transmission line anywhere within the approved corridors, subject to the conditions of the site certificate. The approved corridors are approximately 160-feet in width and extend between 2.25 and 3 miles of three routes as described in RFA1 Exhibit B and as presented on Figure 1 to the site certificate of the Second Amended Site Certificate for Carty Generating Station.

[Site Specific Condition OAR 345-025-0010(5); AMD1] [AMD2]

6.27. Prior to beginning construction of the Carty Solar Farm, the certificate holder shall:

- a. Confirm whether, based on anticipated construction activities, peak construction traffic is anticipated to exceed 400 passenger car equivalent trips per day. If more than 400 passenger car equivalent trips per day is anticipated, the certificate holder shall prepare and submit to the Department and Morrow County Planning Department a Traffic Impact Assessment per MCZO Section 3.010(N) Transportation Impacts for review and approval. If a TIA is required, the certificate holder shall submit documentation to the Department in accordance with OAR 345-027-0057.
- b. Prepare and submit to the Department a Construction Traffic Management Plan for review and approval. The certificate holder shall demonstrate that the Construction Traffic Management Plan, at a minimum, includes:
  1. Traffic management measures or other recommendations to minimize traffic impacts on Tower Road, as applicable, based upon consultation with Morrow County Public Works Department and Morrow County Sheriff's Office.
  2. Staggering shift start times or other measures that would significantly reduce the total number of construction worker vehicle trips through the westbound I-84/Tower Road ramp terminal; or

3. Installation of temporary traffic controls during peak construction to prioritize westbound left-turning vehicles at the westbound Tower Road ramp terminal during the weekday a.m. peak hour.  
[AMD1]

6.28 Prior to construction of the Carty Solar Farm, the certificate holder shall record in the real property records of Morrow County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland consistent with MCZO 3.010.K.3(i).  
[AMD1] [AMD2]

**7.0 PUBLIC HEALTH AND SAFETY**

7.1 The certificate holder shall take the following steps to reduce or manage human exposure to electromagnetic fields:

- (a) Constructing all aboveground transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.
- (b) For any transmission lines constructed after June 29, 2012; providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks from electric and magnetic fields.
- (c) Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.
- (d) Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable  
[Final Order V.D.2.1] [AMD2]

7.2 To protect the public from electrical hazards, the certificate holder must enclose the facility switchyard or substations with appropriate fencing and locked gates.  
[Final Order V.D.2.2] [AMD2]

7.3 If the Council finds, at any time during facility operation, that cooling tower emissions are likely to contribute significantly to ground-level fogging or icing along public roads and to cause a significant threat to public safety, the certificate holder shall cooperate with appropriate local public safety authorities regarding implementation of reasonable safety measures, such as posting warning signs on affected roads.

Cooperation may include, but is not necessarily limited to, the reimbursement of expenses for posting warning signs and implementing other safety measures.

[Final Order V.D.2.4]

7.4 The certificate holder must comply with all emergency planning and notification requirements of Emergency Planning and Community Right-to-Know Act (EPCRA) Section 302.

[Final Order V.D.2.6]

7.5 The certificate holder must comply with all reporting requirements of the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 304, including reporting of any chemical release in an amount equal to or greater than the EPCRA reportable quantity for that chemical.

[Final Order V.D.2.7]

7.6 [Deleted]

[Final Order V.D.2.8][AMD1]

7.7 The certificate holder must comply with all reporting requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), including reporting of any chemical release in an amount equal to or greater than the CERCLA reportable quantity for that chemical.

[Final Order V.D.2.9]

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

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

[Final Order V.D.2.10] [Mandatory Condition OAR 345-026-0170] [AMD1]

7.9 The certificate holder must develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line. A current copy of the electrical protection plan must be available at the O&M building and provided upon request by ODOE staff.

[Final Order IV.O.2.2] [Mandatory Condition OAR 345-027-0023(4)]

## **8.0 ON-SITE SAFETY AND SECURITY**

8.1 During construction and operation of the facility, the certificate holder shall provide for on-site security and shall establish good communications between on-site security personnel and the Morrow County Sheriff's Office. During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site.  
[Final Order IV.M.2.1]

8.2 During construction, the certificate holder shall require that all on-site construction contractors develop and implement a site health and safety plan that informs workers and others on-site about first aid techniques and what to do in case of an emergency. The plan shall also include important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The certificate holder shall ensure that construction contractors have personnel on-site who are first aid and CPR certified.  
[Final Order IV.M.2.2]

8.3 During operation, the certificate holder shall develop and implement a site health and safety plan that informs employees and others on-site about first aid techniques and what to do in case of an emergency. The plan shall also include important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals.  
[Final Order IV.M.2.3]

8.4 During construction, the certificate holder shall ensure that construction vehicles and equipment are operated on graveled areas to the extent possible and that open flames, such as cutting torches, are kept away from dry grass areas.  
[Final Order IV.M.2.4]

8.5 During operation, the certificate holder shall ensure that all on-site employees receive annual fire prevention and response training by qualified instructors or members of the local fire districts. The certificate holder shall ensure that all employees are instructed to keep vehicles on roads and off dry grassland, except when off-road operation is required for emergency purposes.  
[Final Order IV.M.2.5]

8.6 During construction and operation, the certificate holder shall ensure that all service vehicles are equipped with shovels and portable fire extinguishers of a 4500BC or equivalent rating.  
[Final Order IV.M.2.6]

8.7 During construction and operation, the certificate holder shall develop and implement fire safety plans in consultation with the Boardman Rural Fire Protection District to minimize the risk of fire and to respond appropriately to any fires that occur on the facility site. In developing the fire safety plans, the certificate holder shall take into account the dry nature of the region and shall address risks on a seasonal basis. The certificate holder shall meet annually with local fire protection agency personnel to discuss emergency planning and shall invite local fire protection agency personnel to observe any emergency drill conducted at the facility.  
[Final Order IV.M.2.7]

8.8 Upon the beginning of operation of Unit 1, facility components approved in Final Order on RFA1 or facility components approved in Final Order on RFA2 , the certificate holder shall provide a site plan to the Boardman Rural Fire Protection District. The certificate holder shall indicate the actual location of all facility structures on the site plan. The certificate holder shall provide an updated site plan if additional structures are later added to the facility. During operation, the certificate holder shall ensure that appropriate fire protection agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site.  
[Final Order IV.M.2.8]

## **9.0 PROTECTION OF SOIL**

9.1 The certificate holder must conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the NPDES Storm Water Discharge General Permit #1200-C. The certificate holder must include in the ESCP any procedures necessary to meet local erosion and sediment control requirements or storm water management requirements.  
[Final Order IV.D.2.1] [AMD2]

9.2 During construction, the certificate holder, to the extent practicable, must limit truck traffic to improved road surfaces to avoid soil compaction.  
[Final Order IV.D.2.2]

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

9.4 During construction, the certificate holder must complete monitoring according to the NPDES Storm Water Discharge General Permit #1200-C issued to the certificate holder for construction of the unit to ensure that there are no significant potential adverse impacts to soils and: [AMD1] [AMD2]

- a. [Deleted] [AMD1]
- b. [Deleted] [AMD1]
- c. [Deleted] [AMD1]
- d. [Deleted] [AMD1]
- e. After completing construction in an area, the certificate holder must monitor the area until soils are stabilized and evaluate whether construction-related impacts to soils are being adequately addressed by the mitigation procedures described in the Erosion and Sediment Control Plan and the approved Revegetation and Noxious Weed Control Plan. As necessary, the certificate holder must implement follow-up restoration measures such as scarification and reseeding to address those remaining impacts.

[Final Order IV.D.2.4] [AMD1]

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

[Final Order IV.D.2.5]

9.6 Upon completion of construction, the certificate holder must restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use and in compliance with the Revegetation and Noxious Weed Control Plan. Upon completion of construction, the certificate holder must remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.

[Final Order IV.D.2.7] [Mandatory Condition OAR 345-027-0020(11)]

9.7 During operation, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the Revegetation and Noxious Weed Control Plan.

[Final Order IV.D.2.8]

9.8 The certificate holder must dispose of all accumulated evaporation pond solids, when removed, in a landfill approved for such waste material. All residual solids deposited in evaporation ponds must be removed to an appropriate disposal facility upon closure of the facility. The certificate holder shall include protocols for solids removal and soil restoration at the location of the evaporation ponds in the retirement plan.  
[Final Order IV.D.2.9] [AMD1] [AMD2]

9.9 During operation, the certificate holder must minimize drift from the cooling towers through the use of high efficiency drift eliminators that allow no more than a 0.001% drift rate.  
[Final Order IV.D.2.10]

9.10 The certificate holder must handle hazardous materials used on the site in a manner that protects public health, safety and the environment and shall comply with all applicable local, state and federal environmental laws and regulations. During operation, the certificate holder may not store gasoline that is intended for fueling vehicles on the facility site.  
[Final Order IV.D.2.11]

9.11 If a reportable release of hazardous substance occurs during construction or operation of the facility, the certificate holder must notify the Department within 72 hours and must clean up the spill or release and dispose of any contaminated soil or other materials according to applicable regulations. The certificate holder must make sure that spill kits containing items such as absorbent pads are located on equipment, near storage areas, and in the administrative or maintenance areas of the facility. The certificate holder must instruct employees about proper handling, storage and cleanup of hazardous materials.  
[Final Order IV.D.2.12]

## **10.0 PROTECTION OF NATURAL RESOURCES**

10.1. Prior to construction, the certificate holder shall:

- i. Consult with the Oregon Department of Fish and Wildlife and prepare a final Wildlife and Habitat Monitoring Mitigation Plan and submit the plan to the Department for review and approval. The certificate holder must conduct all wildlife and habitat monitoring as described in the approved Wildlife and Habitat Monitoring and Mitigation Plan, as amended from time to time.  
[Final Order IV.H.2.1] [Mandatory Condition OAR 345-027-0020(6)]
- ii. Submit for review and approval by the Department, in consultation with the Oregon Department of Fish and Wildlife, a final Wildlife and Habitat Monitoring

Mitigation Plan based upon the mitigation methodology and enhancement actions in the draft amended plan provided in the Final Order on Amendment 2. The certificate holder must conduct all wildlife and habitat monitoring as described in the approved Wildlife and Habitat Monitoring and Mitigation Plan, as amended from time to time.

