

THERMAL POWER PLANT
SITE CERTIFICATE
FOR THE
COYOTE SPRINGS COGENERATION PROJECT

This site certificate for the Coyote Springs Cogeneration Project (CSCP) is issued and executed in the manner provided by ORS Chapter 469, as amended by 1993 Public Laws ch. 569 (SB 1016), by and between the State of Oregon (State) acting by and through its Energy Facility Siting Council (EFSC) and Portland General Electric Company (PGE), an Oregon corporation.

I. SITE CERTIFICATION

A. To the extent authorized by State law and subject to those warranties and conditions set forth herein, the State approves and authorizes the construction, operation and retirement by PGE of a natural gas-fired combustion turbine energy facility, together with related or supporting facilities, at the site near Boardman, Oregon, in the manner described in PGE's application for site certificate. "Facility", as used in this site certificate, consists of the energy facility and the related or supporting facilities described in PGE's application for site certificate, except where otherwise stated or where the context clearly indicates otherwise. The findings of facts, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in EFSC's final order, which by this reference is incorporated herein. Subject to the conditions herein, this certificate binds the State and all counties, cities and political subdivisions in this State as to the approval of the site and the construction, operation and retirement of the facility, as to matters that are included in and governed by this site certificate.

B. Each affected state agency, county, city and political subdivision with authority to issue a permit, license or other approval with respect to matters included in or governed by this site certificate shall, upon submission by PGE of the proper application and payment of the proper fees, issue such permit, license or other approval without hearing or other proceeding, subject only to

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conditions set forth in the site certificate. Each agency that issues a permit, license or other approval to PGE shall continue to exercise enforcement authority over such permit, license or other approval.

For a permit, license or other approval included in or governed by the site certificate, PGE 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.

- C. Both the State and PGE shall abide by local ordinances and state law and the rules of EFSC in effect on the date the site certificate is executed. In addition, upon a clear showing of a significant threat to the public health, safety or the environment that requires application of later-adopted laws or rules, EFSC may require compliance with such later-adopted laws or rules.

II. DESCRIPTION OF THE FACILITY

A. Description of the Site

1. Power Plant Site

The proposed CSCP plant site consists of approximately 20 acres within the Port of Morrow Industrial Park. The Port of Morrow Industrial Park occupies 5700 acres of land east of the City of Boardman and along the Columbia River.

The plant site is located approximately 1,500 feet due south of the Columbia River and is immediately south of the bank and berm created by the Union Pacific Railroad's east-west mainline. The site's western boundary is Ullman Boulevard. Its southern boundary is along an existing gravel roadway and utility corridor. The site is about 450 feet west of Messner Pond and a small pond created by an ongoing dredging operation lies along the eastern edge of the plant site. The exact location of the plant site is shown by figures C-C2 and C-C3 of the application for site certificate, which are made part of and incorporated into this site certificate by reference.

2. Transmission Line Corridor

The transmission line serving the plant will be approximately 1.5 miles long. The line will occupy land owned by the Port of Morrow and the City of Boardman.

The transmission line will run from the south end of the plant site eastward along the existing roadway and utility corridor. For a short distance at its eastern extremity, the line will cross fields that are or have been under cultivation. The exact location of the transmission line corridor is shown in figure C-C2 of the application for site certificate.

B. Description of Facilities

1. Power Plant

The proposed CSCP facilities will consist of several structures: a turbine generator building; heat recovery steam generator (boiler) structures; two 210 feet high exhaust stacks; a water treatment and auxiliary equipment building; auxiliary boilers; an administrative and control building; water treatment chemical tanks; and electrical transformation and substation facility structures.

The CSCP power generation facilities will consist of two identical, natural gas-fired, combined combustion turbine cycle units. Primary power for each unit will be supplied by a General Electric 7FA gas turbine generator rated at 172.7 MW. For each unit, the high temperature exhaust from the gas turbine generator will be ducted to a heat recovery steam generator or boiler to generate steam. This steam will be used to drive a steam turbine generator with an electrical generation capacity of 79.3 MW. Steam used in power generation will be cooled and condensed back to water by a condenser or heat exchanger using the cooling tower method.

Electrical transformation and substation facilities will be constructed adjacent to the power plant at the south end of the site.

