

**ENERGY FACILITY SITING COUNCIL
OF THE
STATE OF OREGON**

**Site Certificate for the
West End Solar Project**

**ISSUE DATE
March 24, 2023**

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1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (EFSC or Council), and EE West End Solar, LLC (certificate holder), a wholly owned subsidiary of Eurus Energy America Corporation (parent company). Both the State and certificate holder must abide by local ordinances, state law, and the rules of the Council in effect on the date this site certificate is executed. However, 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)). As authorized under Oregon Revised Statute (ORS) Chapter 469, the Council issues this site certificate authorizing the certificate holder to construct, operate, and retire the West End Solar Project (facility) within the below described approved site boundary in Umatilla County, subject to the conditions set forth 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)). 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. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals 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)).

This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or 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 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).

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0110 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order, incorporated herein by this reference: 1) *Final Order on the Application for Site Certificate for the West End Solar Project* issued on March 24, 2023 (hereafter, *Final Order on the ASC*) 2) the record of the proceedings that led to the Final Order on the ASC.

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

2.0 Facility Location, Site Boundary and Micrositing Areas

The approved facility site is located in Umatilla County, Oregon, approximately 1 mile east of the city limits of Hermiston, Oregon and 1 mile north of the city limits of Stanfield, Oregon, as presented in Attachment 1, Figure 1: *Facility Regional Location*. The approved site boundary includes approximately 324 acres of private land zoned as exclusive farm use (EFU).¹

A micrositing corridor, by definition, means a continuous area of land within which construction of facility components may occur, subject to site certificate conditions.² Micrositing corridors or areas are intended to allow some flexibility in specific component locations and design in response to site-specific conditions and engineering requirements to be determined prior to

¹ As defined in OAR 345-001-0010, “site boundary” means the perimeter of the site of a proposed energy facility and its related or supporting facilities, all temporary laydown and staging areas and all corridors proposed by the applicant; “site” means all land upon which an energy facility and its related or supporting facilities is located or proposed to be located.¹ After Council approves a Final Order on an application for site certificate and issues a site certificate, the “proposed facility” becomes the approved facility or facility.

² OAR 345-001-0010(32)

construction. The approved 324-acre site boundary is considered a “micrositing area”.

3.0 Facility Description

The approved facility is a solar photovoltaic (PV) energy generation facility and related or supporting facilities³ with an approved nominal and average generating capacity of up to 99 megawatts (MW). The facility would be contained within a 6 to 10-foot-tall chain link perimeter fence.

The facility is approved to install approximately 180,000 solar modules (using either mono- or poly-crystalline cells contained within antireflective glass panels) that would be connected in series to form long rows connected via electrical cables as “Strings”. The solar module strings would be mounted on single-axis tracker systems that rotate the modules to follow the path of the sun throughout the day. The modules on posts and trackers would be approximately 16 feet in height when tilted on the single-axis tracking system.

The tracker system would be supported by approximately 33,000 steel posts, which could be round hollow posts or pile-type posts (i.e., H-pile, C-pile, S-pile) or helical. The type of post and post depth may vary depending on soil conditions, but the posts would typically be installed 4 to 8 feet below grade, and protrude 4 to 7 feet above grade. Posts at the end of tracker rows are usually installed to greater depth to withstand wind uplift. In some soil conditions, concrete backfill would be required for each post.

The approximate dimensions and specifications of energy facility and related or supporting facility components approved to be constructed and operated are presented in Table 1 below. The final design of the energy facility and related or supporting facility components must substantially comply with these dimensions and specifications. Final facility design must be substantially similar to the design/technical specifications presented in Table 1.

Table 1 : Facility Component Summary

Component and Design Standard	No.	Unit
Solar Components		
Solar micrositing area	324	acres
PV Solar Modules		
Approx. Total number	180,000	modules
Max Height at full-tilt	16	feet
Posts		
Approx. Total number	33,000	posts
Inverters/Transformer Units		
Approx. Total number	25	
Noise level, per unit	88	dBA

³ OAR 345-001-0010(21) and – (50)

Table 1 : Facility Component Summary

Component and Design Standard	No.	Unit
Transformer oil-containing capacity	550	gallons
Related or Supporting Facility Components		
34.5 kV Collection System		
Collector line length, belowground	15	miles
Perimeter Fence		
Length	15,400	Linear feet
Height	10	feet
Roads		
New road (length, width)	3.4; 12-20	Miles, feet
Grid-Interconnect		
No. of Structures	2	
Structure type, height	Utility pole, 30	feet
Battery Energy Storage System (Lithium-ion)		
Approx. total batteries	70	MW
Approx. total containers	200	
Approx. container dimensions	8 x 10 x 10	H x W x L, feet
HVAC noise level, per unit	98	dBA at 6 feet
Substations/Switchyard		
Switchyard	1	
No. of substations	1	
No. of main power transformers	2	
Transformer oil-containing capacity	15,000	gallons
Transformer noise level	102	dBA
O&M Enclosure		
Size	20 x 600	Height x width
Buildings	Dry storage shed, workspace, storage area	

Related or Supporting facility components would include:

- Battery storage system
- 34.5 kV electrical collector lines
- Collector substation
- Switchyard substation
- Supervisory Control and Data Acquisition (SCADA) System
- Operations and Maintenance (O&M) Enclosure
- Security fencing and gates
- Site Access and service roads
- Construction staging areas

Battery Storage System

The battery storage system is approved to include up to 70 MW of lithium-ion energy storage system (ESS) technology, and is comprised of following elements:

- A thermal management system designed and sized so heat generated could be removed ensuring the batteries operate in an environment that does not exceed the operational temperature range defined by the battery manufacturer.
- Temperature, current, voltage, and humidity sensors which provide a real time information of the conditions inside the enclosures.
- Fire Safety System (FSS) which monitors heat, and smoke, and provides dedicated annunciation/alarming in the event a fire condition is detected, automatically returns the system to a standby mode and if necessary automatically deploys an appropriate suppression agent.
- Designed so that if an internal fire occurs, it can impede flames from moving to adjacent enclosures or the environment.
- Equipped with proper safety labels and signages for the safety of site personnel. The enclosure will be electrically touch safe and grounded.

The ESS is designed as up to 200 modular energy storage units or enclosures (roughly 8 feet wide, 10 feet long, and 10 feet high), located on a gravel surface, that could be linked together to form an energy storage string. The ESS is approved to either be centrally located at the substation, or distributed throughout the site boundary around the solar array. If centrally located, the ESS would be include additional 6 to 8-foot-high wire mesh fencing around its perimeter. Smaller step-up transformers (located at the enclosures) would have an oil containment system to minimize the possibility of accidental leakage. An emergency stop button on the external wall of the energy storage system enclosures would allow on-site personnel to activate an emergency stop. However, the battery storage units would also be remotely controlled, including shut off abilities.

34.5-kV Collector Line System

The facility is approved to include approximately 79,200 feet (approximately 15 miles) of belowground 34.5 kV collector lines that carry power from the switchgear to the approved substation. The 34.5 kV collector lines would be buried to an approximate depth of three feet, likely adjacent to access roads. The collector line system and substation would have redundant surge arrestors to deactivate the facility components during unusual operational events that could start fires.

Collector Substation

The collector substation would combine and step up the voltage of energy generated by the solar arrays to the transmission voltage via main power transformer. The substation includes

three open-air isolation switches, a 34.5-kV main bus open-air isolation switch, the step-up transformer, and a circuit breaker and open-air isolation switch. The substation would also include protective relay and metering equipment; utility and customer revenue metering; a station service transformer (which provides power to the substation and substation control house); and redundant surge arrestors to deactivate the operation of the facility during unusual operational events that could start fires.

The main power transformer would use approximately 15,000 gallons of non-polychlorinated biphenyl oil. The main power transformer would be ground-mounted, constructed on concrete or gravel pads, and would feature secondary spill containment traps to minimize the possibility of accidental leakage.