[AMD1] [OAR 345-025-0016] [AMD1] [AMD2]

10.2. The certificate holder shall:

- a. Prior to construction, acquire the legal right to create, enhance, maintain and protect a habitat mitigation area as long as the facility is in operation and the site certificate is in effect by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department.
- b. Prior to construction of the Carty Solar Farm and its supporting facilities, and facility components approved in the Final Order on RFA2, the certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map, and available acres by habitat category and subtype in tabular format.
- c. During operations, the certificate holder shall improve and monitor the habitat quality within the habitat mitigation area, in accordance with the Wildlife and Habitat Monitoring and Mitigation Plan approved by the Department per Condition 10.1.

[Final Order IV.H.2.2] [AMD1] [AMD2]

10.3. The certificate holder shall consult with the Oregon Department of Fish and Wildlife prior to commencement of construction to determine the final acreage of habitat mitigation required. Mitigation shall be provided in accordance with this final acreage determination.

[Final Order IV.H.2.3] [AMD1]

10.4. The certificate holder shall conduct noxious weed inventories within the Habitat Mitigation Area (HMA) to identify patches of weed infestation during year one, year three and year five after construction of Unit 1, and then continue once every 5 years for the life of the project, in years divisible by five. Weeds shall be controlled as needed to maintain and enhance habitat quality within the mitigation area, with the goal of working toward eradication of targeted noxious weeds or, if eradication is not practical,

decreasing their abundance to minimize impacts to native plant communities. Weed management practices shall be consistent with the Revegetation and Noxious Weed Control Plan and shall include an integrated weed management approach, using an appropriate combination of prevention and control methods. The certificate holder shall obtain ODFW approval prior to the use of pesticides. If a substantial area of soil is left bare from weed control activities, the area shall be seeded using the appropriate methods as described in the Revegetation and Noxious Weed Control Plan.

[Final Order IV.H.2.5] [AMD1] [AMD2]

- 10.5. If vegetation in the HMA is damaged from fire or from fire suppression efforts (e.g., vehicular disturbance), the area shall be seeded as necessary with the appropriate seed mix using the appropriate methods for the site, as described in the *Revegetation and Noxious Weed Control Plan*.  
[Final Order IV.H.2.6] [AMD2]
- 10.6. The certificate holder shall monitor and control access to the HMA and shall post signs for the life of the facility designating the area as “protected” and including natural resources information. Access to the proposed area shall be limited to operational needs, conservation area monitoring, and noxious weed control efforts. Any fences within or bordering the HMA shall be modified to wildlife-friendly specifications. Livestock grazing shall not be permitted within the HMA. Periodic monitoring (at least annually) shall be conducted to evaluate effectiveness of access control measures and signage maintenance needs.  
[Final Order IV.H.2.7] [AMD2]
- 10.7. The certificate holder must:
  - i. Implement measures to avoid or minimize temporary and permanent impacts to high quality native habitat and to retain habitat cover in the general landscape, where practicable.
  - a. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.
  - b. Before beginning construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility and the areas that would be disturbed during construction and identifying the survey areas for all plant and wildlife surveys conducted in 2010 or earlier as described in the *Final Order on the Application*. The

certificate holder shall use a qualified professional biologist to conduct a pre-construction plant and wildlife investigation of all areas that would be disturbed during construction that lie outside of the previously surveyed areas. The certificate holder shall provide a written report of the investigation to the Department and to the Oregon Department of Fish and Wildlife.

Based on consultation with the Department and ODFW, the certificate holder shall implement appropriate measures to avoid impacts to any Category 1, 2, or 3 habitat, to any State-listed threatened or endangered plant or wildlife species, and to any State Candidate plant species. If any Category 2 or 3 habitat is identified and will be impacted, the certificate holder shall work with the Department and ODFW to identify appropriate mitigation measures for such impacts.

- c. Before beginning construction, the certificate holder's qualified professional biologist shall survey the previously-identified Category 1 Washington ground squirrel habitat to ensure that the sensitive use area is correctly marked with exclusion flagging and avoided during construction. The certificate holder shall maintain the exclusion markings until construction has been completed.
- d. Before beginning construction, certificate holder's qualified professional biologist shall complete aerial raptor nest surveys within the raptor nest survey area as described in the *Final Order on the Application*. The purposes of the survey are to identify any sensitive raptor nests near construction areas and to provide baseline information on raptor nest use for analysis as described in the *Wildlife and Habitat Monitoring and Mitigation Plan* referenced in Condition 10.1. The certificate holder shall provide a written report on the raptor nest surveys to the Department and to ODFW.

[Final Order IV.H.2.9]

- ii. Implement measures to avoid or minimize temporary and permanent impacts to high quality native habitat and to retain habitat cover in the general landscape, where practicable.
  - a. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.

b. Before beginning construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility and the areas that would be disturbed during construction and identifying the survey areas for all plant and wildlife surveys conducted prior to construction. The certificate holder shall use a qualified professional biologist to conduct a pre-construction habitat assessment of all areas that would be disturbed during construction. The certificate holder shall provide a written report of the habitat assessment to the Department and to the Oregon Department of Fish and Wildlife. Based on consultation with the Department and ODFW, the certificate holder shall implement appropriate measures to avoid impacts to any Category 1 habitat, to any State-listed threatened or endangered plant or wildlife species, and to any State Candidate plant species.

[AMD1]

10.8. During construction, the certificate holder shall avoid all construction activities within one mile of golden eagle nests, and 0.6 miles of ferruginous hawk nests, and 1,300 feet of other potentially active sensitive raptor species nest sites for the following species during the sensitive period, as provided in this condition:

<b><u>Species</u></b>	<b><u>Sensitive Period</u></b>	<b><u>Early Release Date</u></b>
Swainson's hawk	April 1 to August 15	May 31
Ferruginous hawk	March 15 to August 15	May 31
Bald Eagle	January 1 to August 15	May 31
Golden eagle	January 1 to July 15	May 31
Burrowing owl	April 1 to August 15	July 15
Long-billed curlew	March 8 to June 15	May 31

During all years in which construction occurs, the certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether there are any active nests of these species within 1,300 feet of any areas that would be disturbed during construction. Surveys shall be extended to one mile for golden eagle nests and 0.6 miles for ferruginous hawk nests. This construction buffer distance may be decreased with approval by ODFW and USFWS depending on the intensity of construction activity and whether there is an adequate physical barrier (i.e., vegetation, topography, etc.) between the nest site and the construction impacts or if consultation determines a lesser distance is feasible and appropriate. The certificate holder shall begin monitoring potential nest sites by the beginning of the sensitive period, as listed above, and shall continue monitoring until

at least May 31 (July 15 for golden eagle nests) to determine whether any potentially-active nest sites become active during the sensitive period.

If any nest site is determined to be unoccupied by the early release date, then unrestricted construction activities may occur within 0.6 miles (one mile for golden eagle nests) of the nest site after that date. If a nest is occupied by any of these species after the beginning of the sensitive period, the certificate holder will flag the boundaries of a 1,300 foot (or 0.6 miles for ferruginous hawk nests, or one mile for golden eagle nests) buffer area around the nest site and shall instruct construction personnel to avoid disturbance of the buffer area. During the sensitive period, the certificate holder shall not engage in high-impact construction activities (activities that involve blasting, grading or other major ground disturbance) within the buffer area. The certificate holder shall restrict construction traffic within the buffer, except on public roads, to vehicles essential to the limited construction activities allowed within the buffer. If a golden eagle nest is identified, construction and maintenance activities between February 1 and July 15 (courtship and nesting period) will be avoided within one mile of the active nest (or 0.5 miles if the active nest is not in line-of-sight of activities).

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

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

[Final Order IV.H.2.10] [AMD1]

10.9. The certificate holder shall implement the following measures to avoid or mitigate impacts to sensitive wildlife habitat during construction:

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

- b. Avoiding unnecessary road construction, temporary disturbance, and vehicle use.
- c. Limiting construction work to approved and surveyed areas shown on facility constraints maps.
- d. Ensuring that all construction personnel are instructed to avoid driving cross-country or taking short-cuts within the site boundary or otherwise disturbing areas outside of the approved and surveyed construction areas.

[Final Order IV.H.2.11]

10.10. The certificate holder shall reduce the risk of injuries to avian species by designing and installing all aboveground transmission line support structures following the most current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.

[Final Order IV.H.2.12]

10.11. Sensitive raptor nest monitoring shall be conducted by qualified biologists in year one, year three, and year five after operations of Unit 1 have begun and then at least every five years after that for the life of the project in years divisible by five. Results of the monitoring shall be included in an annual sensitive raptor nest monitoring report provided to the Oregon Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and the Department. This report shall document the nest productivity of sensitive raptor species, including golden eagle (*Aquila chrysaetos*), occurring within one mile of the Carty Generating Station facility, the Ferruginous Hawk occurring within 0.6 miles, and other sensitive raptor species nests occurring within 1,300 feet of the facility site.

[Final Order IV.H.2.13] [AMD1] [AMD2]

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

[Final Order IV.H.2.14]

10.13. The certificate holder shall not place any structures in jurisdictional waters of Sixmile Canyon and shall avoid new impacts to Sixmile Canyon during construction by using

the existing access road for vehicle crossing only during the dry season. Impacts to jurisdictional waters in Sixmile Canyon drainages shall be avoided.