The proposed CSCP power plant (both units) will use up to 27,400,000 million British thermal units of natural gas fuel per year. The power plant shall be supplied by a natural gas pipeline that will run approximately 15 miles between the site and Ione, Oregon. The supply pipeline will interconnect with an interstate natural gas transmission line and will be owned and operated by another company. The supply pipeline will be permitted through the Federal Energy Regulatory Commission and is not considered to be a related facility under the jurisdiction and siting review authority of the Energy Facility Siting Council.

2. Electrical Transmission Line

Project related facilities will include a double circuit looped 500 kilovolt transmission line. The 1.5 mile line will connect the power plant with the Bonneville Power Administration transmission system.

In the event of a conflict between the descriptions of the facility in this site certificate, EFSC's final order, ODOE's final staff report on PGE's application for site certificate, or PGE's application for site certificate, the following priority of construction shall apply to determine which document controls: first, PGE's application for site certificate; second, this site certificate; third, EFSC's final order; and fourth, ODOE's final staff report.

III. WARRANTIES

ORS 469.401(3) requires that:

"The site certificate shall contain the warranties of the applicant as to the ability of the applicant to comply with standards of financial ability and to construct and operate the energy facility, the applicant's provisions for protection of the public health and safety and for time of completion of construction."

The following warranties are necessary to meet the above statutory requirements and to ensure and facilitate compliance with and enforcement of EFSC standards and the policy directives of ORS chapter 469:

(1) Applicant represents and warrants that it has the present capabilities and resources to construct, operate and retire the CSCP, including the ability to finance and pay for the CSCP, in a manner consistent with its representations in the Application for Site Certificate (ASC), as modified in this proceeding leading to the execution of the site certificate, and with the terms and conditions of the site certificate.

(2) Applicant represents and warrants that applicant can and will comply with all applicable state, federal and local laws, regulations and ordinances and with the conditions of the site certificate.

(3) Applicant represents and warrants that it will undertake and complete construction of Phase I and Phase II of the CSCP according to the conditions of the construction commencement

and completion dates at V.A.2.

(4) Applicant warrants that it will take those actions, necessary to ensure that any third party contracting with Applicant during construction, operation or retirement of this facility and related and supporting facilities shall abide by the terms of this site certificate.

(5) Applicant warrants that it shall take all reasonable steps necessary to ensure the protection of the public health and safety during the construction, operation and retirement of the CSCP and related facilities.

IV. MANDATORY CONDITIONS

The following mandatory conditions are either specifically required by OAR 345-27-020 or are appropriate under OAR 345-27-020(4)(o) to address project and site-specific conditions and requirements. These mandatory conditions shall apply in addition to, and should be read together with, the specific additional conditions provided in this site certificate to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22, 23 and 24.

(1) Applicant shall comply with all applicable laws, regulations and ordinances of state, federal and local authorities, including all conditions contained in any permits, licenses and approvals issued by such authorities, and applicant shall comply with the conditions of the site certificate. The duty of applicant to comply applies notwithstanding a failure or oversight in the proposed order or site certificate to identify all applicable laws, regulations and ordinances. Applicant shall design, construct, operate and retire the facility in accordance with the requirements of the Oregon Energy Facility Siting Statute, ORS 469.300 et seq., and EFSC rules applicable to the facility.

(2) Applicant shall design, permit, construct, operate and retire the CSCP as described in the ASC, in EFSC proceedings and in documents and representations made by PGE in support of the application for site certificate, as modified or amended by the site certificate.

(3) At construction completion and no later than 90 days following the beginning of commercial operation, applicant shall submit to EFSC a written report certified by an Oregon registered structural engineer documenting the following: (a) facility construction consistent with the project description and operating statement of the ASC, as modified or amended by

