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SITE CERTIFICATE
FOR THE
GOLDEN HILLS WIND PROJECT

Issued by
OREGON ENERGY FACILITY SITING COUNCIL
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May 15, 2009

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**SITE CERTIFICATE
FOR THE
GOLDEN HILLS WIND PROJECT**

I. INTRODUCTION

This site certificate for the Golden Hills Wind Project (“Golden Hills”) is issued and executed in the manner provided by ORS Chapter 469, by and between the State of Oregon (the “State”), acting by and through its Energy Facility Siting Council (the “Council”), and Golden Hills Wind Farm LLC (“GHWF” or the “certificate holder”).

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the Council’s Final Order in the Matter of the Application for a Site Certificate for the Golden Hills Wind Project (the “Final Order”) issued on May 15, 2009 and incorporated herein by this reference. In interpreting this site certificate, any ambiguity shall be clarified by reference to the following, in order of priority: (1) this site certificate; (2) the Final Order; and (3) the record of the proceedings that led to the Final Order.

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

II. SITE CERTIFICATION

1. To the extent authorized by State law and subject to the conditions set forth herein, the State approves and authorizes the certificate holder to construct, operate and retire a wind energy facility, together with certain related or supporting facilities, at the site in Sherman County, Oregon, as described in Section III of this site certificate. ORS 469.401(1).
2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in effect on the date that termination is sought, or until the site certificate is revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. ORS 469.401(1).
3. This site certificate does not address, and is not binding with respect to, matters that were not addressed in the Council’s Final Order on the Application for the facility. Such matters include, but are not limited to: (1) building code compliance; wage, hour and other labor regulations; local government fees and charges; and other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and (2) 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).
4. Both the State and the certificate holder shall abide by local ordinances and State law and the rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In addition, upon a clear showing of a significant threat to the public health,

1 safety or the environment that requires application of later-adopted laws or rules, the
2 Council may require compliance with such later-adopted laws or rules. ORS 469.401(2).

3
4 5. For a permit, license or other approval addressed in and governed by this site certificate,
5 the certificate holder shall comply with applicable State and federal laws adopted in the
6 future to the extent that such compliance is required under the respective State agency
7 statutes and rules. ORS 469.401(2).

8
9 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities
10 and political subdivisions in Oregon as to the approval of the site and the construction,
11 operation and retirement of the facility as to matters that are addressed in and governed
12 by this site certificate. ORS 469.401(3).

13
14 7. Each affected State agency, county, city and political subdivision in Oregon with
15 authority to issue a permit, license or other approval addressed in or governed by this site
16 certificate shall, upon submission of the proper application and payment of the proper
17 fees, but without hearings or other proceedings, issue such permit, license or other
18 approval subject only to conditions set forth in this site certificate. ORS 469.401(3).

19
20 8. After issuance of this site certificate, each State agency or local government agency that
21 issues a permit, license or other approval for the facility shall continue to exercise
22 enforcement authority over such permit, license or other approval. ORS 469.401(3).

23
24 9. After issuance of this site certificate, the Council shall have continuing authority over the
25 site and may inspect, or direct the Oregon Department of Energy (“ODOE” or the
26 “Department”) to inspect, or request another State agency or local government to inspect,
27 the site at any time in order to ensure that the facility is being operated consistently with
28 the terms and conditions of this site certificate. ORS 469.430.

29
30 **III. DESCRIPTION**

31
32 **A. THE FACILITY**

33
34 **1. The Energy Facility**

35
36 ORS 469.300(11)(a)(J) defines the “energy facility” in this case as “[a]n electric power
37 generating plant with an average electric generating capacity of 35 megawatts or more if the
38 power is produced from ... wind energy at a single energy facility.” The proposed “electric
39 power generating plant” would consist of up to 267 wind turbine locations, each consisting of a
40 turbine tower and foundation, turbine pad area, nacelle, rotor and blade assembly, and step-up
41 transformer. Wind turbines would be placed in survey corridors as shown in the Application for a
42 Site Certificate. Golden Hills would have a peak electric generating capacity of up to 400 MW
43 and an average electric generating capacity of about 133 MW.

44
45 GHWF has not yet selected the wind turbine model or models that would be installed in
46 the facility. GHWF is requesting a site certificate that would allow the installation of up to 267

1 GE sle 1.5-MW turbines or any combination of turbines subject to specific restrictions. Under
2 maximum conditions, turbine towers would measure up to 80 meters (263 feet) at the rotor hub,
3 and the diameter of the rotor-swept area would be 96 meters (315 feet).
4

5 A wind turbine features a nacelle mounted on a tubular steel tower. The nacelle houses
6 the generator and gearbox and supports the rotor and blades at the hub. The turbine tower
7 supports and provides access to the nacelle. Each turbine unit sits on a concrete pad that
8 accommodates the turbine pedestal, a step-up transformer and a turnout area for service vehicles.
9 The purpose of the step-up transformer is to increase the output voltage of the wind turbine to the
10 voltage of the power collection system. Underlying the pad would be a deep concrete turbine
11 foundation with a surface area dependent upon the type and size of wind turbine selected.
12

13 **2. Related or Supporting Facilities**

14
15 GHWF proposes to construct the following related or supporting facilities:

- 16 · Power collection system
- 17 · Substations
- 18 · 230-kV transmission line
- 19 · 500-kV transmission line
- 20 · Meteorological towers
- 21 · Supervisory Control and Data Acquisition (“SCADA”) System
- 22 · O&M facility
- 23 · Access roads
- 24 · Temporary laydown areas

25
26 **Power Collection System.** About 62 miles of power collection system, operating at 34.5
27 kV, would transport the power from the wind turbines to the substations. Some portion of the
28 power collection system may be installed above ground to avoid impacts or to accommodate
29 unforeseen geotechnical conditions.
30

31 **Substations.** The proposed facility would include two substations, one in the eastern
32 section of the Golden Hills site and another in the western section of the Golden Hills site. Each
33 substation would occupy a graveled and fenced area about 2 acres in size to facilitate a
34 transformer, switching equipment and a parking area.
35

36 **230-kV Transmission Line.** The substation in the eastern section of the Golden Hills site
37 would interconnect with an existing PPM Energy transmission line by means of an aboveground
38 0.7-mile 230-kV transmission line.
39

40 **500-kV Transmission Line.** The substation in the western section of the Golden Hills
41 site would interconnect with the existing BPA John Day Substation by means of an aboveground
42 500-kV transmission line about 11 miles long.
43

44 **Meteorological Towers.** GHWF proposes to install up to six permanent meteorological
45 towers (“met towers”). The met towers would be unguyed tubular structures about 85 meters
46 (279 feet) tall and set in concrete foundations.

1
2 **SCADA System.** A fiber optic communications network would link the wind turbines to
3 a central computer at the O&M facility. The SCADA system would collect operating and
4 performance data from each wind turbine and Golden Hills as a whole and provide for remote
5 operation of the wind turbines.
6

7 **O&M Facility.** A 5,000-square-foot operations and maintenance (“O&M”) building
8 would be constructed at one or the other of two locations proposed by GHWF. The O&M
9 building would house office and workshop areas, a control room for the SCADA system, and a
10 kitchen, bathroom and shower. The five-acre O&M facility site would include parking for
11 vehicles. Domestic water use would not exceed 5,000 gallons per day, and domestic water would
12 be obtained from an on-site well. Domestic wastewater would be drained into an on-site septic
13 system.
14

15 **Access Roads.** Approximately 50 miles of new roads would be constructed to provide
16 access to the turbine strings and other facility components. Access roads would connect to
17 graveled turbine pad areas at the base of each wind turbine. The roads would be 20 feet wide and
18 constructed with crushed gravel. In addition, GHWF would improve and widen some existing
19 county and farm roads.
20

21 **Temporary Laydown Areas.** Up to seven principal, temporary laydown areas would be
22 used to stage construction and store supplies and equipment during construction. In addition,
23 temporary laydown areas would be required at the base of each proposed wind turbine. The
24 laydown areas would be covered with gravel, and the gravel would be removed and the areas
25 would be restored to their pre-construction conditions following completion of construction.
26

27 The certificate holder shall satisfy the following administrative condition:
28

- 29 (III.A.1) The certificate holder shall construct a facility substantially as described in the
30 site certificate and may select GE sle 1.5-megawatt or some combination of other
31 turbines, subject to the following restrictions and compliance with other site
32 certificate conditions. Before beginning construction, the certificate holder shall
33 provide to the Department a description of the turbine types selected for the
34 facility demonstrating compliance with this condition.
- 35 (a) The total number of turbines at the facility must not exceed 267 turbines.
 - 36 (b) The combined peak generating capacity of the facility must not exceed
37 400 megawatts.
 - 38 (c) The turbine hub height must not exceed 80 meters and the maximum blade
39 tip height must not exceed 128 meters.
 - 40 (d) The minimum blade tip clearance must be 32 meters above ground.
 - 41 (e) The maximum combined weight of metals in the tower (including ladders
42 and platforms) and nacelle must not exceed 324 U.S. tons per turbine.
 - 43 (f) The certificate holder shall request an amendment of the site certificate to
44 increase the combined peak generating capacity of the facility beyond 400
45 megawatts, to increase the number of wind turbines to more than 267
46 turbines, to install wind turbines with a hub height greater than 80 meters