[Final Order IV.H.2.15] [AMD1]

- 10.14. Prior to construction, the certificate holder shall conduct surveys for Washington ground squirrel (WGS) and Lawrence's milkvetch.
  - i. The certificate holder shall determine the boundaries of Category 1 Washington ground squirrel (WGS) habitat based on the locations where the squirrels were found to be active in the most recent WGS surveys prior to the beginning of construction in habitat suitable for WGS foraging or burrow establishment ("suitable habitat"). The certificate holder shall use a qualified professional biologist who has experience in detection of WGS to conduct surveys within the site boundary using appropriate search protocols. Except as provided in (a), the biologist shall conduct surveys in the active squirrel season (February 1 to June 30) at least once every three years until the beginning of construction in suitable habitat. The biologist shall survey all areas of suitable habitat where permanent facility components would be located or where construction disturbance could occur. The certificate holder shall provide written reports of the surveys to the Department and to the Oregon Department of Fish and Wildlife (ODFW) and shall identify the boundaries of Category 1 WGS habitat. During each year in which construction will occur, the boundaries of Category 1 WGS habitat shall be marked by the biologist with high-visibility flagging or markers. The certificate holder shall not begin construction until the identified boundaries of Category 1 WGS habitat have been approved by the Department. Category 1 WGS habitat includes the areas described in (b) and (c) below.
    - a. The certificate holder may omit the WGS survey in any year if the certificate holder avoids all permanent and temporary disturbance within suitable habitat until a WGS survey has been completed in the following year and the boundaries of Category 1 habitat have been determined and approved based on that survey.
    - b. Category 1 WGS habitat includes the area within the perimeter of multiple active WGS burrows plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or burrow establishment. If the multiple-burrow area was active in a prior survey year, and active burrows are still present, then Category 1 habitat includes the largest extent of the active burrow area ever

recorded (in the current or any prior-year survey), plus a 785-foot buffer. If no active burrows are still present, then it is no longer Category 1 habitat for WGS.

- c. Category 1 WGS habitat includes the area containing single active burrow detections plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or burrow establishment. Category 1 habitat does not include single-burrow areas that were found active in a prior survey year but that are not active in the current survey year.
- ii. The certificate holder shall use a qualified professional biologist who has experience in detection of Lawrence's milkvetch to conduct plant surveys within the site boundary, using appropriate survey protocols, during the blooming season (May through August).
  - a. If the species is found to occur, the certificate holder must install protection flagging around the plant population and avoid any ground disturbance within this zone; and its location shall be presented on construction constraint maps showing restricted work areas.

[Final Order IV.I.2.1] [AMD1]

10.15. The certificate holder shall impose and enforce a construction and operation speed limit of 20 miles per hour throughout the facility site and, during the active squirrel season (February 1 to June 30), a speed limit of 10 miles per hour from one hour before sunset to one hour after sunrise on private roads near known Washington ground squirrel (WGS) colonies. The certificate holder shall ensure that all construction and operations personnel are instructed to watch out for and avoid WGS and other wildlife while driving through the facility site.

[Final Order IV.I.2.2]

10.16. The certificate holder shall use perch-preventing structures on Carty Generating Station components in areas identified as Category 1 habitat for Washington ground squirrels.

[Final Order IV.I.2.3]

10.17. The certificate holder shall provide environmental awareness training for all project personnel and construction contractors before such contractors or personnel enter the site to perform construction-related activities. The training program shall discuss Washington ground squirrel issues as well as other environmental issues related to the project, and include handouts with identification information and reporting procedures.

Additional training sessions shall be conducted as needed for personnel that start after the beginning of construction.

[Final Order IV.I.2.4]

- 10.18. In order to discourage Washington ground squirrels from moving into planned construction areas the certificate holder may disc or till a minimum of an 800-ft. buffer within the perimeter of the site boundary, or implement other approved measures, in closest proximity to squirrel activity areas. Proposed measures and areas where measures will be implemented shall be reviewed by ODFW and shall be informed by the most recent Washington ground squirrel survey data.

[Final Order IV.I.2.5] [AMD1]

- 10.19. If the certificate holder discs or tills areas, the certificate holder shall plant dryland wheat or another cover crop in tilled areas within the site boundary. Crops to be planted shall be selected by the certificate holder in coordination with ODFW.

[Final Order IV.I.2.6] [AMD1]

- 10.20. Should new Washington ground squirrel burrows become established within 785 feet of the site boundary, the certificate holder shall immediately report to ODFW. The certificate holder shall coordinate with ODFW to establish additional mitigation measures or to obtain an Incidental Take Permit, as appropriate.

[Final Order IV.I.2.8] [AMD1]

- 10.21. The certificate holder shall conduct post-construction surveys on known Washington ground squirrel colonies in the Carty Generating Station facility area, on land owned by the certificate holder, both within the HMA and in areas where known active burrows were recorded during preconstruction field surveys. The Washington ground squirrel surveys shall be conducted by qualified biologists in year one, year three, and year five after operations of Unit 1 have begun, and then at least every five years after that for the life of the project in years divisible by five. Surveyors shall record evidence of Washington ground squirrel activity, current land use, and evidence of conditions caused by the project that might increase erosion or result in a decline in vegetation quality and adversely affect a Washington ground squirrel colony.

[Final Order IV.I.2.9] [AMD1] [AMD2]

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

a. Training employees to minimize and recycle solid waste.

b. Recycling paper products, metals, glass and plastics.

- c. Recycling used oil and hydraulic fluid.
- d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
- e. Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes.

[Final Order IV.N.2.2]

10.23 During construction and operation of the Carty Generating Station, the certificate holder shall obtain potable water from the existing Boeing well or from a bottled water vendor. Water for construction and process water shall be obtained from Carty Reservoir. The certificate holder may use other sources of water for on-site uses subject to prior approval by the Department.

[Final Order V.C.2.1] [AMD1] [AMD2]

10.24. During operation, the certificate holder shall discharge sanitary wastewater generated at the facility to the Boardman Coal Plant and Carty Generating Station sanitary waste facility (sewage lagoons) or the Carty septic system in compliance with DEQ or county permit requirements.

[Final Order IV.N.2.4] [AMD2]

10.25. Before beginning construction of Unit 1, the certificate holder shall receive approval of the wetlands delineation report by the Department of State Lands and provide an approval letter to the Department.

[Final Order V.B.2.1] [AMD2]

10.26. The certificate holder shall avoid impacts to waters of the state in the following manner:

(a) The certificate holder shall avoid any disturbance to delineated wetlands.

(b) The certificate holder shall construct stream crossings for transmission lines substantially as described in the *Final Order on the Application*. In particular, the certificate holder shall not remove material from waters of the State or add new fill material to waters of the State such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole.

(c) The certificate holder shall construct support structures for aboveground lines outside of delineated stream channels and shall avoid in-channel impacts.

[Final Order V.B.2.2]

10.27. Before beginning construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility and the areas that would be disturbed during construction and showing the wetlands and stream channels delineated through field surveys conducted prior to construction. For areas to be disturbed during construction that lie outside of the previously-surveyed areas, the certificate holder shall hire qualified personnel to conduct a pre-construction investigation to determine whether any jurisdictional waters of the State exist in those locations. The certificate holder shall provide a written report on the pre-construction investigation to the Department and the Department of State Lands for approval before beginning construction. The certificate holder shall ensure that construction and operation of the facility will not impact any jurisdictional water identified in the pre-construction investigation in a manner that would require a Removal-Fill Permit.

[Final Order V.B.2.3] [AMD1]

10.28. The certificate holder shall demonstrate that the Oregon Department of Environmental Quality has issued to the certificate holder:

- i. Prior to operation of Unit 1, a Water Pollution Control Facilities Permit substantially in the form of Exhibit 4 of the *Final Order on the Application*, allowing for wastewater discharge from the Carty Generating Station.  
[Final Order V.E.2.1]
- ii. Prior to operation of the Carty Solar Farm, Addendum 1 of the modified Water Pollution Control Facilities Permit 100189 with the following additional condition, allowing discharge of solar panel washwater:
  - a. Solar panel wash water is permitted to be discharged through evaporation or infiltration into the ground at the point of application. The use of chemicals, soaps, detergents and heated water is prohibited. Pressure washing is allowed, so long as it does not remove paint or other finishes. Soil erosion and runoff from the Carty Solar Farm is prohibited. Soil erosion must be repaired within 30 days of occurrence.  
[AMD1]
- iii. Prior to operation of facility components authorized by the Final Order on Request for Amendment 2, Addendum 2 of the modified Water Pollution Control Facilities Permit 100189, substantially in the form of Attachment E of the *Final Order on Request for Amendment 2*.  
[AMD2]

10.29. a. The certificate holder shall comply with state laws and rules applicable to Water Pollution Control Facilities Permits that are adopted in the future to the extent that such compliance is required under the respective statutes and rules.

b. The certificate holder shall obtain and comply with a Umatilla County Public Health construction permit for the (unlined) septic system.  
[Final Order V.E.2.2] [AMD2]

10.30. The certificate holder may not dispose of wastewater into the Boardman settling ponds, vehicle wash water pond or coal yard ponds unless the site certificate and the WPCF are amended to permit such use.  
[Final Order V.E.2.3]

10.31. The site certificate holder must meet the compliance dates set out in the WPCF unless alternative compliance dates have been approved in advance in writing by DEQ. Either prior to or not later than 14 calendar days following any lapsed compliance date, the site certificate holder must submit a notice of noncompliance with the established schedule to the Department of Energy and DEQ. Any report of noncompliance must include the cause of noncompliance.  
[Final Order V.E.2.4]

10.32. Prior to constructing or modifying wastewater management treatment and disposal facilities, detailed plans must be submitted to and approved by the Department of Environmental Quality.  
[Final Order V.E.2.5]

10.34. [Deleted]  
[Final Order V.E.2. [AMD1]

10.35. [Deleted]  
[Final Order V.E.2.7] [AMD1]

10.36. Prior to discharge of Carty Generating Station sewage to the lagoons, the certificate holder must:

- a. Submit a work plan to remove vegetation from the Clay-lined cells and either leak test the cells or recondition them; and
- b. Submit a long-term plan to ensure the integrity of the clay lined cells. The plan may include evaluating system capacity requirements and modifying system

capacity accordingly prior to discharge of Carty Generating Station sewage to lagoons.

[Final Order V.E.2.8]

- 10.37. The certificate holder must prepare and implement a Hazardous Materials Management and Monitoring plan approved by the Department. The plan(s) must address the handling of potentially hazardous substances (as defined by ORS 465.200) during construction and operation of the facility, measures to prevent on- and off-site contamination and documentation of plan implementation. Separate plans for the construction and operation phases are acceptable. The certificate holder must use hazardous materials in a manner that protects public health, safety and the environment and must comply with all applicable local, state and federal environmental laws and regulations.