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- the site certificate; (b) fulfillment of and compliance with all design and construction-related conditions of the site certificate, including all applicable mitigation measures; and (c) compliance with or statement as to the ability to comply with all applicable state, federal and local permits, licenses and approvals issued for the project, including, but not limited to, compliance with Oregon Building Codes Agency (BCA) building permits and Oregon Public Utility Commission (OPUC)—Safety Section design requirements. 1
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- (4) Applicant shall submit annual compliance status reports to EFSC providing a statement and documentation of applicant's compliance with each and every condition of the site certificate. 10
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- (5) Prior to construction, applicant shall submit certification that at least 80 percent of the capacity from the proposed CSCP shall be used by an energy supplier in the Pacific Northwest Region as defined in 16 U.S.C. 839a(14). The capacity and energy of the CSCP shall be used by applicant for the benefit of its customers in its Oregon service territory. Except as required for financing purposes, applicant shall not sell or lease the facility and shall not contract for firm energy or firm capacity for the output of the facility for a term exceeding five years. 16
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- (6) Applicant shall not commence construction on any part of the facility and related or supporting facilities (including clearing of rights-of-way, but excepting survey and geotechnical investigations), until applicant has filed with EFSC documentation of ownership, control or access to the entire plant site and the entire transmission corridor. 27
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- (7) Applicant shall, to the extent practicable, restore vegetation and landscape portions of the site disturbed by construction in a manner which is compatible with its surroundings; and, upon completion of construction, dispose of all temporary structures not required for future use and all used timber, brush, refuse, or flammable material resulting from the clearing of lands or from construction of the facility. 34
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- (8) Applicant shall notify ODOE, Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Department of Water Resources (DWR) in advance of further geotechnical investigations and trenching on the project site to allow the opportunity for agency representatives to inspect the work. 43
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- (9) Applicant shall promptly notify ODOE, DOGAMI and DWR if further geotechnical investigations, trenching or construction 49
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activities reveal conditions that were not considered in or that differ from the conditions assumed in the agreed-upon seismic hazard classification, or if shear zones, artesian aquifers, deformations or clastic dikes are found near or beneath the project site. EFSC may require additional and/or higher design requirements as necessary to address site conditions not previously considered.

(10) Applicant shall prevent any condition from developing on the site that would preclude restoring the site to a useful condition.

(11) At least 5 years prior to facility retirement, applicant shall submit a retirement plan to EFSC subject to review and approval by EFSC. The plan shall describe how the site will be restored adequately to a useful condition, including options for post-retirement land use, information on how impacts to fish, wildlife and the environment will be minimized during the retirement process and measures to protect the public against risk or danger resulting from post-retirement site conditions. The certificate holder shall restore the site to a useful condition following retirement.

(12) This certificate shall expire at the end of the useful life of the energy facility. Application for termination of the site certificate shall be made in accordance with the provisions of OAR 345-27-110.

(13) The conditions in this site certificate may not be changed during the term of the site certificate except as provided in OAR Chapter 345, Division 27.

(14) If a visitor information facility is provided at the site, information regarding conservation of energy and the means by which it may be accomplished shall be included with any energy facility information provided.

V. CONDITIONS ISSUED PURSUANT TO EFSC STANDARDS¹

A. Need for the facility

1. Exemption: OAR 345-23-010

¹Although conditions in this part V of the site certificate are listed under headings citing specific standards, the condition may relate to other standards as discussed in EFSC's final order. Any application of these conditions should take into account discussions under the various other standards.

- Applicant shall, as part of the post-construction completion compliance status certification report required by Mandatory Condition 3, provide a capacity and heat rate performance test report to document the ability of the facility to meet the output and fuel efficiency measures as represented in the ASC.
2. Construction commencement and completion dates
- (1) Applicant shall begin construction of phase one of the proposed facility within one year after the site certificate is executed. This one-year time period shall be tolled during any appeal that is taken of the Energy Facility Siting Council (EFSC) Order. Notwithstanding the tolling of the one-year time period for commencement of construction, Applicant shall complete construction of phase one within four years, and phase two within five years, of execution of the site certificate. EFSC may extend the four-year period for construction completion if the Applicant shows that the need for extension is caused by acts of God or force majeure events. EFSC anticipates such a request will be considered a minor amendment under OAR 345-27-080.
- (2) Within one year of execution of the site certificate Applicant must affirm, by written notice to EFSC its intent to construct phase two. This notice to EFSC shall include copies of correspondence to a vendor requesting commencement of bona fide negotiations to purchase the gas turbine. This one-year time period shall be tolled during any appeal taken of EFSC's Order. Such affirmation is required in order for Applicant to maintain a valid site certificate as to phase two.
- (3) Applicant may request an extension of the five-year construction completion deadline for phase two. If such a request is made during the first year after the site certificate is executed (which period shall be tolled during any appeal taken of EFSC's order), and Applicant shows that the need for the extension is caused by acts of God or force majeure events. Applicant will not be

required to demonstrate that the facility
meets EFSC's needs standard. EFSC anticipates
such a request will be considered a minor
amendment under OAR 345-27-080.