1 or a blade tip height greater than 128 meters, or to install turbines with a
2 maximum combined weight of metals in the tower (including ladders and
3 platforms) and nacelle greater than 324 U.S. tons per turbine.
4

5 **B. LOCATION OF THE FACILITY**
6

7 The facility will occupy about 30,000 acres and be located near Wasco in Sherman
8 County, Oregon. More particularly, the site would occupy portions of Sections 9, 10, 14-16, 22-
9 26 and 34-36, Township 2 North, Range 16 East; Sections 29-32, Township 2 North, Range 17
10 East; Sections 1-3, 13, 24, 25 and 36, Township 1 North, Range 16 East; Sections 5-8, 14-22, 25
11 and 27-36, Township 1 North, Range 17 East; Sections 1-14, 16 and 17, Township 1 South,
12 Range 17 East; and Sections 6-8, Township 1 South, Range 18 East, Willamette Meridian,
13 Sherman County, Oregon.
14

15 **C. THE SITE AND SITE BOUNDARY**
16

17 The certificate holder shall satisfy the following administrative condition:
18

- 19 (III.C.1) Before beginning construction and after considering all micro-siting factors, the
20 certificate holder shall provide to the Department, the Oregon Department of Fish
21 and Wildlife (“ODFW”) and the Planning Director of Sherman County detailed
22 maps of the facility site, showing the final locations where the certificate holder
23 proposes to build facility components and a table showing the acres of temporary
24 and permanent habitat impact by habitat category and subtype. The maps shall
25 include the locations of temporary laydown areas and areas of temporary ground
26 disturbance associated with the construction of all transmission lines. The detailed
27 maps of the facility site shall indicate the habitat categories of all areas that would
28 be affected during construction. In classifying the affected habitat into habitat
29 categories, the certificate holder shall consult with ODFW. The certificate holder
30 shall not begin ground disturbance in an affected area until the habitat assessment
31 has been approved by the Department. The Department may employ a qualified
32 contractor to confirm the habitat assessment by on-site inspection.
33

34 **D. CONSTRUCTION DEADLINES**
35

36 The certificate holder shall satisfy the following administrative conditions:
37

- 38 (III.D.1) The certificate holder shall begin construction of the facility within three years
39 after the effective date of the site certificate. Under OAR 345-015-0085(8), a site
40 certificate is effective upon execution by the Council Chair and the applicant. The
41 Council may grant an extension of the deadline to begin construction in
42 accordance with OAR 345-027-0030 or any successor rule in effect at the time the
43 request for extension is submitted.
44
- 45 (III.D.2) The certificate holder shall complete construction of the facility within six years
46 after the effective date of the site certificate. Construction is complete when (1)

1 the facility is substantially complete as defined by the certificate holder's
2 construction contract documents; (2) acceptance testing has been satisfactorily
3 completed; and (3) the energy facility is ready to begin continuous operation
4 consistent with the site certificate. The certificate holder shall promptly notify the
5 Department of the date of completion of construction. The Council may grant an
6 extension of the deadline for completing construction in accordance with OAR
7 345-027-0030 or any successor rule in effect at the time the request for extension
8 is submitted.
9

- 10 (III.D.3) Before beginning construction, the certificate holder shall notify the Department
11 in advance of any work on the site that does not meet the definition of
12 "construction" in ORS 469.300(6), excluding surveying, exploration or other
13 activities to define or characterize the site, and shall provide to the Department a
14 description of the work and evidence that its value is less than \$250,000.
15

16 **IV. SPECIFIC FACILITY CONDITIONS**

17

18 The conditions listed in this section include conditions based on representations in the
19 Application for a Site Certificate and supporting record. These conditions are required under
20 OAR 345-027-0020(10). The certificate holder must comply with these conditions in addition to
21 the conditions listed in Sections III, V, VI and VII. This section includes other specific facility
22 conditions the Council finds necessary to ensure compliance with the siting standards of OAR
23 Chapter 345, Divisions 22 and 24, and to protect the public health and safety. For conditions that
24 require subsequent review and approval of a future action, ORS 469.402 authorizes the Council
25 to delegate the future review and approval to the Department if, in the Council's discretion, the
26 delegation is warranted under the circumstances of the case.
27

28 **A. [PLACEHOLDER]**

29

30 **B. ORGANIZATIONAL EXPERTISE**

31

- 32 (IV.B.1) The certificate holder shall report promptly to the Department any change in its
33 corporate relationship with BP Alternative Energy North America Inc. ("BPAE").
34 The certificate holder shall report promptly to the Department any change in its
35 access to the resources, expertise and personnel of BPAE.
36

- 37 (IV.B.2) Before beginning construction, the certificate holder shall notify the Department
38 of the identity and qualifications of the major design, engineering and
39 construction contractor(s) for the facility. The certificate holder shall select
40 contractors that have substantial experience in the design, engineering and
41 construction of similar facilities. The certificate holder shall report to the
42 Department any change of major contractors.
43

- 44 (IV.B.3) If the certificate holder chooses a third-party contractor to operate the facility, the
45 certificate holder shall submit to the Council the identity of the contractor so the
46 Council may review the qualifications and capability of the contractor to meet the

standards of OAR 345-022-0010. If the Council finds that a new contractor meets these standards, the Council shall not require an amendment to the site certificate for the certificate holder to hire the contractor.

(IV.B.4) Any matter of noncompliance under the site certificate shall be the responsibility of the certificate holder. Any notice of violation issued under the site certificate shall be issued to the certificate holder. Any civil penalties assessed under the site certificate shall be levied on the certificate holder.

(IV.B.5) The certificate holder shall contractually require the engineering and procurement contractor and all independent contractors and subcontractors involved in the construction and operation of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provision shall not operate to relieve the certificate holder of responsibility under the site certificate.

(IV.B.6) The certificate holder shall obtain, or shall ensure that its contractors obtain, necessary federal, State and local permits or approvals required for the construction, operation and retirement of the facility. The certificate holder shall work with local and State fire officials to ensure compliance with all fire code regulations regarding public buildings.

(IV.B.7) During construction, the certificate holder shall have an on-site assistant construction manager who is qualified in environmental compliance to ensure compliance with all construction-related site certificate conditions. During operation, the certificate holder shall have a facility manager who is qualified in environmental compliance to ensure compliance with all ongoing site certificate conditions. The certificate holder shall notify the Department of the name, telephone number, fax number and e-mail address of these managers and shall keep the Department informed of any change in this information.

(IV.B.8) Within 72 hours after discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report the conditions or circumstances to the Department.

C. RETIREMENT AND FINANCIAL ASSURANCE

(IV.C.1) 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, and prepared pursuant to Condition (IV.C.2).

(IV.C.2) Two years before closure of the energy facility, the certificate holder shall submit to the Department a proposed final retirement plan for the facility and site, pursuant to OAR 345-027-0110, including:

- 1 (a) A plan for retirement that provides for completion of retirement within
2 two years after permanent cessation of operation of the energy facility and
3 that protects the public health and safety and the environment;
4 (b) A description of actions the certificate holder proposes to take to restore
5 the site to a useful, non-hazardous condition suitable for agricultural use;
6 and
7 (c) A detailed cost estimate, a comparison of that estimate with the dollar
8 amount secured by a bond or letter of credit and any amount contained in a
9 retirement fund, and a plan for assuring the availability of adequate funds
10 for completion of retirement.

11
12 (IV.C.3) The certificate holder shall prevent the development of any conditions on the site
13 that would preclude restoration of the site to a useful, non-hazardous condition to
14 the extent that prevention of such site conditions is within the control of the
15 certificate holder.

16
17 (IV.C.4) Before beginning construction, the certificate holder shall submit to the State
18 through the Council a bond or letter of credit in the amount described herein
19 naming the State, acting by and through the Council, as beneficiary or payee. If
20 the certificate holder elects to build the facility in a single phase, the initial bond
21 or letter of credit amount is \$16,491,000 (in 2008 dollars), adjusted to the date of
22 issuance as described in (b), or the amount determined as described in (a). If the
23 certificate holder elects to build the facility in more than one phase, the amount of
24 the initial bond or letter of credit for each phase of construction shall be the
25 amount determined as described in (a). The certificate holder shall adjust the
26 amount of each bond or letter of credit on an annual basis thereafter as described
27 in (b).

- 28 (a) The certificate holder may adjust the amount of each bond or letter of
29 credit based on the final design configuration of the facility by applying
30 the unit costs and general costs illustrated in Table IV.C.1 of the Final
31 Order on the Application to the final design and calculating the financial
32 assurance amount as described in that order, adjusted to the date of
33 issuance as described in (b) and subject to approval by the Department.
34 (b) The certificate holder shall adjust the amount of each bond or letter of
35 credit, using the following calculation and subject to approval by the
36 Department:
37 (i) Adjust the subtotal component of the bond or letter of credit
38 amount (expressed in 2008 dollars) to present value, using the U.S.
39 Gross Domestic Product Implicit Price Deflator, Chain-Weight, as
40 published in the Oregon Department of Administrative Services'
41 "Oregon Economic and Revenue Forecast" or by any successor
42 agency (the "Index") and using the annual average index value for
43 2008 dollars and the quarterly index value for the date of issuance
44 of the new bond or letter of credit. If at any time the Index is no
45 longer published, the Council shall select a comparable calculation
46 to adjust 2008 dollars to present value.