The Hazardous Materials Management and Monitoring Plan shall contain the same information required for a Spill Prevention, Control and Countermeasure Plan (40 CFR 112). Whereas the SPCC Plan addresses spill prevention for oil products, the materials management and monitoring plan shall address hazardous substances. The Plan shall include operating procedures to prevent hazardous substances releases, control measures to contain hazardous substance releases, countermeasures to contain, cleanup, and mitigate hazardous substance releases, and procedures for required inspections and testing. This Plan must be submitted to the Department for review and approval prior to respective construction or operation phase of the Carty Generating Station Facility.

[Final Order IV.G.2.2] [AMD1] [AMD2]

- 10.38. If any inspection performed in accordance with the Hazardous Materials Management and Monitoring Plan identifies improper handling or storage of hazardous substances (as defined by ORS 465.200) or improper record keeping procedures, the certificate holder must correct such deficiencies promptly and must report the corrective actions to the Department. If the certificate holder has not corrected such deficiencies within six months after the date of the inspection report, the certificate holder shall submit to the Council an independently prepared estimate of cost of correction. Upon approval of the estimate by the Council, the certificate holder shall increase the amount of the bond or letter of credit required under Condition IV.G.2.9 by the approved amount of the estimate. In no event, however, shall the certificate holder be relieved of its obligation to exercise all due diligence in correcting deficiencies identified in the course of a site inspection.

[Final Order IV.G.2.3]

10.39. The certificate holder shall report any release (as defined by ORS 465.200) of hazardous substances to the Department within 72 hours after the discovery of such release, in addition to any other reporting requirements under applicable law. If the certificate holder has not remedied a release consistent with applicable Oregon Department of Environmental Quality standards within six months after the date of the release, the certificate holder shall submit to the Council an independently prepared estimate of the cost to complete necessary remediation. Upon approval of the estimate by the Council, the certificate holder shall increase the amount of its bond or letter of credit by the approved amount of the estimate. In no event, however, shall the certificate holder be relieved of its obligation to exercise all due diligence in remedying a release of hazardous substances.

[Final Order IV.G.2.4] [AMD1]

10.40. The certificate holder shall maintain the reservoir at an elevation no lower than an annual average of 665 feet mean sea level (MSL). The certificate holder may operate the reservoir at a lower elevation without a site certificate amendment if the certificate holder consults with the Department and ODFW to determine that the lower elevation would not result in a net loss of habitat and, therefore, does not warrant further analysis and potential mitigation through a site certificate amendment process. The certificate holder shall submit an Amendment Determination Request supporting a conclusion that a site certificate amendment is not required and receive concurrence with the conclusions of the ADR prior to operating the reservoir at a lower elevation.

[AMD2]

## **11.0 PROTECTION OF HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES**

11.1. [Deleted]

[Final Order IV.K.2.1] [AMD1]

11.2. Before beginning construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility, the areas that would be temporarily disturbed during construction, the areas that were surveyed in 2009 as described in the Final Order on the ASC or that have been subsequently surveyed.

[Final Order IV.K.2.2] [AMD1]

11.3. The certificate holder shall:

- a. Use qualified personnel to conduct field investigation of all areas to be disturbed during construction that lie outside the previously-surveyed areas. The certificate holder shall provide a written report of the field investigation to the Department and to the Oregon State Historic Preservation Office (SHPO). If any potentially significant historic, cultural, or archaeological resource sites are found during the field investigation, the certificate holder shall instruct all construction personnel to avoid the identified sites and shall implement appropriate measures to protect the sites, including the measures described in Condition 11.5.
- b. Prior to construction of facility components approved in the Final Order on RFA2, use qualified personnel to conduct field investigation of all areas to not previously disturbed or minimally disturbed. The certificate holder shall provide a written report of the field investigation to the Department and to the Oregon State Historic Preservation Office (SHPO), and shall consult with the CTUIR on whether any areas would require a cultural monitor during construction. If any potentially significant historic, cultural, or archaeological resource sites are found during the field investigation, the certificate holder shall instruct all construction personnel to avoid the identified sites and shall implement appropriate measures to protect the sites, including the measures described in Condition 11.5.

[Final Order IV.K.2.3; AMD2]

- 11.4. The certificate holder shall ensure that a qualified archaeologist, as defined in OAR 736-051-0070, develops a training program for cultural resources. The program will instruct construction personnel in the identification of cultural materials and avoidance of accidental damage to identified resource sites. Records of such training shall be maintained at the administration/control building and made available to authorized representatives of the Department upon request.

[Final Order IV.K.2.4] [AMD1]

- 11.5. The certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archaeological or cultural resources are found during construction of the facility until a qualified archeologist can evaluate

the significance of the find. The certificate holder shall notify the Department and the SHPO of the find. If the SHPO determines that the resource is significant, the certificate holder shall make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery, in consultation with the Department, SHPO, interested tribes and other appropriate parties. The certificate holder shall not restart work in the affected area until the certificate holder has demonstrated to the Department and the SHPO that it has complied with archaeological resource protection regulations.

[Final Order IV.K.2.5]

11.6. The certificate holder shall:

- i. Prepare and implement an Archaeological Monitoring Plan for construction activities to address and mitigate impacts from exposure of unanticipated or previously unidentified cultural resources that may be exposed during construction of the facility. A current copy of the plan must be maintained at the administration/control building and made available to authorized representatives of the Department upon request. The Archaeological Monitoring Plan, as proposed by the certificate holder, shall include the following requirements:
  - a. [Deleted]  
[AMD1].
  - b. A qualified archaeological monitor is a person who meets the “qualified archaeologist” standards defined by ORS 390.235(6)(b) or who is supervised by a “qualified archaeologist.” If the latter applies, the supervising qualified archaeologist must vouch for the work of the archaeological monitor and author or co-author the archaeological monitoring report provided at the end of construction monitoring.
  - c. The archaeological monitor will keep a daily log of construction and monitoring activities. If intact archaeological materials are encountered during the monitoring, the archaeological monitor will initiate procedures for inadvertent discovery of archaeological resources, as specified in ORS 358.920.

- d. Artifacts will be examined and documented in the field and will not be collected unless authorized under the provisions of a SHPO permit, if one is obtained in the inadvertent discovery of archaeological resources process.
- e. If human remains are identified during the course of construction monitoring, the monitor will initiate the procedures for Inadvertent Discovery of Human Remains, as specified in ORS 97.740-97.760.
- f. The certificate holder is responsible for providing an archaeological monitoring report to the Department and SHPO after construction work is completed. The report must detail the activities of the archaeological monitor and any inadvertent discoveries encountered, along with actions taken to address them.

[Final Order IV.K.2.6]

- ii. At least 45-days prior to construction of the Carty Solar Farm, provide to the Department for review and approval, in consultation with SHPO and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), an amended Archaeological Monitoring Plan for construction activities to address and mitigate impacts from exposure of unanticipated or previously unidentified cultural resources that may be exposed during construction of the Carty Solar Farm. The amended Archaeological Monitoring Plan shall include the following requirements:
  - a. The certificate holder shall coordinate with CTUIR prior to and during ground disturbing activities to determine if a tribal monitor should be onsite.
  - b. A qualified archeologist, as defined in 11.6(i)(b) of this condition, shall be mobilized to the site if unanticipated resources are discovered; in this event, Condition 11.6.ii(c) through (f) would then be applicable.
  - c. The archeological monitor will keep a daily log of construction and monitoring activities. If intact archaeological materials are encountered during the monitoring, the monitor will initiate procedures for inadvertent discovery of archaeological resources, as specified in ORS 358.920.
  - d. Artifacts will be examined and documented in the field and will not be collected unless authorized under the provisions of a SHPO permit, if one is obtained in the inadvertent discovery of archaeological resources process.

- e. If human remains are identified during the course of construction monitoring, the monitor will initiate the procedures for Inadvertent Discovery of Human Remains, as specified in ORS 97.740-97.760.
- f. The certificate holder is responsible for providing an archaeological monitoring report to the Department and SHPO after construction work is completed. The report must detail the activities of the monitor and any inadvertent discoveries encountered, along with actions taken to address them.

[AMD1]

## **12.0 CARBON DIOXIDE EMISSIONS**

- 12.1. The net carbon dioxide emissions rate for the base load gas plant must not exceed 0.675 pounds of carbon dioxide per kilowatt-hour of net electric power output, with carbon dioxide emissions and net electric power output measured on a new and clean basis, as defined in OAR 345-001-0010.  
[Final Order IV.P.2.1]
- 12.2. The net carbon dioxide emissions rate for incremental emissions for the facility operating with power augmentation must not exceed 0.675 pounds of carbon dioxide per kilowatt-hour of net electric power output, with carbon dioxide emissions and net electric power output measured on a new and clean basis at the site during the times of year when the facility is intended to operate with power augmentation, subject to modification under Condition 12.12.  
[Final Order IV.P.2.2]
- 12.3. For the purposes of the site certificate, “monetary path payment requirement” means the amount of offset funds determined pursuant to OAR 345-024-0550, -0560, -0590 and -0600 and the amount of the selection and contracting funds that the certificate holder must disperse to The Climate Trust, as the qualified organization, pursuant to OAR 345-024-0710 and the site certificate. The certificate holder shall calculate the monetary path payment requirement using an offset fund rate of \$1.27 per ton of carbon dioxide in 2011 dollars.
  - a. The certificate holder shall calculate 2011 dollars using the Index described in Condition 15.1.b.
  - b. The certificate holder shall increase the amount of the letter of credit described in Condition 12.9 by the percentage increase in the Index. The certificate holder

shall index the funds from the date of the Council's approval of the site certificate to the date of disbursement of funds to The Climate Trust.

[Final Order IV.P.2.3]

12.4. Before beginning construction of the facility, the certificate holder shall submit to the Department information identifying its final selection of a gas turbine vendor, heat recovery steam generator vendor along with the following information, as appropriate:

- a. For the base load gas plant, the certificate holder shall submit written design information, based on its contracts with vendors, sufficient to verify the plant's designed new and clean heat rate (higher heating value) and its net power output at the average annual site condition. The certificate holder shall submit an affidavit certifying the heat rate and capacity.
- b. For the base load gas plant designed with power augmentation, the certificate holder shall submit written design information, based on its contracts with vendors, sufficient to verify the facility's designed new and clean heat rate (higher heating value) and its net power output at the site during the times of year when the facility is intended to operate with power augmentation. The certificate holder shall submit an affidavit certifying the heat rate and capacity.