The substation would be up to 30 feet in height and sited on approximately 15 acres of graveled area, together with the O&M enclosure. The Substation and O&M enclosure would be fenced and likely located on the eastern edge of the site boundary. The fencing would consist of 6 to 8-foot-high wire mesh.

Switchyard Substation

The switchyard substation would be up to 30 feet tall, and constructed adjacent the collector substation, in a separately fenced and graveled area. The switchyard substation would have similar equipment as the collector substation described above, including a control house, however instead of a main power transformer the switchyard would include other small transformers for service power and meters. The switchyard substation would also have interconnection facilities including two utility poles that would support the electric line that connects the Switchyard to the existing transmission line. The switchyard substation may be constructed, owned, and operated by the utility that operates the transmission line that the facility interconnects with (e.g., Umatilla Electric Cooperative, Bonneville Power Administration, or PacifiCorp).

Supervisory Control and Data Acquisition (SCADA) System

A Supervisory Control and Data Acquisition (SCADA) system would be installed to collect operating and performance data from the solar array and would allow remote operation of the facility. Smoke/fire detectors would be placed around the site that will be tied to the SCADA System and would contact local firefighting services. Fiber optic cables for the SCADA system operation would be installed with the 34.5 kV collector line system.

Operations and Maintenance (O&M) Enclosure

The O&M enclosure would consist of a single, 20-foot-tall, 600-square-foot, dry-storage shed located within the collector substation graveled area. The O&M building would include a workspace and storage area. Restroom facilities for employee sanitation would be provided by

portable-toilets and a hand-washing station, while operational required water will be trucked in from offsite sources and bottled water.

The O&M enclosure may store small quantities of lubricants, degreasers, herbicides, or other chemicals. During construction, on-site fuel storage (i.e. for backup generators, etc.) may be placed in designated areas within construction staging areas. Any tank, container or drum of oil, diesel or chemical, equal to or greater than 55 gallons would:

- Include secondary containment of at least 110% of the volume of the primary container;
- Include spill response equipment;
- Site security to control access to equipment and property.

Security Fencing and Gates

The facility is approved to include approximately 3 miles (15,400 linear feet) of 6 to 10-foot chain-link perimeter fencing. The substation, switchyard, and centralized battery enclosure configuration would each be fenced in with additional 6 to 8-foot-high wire mesh fencing. The perimeter fencing features vehicle and pedestrian access gates with locks, with the primary access point likely on the eastern edge of the site boundary, off of S. Edwards Road. A five-foot wide, noncombustible, defensible space clearance along the fenced perimeter of the site boundary would be maintained to protect from fire hazards.

Site Access and Service Roads

The facility's main access point off of S. Edwards Road would require a new driveway off of S. Edwards Road, which would meet that applicable design standards designated by Umatilla County Development Code (UCDC). Approximately 3.4 miles of newly constructed roads would be graded and graveled to meet load requirements for all equipment. Road cross sections would consist of 6 inches of compacted gravel supported on 6 inches of compacted native dirt. Access roads within the solar array site would be approximately 12 feet to 20 feet wide, depending on location, with an internal turning radius of up to 28 feet. These roads would have less than a 10 percent grade, or a similar profile, depending on exact siting which would maintain safety standards as well as help maintain erosion and sediment control. Vegetation would be cleared and maintained along perimeter roads to provide a vegetation clearance for fire safety.

Construction Staging Areas

During construction, temporary staging areas would be used within the fenced site boundary to support construction and store supplies and equipment. The staging areas would consist of a crushed gravel surface and would be considered a permanent impact.

4.0 Facility Development

4.1 Construction

Construction of the facility is anticipated to take 9-12 months, and shall commence on or before March 24, 2026. Construction shall be completed within 24 months after construction commencement. Upon commencement, construction activities would employ an average of 300 people and a maximum of 500 people during peak summer months, and would require up to 400 round trips and 800 one-way trips for daily worker vehicle trips, and up to 45 round trips and 90 one-way trips per day for delivery vehicles.

Construction-related activities include:

- Clearing and grubbing of vegetation in construction staging areas, solar array, and new access roads
- Grading of access roads, substation and O&M areas
- Site preparation including stockpiling soils for later use, and decompaction performed as needed prior to final grading for site revegetation, gravel placement or foundation installation
- Delivery of construction equipment, and facility components and materials (All construction vehicles would be limited to 20 miles per hour on all facility access roads)

If the facility is constructed in phases, in accordance with ORS 469.300(6), preconstruction conditions, if specified, may be satisfied for the applicable phase, facility component or for the facility, as applicable, based on final design and configuration.

4.2 Operations and Maintenance

The estimated life of the facility is 30 years. The facility would be remotely operated except for routine maintenance and facility repair activities. Repair activities would require approximately two to five workers to be deployed to the facility site. O&M activities would include routine inspections of the battery storage, transformers, and other electrical equipment, vegetation management, solar panel washing, and changing the lithium-ion batteries and solar panels. Operational water may be trucked in and stored in a water tank or trucked in for specific uses.

Inspections of the inverters, transformers, and battery system would be conducted according to the manufacturer's recommendations, which are assumed to be monthly inspections. Vegetation and weed management in areas not graveled, including under the solar arrays, would be implemented through manual, mechanical or chemical (i.e., herbicide) control measures. The solar panels may need to be washed up to twice per year and wash water would be applied via tanker truck without any cleaning solvents added to the water so it may be absorbed into the ground after application. The lithium-ion batteries would need to be changed

approximately every 10 years or two to three times throughout the life of the facility. The following procedures would be implemented for the battery replacement:

- Facility operator would disconnect and de-energy battery systems prior to removal from the installed racks and package the batteries for transport to a licensed recycling facility.
- At the recycling facility, the qualified contractor would dismantle the battery modules and prepare individual cells for metals recovery.
- Individual cells would be processed in a furnace to recover metals. Recovered metals may include aluminum, calcium, lithium, and a metal alloy comprising cobalt, copper, nickel, and iron.
- Recovered metals would be recycled or separated to recover individual metals where economically viable.

Solar modules and electrical equipment would need to be repaired or replaced over the lifetime of the facility. Solar panels that are nonfunctional or are retired would be recycled to the maximum extent feasible.

4.3 Retirement

Retirement of the facility must adhere to the requirement under OAR 345-027-0110 and OAR 345-025-0006(9). The description provided below is intended to address OAR 345-025-0006(3)(a), but is not intended to conflict with the previously mentioned rule requirements.

Retirement and decommissioning activities of the facility and site begins with disconnecting all electrical equipment disassembling equipment and components such and the battery storage units, solar panels and transformers. Larger containers and equipment would be removed, trucked off-site and recycled and disposed of. None of these materials are considered hazardous. Solar panels would be disconnected, and piles would be removed including the excavation of any concrete foundations. Gravel and foundations from the inverters and transformers, O&M structure, substations, and switching station would be removed by trenching and excavation a minimum depth of 3 feet below grade. The facility site would then be restored through minimal grading and revegetation with plants or seed mix consistent with the Draft Noxious Weed Plan (Attachment P-4 of the Final Order) or landowner interests.

Any hazardous material would be handled by a qualified contractor and adhere to applicable regulations for transport and disposal, including but not limited to 49 Code of Federal Regulations 173.159. The decommissioning of the ESS, if used, would involve disposing of battery components at an off-site facility approved for disposal or recycling of batteries, following the same process as replaced batteries during operations.

Solar panels would be recycled to the greatest extent feasible at the time of facility retirement and solar panels not recycled would be disposed of at a certified disposal site or program for solar panels.