- 1 (ii) Calculate the adjusted performance bond amount as 1 percent of
- 2 the new subtotal (i).
- 3 (iii) Add the subtotal (i) to the adjusted performance bond amount (ii)
- 4 for the adjusted gross cost.
- 5 (iv) Calculate the adjusted administration and project management
- 6 costs as 10 percent of the adjusted gross cost (iii).
- 7 (v) Calculate the adjusted future developments contingency as 10
- 8 percent of the adjusted gross cost (iii).
- 9 (vi) Add the adjusted gross cost (iii) to the sum of adjusted
- 10 administration and project management costs (iv) and the adjusted
- 11 future developments contingency (v) and round the resulting total
- 12 to the nearest \$1,000 to determine the adjusted financial assurance
- 13 amount.
- 14 (c) The certificate holder shall use a form of bond or letter of credit approved
- 15 by the Council.
- 16 (d) The certificate holder shall use an issuer of the bond or letter of credit
- 17 approved by the Council.
- 18 (e) The certificate holder shall describe the status of the bond or letter of
- 19 credit in the annual report submitted to the Council under Condition
- 20 (VII.21.a.ii).
- 21 (f) The bond or letter of credit shall not be subject to revocation or reduction
- 22 before retirement of the facility site.

23

24 (IV.C.5) If the certificate holder elects to use a bond to meet the requirements of Condition

25 (IV.C.4), the certificate holder shall ensure that the surety is obligated to comply

26 with the requirements of applicable statutes, Council rules and this site certificate

27 when the surety exercises any legal or contractual right it may have to assume

28 construction, operation or retirement of the energy facility. The certificate holder

29 shall also ensure that the surety is obligated to notify the Council that it is

30 exercising such rights and to obtain any Council approvals required by applicable

31 statutes, Council rules and this site certificate before the surety commences any

32 activity to complete construction, operate or retire the energy facility.

33

34 (IV.C.6) The certificate holder shall report to the Department any release of hazardous

35 substances, pursuant to Oregon Department of Environmental Quality (“DEQ”)

36 regulations, within one working day after the discovery of such release. This

37 obligation shall be in addition to any other reporting requirements applicable to

38 such a release.

39

40 (IV.C.7) If the certificate holder has not remedied a release consistent with applicable

41 Oregon DEQ standards within six months after the date of the release, the

42 certificate holder shall submit to the Council for its approval an independently

43 prepared estimate of the additional cost of remediation or correction within such

44 six-month period.

- (a) Upon approval of an estimate by the Council, the certificate holder shall increase the amount of its bond or letter of credit by the amount of the estimate.
- (b) In no event, however, shall the certificate holder be relieved of its obligation to exercise all due diligence in remedying a release of hazardous substances.

(IV.C.8) All funds received by the certificate holder from the salvage of equipment and buildings shall be committed to the restoration of the energy facility site to the extent necessary to fund the approved site restoration and remediation.

(IV.C.9) The certificate holder shall pay the actual cost to restore the site to a useful, non-hazardous condition at the time of retirement, notwithstanding the Council's approval in the site certificate of an estimated amount required to restore the site.

(IV.C.10) 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 and prepared pursuant to Condition (IV.C.2), 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.

- (a) If the certificate holder does not submit a proposed final retirement plan by the specified date or if the Council rejects the retirement plan that the certificate holder submits, the Council may direct the Department to prepare a proposed a final retirement plan for the Council's approval.
- (b) Upon the Council's approval of the final retirement plan prepared pursuant to (a), the Council may draw on the bond or letter of credit described in Condition (IV.C.4) and shall use the funds to restore the site to a useful, non-hazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29.
- (c) If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any additional cost necessary to restore the site to a useful, non-hazardous condition.
- (d) 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.

D. LAND USE

(IV.D.1) The certificate holder shall construct the public road improvements described in the Application for a Site Certificate to meet or exceed road standards for the road classifications in the County's Transportation System Plan and Zoning Ordinance because roads will require a more substantial section to bear the weight of the vehicles and turbine components than would usually be constructed by the County.

- 1
2 (IV.D.2) The certificate holder shall ensure that no equipment or machinery is parked or
3 stored on any county road except while in use.
4
5 (IV.D.3) The site certificate holder shall, in consultation with affected landowners, design
6 and construct private access roads to minimize the division of existing farm units.
7
8 (IV.D.4) The certificate holder shall not locate any aboveground facility structure
9 (including wind turbines, O&M building, substations and met towers, but not
10 including aboveground power collection and transmission lines and poles and
11 junction boxes) within 50 feet from any property line or within 50 feet from the
12 right of way of any arterial or major collector road.
13
14 (IV.D.5) Aboveground transmission line structures shall not occupy areas that show gross
15 indicators of landslide activity or marginal stability.
16
17 (IV.D.6) Collector lines in the Natural Hazards Combining Zone (“NH zone”) shall be
18 placed under ground except in instances where it is more practical to install
19 aboveground power collection lines and provided that the aboveground power
20 collection lines will be designed to minimize slope stability and other NH zone
21 hazards. The site-specific geotechnical investigation required prior to construction
22 shall address native soil and bedrock stability concerns at cuts, fills and culvert
23 crossings, and shall include design and construction recommendations to
24 minimize the potential for destabilizing marginally stable slopes and the potential
25 for stream erosion.
26
27 (IV.D.7) Prior to start of construction, the certificate holder shall submit for Sherman
28 County Planning Department concurrence the plans and profiles described at
29 SCZO 3.7.5(e).
30
31 (IV.D.8) Construction staging areas shall be limited to areas outside the NH zone.
32
33 (IV.D.9) Roads or streets in the NH zone shall be stabilized by planking, gravel or
34 pavement as deemed necessary, and roadways shall be built without installation of
35 excessive fill, diversion of water or excessive cuts unless the site investigation
36 determines that such conditions will not be detrimental to the area or create
37 unwarranted maintenance problems or additional hazards.
38
39 (IV.D.10) The certificate holder shall locate access roads and temporary construction
40 laydown and staging areas, including those associated with construction of
41 transmission lines or placement of conductors on third-party transmission lines, to
42 minimize disturbance with farming practices and, wherever feasible, as
43 determined in consultation with affected landowners, shall place turbines and
44 transmission interconnection lines along the margins of cultivated areas to reduce
45 the potential for conflict with farm operations. The certificate holder shall place

1 aboveground transmission and collector lines and poles and junction boxes along
2 property lines and public road rights-of-way to the extent practicable.

3
4 (IV.D.11) During operation of the facility, the certificate holder, in cooperation with
5 landowners, shall avoid impact on cultivated land to the extent reasonably
6 possible when performing facility repair and maintenance activities.

7
8 (IV.D.12) Where necessary and feasible, the certificate holder shall provide access across
9 construction trenches to fields within the facility site and otherwise provide
10 adequate and timely access to properties during critical periods in the farming
11 cycle, such as harvest.

12
13 (IV.D.13) Before beginning construction of the facility, the certificate holder shall record a
14 Farm Management Easement covering the properties on which the certificate
15 holder locates wind power generation facilities. The certificate holder shall record
16 the easements in the real property records of Sherman County and shall file a
17 copy of the recorded easement with the Sherman County Planning Director.

18
19 (IV.D.14) The certificate holder shall remove from Special Farm Assessment the portions of
20 parcels on which facilities are located and shall pay all property taxes due and
21 payable after the Special Farm Assessment is removed from such properties.

22
23 (IV.D.15) Within 90 days after beginning operation, the certificate holder shall provide to
24 the Department and to the Sherman County Planning Director the actual latitude
25 and longitude location or Stateplane NAD 83(91) coordinates of each turbine
26 tower, connecting lines and transmission lines. In addition, the certificate holder
27 shall provide to the Department and to the Sherman County Planning Director, a
28 summary of as-built changes in the facility compared to the original plan, if any.

29
30 (IV.D.16) The certificate holder shall work with the Sherman County Weed Control
31 manager to take appropriate measures to prevent the invasion, during and after the
32 facility's construction, of any weeds on the Sherman County noxious weed list.

33
34 (IV.D.17) The certificate holder shall cooperate with the Sherman County Road Department
35 to ensure that any unusual damage or wear caused by the use of the county's
36 roads by the developer during the construction of the facility will be the
37 responsibility of the developer. The Road Department will provide an assessment
38 of road conditions in the facility area prior to the start of construction of the
39 facility and an evaluation of the roads following completion of the facility to
40 determine any significant change in condition. In addition, no equipment or
41 machinery of the developers shall be parked or stored on any county road except
42 while in use.

43
44 (IV.D.18) Prior to start of construction, the certificate holder shall, in consultation with
45 Sherman County, assign a 9-1-1 5-digit rural address to every tower road that

1 intersects a State or county road. The county will provide and install the signage
2 for these addresses.

- 3
- 4 (IV.D.19) Prior to beginning construction, the certificate holder will:
- 5 (a) Designate a route or routes for the transport of wind turbine construction
6 material (including water, aggregate, concrete, machinery and tower
7 pieces), with the intention of minimizing damage to non-designated roads,
8 and provide these designations to the County Road Master;
 - 9 (b) Provide to the County Road Master a written summary of possible
10 anticipated road damage to the designated route or routes, and an estimate
11 of the cost of repair to the designated route or routes;
 - 12 (c) Establish and maintain an escrow account for so long as construction is
13 ongoing, funded in an amount equal to the estimated cost to repair the
14 designated route or routes consistent with the estimate provided in (b); and
 - 15 (d) Conduct an inspection of the roads along the designated route or routes
16 before and after construction with a representative of the Sherman County
17 Road Department and an independent third party with the required
18 expertise to inspect and evaluate paved and graveled roads. In the event a
19 dispute arises, the third party shall be the final arbiter. The cost of the
20 hiring of the third party shall be borne by the applicant.