[Final Order IV.P.2.4] [AMD1]

12.5. Before beginning construction of Unit 1, the certificate holder shall specify to the Department the annual average hours and the times that it expects to operate with power augmentation.

[Final Order IV.P.2.5]

12.6. To calculate the initial monetary path payment requirement, the certificate holder shall use the contracted design parameters for capacities and heat rates submitted under Condition 12.4 and the annual average hours and times of operation with power augmentation specified under Condition 12.5.

[Final Order IV.P.2.6]

12.7. Before beginning construction of Unit 1, the certificate holder shall enter into a Memorandum of Understanding (MOU) with The Climate Trust that establishes the disbursement mechanism to transfer selection and contracting funds and offset funds to The Climate Trust.

- a. The MOU must be substantially in the form of Exhibit 3 to the *Final Order on the Application*. At the request of the certificate holder, the Council may approve a

different form of a letter of credit and concurrent MOU without an amendment of the site certificate.

- b. Either the certificate holder or The Climate Trust may submit to the Council for the Council's resolution any dispute between the certificate holder and The Climate Trust concerning the terms of the letter of credit, the MOU or any other issues related to the monetary path payment requirement. The Council's decision shall be binding on all parties.

[Final Order IV.P.2.7] [AMD1]

- 12.8. The certificate holder shall submit all monetary path payment requirement calculations to the Department for verification in a timely manner before submitting a letter of credit for Council approval, before entering into an MOU with The Climate Trust as required by Condition 12.7, and before making disbursements to The Climate Trust.

[Final Order IV.P.2.8] [AMD1]

- 12.9. Before beginning construction of Unit 1, the certificate holder shall submit to The Climate Trust a letter of credit in the amount of the offset funds of the monetary path payment requirement as determined under Condition 12.3.

- a. The certificate holder shall use a form of letter of credit that is substantially in the form of Appendix B to the MOU described in Condition 12.7. At the request of the certificate holder, the Council may approve a different form of a letter of credit without an amendment of the site certificate.
- b. The certificate holder shall use an issuer of the letter of credit approved by the Council.
- c. The certificate holder shall maintain the letter of credit in effect until the certificate holder has disbursed the full amount of the offset funds to The Climate Trust. The certificate holder may reduce the amount of the letter of credit commensurate with payments it makes to The Climate Trust. The letter of credit must not be subject to revocation before disbursement of the full amount of the offset funds.

[Final Order IV.P.2.9] [AMD1]

- 12.10. For any transfer of the site certificate approved under OAR 345-027-0100:

- a. If The Climate Trust has not yet fully withdrawn the amount of the letter of credit of the current certificate holder at the time of the transfer, the new certificate

holder shall submit to The Climate Trust a pro-rated letter of credit, subject to the requirements of Condition 12.9. The new certificate holder shall submit to Council for the Council's approval the identity of the issuer of the letter of credit. The Council may approve a new letter of credit without a site certificate amendment.

- b. The new certificate holder shall enter into an MOU with The Climate Trust as described in Condition 12.7 unless the new certificate holder demonstrates to the satisfaction of the Department that there has been a valid assignment of the current certificate holder's MOU to the new certificate holder. The Council may approve a new MOU without a site certificate amendment.
- c. For resolution of any dispute between the new certificate holder and The Climate Trust concerning the disbursement mechanism for monetary path payments or any other issues related to the monetary path payment requirement, either party may submit the dispute to the Council as provided in Condition 12.7.b.

[Final Order IV.P.2.10]

12.11. The certificate holder shall disburse to The Climate Trust offset funds and selection and contracting funds when requested by The Climate Trust in accordance with Conditions 12.13 and 12.14 and the following requirements:

- a. The certificate holder shall disburse selection and contracting funds to The Climate Trust before beginning construction and as appropriate when additional offset funds are required under Conditions 12.13 and 12.14.
- b. Upon notice pursuant to subsection (c), The Climate Trust may request from the issuer of the letter of credit the full amount of all offset funds available or it may request partial payment of offset funds at its sole discretion. Notwithstanding the specific amount of any contract to implement an offset project, The Climate Trust may request up to the full amount of offset funds the certificate holder is required to provide to meet the monetary path payment requirement.
- c. The Climate Trust may request disbursement of offset funds pursuant to paragraph (b) by providing notice to the issuer of the letter of credit that The Climate Trust has executed a letter of intent to acquire an offset project. The certificate holder shall require that the issuer of the letter of credit disburse offset funds to The Climate Trust within three business days of a request by The

Climate Trust for the offset funds in accordance with the terms of the letter of credit.

[Final Order IV.P.2.11]

12.12. Within the first 12 months of commercial operation of the facility, the certificate holder shall conduct a 100-hour test at full power without power augmentation (Year One Test-1) and a test at full power with power augmentation (Year One Test-2). Tests performed for purposes of the certificate holder's commercial acceptance of the facility may suffice to satisfy this condition in lieu of testing after beginning commercial operation.

- a. The certificate holder shall conduct the Year One Test-1 to determine the actual heat rate (Year One Heat Rate-1) and the net electric power output (Year One Capacity-1) on a new and clean basis, without degradation, with the results adjusted for the average annual site condition for temperature, barometric pressure and relative humidity. The certificate holder shall calculate carbon dioxide emissions using a rate of 117 pounds of carbon dioxide per million Btu of natural gas fuel.
- b. The certificate holder shall conduct the Year One Test-2 to determine the actual heat rate (Year One Heat Rate-2) and net electric power output (Year One Capacity-2) for the facility operating with power augmentation, without degradation, with the results adjusted for the site condition for temperature, barometric pressure and relative humidity at the site during the times of year when the power augmentation is intended to operate. The certificate holder shall calculate carbon dioxide emissions using a rate of 117 pounds of carbon dioxide per million Btu of natural gas fuel.
- c. The certificate holder shall notify the Department at least 60 days before conducting the tests required in subsections (a) and (b) unless the certificate holder and the Department have mutually agreed that less notice will suffice.
- d. Before conducting the tests required in subsections (a) and (b), the certificate holder shall, in a timely manner, provide to the Department for its approval a copy of the protocol for conducting the tests. The Department may approve modified parameters for testing power augmentation on a new and clean basis and pursuant to OAR 345-024-0590(1) without a site certificate amendment. The certificate holder shall not conduct the tests until the Department has approved the testing protocols.

- e. Within two months after completing the Year One Tests, the certificate holder shall provide to the Council reports of the results of the Year One Tests.

[Final Order IV.P.2.12]

- 12.13. Based on the data from the Year One Tests described in Condition 12.12, the certificate holder shall calculate an adjusted monetary path payment. The certificate holder shall submit its calculations to the Department for verification. If the adjusted amount exceeds the amount of the letter of credit provided according to Condition 12.9 before beginning construction, the certificate holder shall fully disburse the excess amount directly to The Climate Trust within 30 days of the Department's verification of the calculations.

- a. The certificate holder shall include the appropriate calculations of the adjusted monetary path payment with its reports of the results of the Year One Tests required under Condition 12.12.
- b. For calculating the adjusted monetary path payment, the certificate holder shall use an offset fund rate of \$1.27 per ton of carbon dioxide (in 2011 dollars) and shall calculate contracting and selecting funds based on 10 percent of the first \$500,000 in offset funds and 4.286 percent of any offset funds in excess of \$500,000 (in 2011 dollars).
- c. In no case shall the certificate holder diminish the value of the letter of credit it provided before beginning construction or receive a refund from The Climate Trust based on the calculations made using the Year One Capacities and the Year One Heat Rates.

[Final Order IV.P.2.13]

- 12.14. The certificate holder shall use the Year One Capacity-2 and Year One Heat Rate-2 that it reports for the facility, as described in Condition 12.12.b, to calculate whether it owes supplemental monetary path payments due to increased hours that it uses power augmentation.
  - a. Each five years after beginning commercial operation of the facility (five-year reporting period), the certificate holder shall report to the Department the annual average hours the facility operated with power augmentation during that five-year reporting period, as required under OAR 345-024-0590(6). The certificate holder shall submit five-year reports to the Department within 30 days after the anniversary date of beginning commercial operation of the facility.
  - b. If the Department determines that the facility exceeded the projected net total carbon dioxide emissions calculated under Conditions 12.4, 12.5 and 12.12,

prorated for five years, during any five-year reporting period described in subsection (a), the certificate holder shall offset excess emissions for the specific reporting period according to paragraph (i) and shall offset the estimated future excess emissions according to paragraph (ii), as follows:

- i. In determining whether there have been excess carbon dioxide emissions that the certificate holder must offset for a five-year reporting period, the Department shall apply OAR 345-024-0600(4)(a). The certificate holder shall pay for the excess emissions at \$1.27 per ton of carbon dioxide emissions (in 2011 dollars). The Department shall notify the certificate holder and The Climate Trust of the amount of supplemental payment required to offset excess emissions.
- ii. The Department shall calculate estimated future excess emissions for the remaining period of the deemed 30-year life of the facility using the parameters specified in OAR 345-024-0600(4)(b). The certificate holder shall pay for the estimated excess emissions at \$1.27 per ton of carbon dioxide (in 2011 dollars). The Department shall notify the certificate holder of the amount of supplemental payment required to offset future excess emissions.
- iii. The certificate holder shall offset excess emissions identified in paragraphs (i) and (ii) using the monetary path as described in OAR 345-024-0710. The certificate holder shall pay selection and contracting funds of 10 percent of the first \$500,000 in offset funds and 4.286 percent of any offset funds in excess of \$500,000 (in 2010 dollars).

- c. The certificate holder shall disburse the supplemental selection and contracting funds and supplemental offset funds to The Climate Trust within 30 days after notification by the Department of the amount that the certificate holder owes.

[Final Order IV.P.2.14]

- 12.15. The certificate holder shall use only pipeline quality natural gas or shall use synthetic gas with a carbon content per million Btu no greater than pipeline-quality natural gas to fuel the combustion turbines and the power augmentation.