5.0 Site Certificate Conditions

5.1 Condition Format

The conditions in Sections 5.2 through 5.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.).⁴ The table below presents a “key” for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

5.2 General (GEN) Conditions: Design, Construction and Operations

Condition Number	General (GEN) Conditions
<i>STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]</i>	
GEN-GS-01	<p>The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate.</p> <ol style="list-style-type: none"> Construction of the facility, facility component or phase, shall commence on or before March 24, 2026. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline by satisfying applicable preconstruction conditions and completing at least \$250,000 work at the site. Construction of the facility shall be completed within 24-months after the construction commencement date. Within 7 days of construction completion, the certificate holder shall provide the Department written verification that it has met the construction completion deadline. <p>[Mandatory Condition OAR 345-025-0006(4), General Standard of Review Condition 1]</p>

⁴ The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

Condition Number	General (GEN) Conditions
GEN-GS-02	<p>The certificate holder shall design, construct, operate and retire the facility:</p> <ul style="list-style-type: none"> a. Substantially as described in the site certificate; b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and c. In compliance with all applicable permit requirements of other state agencies. <p>[Mandatory Condition OAR 345-025-0006(3), General Standard of Review Condition 3]</p>
GEN-GS-03	<p>If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility or any phase of 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.</p> <p>[Mandatory Condition OAR 345-025-0006(6), General Standard of Review Condition 5]</p>
GEN-GS-04	<p>Before any transfer of ownership of the facility, any phase of the facility, or ownership of the site certificate holder, the certificate holder shall inform the Department of the proposed new owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate.</p> <p>[Mandatory Condition OAR 345-025-0006(15), General Standard of Review Condition 7]</p>
GEN-GS-05	<p>The certificate holder shall:</p> <ul style="list-style-type: none"> a. Design, construct and operate electrical infrastructure in accordance with the requirements of the National Electrical Safety Code as approved by the American National Standards Institute; and b. The certificate holder shall 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. c. Design the battery storage system in accordance with the requirements of the National Fire Protection Association’s (NFPA) 855: Standard for the Installation of Stationary Energy Storage Systems (NFPA, 2020) or most current version. <p>[Site Specific Condition OAR 345-025-0010(4), General Standard of Review Condition 8]</p>
GEN-GS-06	<p>Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable</p>

Condition Number	General (GEN) Conditions
	<p>or combustible material resulting from clearing of land and construction of the facility. [Mandatory Condition OAR 345-025-0006(11), General Standard of Review Condition 6]</p>
STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]	
GEN-OE-01	<p>Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder. [Organizational Expertise Condition 1]</p>
GEN-OE-02	<p>The certificate holder must notify the Department within 72 hours of any occurrence of the following:</p> <ol style="list-style-type: none"> a. There is an attempt by anyone to interfere with the facility’s safe operation. b. There is a significant nature event such as a fire, earthquake, flood, tsunami or tornado, or human-caused event such as a fire or explosion. c. There is any fatal injury at the facility. <p>[OAR 345-026-0170, Organizational Expertise Condition 2]</p>
GEN-OE-03	<p>The certificate holder shall, as soon as reasonably possible:</p> <ol style="list-style-type: none"> a. Report incidents or circumstances that may violate the terms or conditions of the site certificate, terms or conditions of any order of the Council, or the terms or conditions of any order issued under OAR 345-027-0230, to the Department. In the report to the Department, the certificate holder shall provide all pertinent facts including an estimate of how long the conditions or circumstances existed, how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit; b. Initiate and complete appropriate action to correct the conditions or circumstances and to minimize the possibility of recurrence; c. Submit a written report within 30 days of discovery to the Department. The report must refer to the language in (d) of the condition and contain: <ol style="list-style-type: none"> i. A discussion of the cause of the reported conditions or circumstances; ii. The date of discovery of the conditions or circumstances by the responsible party; iii. A description of immediate actions taken to correct the reported conditions or circumstances; iv. A description of actions taken or planned to minimize the possibility of recurrence; and v. For conditions or circumstances that may violate the terms or conditions of a site certificate, an assessment of the impact on the resources considered under the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the reported conditions or circumstances.

Condition Number	General (GEN) Conditions
	<p>d. Upon receipt of the written report in sub(c) of this condition, the Department may review the facility record for incidents or circumstances reported or reportable under sub(a) related to public health and safety, the environment, or other resources protected under Council standards. If these incidences are determined by the Department to impact the adequacy of the facility decommissioning cost, the Department or Council may adjust the contingencies identified in Final Order on ASC Table 4 and shall request and receive an updated bond or letter of credit from certificate holder in the adjusted amount.</p> <p>[OAR 345-029-0010, Organizational Expertise Condition 3]</p>
GEN-OE-04	<p>The certificate holder shall contractually require its third-party contractor used to transport and dispose battery and battery waste to comply with all applicable federal regulations and manufacturer recommendations related to the transport and handling of battery related waste.</p> <p>[Organizational Expertise Condition 9]</p>
GEN-OE-05	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> a. Provide to the Department a list of federal, state and local permits, including any third-party permits related to facility siting; and a schedule for obtaining identified permits. b. Once obtained, certificate holder shall provide copies of all permits, including third-party permits, required for facility siting to the Department. <p>[Organizational Expertise Condition 10]</p>
STANDARD: Structural Standard (SS) [OAR 345-022-0020]	
GEN-SS-01	<p>The certificate holder shall design, engineer and construct facility components based on Site Class (soils-related category) determined through the site-specific geotechnical investigation (PRE-SS-01), as reviewed and approved by the Department in consultation with its third-party consultant or DOGAMI.</p> <p>[Structural Standard Condition 2]</p>
GEN-SS-02	<p>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.</p> <p>[Mandatory Condition OAR 345-025-0006(12), Structural Standard Condition 3]</p>
GEN-SS-03	<p>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. After the Department</p>

Condition Number	General (GEN) Conditions
	receives the 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. [Mandatory Condition OAR 345-025-0006(13), Structural Standard Condition 4]
GEN-SS-04	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. [Mandatory Condition OAR 345-025-0006(14), Structural Standard Condition 5]
STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]	
GEN-RF-01	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. [Mandatory Condition OAR 345-025-0006(7), Retirement and Financial Assurance Condition 1]
STANDARD: Historic, Cultural and Archeological Resources (HC) [OAR 345-022-0090]	
GEN-HC-01	During construction and ground disturbing operational activities, implement the final Inadvertent Discovery Plan. [Historic, Cultural, and Archaeological Resources Condition 2]
STANDARD: Waste Minimization (WM) [OAR 345-022-0120]	
GEN-WM-01	The certificate holder shall develop and implement plans that are likely to minimize the generation of solid waste and wastewater during construction and operation of the facility, and which would result in reuse and recycling solid waste and wastewater. [Waste Minimization Condition 1]

5.3 Pre-Construction (PRE) Conditions

Condition Number	Preconstruction (PRE) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
PRE-GS-01	Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, 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

Condition Number	Preconstruction (PRE) Conditions
	<p>in construction activities. For the transmission line associated with the energy facility if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and the certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line occurs during the certificate holder’s negotiations to acquire construction rights on another part of the site.</p> <p>[Mandatory Condition OAR 345-025-0006(5), General Standard of Review Condition 4]</p>
PRE-GS-02	<p>At least 90 days prior to beginning construction, (unless otherwise agreed to by the Department), the certificate holder shall submit to the Department a compliance plan documenting and demonstrating actions completed or to be completed to satisfy the requirements of all site certificate terms and conditions and applicable statutes and rules. The plan shall be provided to the Department for review and compliance determination for each requirement. The Department may request additional information or evaluation deemed necessary to demonstrate compliance.</p> <p>[OAR 345-026-0048, General Standard of Review Condition 9]</p>
<p>STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]</p>	
PRE-OE-01	<p>Prior to construction, the certificate holder shall select a construction contractor with a low rate of historic environmental and safety compliance citations. Certificate holder shall provide the following documentation to the Department:</p> <ul style="list-style-type: none"> a. Qualifications and contact information of the of the major design, engineering and construction contractor(s) and subcontractors, as applicable. b. Construction contractor compliance history. c. Contract excerpt affirming that contractors are required to comply with the terms and conditions of the site certificate, including selecting design layout and construction materials that minimize impacts to resources protected under Council standards. <p>[Organizational Expertise Condition 4]</p>
PRE-OE-02	<p>Prior to construction, the certificate holder shall provide to the Department the qualifications and contact information of the certificate holder’s construction manager.</p> <p>[Organizational Expertise Condition 5]</p>
<p>STANDARD: Structural Standard (SS) [OAR 345-022-0020]</p>	
PRE-SS-01	<p>Before beginning construction, the certificate holder shall submit a site-specific geotechnical investigation report, consistent with the Oregon State Board of Geologist Examiners Guideline for Preparing Engineering Geologic Reports, or newer guidelines if available to the Department, for review in consultation with its third-party consultant or DOGAMI. The site specific geotechnical investigation report shall include information on any potentially active faults within the site boundary, soil characteristic</p>