21

22 (IV.D.20) Before beginning construction of facility access roads, the certificate holder shall
23 confer with the Sherman County Road Master regarding any utility permits
24 needed for county road right-of-ways and obtain permits for construction of all
25 approach roads onto county roads, all in accordance with Sherman County
26 Ordinance No. 35-2007.

27

28 (IV.D.21) The certificate holder shall comply with Sherman County Zoning Ordinance
29 Section 4.14.4, Access Connection and Driveway Design, in connection with
30 construction of the O&M facility and substations.

31

32 **E. SOIL PROTECTION**

33

34 (IV.E.1) The certificate holder shall conduct all construction work in compliance with an
35 Erosion and Sediment Control Plan (the "ESCP") satisfactory to the Oregon DEQ
36 and as required under the National Pollutant Discharge Elimination System Storm
37 Water Discharge General Permit #1200-C. The certificate holder shall include in
38 the ESCP any procedures necessary to meet local erosion and sediment control
39 requirements or storm water management requirements.

40

41 (IV.E.2) Where temporary impacts will occur in cultivated areas, the certificate holder
42 shall salvage approximately three feet of topsoil and stockpile this topsoil in
43 windrows. The certificate holder shall protect the windrows with plastic sheeting
44 or mulch. Upon removal of the temporary features, the certificate holder shall
45 cultivate the subsoil to a depth of at least 12 inches (except where bedrock

1 prohibits achieving this depth) and then redistribute the salvaged topsoil to match
2 adjacent grades.

3
4 (IV.E.3) During facility operation, the certificate holder shall routinely inspect and
5 maintain all roads, pads and trenched areas and, as necessary, maintain or repair
6 erosion control measures. The certificate holder shall restore areas that are
7 temporarily disturbed during facility maintenance or repair activities to
8 predisturbance condition or better.

9
10 (IV.E.4) During construction and operation of the facility, the certificate holder shall
11 implement a plan, developed in consultation with the Sherman County Weed
12 Control manager, to control the introduction and spread of noxious weeds.

13
14 (IV.E.5) During construction, the certificate holder shall ensure that the wash down of
15 concrete trucks occurs only at a contractor-owned batch plant or at tower
16 foundation locations. If such wash down occurs at tower foundation locations,
17 then the certificate holder shall ensure that wash down wastewater does not run
18 off the construction site into otherwise undisturbed areas and that the wastewater
19 is disposed of on backfill piles and buried underground with the backfill over the
20 tower foundation.

21
22 (IV.E.6) During facility operation, if blade-washing becomes necessary, the certificate
23 holder shall ensure that there is no runoff of wash water from the site or
24 discharges to surface waters, storm sewers or dry wells. The certificate holder
25 shall not use acids, bases or metal brighteners with the wash water. The certificate
26 holder may use biodegradable, phosphate-free cleaners sparingly.

27
28 **F. PROTECTED AREAS**
29 [No conditions]

30
31 **G. SCENIC RESOURCES**

- 32
33 (IV.G.1) To reduce the visual impact of the facility, the certificate holder shall:
34 (a) Mount nacelles on smooth steel structures painted uniformly in a neutral
35 color to blend with the surrounding landscape;
36 (b) Paint substation structures in a neutral color to blend with the surrounding
37 landscape;
38 (c) Not allow any advertising to be used on any part of the facility;
39 (d) Use only those signs required for facility safety or required by law, except
40 that the certificate holder may erect a sign to identify the facility; and
41 (e) Maintain any signs allowed under this condition in good repair.

42
43 (IV.G.2) The certificate holder shall design and construct the O&M facility to be generally
44 consistent with the character of similar buildings used by commercial farmers or
45 ranchers in the area and shall paint the building in a neutral color to blend with the
46 surrounding landscape.

- 1
2 (IV.G.3) During operation of the facility, the certificate holder shall not use exterior
3 nighttime lighting except:
4 (a) The minimum turbine tower lighting required or recommended by the
5 Federal Aviation Administration (the “FAA”);
6 (b) Security lighting at the O&M facility and substations, provided that such
7 lighting is shielded or directed downward to reduce glare;
8 (c) Minimum lighting necessary for repairs or emergencies; and
9 (d) As otherwise required by federal, State or local law.

10
11 **H. RECREATION**

12 [No conditions]

13
14 **I. PUBLIC HEALTH AND SAFETY STANDARDS**

- 15
16 (IV.I.1) The certificate holder shall follow manufacturer’s recommended handling
17 instructions and procedures to prevent damage to turbine or turbine tower
18 components that could lead to failure.
19
20 (IV.I.2) The certificate holder shall install and maintain self-monitoring devices on each
21 turbine, connected to a fault annunciation panel or SCADA system at the O&M
22 facility to alert operators to potentially dangerous conditions. The certificate
23 holder shall equip each turbine with vibration-sensing equipment that will shut
24 down the turbine in the event of abnormal levels of vibration.
25
26 (IV.I.3) The certificate holder shall construct turbine towers with no exterior ladders or
27 access to the turbine blades and shall install locked tower access doors. The
28 certificate holder shall keep tower access doors locked at all times except when
29 authorized personnel are present.
30
31 (IV.I.4) The certificate holder shall have an operational safety-monitoring program and
32 shall inspect all turbines and turbine tower components on a regular basis. The
33 certificate holder shall maintain or repair turbine and turbine tower components as
34 necessary to protect public safety.
35
36 (IV.I.5) For turbine types having pad-mounted step-up transformers, the certificate holder
37 shall install the transformers at the base of each tower in locked cabinets designed
38 to protect the public from electrical hazards and to avoid creation of artificial
39 habitat for raptor prey.
40
41 (IV.I.6) To protect the public from electrical hazards, the certificate holder shall enclose
42 the facility substations with appropriate fencing and locked gates.
43
44 (IV.I.7) Before beginning construction, the certificate holder shall submit to the FAA and
45 the Oregon Department of Aviation (“ODA”) a Notice of Proposed Construction
46 or Alteration identifying the proposed final locations of the turbines and related or

1 supporting facilities and shall provide a copy of this notice to the Department. The
2 certificate holder shall notify the Department of the FAA's and ODA's responses
3 as soon as they have been received.
4

- 5 (IV.I.8) The certificate holder shall construct all facility components in compliance with
6 the following setback requirements:
- 7 (a) The certificate holder shall maintain a minimum distance of 110 percent of
8 maximum blade tip height, measured from the centerline of the turbine
9 tower to the nearest edge of any public road right-of-way. The certificate
10 holder shall assume a minimum right-of-way width of 60 feet.
 - 11 (b) The certificate holder shall maintain a minimum distance of 1,320 feet,
12 measured from the centerline of the turbine tower to the center of the
13 nearest residence existing at the time of tower construction.
 - 14 (c) The certificate holder shall maintain a minimum distance of 110 percent of
15 maximum blade tip height, measured from the centerline of the turbine
16 tower to the nearest boundary of the certificate holder's lease area.
17

18 **J. SITING STANDARDS FOR WIND ENERGY FACILITIES**

19 [No conditions]
20

21 **K. SITING STANDARDS FOR TRANSMISSION LINES**
22

- 23 (IV.K.1) The certificate holder shall install the underground segments of the 34.5-kV
24 collector system at a minimum depth of three feet.
25

26 **L. THREATENED AND ENDANGERED SPECIES**
27

- 28 (IV.L.1) If construction of the facility begins after 2009, the certificate holder shall review
29 the Oregon Natural Heritage Information Center and U.S. Fish and Wildlife
30 Service databases and consult with an expert designated by ODFW on an annual
31 basis before beginning construction to determine whether nesting bald eagles or
32 peregrine falcons have been documented to occur within two miles of the facility.
33 The certificate holder shall report the results of the database review and
34 consultation to the Department and to ODFW and, if there have been new
35 documentations of nesting bald eagles or peregrine falcons within two miles of
36 the facility, the certificate holder shall implement appropriate measures to protect
37 the species from adverse impact, as approved by the Department and ODFW.
38

- 39 (IV.L.2) The certificate holder shall implement measures to mitigate impacts to sensitive
40 wildlife habitat during construction including, but not limited to, the following:
- 41 (a) Preparing maps to show sensitive areas, such as nesting or denning areas
42 for sensitive wildlife species, that are off limits to construction personnel;
 - 43 (b) Ensuring that a qualified person instructs construction personnel to be
44 aware of wildlife in the area and to take precautions to avoid injuring or
45 destroying wildlife or significant wildlife habitat; and

1 (c) Avoiding unnecessary road construction, temporary disturbance and
2 vehicle use.
3

4 **M. FISH AND WILDLIFE HABITAT**
5

6 (IV.M.1) The certificate holder shall implement the Habitat Mitigation and Revegetation
7 Plan submitted by the certificate holder in its August 2008 application supplement
8 and attached to the Final Order as Attachment B, as amended from time to time.
9 Prior to start of construction, the certificate holder shall acquire the legal right to
10 create, enhance, maintain and protect a habitat mitigation area so long as the site
11 certificate is in effect by means of outright purchase, conservation easement or
12 similar conveyance and shall provide a copy of the documentation to the
13 Department. The nominal lease term shall be at least 30 years, with an option to
14 extend if the facility continues operations past year 30. The mitigation area shall
15 be as shown in figures 1, 2 and 3 of Attachment B to the Final Order. Any
16 different mitigation area shall require prior approval of the Department in
17 consultation with ODFW.
18