[Final Order IV.P.2.15] [AMD1]

- 12.16. After the certificate holder has complied with the conditions relating to the carbon dioxide standard before beginning construction, incremental increases in capacity and heat rate that otherwise fall within the limits specified in OAR 345-027-0050(2) do not

require an amendment of the site certificate if the certificate holder complies substantially with Conditions 12.1 through 12.15, except as modified below, and if:

- a. The Department or the Council determines, as described in OAR 345-027-0050(5), that the proposed change in the facility does not otherwise require an amendment; and
- b. The certificate holder complies with the appropriate carbon dioxide emissions standard and monetary offset rate in effect at the time the Department or the Council makes its determination under this condition.

[Final Order IV.P.2.16]

12.17. [Deleted]

[Final Order IV.P.2.17] [AMD1]

## **13.0 NOISE CONTROL AND NOISE COMPLAINT RESPONSE**

13.1. To reduce construction noise impacts at nearby residences, the certificate holder shall:

- a. Confine the noisiest operation of heavy construction equipment to the daylight hours.
- b. Require contractors to install and maintain exhaust mufflers on all combustion engine-powered equipment; and
- c. Establish a complaint response system at the construction manager's office to address noise complaints. Records of noise complaints during construction must be made available to authorized representatives of the Department of Energy upon request.

[Final Order V.A.2.1]

13.2. During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the Department within 15 days of receiving a complaint about noise from the facility. The notification should include the date the complaint was received, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint.

[Final Order V.A.2.2]

13.3. Upon written notification from the Department, the certificate holder will monitor and record the actual statistical noise levels during operations to verify that the certificate

holder is operating the facility in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the Department prior to implementation. The cost of such monitoring, if required, will be borne by the certificate holder.

[Final Order V.A.2.3]

## **14.0 MONITORING AND REPORTING REQUIREMENTS - GENERAL**

14.1. The following general monitoring conditions apply:

- a. The certificate holder shall consult with affected state agencies, local governments and tribes and shall develop specific monitoring programs for impacts to resources protected by the standards of divisions 22 and 24 of OAR Chapter 345 and resources addressed by applicable statutes, administrative rules and local ordinances. The certificate holder must submit the monitoring programs to the Department of Energy and receive Department approval before beginning construction or, as appropriate, operation of the facility.
- b. The certificate holder shall implement the approved monitoring programs described in OAR 345-027-0028(1) and monitoring programs required by permitting agencies and local governments.
- c. For each monitoring program described in OAR 345-027-0028(1) and (2), the certificate holder shall have quality assurance measures approved by the Department before beginning construction or, as appropriate, before beginning commercial operation.
- d. If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions.

[Final Order VI.2] [Mandatory Condition OAR 345-027-0028]

14.2. The certificate holder shall report according to the following requirements:

- a. General reporting obligation for energy facilities under construction or operating:
  - i. Within six months after beginning construction, and every six months thereafter during construction of the energy facility and related or supporting facilities, the certificate holder shall submit a semiannual construction progress report to the Department of Energy as described in OAR 345-026-0080(1)(a).

[AMD1]

- ii. By April 30 of each year after beginning operation, the certificate holder shall submit an annual report to the Department addressing the subjects listed in OAR 345-026-0080 (1)(b). The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date.  
[AMD1]
- iii. To the extent that information required by OAR 345-026-0080 is contained in reports the certificate holder submits to other state, federal or local agencies, the certificate holder may submit excerpts from such other reports to satisfy this rule. The Council reserves the right to request full copies of such excerpted reports.  
[Final Order VI.4] [Mandatory Condition OAR 345-026-0080] [AMD1]

14.3. The certificate holder and the Department of Energy shall exchange copies of all correspondence or summaries of correspondence related to compliance with statutes, rules and local ordinances on which the Council determined compliance, except for material withheld from public disclosure under state or federal law or under Council rules. The certificate holder may submit abstracts of reports in place of full reports; however, the certificate holder shall provide full copies of abstracted reports and any summarized correspondence at the request of the Department.  
[Final Order VI.5] [Mandatory Condition OAR 345-026-0105]

## **15.0 RETIREMENT AND FINANCIAL ASSURANCE**

15.1. Before beginning construction, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for Block 1 is \$7.884 million (in 3rd Quarter 2011 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition. The initial bond or letter of credit amount for the Carty Solar Farm and its supporting facilities is \$2.713 million (in 3rd Quarter 2016 dollars) to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition. The initial bond or letter of credit amount for the related or supporting facilities approved in Final Order on RFA2 is \$13.779 million (in 4<sup>th</sup> Quarter 2020 dollars) to be adjusted to the date of issuance and submitted within 60 days of execution of the Second Amended Site Certificate, and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition.

- a. The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility and turbine types selected by

applying the unit costs and general costs presented in Site Restoration Cost Estimate of the Final Order on ASC for Unit 1; Table 4 of the Final Order on RFA1 for Carty Solar Farm; and Table 2 of the Final Order on RFA2 for the approved related or supporting facilities. Any revision to the restoration costs should be adjusted to the date of issuance as described in (b), and is subject to review and approval by the Department.

- b. The certificate holder shall adjust the amount of the bond or letter of credit, using the following calculation and subject to approval by the Department.
  - i. Adjust the amount of the bond or letter of credit amount for Unit 1 (expressed in 3<sup>rd</sup> Quarter 2011 dollars), Carty Solar Farm (expressed in 3<sup>rd</sup> Quarter 2016 dollars) and related or supporting facilities approved in Final Order on RFA2 (expressed in 4<sup>th</sup> Quarter 2020 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency (the "Index") and using the index value and the quarterly index value applicable for Unit 1, Carty Solar Farm, and RFA2 facility components for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust the bond or letter of credit to present value.
  - ii. Round the resulting total to the nearest \$1,000 to determine the financial assurance amount.
- c. The certificate holder shall use a form of bond or letter of credit approved by the Council.
- d. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.
- e. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition VI.4.
- f. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

[Final Order IV.G.2.9] [Mandatory Condition OAR 345-025-0006(8)] [AMD1] [AMD2]

15.2. If the certificate holder elects to use a bond to meet the requirements of Condition 15.1, the certificate holder shall ensure that the surety is obligated to comply with the requirements of applicable statutes, Council rules and this site certificate when the surety exercises any legal or contractual right it may have to assume construction, operation or retirement of the energy facility. The certificate holder shall also ensure that the surety is obligated to notify the Council that it is exercising such rights and to obtain any Council approvals required by applicable statutes, Council rules and this site certificate before the surety commences any activity to complete construction, operate or retire the energy facility.

[Final Order IV.G.2.10]

15.3. The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.

[Final Order IV.G.2.5] [Mandatory Condition OAR 345-025-0006(7)]

15.4. The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, non-hazardous condition, as described in OAR 345-027-0110(5). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site.

[Final Order IV.G.2.6] [Mandatory Condition OAR 345-025-0006(9)]

15.5. The certificate holder is obligated to retire the facility upon permanent cessation of construction or operation. If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the Department to prepare a proposed final retirement plan for the Council's approval.

[Final Order IV.G.2.7] [Mandatory Condition OAR 345-025-0006(16)]

15.6. Upon the Council's approval of a final retirement plan prepared per Condition 15.5, the Council may draw on the bond or letter of credit submitted per the requirements of Condition 15.1 to restore the site to a useful, non-hazardous condition according to

the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any additional cost necessary to restore the site to a useful, non-hazardous condition. After completion of site restoration, the Council shall issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan.

[Final Order IV.G.2.8] [Mandatory Condition OAR 345-027-0020(16)]

15.7. Following receipt of the site certificate or an amended site certificate, the certificate holder shall implement a 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 VI.3] [Mandatory Condition OAR 345-026-0048]

## **SUCCESSORS AND ASSIGNS**

To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0100.

## **SEVERABILITY AND CONSTRUCTION**

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

## **GOVERNING LAW AND FORUM**

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

## EXECUTION

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

**IN WITNESS THEREOF**, this site certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, and by Portland General Electric Company.

**ENERGY FACILITY SITING COUNCIL**

**PORTLAND GENERAL ELECTRIC  
COMPANY**

By: \_\_\_\_\_

By: \_\_\_\_\_

| **Hanley Jenkins III Marcy Grail**, Chair  
Oregon Energy Facility Siting Council

Print: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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## **Attachment 6. Updated Property Owner List and Tax Lot Map**

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**Request for Amendment No. 3 to the Site Certificate for the Carty Generating Station**

**Property Owner List and Tax Lot Map**

<b>MapTaxlot</b>	<b>OWNER</b>	<b>Mail Address</b>	<b>Mail City</b>	<b>State</b>	<b>Zip Code</b>	<b>Full Address</b>
04N24E000000121	THREEMILE CANYON FARMS, LLC	75906 THREEMILE RD	BOARDMAN	OR	97818	75906 THREEMILE RD BOARDMAN OR, 97818
04N25E000001600	USA (DEPT OF NAVY)	3730 N CHARLES PORTER AVE	OAK HARBOR	WA	98278	3730 N CHARLES PORTER AVE OAK HARBOR WA, 98278
03N23E000000100	THREEMILE CANYON FARMS, LLC	75906 THREEMILE RD	BOARDMAN	OR	97818	75906 THREEMILE RD BOARDMAN OR, 97818
03N24E000000117	PORTLAND GENERAL ELECTRIC COMPANY ETAL	121 SW SALMON ST	PORTLAND	OR	97204	121 SW SALMON ST PORTLAND OR, 97204
03N24E000000104	PORTLAND GENERAL ELECTRIC COMPANY ETAL	121 SW SALMON ST	PORTLAND	OR	97204	121 SW SALMON ST PORTLAND OR, 97204
03N24E000000102	PORTLAND GENERAL ELECTRIC COMPANY ETAL	121 SW SALMON ST	PORTLAND	OR	97204	121 SW SALMON ST PORTLAND OR, 97204
03N24E000000115	PORTLAND GENERAL ELECTRIC COMPANY ETAL	121 SW SALMON ST	PORTLAND	OR	97204	121 SW SALMON ST PORTLAND OR, 97204
03N24E000000116	PORTLAND GENERAL ELECTRIC COMPANY ETAL	121 SW SALMON ST	PORTLAND	OR	97204	121 SW SALMON ST PORTLAND OR, 97204
03N24E000000113	PORTLAND GENERAL ELECTRIC	121 SW SALMON ST	PORTLAND	OR	97204	121 SW SALMON ST PORTLAND OR, 97204
03N24E000000101	PORTLAND GENERAL ELECTRIC	121 SW SALMON ST	PORTLAND	OR	97204	121 SW SALMON ST PORTLAND OR, 97204
03N24E000000112	THREEMILE CANYON FARMS, LLC	75906 THREEMILE RD	BOARDMAN	OR	97818	75906 THREEMILE RD BOARDMAN OR, 97818
03N25E000000100	USA (BOMBING RANGE)					
02N23E000000102	THREEMILE CANYON FARMS, LLC	75906 THREEMILE RD	BOARDMAN	OR	97818	75906 THREEMILE RD BOARDMAN OR, 97818
02N23E000000100	THREEMILE CANYON FARMS, LLC	75906 THREEMILE RD	BOARDMAN	OR	97818	75906 THREEMILE RD BOARDMAN OR, 97818
03N24E000000100	THREEMILE CANYON FARMS, LLC	75906 THREEMILE RD	BOARDMAN	OR	97818	75906 THREEMILE RD BOARDMAN OR, 97818
02N23E000002900	MILLER, APRIL, 1/2 & MILLER, LORI, 1/2	PO BOX 13519	ARLINGTON	TX	76094	PO BOX 13519 ARLINGTON TX, 76094
03N24E000000122	PORTLAND GENERAL ELECTRIC	121 SW SALMON ST	PORTLAND	OR	97204	121 SW SALMON ST PORTLAND OR, 97204
03N24E000000121	PORTLAND GENERAL ELECTRIC	121 SW SALMON ST	PORTLAND	OR	97204	121 SW SALMON ST PORTLAND OR, 97204