Condition Number	Preconstruction (PRE) Conditions
	and Site Class determination, and include a site-specific seismic hazards assessment to inform Site Class design. [Structural Standard Condition 1]
STANDARD: Soil Protection (SP) [OAR 345-022-0022]	
PRE-SP-01	Prior to construction, the certificate holder shall submit for review and approval to the Department, in consultation with ODEQ, the Erosion Sediment Control Measures to be implemented during construction, consistent with the measures included in Attachment I-1 of the Final Order on the ASC. Components of the plan to be finalized shall take into consideration site specific information obtained during the preconstruction geotechnical investigation, and the final facility design. [Soil Protection Condition 1]
PRE-SP-02	Prior to construction, the certificate holder shall prepare and submit to the Department a construction Spill Prevention Control and Countermeasure Plan (SPCC), based on the draft SPCC Plan outline included in Attachment B-2 of the Final Order on the ASC. [Soil Protection Condition 4]
STANDARD: Land Use (LU) [OAR 345-022-0030]	
PRE-LU-01	Prior to construction of facility structures, as applicable, subject to the Council’s jurisdiction and authority pursuant to ORS 469.504(1), the certificate holder shall obtain conditional use permits and zoning permits issued by the Planning Director, per affected tax lot, from Umatilla County Planning Department; copies of permits shall be provided to the Department. [Land Use Condition 1]
PRE-LU-02	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall submit to the Department and Umatilla County a site plan that adheres to the following development standards: <ul style="list-style-type: none"> a. For the property line parallel to S. Edwards Road and Canal Road, facility structures shall be set back 60 feet from the centerline of the road or 30 feet to the property line, whichever is greater. This setback does not apply to the perimeter fence. b. On the north and south sides of the site boundary, facility structures shall be setback a minimum of 5 feet from the property line. This setback does not apply to underground collector lines or internal access roads. c. On the interior boundary between the two adjacent properties within the site boundary, facility structures shall be set back a minimum of 5 feet from the property line. This setback does not apply to underground collector lines or internal access roads. [Land Use Condition 2]
PRE-LU-03	Prior to submission of a zoning permit application to Umatilla County for the driveway off of S. Edwards Road, the certificate holder shall submit to Umatilla County, and the Department, the final design of the driveway in compliance with the following:

Condition Number	Preconstruction (PRE) Conditions
	<ul style="list-style-type: none"> a. Construction materials shall be similar, or the same, as S. Edwards Road. b. Driveway shall extend at least 25 feet back from the edge of the existing travel lane surface of S. Edwards Road. c. Driveway shall include a minimum 10 foot vision clearance area (triangular area on the lot at the intersection of driveway and S. Edwards Road). <p>[Land Use Condition 3]</p>
PRE-LU-04	<p>Prior to submission of a zoning permit application for the facility, facility component or phase, the certificate holder shall submit to Umatilla County, and the Department, the final site plan of the facility demonstrating that:</p> <ul style="list-style-type: none"> a. Perimeter fence will include a minimum 10 foot vision clearance area (triangular area on the lot to any offsite roadway intersections). b. Perimeter fence complies with Oregon Uniform Building Code requirements. <p>[Land Use Condition 4]</p>
PRE-LU-05	<p>Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall:</p> <ul style="list-style-type: none"> a. Provide evidence to the Department of coordination with landowners of active agricultural operations on property adjacent to the site boundary on construction schedule, including site preparation and grading activities, road construction and heavy equipment and worker traffic periods. b. Provide to the Department a site preparation and grading plan, based on final facility design, that includes phased levels of disturbance as necessary based on landowner consultation and availability of dust and erosion control measures. <p>[Land Use Condition 7]</p>
PRE-LU-06	<p>Prior to construction, the certificate holder shall complete all applicable preconstruction requirements established in the Noxious Weed Plan (Attachment P-4 of the Final Order on the ASC).</p> <p>[Land Use Condition 9]</p>
PRE-LU-07	<p>Prior to construction, the certificate holder shall provide to the Department final facility design/layout maps that include at least a 10-foot setback of the southern perimeter fenceline to the pivot irrigation operation on taxlot 4N29000000300.</p> <p>[Land Use Condition 12]</p>
STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]	
PRE-RF-01	<p>Before beginning construction of the facility or a facility component, 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 total bond or letter of credit amount for the facility is \$5.7 million dollars (Q3 2022 dollars), to be adjusted to the effective date, and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition:</p> <ul style="list-style-type: none"> a. The certificate holder may adjust the amount of the bond or letter of credit based on the design configuration of the facility, or any phase of the facility, by applying the unit costs presented in Table 4 of the Final Order on the ASC, and

Condition Number	Preconstruction (PRE) Conditions
	<p>the contingencies illustrated in Table 4 of the Final Order on the ASC and may further make adjustments based on unit costs for task and actions presented in ASC Exhibit X Attachment X-1. Any revision to the restoration costs should be adjusted to the effective date as described in (b). Any modification to the unit costs presented in Table 4 of the Final Order on the ASC are subject to review and approval by the Council. The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to ensure that costs to restore the site are adequate to maintain health and safety of the public and environment.</p> <ul style="list-style-type: none"> b. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation: <ul style="list-style-type: none"> i. Adjust the amount of the bond or letter of credit (expressed in Q3 2022 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 and using the third quarter 2022 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust third quarter 2022 dollars to present value. ii. Round the result total to the nearest \$1,000 to determine the financial assurance amount. c. The financial institution issuing of the bond or letter of credit must be on the Council’s pre-approved financial institution list. The bond or letter of credit form approved by the Council is included as Attachment X-1 to the Final Order on ASC,. <p>[Mandatory Condition OAR 345-025-0006(8), Retirement and Financial Assurance Condition 4]</p>
STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]	
PRE-FW-01	<p>Prior to construction, the certificate holder shall:</p> <ul style="list-style-type: none"> a. Calculate the size of the habitat mitigation area (HMA) for permanent habitat impacts, based on final facility design. The calculation must be based on the ratios and methods presented in the Final Order on the ASC and provided to the Department for review and approval. b. Provide evidence to the Department demonstrating that an agreement of outright purchase, conservation easement or similar conveyance has been executed for the enhancement and protection of the HMA under the requirements of the Habitat Mitigation Plan, to extend for the life of the facility. c. Submit a final Habitat Mitigation Plan to the Department for review and approval, substantially similar to the draft plan provided in Attachment P-5 of the Final Order on the ASC.