- (4) If Applicant requests an extension of the
construction completion deadline for phase two
and Applicant does not meet the requirements
of paragraph 3 above, the Applicant shall be
required to demonstrate that the facility
meets EFSC's need standard in order for EFSC
to approve extending the deadline. Applicant
will not be exempted from the need showing
under OAR 345-23-010(2) (adopted April 1994).
EFSC anticipates this demonstration of need
will be considered a major amendment under OAR
345-27-070.

- (5) EFSC will grant a request under paragraph 4
only if the applicant demonstrates that phase
two is needed in accordance with EFSC's need
for facility standard in effect when the EFSC
decision on the request is made. In no event
will EFSC grant an extension of the
construction completion deadline for phase two
of more than two years from the five year
deadline specified in applicant's warranty.
The construction completion deadline for phase
two, as specified in applicant's warranty, or
as may later be extended, will not be tolled
for reason of appeal of the EFSC's Order.

B. Standards relating to the applicant

Organizational, managerial and technical expertise
standard: OAR 345-22-010

1. Applicant Qualification and Capability:

Applicant shall contractually require the EPC
contractor and all independent contractors and
subcontractors involved in the construction and
operation of the proposed facilities to comply with
all applicable laws and regulations and with the
terms and conditions of the site certificate.

2. Third-Party Services and Permits

- (i) Water supply

- (1) Applicant's water use shall not exceed the flow rates and maximum quantities specified in the ASC for the proposed CSCP nor shall the withdrawal rates exceed the limits imposed by the water right permits for the sources supplying the water. 1
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- (2) Applicant shall install and operate a continuous, recording flow meter on the facility's process water intake line and maintain records of total process water use on a monthly and annual basis. 10
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- (ii) Process wastewater disposal 16
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- (1) Within six months of the date the site certificate is executed, the applicant shall demonstrate that the Port of Morrow has received DEQ approval to dispose of the CSCP's process wastewater, or commit to install an on-site, zero-discharge water treatment system. 18
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- (2) If applicant uses the Port of Morrow's industrial wastewater disposal system, applicant shall not discharge into the Port's system at flow rates and quantities or in excess of water quality limitations or discharge any materials that would violate any applicable laws and regulations or the conditions of the Port of Morrow's WPCF permit. 26
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- (iii) Sanitary wastewater disposal 36
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- Applicant shall not discharge any materials into the City of Boardman sewage treatment system that would violate any applicable laws and regulations or the conditions of the City of Boardman's WPCF permit. 38
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- C. Standards relating to the site and structure 44
1. Structural standard: OAR 345-22-020 45
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- a. Seismic hazards 47
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- (1) Applicant shall design and construct the 49
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proposed facility in accordance with and	1
in compliance with the laws and	2
regulations administered by BCA.	3
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(2) Before submitting building permit	5
applications to BCA, applicant shall re-	6
evaluate peak ground acceleration for the	7
site based on applying an amplification	8
factor determined from its site-specific	9
studies. The applicant shall report the	10
results of its reevaluation to ODOE,	11
DOGAMI and BCA. The applicant shall	12
design and construct the facility to	13
address any estimate of peak ground	14
acceleration exceeding that covered by	15
seismic zone 2B.	16
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b. Adverse soil impacts	18
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During construction, the applicant and its	20
subcontractors shall make reasonable efforts	21
to keep soil disturbances to a minimum.	22
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2. Land use standard	24
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Applicant shall comply with the conditions in the	26
variance for the CSCP transmission line granted to	27
applicant by Morrow County on October 25, 1993.	28
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D. Standards relating to the impacts of construction,	30
operation and retirement	31
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1. Fish and Wildlife Standard: OAR 345-22-060	33
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(1) Applicant shall implement the vegetation, fish	35
and wildlife mitigation measures as contained	36
in its ASC (Exhibits N, P and R), and the	37
following mitigation conditions of ODFW:	38
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a. The applicant shall design and construct	40
the electrical transmission towers and lines	41
in a manner appropriate for the protection of	42
raptors.	43
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b. Applicant shall reseed areas of disturbed	45
soil using the seed composition and planting	46
procedure described in ASC, Exhibit N.	47
Applicant shall reseed areas where Russian	48
olive trees or tall vegetation is removed	49
using a mix of woody shrubs and perennial	50