19 (IV.M.2) The certificate holder shall restore areas outside the permanent footprint that are
20 disturbed during construction according to the methods and monitoring
21 procedures described in the revegetation plan included in the Final Order as
22 Attachment B and as amended from time to time. Mitigation and restoration
23 requirements in the plan shall apply to all laydown areas and other areas of
24 temporary disturbance, including those associated with construction of
25 transmission lines.
26

27 (IV.M.3) Permanent met towers shall not have guy wires.
28

29 (IV.M.4) The certificate holder shall survey the status of known raptor nests within 0.5
30 miles before ground-disturbing activities begin. If an active nest is found, and
31 ground-disturbing activities are scheduled to begin before the end of the sensitive
32 nesting and breeding season (mid-April to mid-August), the certificate holder will
33 not engage in ground-disturbing activities within a 0.25-mile buffer around the
34 nest until the nest fledges young or the nest fails, unless ODFW approves an
35 alternative plan. If ground-disturbing construction activities continue into the
36 sensitive nesting and breeding season for the following year, the certificate holder
37 will not engage in ground-disturbing activities within the 0.25-mile buffer if the
38 nest site is found to be active until the nest fledges young or the nest fails, unless
39 ODFW approves an alternate plan.
40

41 (IV.M.5) The certificate holder will survey the status of known loggerhead shrikes nests
42 and visit sites where non-nesting loggerhead shrikes were observed in order to
43 determine old and new nest sites. Ground-disturbing activities will be sequenced
44 with active raptor nests, using a 150-meter buffer.
45

- 1 (IV.M.6) Trees in Category 3 upland tree habitat shall not be physically harmed or
 2 removed.
 3
- 4 (IV.M.7) The certificate holder shall conduct wildlife monitoring as described in the
 5 Wildlife Monitoring and Mitigation Plan that is included as Attachment A to the
 6 Final Order and as amended from time to time.
 7
- 8 (IV.M.8) The certificate holder shall design and construct all aboveground transmission line
 9 support structures following the practices suggested by the Avian Powerline
 10 Interaction Committee (APLIC 1996, referenced in the Application for a Site
 11 Certificate, at P-33) and shall install anti-perching devices on transmission pole
 12 tops and cross arms where the poles are within the site or are located within one-
 13 quarter mile of any wind turbine.
 14
- 15 (IV.M.9) The certificate holder may construct turbines and other facility components within
 16 the 900-foot corridors shown on Figures P-1 through P-10 of the Application for a
 17 Site Certificate and August 2008 supplement, subject to the following
 18 requirements addressing potential habitat impact:
 19 (a) The certificate holder shall not construct any facility components within
 20 areas of Category 1 or Category 2 habitat and shall avoid temporary
 21 disturbance of Category 1 or Category 2 habitat, except for those acreages
 22 allowed in Table IV.M.1 in the Final Order.
 23 (b) The certificate holder shall design and construct facility components that
 24 are the minimum size needed for safe operation of the energy facility.
 25
- 26 (IV.M.10) During construction, the certificate holder shall protect the area within a 1300-
 27 foot buffer around any active nests of the following species during the sensitive
 28 period, as provided in this condition:
 29

Species	Sensitive Period	Early Release Date
Swainson's hawk	April 1 to August 15	May 31
Golden eagle	February 1 to August 31	May 31
Ferruginous hawk	March 15 to August 15	May 31
Burrowing owl	April 1 to August 15	July 15

30
 31 The 1300-foot buffer may be reduced, with Department approval, if there is an
 32 adequate physical barrier between the nest site and the construction impacts such
 33 that a 1300-foot buffer proves to be excessive.
 34

35 During the year in which construction of any phase occurs, the certificate holder
 36 shall use a protocol approved by ODFW to determine whether there are any active
 37 nests of these species within a half-mile of any areas that would be disturbed
 38 during construction. If a nest is occupied by any of these species after the
 39 beginning of the sensitive period, the certificate holder shall not engage in high-
 40 impact construction activities (activities that involve blasting, grading or other
 41 major ground disturbance) or allow high levels of construction traffic within 1300
 42 feet of the nest site, or such lesser distance as may be approved by the Department

1 in the event there is an adequate physical barrier between the nest site and the
2 construction impacts.

3
4 In addition, the certificate holder shall flag the boundaries of the 1300-foot buffer
5 area, or such lesser distance as may be approved by the Department in the event
6 there is an adequate physical barrier between the nest site and the construction
7 impacts, and shall instruct construction personnel to avoid any unnecessary
8 activity within the buffer area. The certificate holder shall direct a qualified
9 independent third-party biological monitor, as approved by the Department, to
10 observe the active nest sites during the sensitive period for signs of disturbance
11 and to notify the Department of any noncompliance with this condition. If the
12 monitor observes nest site abandonment or other adverse impact to nesting
13 activity, the certificate holder shall implement appropriate mitigation, in
14 consultation with ODFW and subject to the approval of the Department, unless
15 the adverse impact is clearly shown to have a cause other than construction
16 activity. The certificate holder may begin or resume high-impact construction
17 activities before the ending day of the sensitive period if any known nest site is
18 not occupied by the early release date. If a nest site is occupied, then the
19 certificate holder may begin or resume high-impact construction before the ending
20 day of the sensitive period with the approval of ODFW, but after the young are
21 fledged. The certificate holder shall use a protocol approved by ODFW to
22 determine when the young are fledged (meaning the young are independent of the
23 core nest site).

24
25 **V. STANDARDS NOT APPLICABLE TO SITE CERTIFICATE ELIGIBILITY**

26
27 Under ORS 469.501(4), the Council may issue a site certificate without making the
28 findings required by the standards discussed in this section (Structural Standard; Historic,
29 Cultural and Archaeological Resources Standard; Public Services Standard; and Waste
30 Minimization Standard). Nevertheless, the Council may impose site certificate conditions based
31 on the requirements of these standards.

32
33 **A. STRUCTURAL STANDARD**

- 34
35 (V.A.1) The certificate holder shall submit a site-specific geotechnical investigation report
36 to the Oregon Department of Geology & Mineral Industries (“DOGAMI”). The
37 investigation and report shall conform to the Oregon State Board of Geologist
38 Examiners guidelines titled “Guidelines for Engineering Geologic Reports” and
39 “Guidelines for Site-Specific Seismic Hazard Reports for Essential and
40 Hazardous Facilities and Major and Special-Occupancy Structures in Oregon.”
41 The certificate holder shall provide the Department with the report and with
42 evidence of concurrence by DOGAMI prior to start of construction.
43
44 (V.A.2) The certificate holder shall instruct the consulting geologist and engineer to study
45 slope stability issues and include conclusions and recommendations about slope
46 stability in the site-specific geotechnical report.

1
2 (V.A.3) The certificate holder shall design and construct the facility in accordance with
3 requirements set forth by the State’s Building Code Division and any other
4 applicable codes and design procedures.

5
6 (V.A.4) The certificate holder shall design, engineer and construct the facility to avoid
7 dangers to human safety presented by non-seismic hazards. As used in this
8 condition, “non-seismic hazards” include settlement, landslides, flooding and
9 erosion.

10
11 (V.A.5) The certificate holder shall ensure that wind turbine corridors and major structures
12 are constructed with sufficient setbacks from all steeper slopes to minimize the
13 potential for creating unstable or marginally stable conditions.
14

15 **B. HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES STANDARD**

16
17 (V.B.1) The certificate holder shall design the facility to avoid impacts to sites 35SH217,
18 35SH220, GH site 6 (above ground resource), 35SH219 and GH Isolate 6.

19
20 (V.B.2) For sites 35SH215, 35SH216 and 35SH221, the certificate holder shall avoid
21 impacts to these sites during construction and subsequent operations. The
22 certificate holder shall develop a Cultural Resource Management Plan (the
23 “CRMP”) that includes a 30-meter buffer area around these listed sites designated
24 as a “no-work zone” for all ground-disturbing activities. The certificate holder
25 shall submit the CRMP to the State Historic Preservation Office (the “SHPO”) for
26 concurrence and shall provide to the Department documentation confirming
27 SHPO concurrence prior to start of construction.
28

29 (V.B.3) The certificate holder shall consult with the SHPO regarding the development of a
30 CRMP that will address the protection of aboveground historic resources and
31 belowground archeological resources. The CRMP shall include established
32 protocol and procedures for unanticipated discoveries, such as the discovery of
33 new archeological sites or Native American human remains during ground-
34 disturbing activities, and shall document how these protocols will follow State
35 laws and rules at ORS 358.905-961, ORS 390.235, OAR 736-051-0090 and ORS
36 97.740-760 as in effect on the date of this site certificate.
37

38 (V.B.4) Before beginning construction of any phase of the facility, the certificate holder
39 shall provide to the Department a map showing the final design locations of all
40 components of that phase of the facility and areas that would be temporarily
41 disturbed during construction, and also showing the areas surveyed by Tetra Tech
42 in preparing the Archeological Inventory for Golden Hills Wind Energy
43 Development included in the Application for a Site Certificate as Attachment S-1.
44 If there are any additional areas where ground-disturbing activities will occur that
45 were not part of the original facility area, the certificate holder shall contact the
46 SHPO to determine whether there will be additional impacts to cultural resources.