Condition Number	Preconstruction (PRE) Conditions
	[Fish and Wildlife Habitat Condition 1]
PRE-FW-02	<p>Prior to construction, the certificate holder shall provide evidence to the Department that the design measures included in the Wildlife Monitoring and Adaptive Management Plan (Attachment P-3 of the Final Order on the ASC) have been included in the final facility design and construction contractor contracts, as applicable.</p> <p>[Fish and Wildlife Habitat Condition 3]</p>
STANDARD: Threatened and Endangered Species (TE) [OAR 345-022-0070]	
PRE-TE-01	<p>Prior to construction of the facility, facility component or phase, as applicable, that would occur within suitable Washington Ground Squirrel (WGS) habitat:</p> <ol style="list-style-type: none"> a. The certificate holder must conduct protocol-level WGS surveys within 1000 feet of any ground disturbing activity, where accessible. Where suitable WGS habitat is not accessible (e.g., on adjacent properties where access is not granted) an assessment must be conducted from accessible areas and based on desktop sources using methods similar to those used during the pre-application assessment, which was conducted consistent with ODFW recommendations. b. Suitable WGS habitat can be defined as any terrestrial habitat that has not been developed e.g. active agricultural lands, paved roads), particularly shrub-steppe and grassland habitats. Protocol-level surveys include two sets of surveys at least two weeks apart, in the active squirrel season (March 1 to May 31), in suitable habitat that is contiguous with areas of ground disturbing activity (e.g., excluding areas across a paved road from ground disturbance). Protocol-level surveys are valid for three (3) years. If construction does not commence the year following the protocol-level survey, any active burrows or colonies shall be checked prior to the year of construction to evaluate any changes that may occur in the location and delineation of Category 1 and 2 habitat. c. The certificate holder shall submit the WGS Survey Report to the Department and ODFW. The certificate holder shall clearly identify whether WGS were observed or colonies and burrows were identified, and include a facility layout map demonstrating how temporary and permanent impacts to WGS and WGS habitat will be avoided (i.e., Category 1 habitat associated with WGS colonies and burrows) will be avoided. <p>[Threatened and Endangered Species Condition 1]</p>
STANDARD: Historic, Cultural and Archeological Resources (HC) [OAR 345-022-0090]	
PRE-HC-01	<p>Prior to construction of the facility, facility component or phase, submit to the Department an Inadvertent Discovery Plan (based on Attachment S-3 of Final Order on ASC), finalized with current contact information for the coordination protocol (3).</p> <p>[Historic, Cultural, and Archaeological Resources Condition 1]</p>
STANDARD: Public Services (PS) [OAR 345-022-0100]	
PRE-PS-01	<p>Prior to construction of the facility, or facility component, as applicable, the certificate holder shall:</p>

Condition Number	Preconstruction (PRE) Conditions
	<ul style="list-style-type: none"> a. Based on final design, finalize, identify, and provide maps of all public roads used for construction, road names, locations, and road conditions and include in Final Traffic Management Plan identified in (b) and (c). b. Submit executed road use agreements between Umatilla County and the certificate holder or its contractor. Any Final Traffic Management Plan that is part of the road use agreements shall include, at a minimum, the provisions designated in Section II of Attachment U-1 of the Final Order on ASC. c. If a Final Traffic Management Plan designated in sub (a) is not included in road use agreements executed with Umatilla County, then submit a Final Traffic Management Plan. A copy of the Final Traffic Management Plan shall be provided to the Department and Umatilla County Public Works Department. The Construction Traffic Management Plan shall, at a minimum, include the provisions in Section II of Attachment U-1 of the Final Order on ASC. d. Submit to the Department, any ODOT permits obtained by the certificate holder, its third-party contractors or subcontractors including but not limited to Oversize Load Movement Permit/Load Registration, Permit to Occupy or Perform Operations Upon a State Highway, and/or an Access Management Permit. e. Submit to the Department, any county permits obtained by the certificate holder, its third-party contractors or subcontractors including but not limited to utility crossing permit and road approach permit. <p>[Public Services Condition 1]</p>
PRE-PS-02	<p>If prior to construction, the Oregon Department of Aviation’s (ODA) Determinations for the facility expire, the certificate holder shall:</p> <ul style="list-style-type: none"> a. First, submit to and receive responses from the ODA of 7460-1 Notice of Proposed Construction or Alteration Forms for all aboveground facility components. The certificate holder shall provide copies of ODA’s responses, which must be consistent with ORS 836.535(2), to the Department. Certificate holder shall respond to ODA recommendations, if applicable. b. Second, once ODA responses on the 7460-1 forms are received and if the FAA determinations have expired, submit to and receive determinations from the Federal Aviation Administration (FAA) for all aboveground facility components. The certificate holder shall provide copies of FAA determinations to the Department. c. Within 5-days of construction, certificate holder shall submit 7460-2 forms to FAA and ODA and shall report both timing of submission and any results to the Department. <p>[Public Services Condition 3]</p>
STANDARD: Wildfire Prevention and Risk Mitigation (WF) [OAR 345-022-0115]	
PRE-WF-01	<p>Prior to construction of the facility, facility components or phase, as applicable, the certificate holder shall submit to the Department and the Umatilla County Fire District</p>

Condition Number	Preconstruction (PRE) Conditions
	<p>#1 (UCFD #1), a Final Construction Emergency Management and Wildfire Mitigation Plan (EMWMP) which includes the applicable measures provided in the Draft Emergency Management and Wildfire Mitigation Plan (EMWMP) (Attachment V-1 of the Final Order on ASC).</p> <p>[Wildfire Prevention and Risk Mitigation Condition 1]</p>
<p>STANDARD: Noise Control Regulations (NC) [OAR 340-035-0035]</p>	
PRE-NC-01	<p>Prior to construction, the certificate holder shall provide to the Department:</p> <ul style="list-style-type: none"> a. Final facility layout; and number, type and noise level (dBA) of all noise generating equipment. Identify differences in equipment noise level (dBA), based on manufacturer specifications, compared to noise levels presented in ASC Exhibit Y. If there are difference in equipment noise level (dBA), certificate holder shall provide an updated acoustic modeling results, if determined necessary by the Department. The certificate holder may rely on ambient noise measurements included in ASC Exhibit Y or may obtain updated ambient noise measurements, if measurement locations and protocol are approved by the Department. b. If the final design of the facility includes distributed battery storage, provide an acoustic modeling analysis using manufacturer based noise levels (dBA) that demonstrates compliance with the ambient degradation standard and maximum allowable noise standards. The certificate holder may rely on ambient noise measurements included in ASC Exhibit Y or may obtain updated ambient noise measurements, if measurement locations and protocol are approved by the Department. <p>[Noise Control Condition 1]</p>
<p>STANDARD: Water Rights (WR) [ORS 537, 540 and 690]</p>	
PRE-WR-01	<p>Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall:</p> <ul style="list-style-type: none"> a. Identify all water-related needs and estimate daily and annual water demand for each construction phase, as applicable. b. Provide excerpts of agreements or other similar conveyance from the water-providing entity to the Department demonstrating that construction activities will be adequately and legally served by service providers or third-party permits. <p>[Water Rights Condition 1]</p>

5.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]	
CON-OE-01	<p>During construction, the certificate holder shall:</p> <ol style="list-style-type: none"> a. Maintain an onsite construction manager. b. Require that the construction manager implement and monitor all applicable construction related site certificate conditions. c. 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. In each construction progress report, the certificate holder shall describe any significant changes to major milestones for construction. The certificate holder shall report on the progress of construction and shall address the following: <ol style="list-style-type: none"> i. Facility Status: An overview of site conditions, the status of facilities under construction and a summary of the operating experience of facilities that are in operation. The certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility. ii. Status of Surety Information: Documentation demonstrating that bonds or letters of credit as described in the site certificate are in full force and effect and will remain in full force and effect for the term of the next reporting period. iii. Compliance Report: A report describing the certificate holder’s compliance with all site certificate conditions that are applicable during the reporting period. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate. iv. Facility Modification Report: A summary of changes to the facility that the certificate holder has made during the reporting period without an amendment of the site certificate in accordance with OAR 345-027-0050. [OAR 345-026-0080(1)(a)] <p>[OAR 345-026-0080(1)(a), General Standard of Review Condition 10, Organizational Expertise Condition 6]</p>
STANDARD: Soil Protection (SP) [OAR 345-022-0022]	
CON-SP-01	<p>During construction, the certificate holder shall conduct all work in compliance with the final Erosion Sediment Control Measures approved in Condition PRE-SP-01, as modified by the Department, as necessary.</p> <p>[Soil Protection Condition 2]</p>