**Request for Amendment No. 3 to the Site Certificate for the Carty Generating Station**

**Property Owner List and Tax Lot Map**

<b>MapTaxlot</b>	<b>OWNER</b>	<b>Mail Address</b>	<b>Mail City</b>	<b>State</b>	<b>Zip Code</b>	<b>Full Address</b>
03N24E000000114	PORLAND GENERAL ELECTRIC COMPANY ETAL	121 SW SALMON ST	PORLAND	OR	97204	121 SW SALMON ST PORTLAND OR, 97204
03N24E000000100	THREEMILE CANYON FARMS, LLC	75906 THREEMILE RD	BOARDMAN	OR	97818	75906 THREEMILE RD BOARDMAN OR, 97818
02N24E000001400	IMMIGRANT LANE, LLC	64982 BAKER LN	IONE	OR	97843	64982 BAKER LN IONE OR, 97843
02N24E000001300	NUFERROUS, CATHERINE M	65444 IMMIGRANT LN	IONE	OR	97843	65444 IMMIGRANT LN IONE OR, 97843
02N24E000001100	HOLTZ, TIM & HOLTZ, DEBBIE	65151 TEWS LN	IONE	OR	97843	65151 TEWS LN IONE OR, 97843
02N24E000000600	CRAWFORD, KYLE ET AL	5645 HWY 201	ONTARIO	OR	97914	5645 HWY 201 ONTARIO OR, 97914
02N24E000000300	KLINGER, KENNETH MICHAEL	68280 IMMIGRANT LN	IONE	OR	97843	68280 IMMIGRANT LN IONE OR, 97843
02N24E000000302	PECK, MARILYN & MORGAN, GARY	13606 NE SISKIYOU CT	PORLAND	OR	97230	13606 NE SISKIYOU CT PORTLAND OR, 97230
02N24E000000200	ELLA RANCH, LLC	3588 NW LEHMAN PL	BEAVERTON	OR	97006	3588 NW LEHMAN PL BEAVERTON OR, 97006
02N24E000000102	PORLAND GENERAL ELECTRIC	121 SW SALMON ST	PORLAND	OR	97204	121 SW SALMON ST PORTLAND OR, 97204
02N24E000000105	PORLAND GENERAL ELECTRIC COMPANY ETAL	121 SW SALMON ST	PORLAND	OR	97204	121 SW SALMON ST PORTLAND OR, 97204
02N24E000000100	THREEMILE CANYON FARMS, LLC	75906 THREEMILE RD	BOARDMAN	OR	97818	75906 THREEMILE RD BOARDMAN OR, 97818
02N24E000000101	THREEMILE CANYON FARMS, LLC	75906 THREEMILE RD	BOARDMAN	OR	97818	75906 THREEMILE RD BOARDMAN OR, 97818
02N24E000000107	THREEMILE CANYON FARMS, LLC	75906 THREEMILE RD	BOARDMAN	OR	97818	75906 THREEMILE RD BOARDMAN OR, 97818
02N24E000000103	PORLAND GENERAL ELECTRIC	121 SW SALMON ST	PORLAND	OR	97204	121 SW SALMON ST PORTLAND OR, 97204
02N24E000000700	ELLA RANCH, LLC	3588 NW LEHMAN PL	BEAVERTON	OR	97006	3588 NW LEHMAN PL BEAVERTON OR, 97006
02N25E000000701	ELLA RANCH, LLC	3588 NW LEHMAN PL	BEAVERTON	OR	97006	3588 NW LEHMAN PL BEAVERTON OR, 97006
02N25E000000200	USA (BOMBING RANGE)					

**Request for Amendment No. 3 to the Site Certificate for the Carty Generating Station**

**Property Owner List and Tax Lot Map**

<b>MapTaxlot</b>	<b>OWNER</b>	<b>Mail Address</b>	<b>Mail City</b>	<b>State</b>	<b>Zip Code</b>	<b>Full Address</b>
02N24E000000106	PORLAND GENERAL ELECTRIC	121 SW SALMON ST	PORLAND	OR	97204	121 SW SALMON ST PORLAND OR, 97204
02N24E000000701	ELLA RANCH, LLC	3588 NW LEHMAN PL	BEAVERTON	OR	97006	3588 NW LEHMAN PL BEAVERTON OR, 97006

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**Carty  
Generating Station**  
**Attachment 6**  
**Figure 1**  
**Taxlots  
Index Map**

MORROW COUNTY, OR

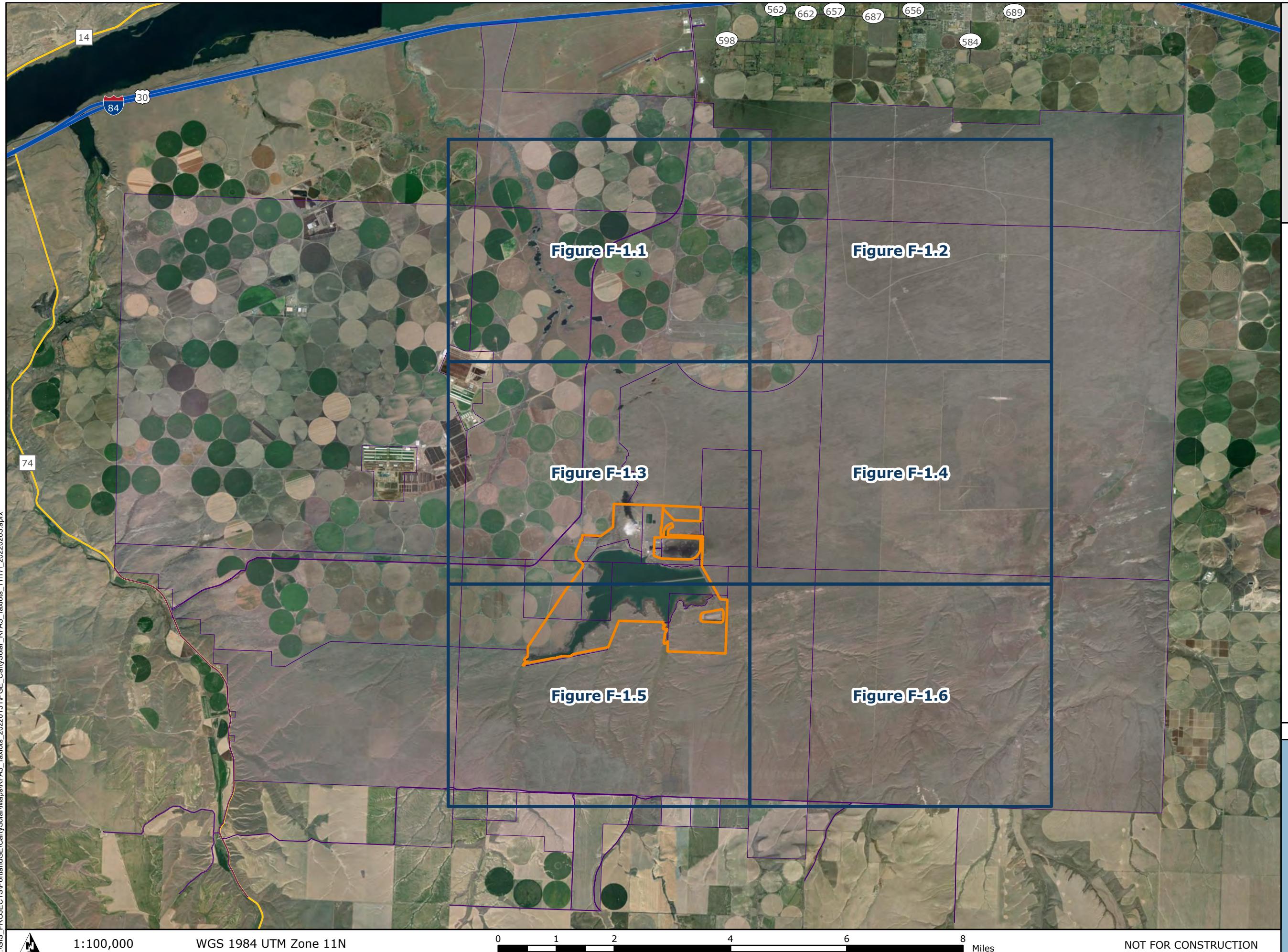
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- Subject to Request for Amendment 3
- Interstate Highway
- US Highway
- State Highway
- County Highway
- Grid Index
- Taxlot Boundary\*