- 1
2 (V.B.5) The certificate holder shall ensure that a qualified archaeologist instructs
3 construction personnel on the identification of cultural resources
4
- 5 (V.B.6) If any cultural resources are discovered during construction activities, all work at
6 that location shall cease immediately and the certificate holder shall contact the
7 SHPO to determine whether it is necessary to have an archeologist travel to the
8 worksite and assess the discovery or monitor construction activities.
9
- 10 (V.B.7) “No access” buffers shall be identified on construction plans and temporarily
11 demarcated in the field before and during construction. The facility
12 Environmental Inspector shall monitor flagged “no access” buffers around
13 archeological sites during construction to prevent accidental damage to cultural
14 resources. These flags or markers shall not be moved or removed during
15 construction activities, and construction personnel shall be advised of these
16 restrictions.
17
- 18 (V.B.8) The certificate holder shall ensure that construction personnel cease all ground-
19 disturbing activities in the immediate area if any archaeological or cultural
20 resources are found during construction of the facility until a qualified
21 archaeologist can evaluate the significance of the find. No construction personnel
22 will be allowed in the discovery area except for facility management in
23 consultation with the SHPO. The certificate holder shall notify the Department
24 and the SHPO of the find. If the SHPO determines that the resource is significant,
25 the certificate holder shall make recommendations to the Council for mitigation,
26 including avoidance or data recovery, in consultation with the Department, the
27 SHPO, the appropriate Oregon tribes and other appropriate parties. The certificate
28 holder shall not restart work in the affected area until the certificate holder has
29 demonstrated to the Department that it has complied with State archaeological
30 protection and archaeological permit laws in coordination with the SHPO.
31
- 32 (V.B.9) The certificate holder shall ensure that construction personnel proceed carefully in
33 the vicinity of the mapped alignment of the Oregon Trail. If any intact physical
34 evidence of the trail is discovered, the certificate holder shall avoid any
35 disturbance to the intact segments by redesign, reengineering or restricting the
36 area of construction activity. The certificate holder shall promptly notify the
37 Department and the SHPO of the discovery. The certificate holder shall consult
38 with the Department and with the SHPO to determine appropriate mitigation
39 measures.
40
- 41 (V.B.10) Upon completion of construction, the certificate holder shall consult with the
42 Oregon Historic Trails Advisory Council regarding the appropriate content of an
43 interpretive sign. After such consultation, the certificate holder shall place in a
44 publicly accessible location a sign giving notice of the historic background of the
45 facility site and surrounding areas.
46

1 **C. PUBLIC SERVICES STANDARD**

2
3 (V.C.1) During operation of the facility, the certificate holder shall obtain water for on-
4 site use from one well located at the O&M facility, subject to compliance with
5 applicable permit requirements. During operation of the facility, the certificate
6 holder shall not use more than 5,000 gallons of water per day from the on-site
7 well.
8

9 (V.C.2) During construction and operation of the facility, the certificate holder shall install
10 on-site security and shall require on-site security personnel to establish a line of
11 communication with the Sherman County Sheriff's Office to regularly report on
12 the status of on-site security operations.
13

14 (V.C.3) During construction and operation of the facility, the certificate holder shall
15 develop and coordinate response protocols with the North Sherman Fire
16 Protection District, the Moro Rural Fire Protection District and other wind energy
17 facility operators in the vicinity of the facility.
18

19 (V.C.4) During construction of the facility, the certificate holder shall ensure that
20 construction vehicles and equipment are operated on graveled areas to the extent
21 possible and that open flames, such as cutting torches, are kept away from grassy
22 areas.
23

24 (V.C.5) During construction and operation of the facility, the certificate holder shall
25 ensure that the O&M facility and all service vehicles are equipped with shovels
26 and portable fire extinguishers of a 4A5OBC or equivalent rating.
27

28 (V.C.6) During construction of the facility, the certificate holder shall maintain a water
29 truck on site to respond to potential fire incidents.
30

31 (V.C.7) The certificate holder shall construct turbines on concrete pads with a minimum
32 of 10 feet of nonflammable and non-erosive ground cover on all sides. The
33 certificate holder shall cover turbine pad areas with nonflammable, non-erosive
34 material immediately following exposure during construction and shall maintain
35 the pad area covering during operation of the facility.
36

37 (V.C.8) During operation of the facility, the certificate holder shall ensure that all on-site
38 employees receive annual fire prevention and response training, including tower
39 rescue training, from qualified instructors or members of local fire districts and
40 shall ensure that all employees are instructed to keep vehicles on roads and off dry
41 grassland, except when off-road operation is required for emergency purposes.
42

43 (V.C.9) Upon beginning operation of the facility, the certificate holder shall provide to
44 North Sherman Fire Protection District and Moro Rural Fire Protection District a
45 site plan indicating the identification number assigned to each turbine and the
46 location of all facility structures. During operation of the facility, the certificate

1 holder shall ensure that appropriate district personnel have an up-to-date list of the
2 names and telephone numbers of facility personnel available to respond on a 24-
3 hour basis in case of an emergency on the facility site.

4
5 (V.C.10) Before and during beginning construction of the facility, the certificate holder
6 shall develop and implement a construction-phase traffic management plan with
7 all affected local jurisdictions.

8
9 (V.C.11) During construction of the facility, the certificate holder shall implement
10 measures to reduce traffic impacts, including:
11 (a) Providing notice to all affected local jurisdictions in advance of deliveries;
12 (b) Providing notice to adjacent landowners and residents of Biggs Junction in
13 advance of deliveries; and
14 (c) Requiring flaggers to be at appropriate locations at appropriate times
15 during construction to direct traffic and reduce accident risks.

16
17 (V.C.12) Prior to start of construction, the certificate holder shall obtain from the Sherman
18 County Road Department an assessment of road conditions in the facility area
19 prior to the start of construction of the facility. The certificate holder shall also
20 obtain from the county road department an evaluation of the roads following
21 completion of the facility to determine any significant change in condition. The
22 certificate shall cooperate with the Sherman County Road Department to ensure
23 that any unusual damage or wear caused by the use of the county's roads by the
24 developer during the construction of the facility will be the responsibility of the
25 developer. In addition, no equipment or machinery of the developers shall be
26 parked or stored on any county road except while in use.

27
28 (V.C.13) Prior to beginning construction, the certificate holder will
29 (a) Designate a route or routes for the transport of wind turbine construction
30 material (including water, aggregate, concrete, machinery and tower
31 pieces), with the intention of minimizing damage to non-designated roads,
32 and provide these designations to the County Road Master;
33 (b) Provide to the County Road Master a written summary of possible
34 anticipated road damage to the designated route or routes, and an estimate
35 of the cost of repair to the designated route or routes;
36 (c) Establish and maintain an escrow account for so long as construction is
37 ongoing funded in an amount equal to the estimated cost to repair the
38 designated route or routes consistent with the estimate provided in (b); and
39 (d) Conduct an inspection of the roads along the designated route or routes
40 before and after construction with a representative of the Sherman County
41 Road Department and an independent third party with the required
42 expertise to inspect and evaluate paved and graveled roads. In the event a
43 dispute arises, the third party shall be the final arbiter. The cost of the
44 hiring of the third party shall be borne by the certificate holder.

45

1 (V.C.14) The certificate holder shall work with Sherman County Emergency Manager to
2 assign a 9-1-1 5-digit rural address to every tower road that intersects a State or
3 county road. The county will provide and install the signage for these addresses.
4

5 **D. WASTE MINIMIZATION STANDARD**
6

7 (V.D.1) During construction, the certificate holder shall implement a waste management
8 plan that includes, but is not limited to, the following measures:

- 9 (a) Recycling steel and other metal scrap;
- 10 (b) Recycling wood waste;
- 11 (c) Recycling packaging wastes, such as paper and cardboard;
- 12 (d) Collecting non-recyclable waste for transport to a landfill; and
- 13 (e) Segregating all hazardous wastes, such as used oil, oily rags and oil-
14 absorbent materials, lubricant and cleaning solution containers, mercury-
15 containing lights, and lead-acid and nickel-cadmium batteries, for disposal
16 by a licensed firm specializing in the proper recycling or disposal of
17 hazardous wastes.
18

19 (V.D.2) During operation, the certificate holder shall implement a waste management plan
20 that includes, but is not limited to, the following measures:

- 21 (a) Training employees to minimize and recycle solid waste;
- 22 (b) Recycling paper products, metals, glass and plastics;
- 23 (c) Recycling used oil and hydraulic fluid;
- 24 (d) Collecting non-recyclable waste for transport to a landfill; and
- 25 (e) Segregating all hazardous wastes, such as used oil, oily rags and
26 oil-absorbent materials, oil and cleaning solution containers,
27 mercury-containing lights, and lead-acid and nickel-cadmium
28 batteries, for disposal by a licensed firm specializing in the proper
29 recycling or disposal of hazardous wastes.
30

31 (V.D.3) During construction, the certificate holder shall provide portable toilets for on-site
32 sewage handling and shall ensure that they are pumped and cleaned regularly by a
33 licensed contractor.
34