Condition Number	Construction (CON) Conditions
CON-SP-02	<p>During construction, the certificate holder shall conduct all work in compliance with the final construction SPCC Plan. Certificate holder shall report spill and cleanup activities to the Department within 72 hours and shall make inspection records available to the Department upon request.</p> <p>[Soil Protection Condition 5]</p>
STANDARD: Land Use (LU) [OAR 345-022-0030]	
CON-LU-01	<p>During construction of the facility, facility component or phase, as applicable, the certificate holder shall:</p> <ol style="list-style-type: none"> a. Adhere to the site preparation and grading plan and any necessary phased levels of disturbance to minimize dust and erosion impacts to adjacent farm practices. b. Ensure adequate dust and erosion control measures are onsite prior to and during any grading and other ground disturbing activities. c. Adhere to the requirements of the Traffic Management Plan under Public Services Condition 1. <p>[Land Use Condition 8]</p>
CON-LU-02	<p>During construction, the certificate holder shall implement and adhere to the requirements of the Noxious Weed Plan (Attachment P-4 of the Final Order on the ASC or as approved to be amended by the Department).</p> <p>[Land Use Condition 10]</p>
STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]	
CON-FW-01	<p>During construction, the certificate holder shall adhere to the requirements of the Wildlife Monitoring and Adaptive Management Plan (Attachment P-3 of the Final Order on the ASC). Monitoring records shall be maintained throughout construction and included in the semi-annual report submitted to the Department pursuant to OAR 345-026-0080.</p> <p>[Fish and Wildlife Habitat Condition 4]</p>
STANDARD: Threatened and Endangered Species (TE) [OAR 345-022-0070]	
CON-TE-01	<p>If the WGS surveys required under Threatened and Endangered Species Condition 1 identify Category 1 WGS habitat (buffer extending 785-feet around each active burrow, excluding areas not suitable for WGS foraging or burrow establishment) or Category 2 WGS habitat (buffer extending 4,136-feet from the delineated Category 1 habitat, excluding areas of habitat types not suitable for WGS foraging or burrow establishment), during construction of the facility, facility component or phase, the certificate holder shall:</p> <ol style="list-style-type: none"> a. Map, flag and avoid delineated Category 1 WGS habitat. b. Check the location of active burrow or colonies in subsequent years of construction to evaluate any changes that may occur in the location and delineation of Category 1 habitat. <p>[Threatened and Endangered Species Condition 2]</p>

Condition Number	Construction (CON) Conditions
CON-TE-02	Prior to and during construction of the facility, facility component or phase, as applicable, the certificate holder shall avoid via mapping and flagging, based on a 100 foot buffer (unless otherwise reviewed and approved by the Department and ODA), any incidentally identified occurrence(s) of Lawrence’s milkvetch. [Threatened and Endangered Species Condition 3]
STANDARD: Public Services (PS) [OAR 345-022-0100]	
CON-PS-01	During construction of the facility, or facility component, the certificate holder shall ensure that construction contractors adhere to the requirements of the Final Traffic Management Plan. [Public Services Condition 2]
STANDARD: Water Rights (WR) [ORS 537, 540 and 690]	
CON-WR-01	During construction of the facility, facility component or phase, as applicable, if a water right, limited water use license or water rights transfer is needed and would not be obtained by a third-party, submit and obtain approval of the applicable water permit through the site certificate amendment process. [Water Rights Condition 2]

5.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]	
PRO-OE-01	Prior to operation, the certificate holder shall provide to the Department the qualifications and contact information of the individuals responsible for monitoring facility operations, including individuals or third-party entity responsible for onsite maintenance. [Organizational Expertise Condition 7]
STANDARD: Soil Protection (SP) [OAR 345-022-0022]	
PRO-SP-01	Prior to operation, the certificate holder shall submit to the Department a final copy of an Operational Spill Prevention Control and Countermeasures Plan (SPCC Plan). [Soil Protection Condition 7]
STANDARD: Land Use (LU) [OAR 345-022-0030]	
PRO-LU-01	Prior to operations, the certificate holder, and underlying landowners on whose property the solar facility components are located, shall record in the real property records of Umatilla County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland. Copies of the recorded covenants shall be provided to the Department. [Land Use Condition 5]
PRO-LU-02	Prior to operation, the certificate holder shall provide to the Department:

Condition Number	Pre-Operational (PRO) Conditions
	<ul style="list-style-type: none"> a. An executed interconnection agreement with Umatilla Electric Cooperative, Bonneville Power Administration or PacifiCorp demonstrating that the facility has an interconnection agreement for the life of the facility, to one of the existing transmission lines, as presented in the Site Certificate, Figure 1. b. An executed shared use agreement with Umatilla Electric Cooperative, Bonneville Power Administration or PacifiCorp (third-party) for shared use of the switchyard substation. <ul style="list-style-type: none"> i. If the third-party proposes to substantially modify the shared switchyard substation, certificate holder shall submit an amendment determination request to obtain a determination from the Department on whether a site certificate amendment is required or request for site certificate amendment to account for any significant change in the decommissioning amount required under Retirement and Financial Assurance Condition 4. <p>[Land Use Condition 6]</p>
STANDARD: Public Services (PS) [OAR 345-022-0100]	
PRO-PS-01	<p>Prior to operation the certificate holder shall contact the Umatilla County Fire District #1 (UDFD #1) to schedule an on-site orientation to review facility layout and safety procedures. In its annual report required under General Standard of Review Condition 10, the certificate holder shall indicate the date that the training will occur or occurred.</p> <p>[Public Services Condition 4]</p>
STANDARD: Wildfire Prevention and Risk Mitigation (WF) [OAR 345-022-0115]	
PRO-WF-01	<p>Prior to operation of the facility and based upon final design, the certificate holder shall submit to the Department and the Umatilla County Fire District #1 (UCFD #1), an Operational Emergency Management and Wildfire Mitigation Plan (EMWMP) which includes the applicable measures provided in the Draft Emergency Management and Wildfire Mitigation Plan (EMWMP) (Attachment V-1 of the Final Order on ASC).</p> <p>[Wildfire Prevention and Risk Mitigation Condition 2]</p>
STANDARD: Noise Control Regulations (NC) [OAR 340-035-0035]	
PRO-NC-01	<p>Prior to operation, the certificate holder shall:</p> <ul style="list-style-type: none"> a. Identify a facility contact that will receive, track and respond to noise complaints during facility operations. b. Send to Noise Sensitive Receptors (NSRs) identified in ASC Exhibit Y Table Y-9, information about the facility, facility operational noise levels and the process for filing a noise complaint to facility operational personnel, as identified in (a) of the condition. <p>[Noise Control Condition 2]</p>

5.6 Operational (OPR) Conditions

Condition Number	Operational (OPR) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
OPR-GS-01	<p>The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility or any phase 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 identify the outer boundaries that contain all parts of the facility.</p> <p>[Mandatory Condition OAR 345-025-0006(2), General Standard of Review Condition 2]</p>
OPR-GS-02	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> a. ... b. After January 1 but no later than April 30 of each year after beginning operation of the facility, the certificate holder shall submit an annual report to the Department addressing the following for the calendar year preceding the date of the report: <ol style="list-style-type: none"> i. Facility Status: An overview of site conditions, the status of facilities under construction and a summary of the operating experience of facilities that are in operation. The certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility. ii. Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems. iii. Status of Surety Information: Documentation demonstrating that bonds or letters of credit as described in the site certificate are in full force and effect and will remain in full force and effect for the term of the next reporting period. iv. Monitoring Report: A list and description of all significant monitoring and mitigation activities performed during the previous year in accordance with site certificate terms and conditions, a summary of the results of those activities and a discussion of any significant changes to any monitoring or mitigation program, including the reason for any such changes. v. Compliance Report: A report describing the certificate holder’s compliance with all site certificate conditions that are applicable during the reporting period. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.