grasses to be jointly determined by ODFW and PGE. 1
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c. Applicant shall plant trees between the west side of Messner Pond and the facility site, as described in the ASC, to enhance wildlife habitat around Messner Pond and to provide a visual and auditory buffer between the facility site and Messner Pond. The applicant shall maintain trees in healthy condition and replace trees that die or become unhealthy. 4
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d. The following activities shall be prohibited within 100 feet of the wetland associated with Messner Pond: storage of hazardous materials, chemicals, fuels and lubricating oils; refueling of construction equipment; and performing concrete coating activities. 14
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e. Applicant shall insure that notification is provided to the ODFW representative in charge of the Heppner District Office at least one week prior to the start of construction for the power plant and transmission lines. 22
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f. Applicant shall leave a 50 foot buffer between the edge of construction and the high water line of the wetland area associated with Messner Pond. 28
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g. Applicant shall erect a temporary fence and signs to protect the bank swallow nesting colony from disturbance during construction. 33
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(2) Applicant shall, as part of the post-construction completion compliance status certification report required by Mandatory Condition No. 3, provide documentation of the following: a) cooling tower drift rate, including manufacturer specifications and guaranty, and actual field testing of the CSCP cooling tower drift rate; and b) water analysis of the cooling tower circulation water representative of identified actual source water and cycles of concentration. 37
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(3) Applicant shall install, operate and maintain a continuous monitoring system to measure and 49
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- record the total dissolved solids (TDS) concentration of the cooling tower/condenser circulating water. 1
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- (4) Applicant's cooling tower drift factor shall not exceed 0.002 percent of the circulation rate. Applicant shall not allow the total dissolved solids concentration in the cooling tower/condenser system to exceed 2,084 parts per million. 5
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- (5) Applicant shall fully comply with the terms and conditions of the December 10, 1993 Ecological Monitoring Program, as revised on January 5, 1994, and shall take such actions as deemed appropriate by ODOE, in consultation with ODFW, to fully mitigate adverse impacts to the Messner Pond area, including but not limited to reducing the cycles of concentration in the cooling tower system. 12
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2. Scenic and Aesthetic Standard: OAR 345-22-080 22
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- Applicant shall implement and fulfill the mitigation proposals as contained in the ASC, including site perimeter landscaping with appropriate vegetation; painting building structures and the exhaust stacks in neutral shades; minimizing exterior lighting and directing lights into the facility site; and establishing landscape screening along the perimeter of the proposed power plant site. 24
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3. Historic, Cultural, and Archaeological Standard: OAR 345-22-090 34
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- (1) If the area in which artifacts were found is to be disturbed by construction or operation, the applicant shall obtain the recommendation of SHPO as to any clearance requirements for the affected area and shall comply with all applicable regulations and laws relating to historic, cultural, and archaeological resources. 38
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- (2) If historic, cultural or archaeological resources are found during project construction or construction-related activities, the applicant shall stop all work 47
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- in the vicinity of the find and consult with the SHPO. The applicant shall not restart work in the area of the find until SHPO has concurred that the applicant has identified actions to minimize or avoid further impact.
- (3) Applicant shall comply with all applicable state laws regarding Indian graves, removal of historic materials and archaeological objects and sites.
4. Socio-Economic Impact Standard: OAR 345-22-110
- a. Solid waste
- Applicant shall, at a minimum, test its sludge waste and maintain records as required by DEQ and the landfill operator pursuant to applicable permits and licenses, including testing under the Toxicity Characteristic Leaching Procedure (TCLP), or equivalent per 40 CFR part 262.11, Hazardous Waste Determination.
- b. Emergency services
- The applicant shall reimburse the Boardman Fire Department for reasonable costs for new training and equipment which is specifically needed, as determined by the State Fire Marshall, to respond to an emergency at the CSCP.
- c. Roadways
- Applicant shall mitigate all fogging and icing impacts caused by CSCP to off-site roadways that create hazardous traffic conditions. Mitigation measures, if needed, shall be undertaken and implemented in consultation with the Port of Morrow and other responsible local agencies, and may include, but are not limited to: hazard warning signs, lighting and sanding.
5. Waste Minimization Standard: OAR 345-22-120
- a. Solid wastes
- Applicant shall minimize and recycle solid