35 (V.D.4) During operation, the certificate holder shall discharge sanitary wastewater
36 generated at the O&M facility to a licensed on-site septic system in compliance
37 with county permit requirements. The certificate holder shall design the septic
38 system with a discharge capacity of less than 5,000 gallons per day.
39

40 **VI. OTHER APPLICABLE REGULATORY REQUIREMENTS**
41

42 **A. REQUIREMENTS UNDER COUNCIL JURISDICTION**
43

44 **1. NOISE CONTROL REGULATIONS**
45

46 (VI.A.1.1) To reduce noise impacts at nearby residential areas, the certificate holder shall:

- 1 (a) Confine the noisiest operation of heavy construction equipment to the
2 daylight hours;
3 (b) Require contractors to install and maintain exhaust mufflers on all
4 combustion engine-powered equipment; and
5 (c) Establish a complaint response system at the construction manager's
6 office to address noise complaints.
7

8 (VI.A.1.2) The certificate holder shall submit, for Department approval prior to construction,
9 a complete new noise analysis for the facility as designed and generate a new
10 table listing each noise-sensitive property, as defined in OAR 340-035-0015(38),
11 and the predicted maximum hourly L_{50} noise level at each noise-sensitive
12 property. In addition, the certificate holder shall provide the predicted sound
13 levels contributed by each turbine at each noise-sensitive property that does not
14 provide a waiver of the ambient noise rule. The certificate holder shall perform
15 the analysis using the CADNA/A by DataKustik GmbH of Munich, Germany,
16 and shall base the analysis on the final facility design including final choice of
17 turbine and location of all facility components. The analysis shall demonstrate to
18 the satisfaction of the Department that each of the following requirements have
19 been met:

- 20 (a) For any noise-sensitive property, the certificate holder shall identify the
21 final design locations of all turbines to be built and perform a noise
22 analysis demonstrating, in accordance with OAR 340-035-
23 0035(1)(b)(B)(iii)(IV), that the total hourly L_{50} noise level generated by
24 the facility would not exceed 50 dBA at the appropriate measurement
25 point. The certificate holder shall assume the following input parameters:
26 · The maximum sound power level warranted by the manufacturer or
27 confirmed by other means acceptable to the Department;
28 · The exact locations of the proposed turbines;
29 · Attenuation of sound due to absorption to be calculated using a
30 methodology satisfactory to the Department;
31 · The use of 50° F temperature and 70 percent relative humidity in the
32 analysis;
33 · A 2dB safety margin shall be added to turbine sound power levels;
34 · No credit for shielding of any residence by terrain; and
35 · All receptors treated as simultaneously downwind of all turbines.
36 (b) If the hourly L_{50} noise levels caused by the facility at any noise-sensitive
37 property would increase the ambient noise level at any noise-sensitive
38 property over the full set of wind conditions ranging from cut in to full
39 load by more than 10 dBA, the certificate holder shall obtain a legally
40 effective easement or real covenant from that property owner pursuant to
41 which the owner of the property authorizes the certificate holder's
42 operation of the facility to increase ambient statistical noise levels L_{10} and
43 L_{50} by more than 10 dBA at the appropriate measurement point. A legally
44 effective easement or real covenant shall (i) include a legal description of
45 the burdened property (the noise-sensitive property); (ii) be recorded in
46 the real property records of the county; (iii) expressly benefit the

1 certificate holder; (iv) expressly run with the land and bind all future
2 owners, lessees or holders of any interest in the burdened property; and (v)
3 not be subject to revocation without the certificate holder's written
4 approval.

5 (c) If, for any noise-sensitive property where the hourly L₅₀ noise levels
6 caused by the facility would increase by more than 10 dBA above the
7 ambient level over the full range of wind conditions measured for that
8 property and where the certificate holder has not obtained a legally
9 effective easement or real covenant as described in (b), the certificate
10 holder shall identify measures to reduce noise at that property either by
11 eliminating or moving turbines, and shall perform the noise analysis again
12 to demonstrate, in accordance with OAR 340-035-0035(1)(b)(B)(iii)(IV),
13 that the total noise generated by the facility would meet the ambient noise
14 degradation test at the appropriate measurement point at that noise-
15 sensitive property. The certificate holder shall obtain Department
16 concurrence of the new analysis prior to start of construction.

17
18 (VI.A.1.3) During operation, the certificate holder shall maintain a complaint response
19 system to address noise complaints. The certificate holder shall promptly notify
20 the Department of any complaints received regarding facility noise and of any
21 actions taken by the certificate holder to address those complaints. Prior to start of
22 commercial operation, the certificate holder shall notify, in writing, the owners of
23 potentially affected noise-sensitive properties identified in Exhibit X of the
24 completed Application for a Site Certificate. The notice shall inform the property
25 owners of the procedure and contact information for filing a complaint regarding
26 the noise level from the facility once it is operating. The certificate holder shall
27 document the issuance of this notice and provide that documentation to the
28 Department.

29
30 (VI.A.1.4) Prior to start of commercial operation, the certificate holder shall submit a plan
31 for complaint-based operational noise monitoring to the Department. Commercial
32 operation shall not commence until the Department has concurred in writing with
33 the complaint-based noise monitoring protocol. The plan shall provide for testing
34 at houses whose owners or occupants submit a complaint to the Council or the
35 Department. The plan shall include a schedule for completion of required testing
36 and a date certain by which written results shall be provided to the Council. If the
37 owner of the property that filed the complaint refuses to grant access for the
38 purpose of performing the noise test described in this condition after reasonable
39 attempts are made by the certificate holder to receive permission for access, then
40 the Department shall not require further corrective action.

41
42 **2. REMOVAL FILL LAW**
43 [No conditions]

44
45 **3. GROUND WATER ACT**
46 [No conditions]

1
2 **4. PUBLIC HEALTH AND SAFETY**
3

- 4 (VI.A.4.1) The certificate holder shall take reasonable steps to reduce or manage human
5 exposure to electric and magnetic fields, including, but not limited to:
6 (a) Constructing all aboveground transmission lines at least 200 feet from any
7 residence or other occupied structure, measured from the centerline of the
8 transmission line;
9 (b) Fencing all areas near the facility substations to ensure that substation
10 equipment is not accessible to the public;
11 (c) Providing to landowners a map of underground and overhead transmission
12 lines on their property and advising landowners of possible health risks;
13 and
14 (d) Designing and maintaining all transmission lines so that alternating
15 current electric fields do not exceed 9 kV per meter at one meter above the
16 ground surface in areas accessible to the public.
17

18 (VI.A.4.2) In advance of, and during, preparation of detailed design drawings and
19 specifications for 230-kV, 500-kV and 34.5-kV transmission lines, the certificate
20 holder shall consult with the Utility Safety and Reliability Section of the Oregon
21 Public Utility Commission to ensure that the designs and specifications are
22 consistent with applicable codes and standards.
23

24 (VI.A.4.3) Prior to start of construction, the certificate holder shall submit to ODOE a
25 procedure for coordinating, with all affected local electric service utilities and
26 transmission service providers, crane movements under electric transmission lines
27 during construction and maintenance of the facility. The procedure shall address
28 subjects including, but not limited to, minimum advance notification prior to any
29 crane movement under an electric transmission or distribution line, protocols for
30 determining adequate line clearance and specific crane path locations. With the
31 procedure, the certificate holder shall provide evidence of concurrence by each
32 affected electric service utility or transmission service provider. The certificate
33 holder shall ensure that all employees, construction contactors and subcontractors
34 adhere to this procedure throughout construction and maintenance of the facility.
35
36
37

38 **VII. CONDITIONS REQUIRED BY COUNCIL RULES**

39 This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in
40 Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028
41 (Monitoring Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules
42 for Facilities). These conditions should be read together with the specific facility conditions
43 listed in Sections III, IV, V and VI to ensure compliance with the siting standards of OAR
44 Chapter 345, Divisions 22 and 24, and to protect the public health and safety. In these conditions,
45 the definitions in OAR 345-001-0010 apply.
46

1 The obligation of the certificate holder to report information to the Department or the
2 Council under the conditions listed in this section and in Sections III, IV, V and VI is subject to
3 the provisions of ORS 192.502 et seq. and ORS 469.560. To the extent permitted by law, the
4 Department and the Council will not publicly disclose information that may be exempt from
5 public disclosure if the certificate holder has clearly labeled such information and stated the basis
6 for the exemption at the time of submitting the information to the Department or the Council. If
7 the Department or the Council receives a request for the disclosure of the information, the
8 Department or the Council, as appropriate, will make a reasonable attempt to notify the
9 certificate holder and will refer the matter to the Attorney General for a determination of whether
10 the exemption is applicable, pursuant to ORS 192.450.

11
12 In addition to these conditions, the certificate holder is subject to all conditions and
13 requirements contained in the rules of the Council and in local ordinances and State laws in
14 effect on the date the site certificate is executed. Under ORS 469.401(2), upon a clear showing of
15 a significant threat to the public health, safety or the environment that requires application of
16 later-adopted laws or rules, the Council may require compliance with such later-adopted laws or
17 rules.

18
19 The Council recognizes that many specific tasks related to the design, construction,
20 operation and retirement of the facility will be undertaken by the certificate holder's agents or
21 contractors. Nevertheless, the certificate holder is responsible for ensuring compliance with all
22 provisions of the site certificate.

23
24 (VII.1) OAR 345-027-0020(1): The Council shall not change the conditions of the site
25 certificate except as provided for in OAR Chapter 345, Division 27.