Condition Number	Operational (OPR) Conditions
	<p>vi. Facility Modification Report: A summary of changes to the facility that the certificate holder has made during the reporting period without an amendment of the site certificate in accordance with OAR 345-027-0350. [OAR 345-026-0080, General Standard of Review Condition 10(b)]</p>
STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]	
OPR-OE-01	<p>During operations, the certificate holder shall maintain records of operations and maintenance activities and shall make available for Department review upon request. [Organizational Expertise Condition 8]</p>
STANDARD: Soil Protection (SP) [OAR 345-022-0022]	
OPR-SP-01	<p>During operation, the certificate holder shall conduct all work in compliance with the final Erosion Sediment Control Measures approved in Soil Protection Condition 1, as applicable, and as modified by the Department, as necessary. [Soil Protection Condition 3]</p>
OPR-SP-02	<p>During facility operation, if solar panel washing is planned to occur, the use of chemicals, soaps, detergents and heated water is prohibited, unless Chemical Safety Data Sheets for low volatile organic compound/biodegradable cleaning chemicals and solvents are submitted to the Department for review and approval. Pressure washing is allowed, so long as it does not remove paint or other finishes. [Soil Protection Condition 6]</p>
OPR-SP-03	<p>During operations, the certificate holder shall submit any updates of the SPCC Plan in the annual report to the Department. Operational activities shall adhere to the requirements of the SPCC Plan. Certificate holder shall report spill and cleanup activities to the Department within 72 hours and shall make inspection records available to the Department upon request. [Soil Protection Condition 8]</p>
STANDARD: Land Use (LU) [OAR 345-022-0030]	
OPR-LU-01	<p>During operation, the certificate holder shall implement and adhere to the applicable requirements of the Noxious Weed Plan (Attachment P-4 of the Final Order on the ASC or as approved to be amended by the Department). [Land Use Condition 11]</p>
STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]	
OPR-FW-01	<p>During operation, the certificate holder shall implement and adhere to the requirements of the Habitat Mitigation Plan, as approved per Fish and Wildlife Condition 1. [Fish and Wildlife Habitat Condition 2]</p>
OPR-FW-02	<p>During operation, the certificate holder shall adhere to the requirements of the Wildlife Monitoring and Adaptive Management Plan (Attachment P-3 of the Final Order on the ASC). Monitoring records shall be maintained throughout operation and included in the annual report submitted to the Department pursuant to OAR 345-026-0080.</p>

Condition Number	Operational (OPR) Conditions
	[Fish and Wildlife Habitat Condition 5]
STANDARD: Public Services (PS) [OAR 345-022-0100]	
OPR-PS-01	<p>Annually during operation the certificate holder shall contact the Umatilla County Fire District #1 (UDFD #1) to offer an on-site training to review facility layout and safety procedures. In its annual report required under General Standard of Review Condition 10, the certificate holder shall indicate the dates that they contacted UDFD #1 and offered training, and any trainings scheduled or already conducted.</p> <p>[Public Services Condition 5]</p>
STANDARD: Wildfire Prevention and Risk Mitigation (WF) [OAR 345-022-0115]	
OPR-WF-01	<p>During operation of the facility the certificate holder shall:</p> <ol style="list-style-type: none"> a. Implement the Operational Emergency Management and Wildfire Mitigation Plan (EMWMP) submitted under Wildfire Prevention and Risk Mitigation Condition 2. b. Every 5 years after the first operational year, review and update the evaluation of wildfire risk under OAR 345-022-0115(1)(b) and submit the results in the annual report required under General Standard of Review Condition 10 for that year. c. Submit an updated EMWMP to the Department and the Umatilla County Fire District #1 (UCFD #1) if substantive changes are made to the EMWMP as a result of the review under sub (b) of this condition, or at any other time substantiative revisions are made to the EMWMP. <p>[Wildfire Prevention and Risk Mitigation Condition 3]</p>
STANDARD: Waste Minimization (WM) [OAR 345-022-0120]	
OPR-WM-01	<p>In the annual report required under OPR-GS-02, the certificate holder shall include results of its waste management and recycling plans, including but not limited to:</p> <ol style="list-style-type: none"> a. Quantities of solar panels and lithium-ion batteries recycled or disposed of. b. Identification of the availability of programs or licensed facilities that recycle solar panels and lithium-ion batteries and their capacity to accept materials. Identification of final recycling destination facility or program for recycled solar panels and lithium-ion batteries. c. If recycling programs or facilities are not available, the identification of final disposal destination facility or program for disposed solar panels and lithium-ion batteries and their capacity to accept waste. <p>[Waste Minimization Condition 2]</p>
STANDARD: Noise Control Regulations (NC) [OAR 340-035-0035]	
OPR-NC-01	<p>During operations, the certificate holder track and respond to any noise complaints received. Certificate holder shall notify the Department within three working days of receiving a noise complaint related to the facility and shall identify the date the certificate holder received the complaint, the nature of the complaint, the complainant's contact information, the location of the affected property, and any</p>

Condition Number	Operational (OPR) Conditions
	<p>actions taken, or planned to be taken, by the certificate holder to address the complaint.</p> <p>[Noise Control Condition 3]</p>

5.7 Retirement (RET) Conditions

Condition Number	Retirement (RET) Conditions
STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]	
RET-RF-01	<p>The certificate holder shall retire the facility if the certificate holder permanently ceases construction or operation of the facility. The certificate holder shall retire the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, nonhazardous condition at the time of retirement, notwithstanding the Council’s approval in the site certificate of an estimated amount required to restore the site.</p> <p>[Mandatory Condition OAR 345-025-0006(9), Retirement and Financial Assurance Condition 2]</p>
RET-RF-02	<p>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. Upon the Council’s approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-025-0006(8) to restore the site to a useful, nonhazardous 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, nonhazardous 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.</p> <p>[Mandatory Condition OAR 345-025-0006(16), Retirement and Financial Assurance Condition 3]</p>

6.0 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 345-027-0400.

7.0 Severability and Construction

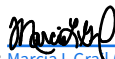
If any provision of this agreement and certificate is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and conditions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement and certificate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

8.0 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 the Energy Facility Siting Council and EE West End Solar, LLC (certificate holder).


ENERGY FACILITY SITING COUNCIL

By: 
By: [Marcia L. Grail \(Mar 29, 2023 17:36 PDT\)](#)

Marcia L. Grail, Chair

Date: 29-Mar-2023

EE West End Solar, LLC

By: 
By: [hidenori Mitsuoka \(Mar 29, 2023 14:57 PDT\)](#)