\*Data obtained from Morrow County on January 31, 2022



TETRA TECH

Reference Map



**Carty  
Generating Station**

**Attachment 6  
Figure 1.1  
Taxlots**

**MORROW COUNTY, OR**

Site Boundary Area  
Subject to Request for  
Amendment 3  
Taxlot Boundary\*

\*Data obtained from Morrow  
County on January 31, 2022



**TETRA TECH**

**PGE**

**Reference Map**

**Figure 1.1** **Figure 1.2**  
**Figure 1.3** **Figure 1.4**  
**Figure 1.5** **Figure 1.6**

**Carty  
Generating Station**

**Attachment 6  
Figure 1.2  
Taxlots**

**MORROW COUNTY, OR**

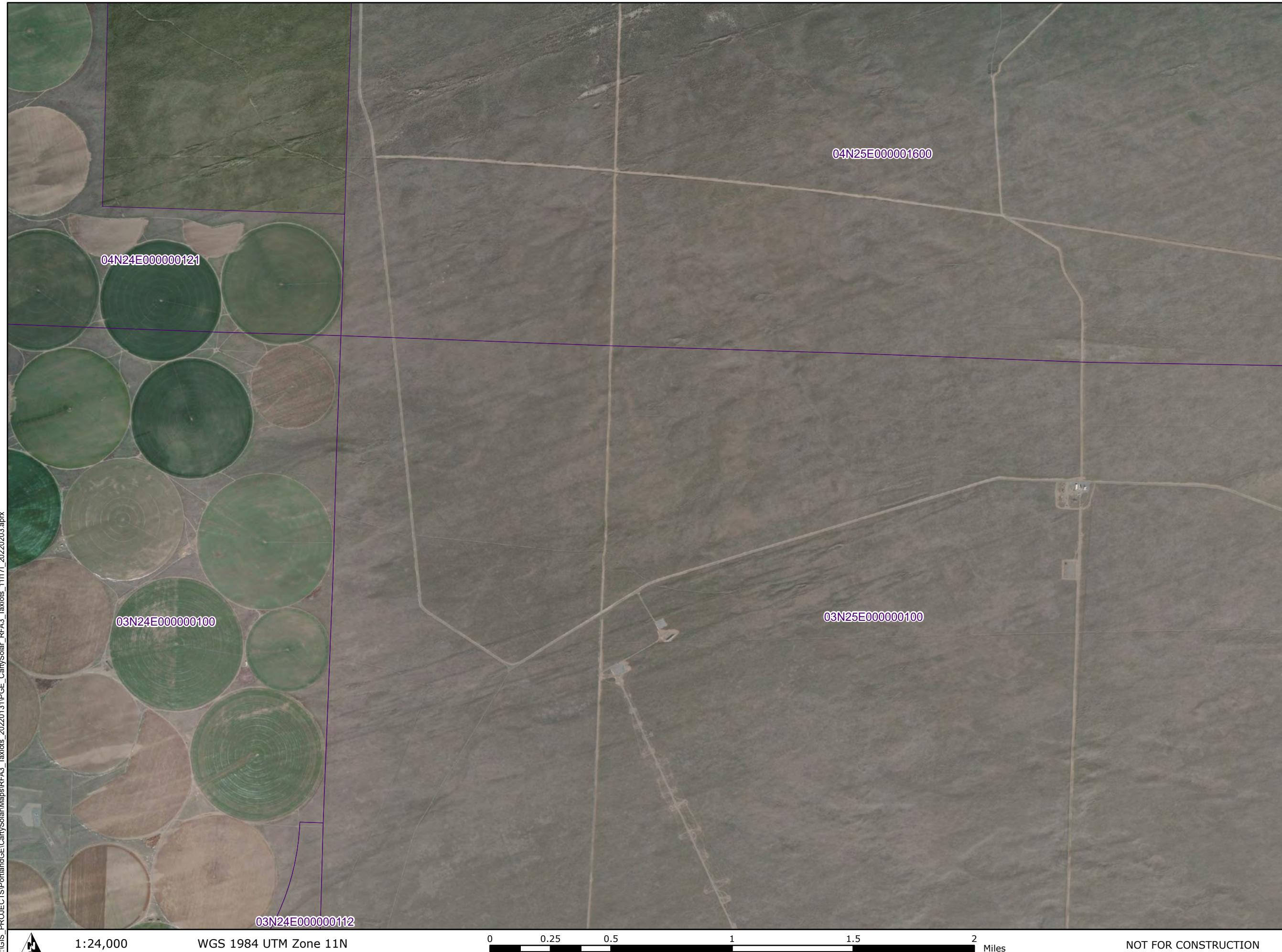
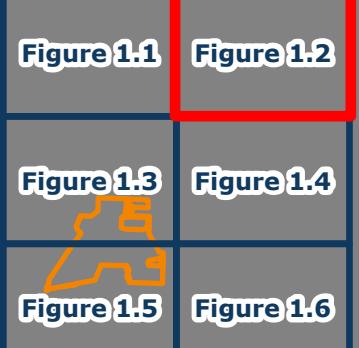
Site Boundary Area  
Subject to Request for  
Amendment 3  
Taxlot Boundary\*

\*Data obtained from Morrow  
County on January 31, 2022

 TETRA TECH

 PGE

Reference Map



**Carty  
Generating Station**

**Attachment 6  
Figure 1.3  
Taxlots**

**MORROW COUNTY, OR**

Site Boundary Area  
Subject to Request for  
Amendment 3  
Taxlot Boundary\*

\*Data obtained from Morrow  
County on January 31, 2022

 TETRA TECH

 PGE

Reference Map

Figure 1.1  Figure 1.2  
Figure 1.3  Figure 1.4  
Figure 1.5  Figure 1.6



**Carty  
Generating Station**

**Attachment 6  
Figure 1.4  
Taxlots**

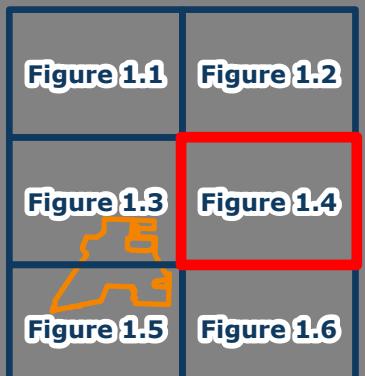
**MORROW COUNTY, OR**

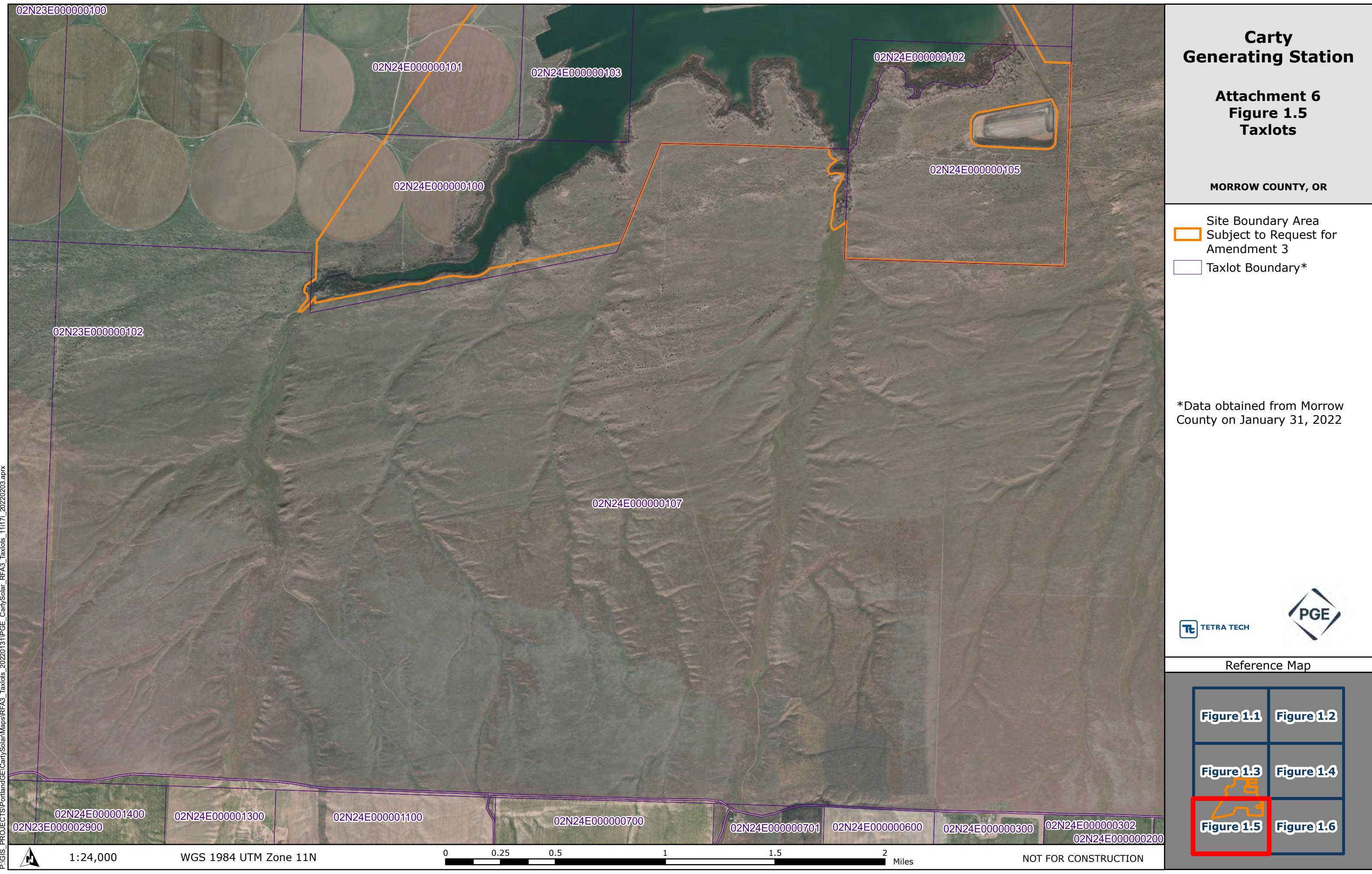
Site Boundary Area  
Subject to Request for  
Amendment 3  
Taxlot Boundary\*

\*Data obtained from Morrow  
County on January 31, 2022



Reference Map





**Carty  
Generating Station**

**Attachment 6  
Figure 1.6  
Taxlots**

**MORROW COUNTY, OR**

Site Boundary Area  
Subject to Request for  
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 TETRA TECH

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Reference Map

Figure 1.1    Figure 1.2  
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