wastes generated during construction and operation whenever practical, including:	1
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a) packing materials, wood, piping and steel scrap during construction;	4
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b) spent ion exchange resins used for demineralizing water during plant operation;	7
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c) waste from the facility's office, including paper products, aluminum cans, glass and plastics.	10
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b. Industrial wastewater	14
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If commencement of construction of either phase of the proposed CSCP is delayed beyond two years from the date the site certificate is executed, applicant shall submit, prior to commencement of construction of that phase, a revised cooling system evaluation that addresses the then available technologies, their costs, savings and benefits.	16
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6. Retirement Standard: OAR 345-22-130	25
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Upon retirement of the facility, the applicant shall restore the CSCP site to a useful condition.	27
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E. Noise	30
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(1) Applicant shall comply with the noise standards and limits contained in OAR 340-35-035 (1)(b)(B).	32
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(2) Applicant shall, by facility design and the installation of silencers and/or other devices, limit noise emissions from the facility's pressure-relief safety valves such that sound levels attributable to their use do not exceed the limits contained in OAR 340-35-035 (1)(b)(B).	35
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(3) Applicant shall retain a registered acoustical consultant to conduct noise monitoring to determine compliance with conditions (1) and (2) above and provide a report of that monitoring to ODOE within 120 days after beginning commercial operation of the proposed facility.	42
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F. Public health and safety	49
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To the extent possible, consistent with BPA's specifications, applicant shall design and construct the line in accordance with the requirements of OAR 345-24-090:

- (a) The transmission line shall be designed so that alternating current electrical fields shall not exceed 9 kv per meter above the ground surface in areas accessible to the public;
- (b) The transmission line shall be designed so that induced currents resulting from the transmission line and related facilities will be as low as reasonably achievable. The applicant agrees to a program which shall provide 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 shall be grounded through the life of the line; and
- (c) The transmission line shall be designed and constructed, and operated in a manner consistent with the 1993 edition of National Electrical Safety Code (American National Standards Institute, Section C2, 1993 edition).

VI. MONITORING CONDITIONS

OAR Chapter 345, Division 26 contains monitoring and reporting requirements for thermal power plants with site certificates. The following monitoring and reporting requirements are intended to achieve the purpose, expressed in OAR 345-26-005, "...to assure that the construction and operation of thermal power plants is accomplished in a manner consistent with the protection of the public health, safety and welfare, and the protection of the environment."

As provided in OAR 345-26-015(3), in the event that any of the specific monitoring or reporting conditions contained in the site certificate conflict or are inconsistent with the rules and requirements of OAR Chapter 345, Division 26, the site certificate conditions shall be deemed to control.

- (1) The applicant shall submit to EFSC a report at least

quarterly from the start of construction to commercial operation of the second unit. The report shall include, but is not limited to:

(a) an assessment of the construction schedule for each unit, including any changes to major milestones that affect the critical path for construction;

(b) an assessment of the then known costs and costs projections for the CSCP in relation to the applicant's then current least cost plan;

(c) an assessment of the construction staffing, including status of staffing and any staffing problems that may affect construction schedule;

(d) any significant work stoppage;

(e) any noncompliance with the conditions of the site certificate, including the background of the causes of the noncompliance, the mitigation or correction of the noncompliance and the impact of the noncompliance on the project schedule or financing;

(f) any noncompliance with the conditions of permits issued by any other federal, state or local authority; including the background of the causes of the noncompliance, the mitigation or correction of the noncompliance; and the impact of the noncompliance on the project schedule or financing;

(g) any noncompliance with the conditions of permits issued to third parties that are known to the applicant and that are significant and relevant to the construction or operation of the facility, such as Water Rights Permits or Water Pollution Control Facility Permits; including the background of the causes of the noncompliance, the mitigation or correction of the noncompliance, and the impact of the violation on the project schedule or financing;

(h) copies of all correspondence and reports related to facility construction submitted to a federal, state, or local authority, except material withheld from public disclosure under federal or state law. Abstracts of reports may be submitted in place of full reports. However, full copies of abstracted reports must be provided at the request of ODOE or EFSC;

(i) any other information that EFSC requests that is

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considered necessary to monitor and evaluate the applicant's compliance with the terms and conditions of the site certificate.