Authorized Representative

Date: 29-Mar-2023

ATTACHMENT 1: Facility Location Map Sets

Figure 1: Facility Regional Location

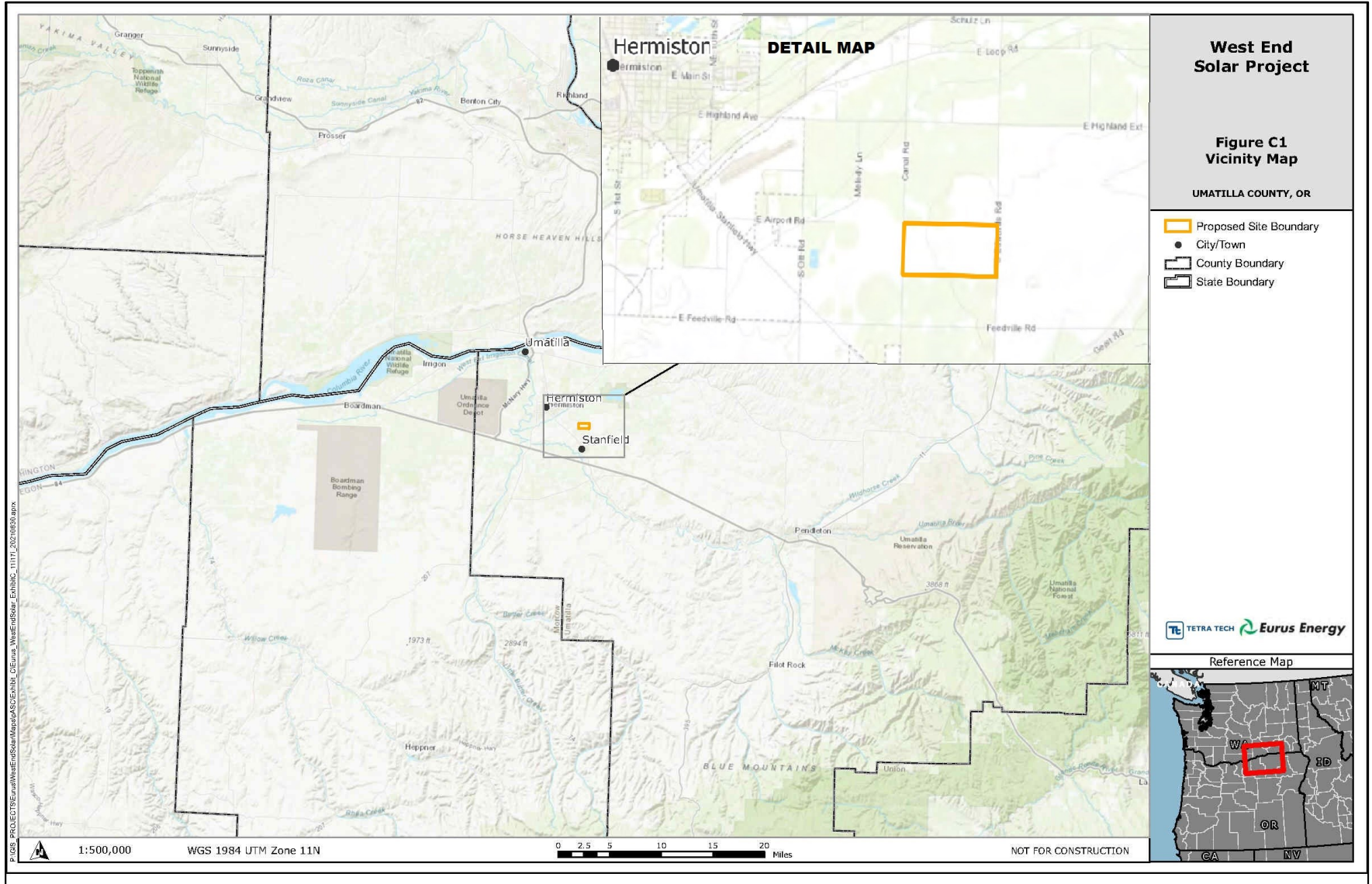
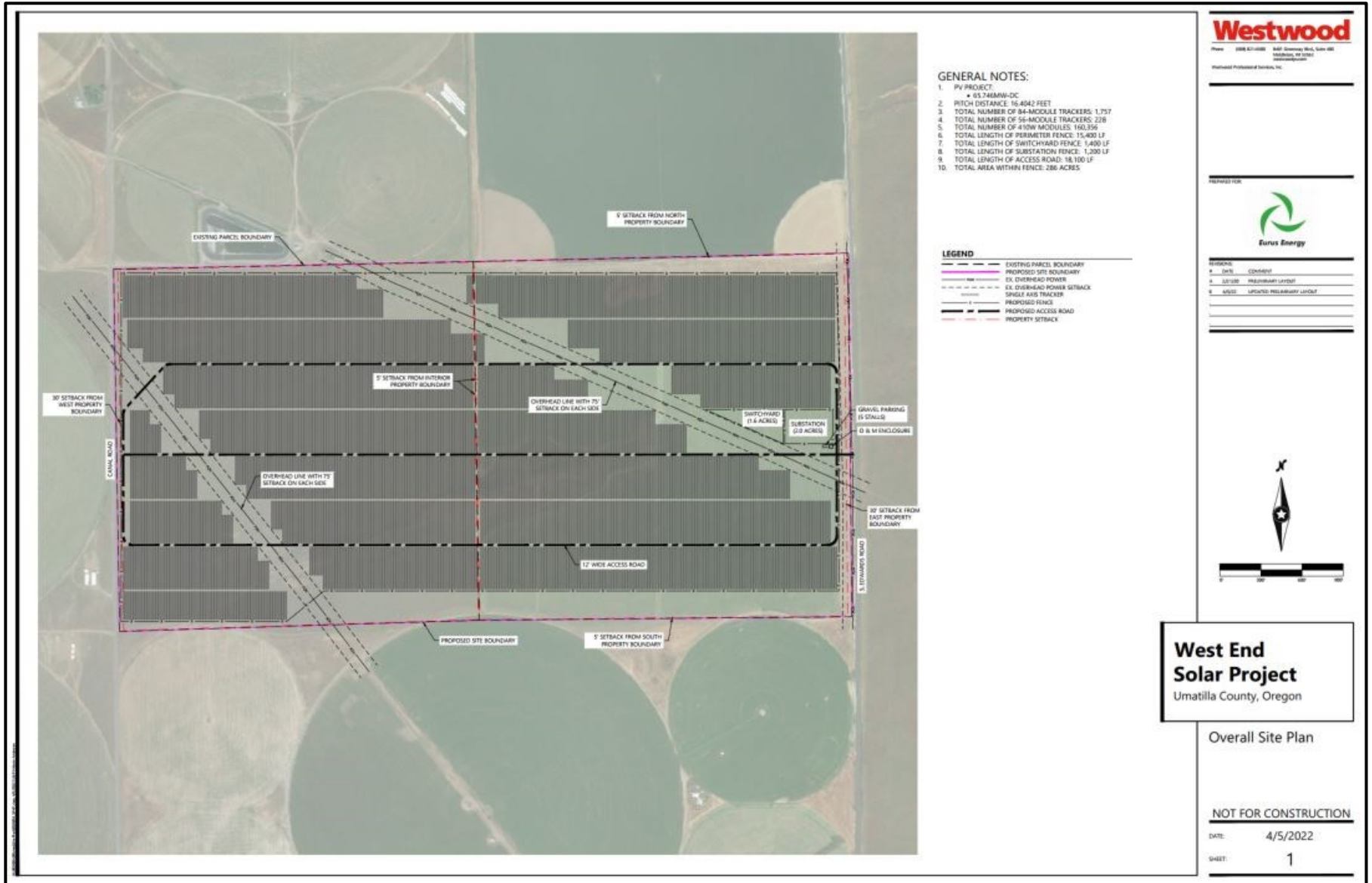


Figure 2: Facility Site Plan







West End Solar - Request for Signature on Site Certificate

Final Audit Report

2023-03-30

Created:	2023-03-29
By:	Energy Siting (Energy.Siting@Oregon.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAzBITA9t6fR7y6aw4ghgCtiI4pPKBR3NW

"West End Solar - Request for Signature on Site Certificate" History

-  Document created by Energy Siting (Energy.Siting@Oregon.gov)
2023-03-29 - 3:50:27 PM GMT- IP address: 67.189.90.239
-  Document emailed to hmitsuoka@eurusenergy.com for signature
2023-03-29 - 3:53:22 PM GMT
-  Email viewed by hmitsuoka@eurusenergy.com
2023-03-29 - 8:21:10 PM GMT- IP address: 172.226.54.8
-  Signer hmitsuoka@eurusenergy.com entered name at signing as hidenori Mitsuoka
2023-03-29 - 9:57:36 PM GMT- IP address: 221.187.216.72
-  Document e-signed by hidenori Mitsuoka (hmitsuoka@eurusenergy.com)
Signature Date: 2023-03-29 - 9:57:38 PM GMT - Time Source: server- IP address: 221.187.216.72
-  Document emailed to marcy@ibew125.com for signature
2023-03-29 - 9:57:39 PM GMT
-  Email viewed by marcy@ibew125.com
2023-03-29 - 10:17:45 PM GMT- IP address: 104.28.111.136
-  Signer marcy@ibew125.com entered name at signing as Marcia L Grail
2023-03-30 - 0:36:23 AM GMT- IP address: 166.216.158.203
-  Document e-signed by Marcia L Grail (marcy@ibew125.com)
Signature Date: 2023-03-30 - 0:36:25 AM GMT - Time Source: server- IP address: 166.216.158.203
-  Agreement completed.
2023-03-30 - 0:36:25 AM GMT



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