(2) The applicant shall submit to the EFSC an annual report from the start of commercial operation of the first unit through retirement of the last operating unit. The annual report shall include, but is not limited to:

(a) results of performance tests, including project efficiency testing, summaries of fuel use, average volume and mass of steam supplied to any cogeneration host and the estimated fuel used to generate any host steam load;

(b) in the first report submitted after commencement of commercial operation, unit heat rate in Btu per kilowatt hour produced, corrected to ISO conditions and accounting for steam delivered to any steam host, and also facility capacity corrected to 52.8°F, 55% relative humidity, standard air pressure adjusted for elevation, no steam to process, natural gas fuel, and normal steam turbine exhaust pressure, net of plant auxiliary loads;

(c) the power production by the facility by unit, by month, including peak capacity, average capacity, gross and net kilowatt hour production, availability, reasons and durations of planned and unplanned outages, plans to improve capacity and availability and to correct recurring problems;

(d) an assessment of the operations staffing, including status of staffing and any staffing problems that may affect facility operation;

(e) any noncompliance with the conditions of the site certificate, including the background of the causes of the noncompliance, the mitigation or correction of the noncompliance and the impact of the noncompliance on the project operation or financing;

(f) any noncompliance with the conditions of permits issued by any other federal, state or local authority; including the background of the causes of the noncompliance, the mitigation or correction of the noncompliance, and the impact of the noncompliance on the project operation or financing;

(g) any noncompliance with the conditions of permits issued to third parties that are known to the applicant and that are significant and relevant for the operation

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of the facility, such as Water Right Permits or Water
Pollution Control Facility Permits; including the
background of the causes of the noncompliance the
mitigation or correction of the noncompliance, and the
impact of the noncompliance on the project operation or
financing;

(h) copies of all correspondence related to facility
operation which was submitted to a federal, state, or
local authority, except material withheld from public
disclosure under federal or state law. Abstracts of
reports may be submitted in place of full reports.
However, full copies of abstracted reports must be
provided at the request of ODOE or EFSC;

(i) an assessment of the project's cost of operation in
relation to the applicant's then-current least cost plan;

(j) any other information that EFSC requests that is
considered necessary to monitor and evaluate the
applicant's compliance with the terms and conditions of
the site certificate.

(3) Information To Be Reported Promptly

(a) The applicant shall report to ODOE within 72 hours
of receiving knowledge of noncompliance with the
conditions of the site certificate arising from the acts
or omissions of applicant, its contractors,
subcontractors or agents;

(b) The applicant shall report to ODOE within 24 hours
of receiving knowledge of any condition arising from the
construction and operation of the facility that endangers
public health and safety.

VII. AMENDMENT OF SITE CERTIFICATION AGREEMENT

PGE and EFSC recognize that, because of the length of time that may
pass between the date on which this Agreement is executed and the
date on which construction will commence, and that will pass
between the time construction is commenced and the energy facility
is retired, it may be necessary to amend this Agreement.

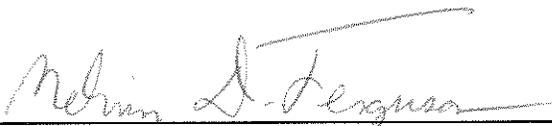
Amendments shall be made in accordance with OAR Chapter 345,
Division 27 or EFSC rules applicable and in effect at the time the
amendment is sought.

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X. GOVERNING LAW AND FORUM

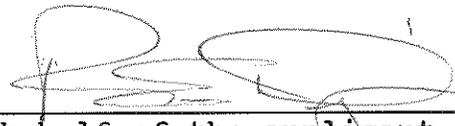
- A. This agreement shall be governed by the laws of the State of Oregon.
- B. Any litigation or arbitration arising out of this agreement shall be conducted in an appropriate forum in Oregon.

IN WITNESS WHEREOF, this Site Certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, and Portland General Electric.



Chair, Energy Facility Siting Council

Date 9/16/94



On behalf of the applicant
Portland General Electric

Date 9/16/94

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