26
27 (VII.2) OAR 345-027-0020(2): The certificate holder shall submit a legal description of
28 the site to the Department of Energy within 90 days after beginning operation of
29 the facility. The legal description required by this rule means a description of
30 metes and bounds or a description of the site by reference to a map and
31 geographic data that clearly and specifically identifies the outer boundaries that
32 contain all parts of the facility.

33
34 (VII.3) OAR 345-027-0020(3): The certificate holder shall design, construct, operate and
35 retire the facility:

- 36 (a) Substantially as described in the site certificate;
37 (b) In compliance with the requirements of ORS Chapter 469, applicable
38 Council rules, and applicable state and local laws, rules and ordinances in
39 effect at the time the site certificate is issued; and
40 (c) In compliance with all applicable permit requirements of other state
41 agencies.

42
43 (VII.4) OAR 345-027-0020(4): The certificate holder shall begin and complete
44 construction of the facility by the dates specified in the site certificate. [*See*
45 *Conditions (III.D.1) and (III.D.2).*]

- 1 (VII.5) OAR 345-027-0020(5): Except as necessary for the initial survey or as otherwise
2 allowed for wind energy facilities, transmission lines or pipelines under this
3 section, the certificate holder shall not begin construction, as defined in OAR 345-
4 001-0010, or create a clearing on any part of the site until the certificate holder
5 has construction rights on all parts of the site. For the purpose of this rule,
6 “construction rights” means the legal right to engage in construction activities.
7 For wind energy facilities, transmission lines or pipelines, if the certificate holder
8 does not have construction rights on all parts of the site, the certificate holder may
9 nevertheless begin construction, as defined in OAR 345-001-0010, or create a
10 clearing on a part of the site if the certificate holder has construction rights on that
11 part of the site and:
12 (a) The certificate holder would construct and operate part of the facility on
13 that part of the site even if a change in the planned route of the
14 transmission line or pipeline occurs during the certificate holder’s
15 negotiations to acquire construction rights on another part of the site; or
16 (b) The certificate holder would construct and operate part of a wind energy
17 facility on that part of the site even if other parts of the facility were
18 modified by amendment of the site certificate or were not built.
19
- 20 (VII.6) OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative
21 finding under any standards of Division 22 or Division 24 of OAR Chapter 345,
22 the certificate holder shall consult with affected state agencies and local
23 governments designated by the Council and shall develop specific mitigation
24 plans consistent with Council findings under the relevant standards. The
25 certificate holder must submit the mitigation plans to the Office and receive
26 Office approval before beginning construction or, as appropriate, operation of the
27 facility.
28
- 29 (VII.7) OAR 345-027-0020(7): The certificate holder shall prevent the development of
30 any conditions on the site that would preclude restoration of the site to a useful,
31 non-hazardous condition to the extent that prevention of such site conditions is
32 within the control of the certificate holder.
33
- 34 (VII.8) OAR 345-027-0020(8): Before beginning construction of the facility, the
35 certificate holder shall submit to the State of Oregon, through the Council, a bond
36 or letter of credit in a form and amount satisfactory to the Council to restore the
37 site to a useful, non-hazardous condition. The certificate holder shall maintain a
38 bond or letter of credit in effect at all times until the facility has been retired. The
39 Council may specify different amounts for the bond or letter of credit during
40 construction and during operation of the facility. [*See Condition IV.C.4.*]
41
- 42 (VII.9) OAR 345-027-0020(9): The certificate holder shall retire the facility if the
43 certificate holder permanently ceases construction or operation of the facility. The
44 certificate holder shall retire the facility according to a final retirement plan
45 approved by the Council, as described in OAR 345-027-0110. The certificate
46 holder shall pay the actual cost to restore the site to a useful, non-hazardous

1 condition at the time of retirement, notwithstanding the Council’s approval in the
2 site certificate of an estimated amount required to restore the site.

3
4 (VII.10) OAR 345-027-0020(10): The Council shall include as conditions in the site
5 certificate all representations in the site certificate application and supporting
6 record the Council deems to be binding commitments made by the applicant.

7
8 (VII.11) OAR 345-027-0020(11): Upon completion of construction, the certificate holder
9 shall restore vegetation to the extent practicable and shall landscape all areas
10 disturbed by construction in a manner compatible with the surroundings and
11 proposed use. Upon completion of construction, the certificate holder shall
12 remove all temporary structures not required for facility operation and dispose of
13 all timber, brush, refuse and flammable or combustible material resulting from
14 clearing of land and construction of the facility.

15
16 (VII.12) OAR 345-027-0020(12): The certificate holder shall design, engineer and
17 construct the facility to avoid dangers to human safety presented by seismic
18 hazards affecting the site that are expected to result from all maximum probable
19 seismic events. As used in this rule “seismic hazard” includes ground shaking,
20 landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement
21 and subsidence.

22
23 (VII.13) OAR 345-027-0020(13): The certificate holder shall notify the Department, the
24 State Building Codes Division and the Department of Geology and Mineral
25 Industries promptly if site investigations or trenching reveal that conditions in the
26 foundation rocks differ significantly from those described in the application for a
27 site certificate. After the Department receives the notice, the Council may require
28 the certificate holder to consult with the Department of Geology and Mineral
29 Industries and the Building Codes Division and to propose mitigation actions.

30
31 (VII.14) OAR 345-027-0020(14): The certificate holder shall notify the Department, the
32 State Building Codes Division and the Department of Geology and Mineral
33 Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes
34 are found at or in the vicinity of the site.

35
36 (VII.15) OAR 345-027-0020(15): Before any transfer of ownership of the facility or
37 ownership of the site certificate holder, the certificate holder shall inform the
38 Department of the proposed new owners. The requirements of OAR 345-027-
39 0100 apply to any transfer of ownership that requires a transfer of the site
40 certificate.

41
42 (VII.16) OAR 345-027-0020(16): If the Council finds that the certificate holder has
43 permanently ceased construction or operation of the facility without retiring the
44 facility according to a final retirement plan approved by the Council, as described
45 in OAR 345-027-0110, the Council shall notify the certificate holder and request
46 that the certificate holder submit a proposed final retirement plan to the Office

1 within a reasonable time not to exceed 90 days. If the certificate holder does not
2 submit a proposed final retirement plan by the specified date, the Council may
3 direct the Department to prepare a proposed a final retirement plan for the
4 Council's approval. Upon the Council's approval of the final retirement plan, the
5 Council may draw on the bond or letter of credit described in OAR 345-027-
6 0020(8) to restore the site to a useful, non-hazardous condition according to the
7 final retirement plan, in addition to any penalties the Council may impose under
8 OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is
9 insufficient to pay the actual cost of retirement, the certificate holder shall pay any
10 additional cost necessary to restore the site to a useful, non-hazardous condition.
11 After completion of site restoration, the Council shall issue an order to terminate
12 the site certificate if the Council finds that the facility has been retired according
13 to the approved final retirement plan.
14

- 15 (VII.17) OAR 345-027-0023(4): If the facility includes any transmission line under
16 Council jurisdiction:
- 17 (a) The certificate holder shall design, construct and operate the transmission
18 line in accordance with the requirements of the National Electrical Safety
19 Code 2007 edition; and
 - 20 (b) The certificate holder shall develop and implement a program that
21 provides reasonable assurance that all fences, gates, cattle guards, trailers,
22 or other objects or structures of a permanent nature that could become
23 inadvertently charged with electricity are grounded or bonded throughout
24 the life of the line.
25

- 26 (VII.18) OAR 345-027-0023(5): If the proposed energy facility is a pipeline or a
27 transmission line or has, as a related or supporting facility, a pipeline or
28 transmission line, the Council shall specify an approved corridor in the site
29 certificate and shall allow the certificate holder to construct the pipeline or
30 transmission line anywhere within the corridor, subject to the conditions of the
31 site certificate. If the applicant has analyzed more than one corridor in its
32 application for a site certificate, the Council may, subject to the Council's
33 standards, approve more than one corridor.
34

- 35 (VII.19) OAR 345-027-0028: The following general monitoring conditions apply:
- 36 (a) The certificate holder shall consult with affected state agencies, local
37 governments and tribes and shall develop specific monitoring programs
38 for impacts to resources protected by the standards of divisions 22 and 24
39 of OAR Chapter 345 and resources addressed by applicable statutes,
40 administrative rules and local ordinances. The certificate holder must
41 submit the monitoring programs to the Department of Energy and receive
42 Department approval before beginning construction or, as appropriate,
43 operation of the facility.
 - 44 (b) The certificate holder shall implement the approved monitoring programs
45 described in OAR 345-027-0028(1) and monitoring programs required by
46 permitting agencies and local governments.

- 1 (c) For each monitoring program described in OAR 345-027-0028(1) and (2),
2 the certificate holder shall have quality assurance measures approved by
3 the Department before beginning construction or, as appropriate, before
4 beginning commercial operation.
5 (d) If the certificate holder becomes aware of a significant environmental
6 change or impact attributable to the facility, the certificate holder shall, as
7 soon as possible, submit a written report to the Department describing the
8 impact on the facility and any affected site certificate conditions.
9

10 (VII.20) OAR 345-026-0048: Following receipt of the site certificate or an amended site
11 certificate, the certificate holder shall implement a plan that verifies compliance
12 with all site certificate terms and conditions and applicable statutes and rules. As a
13 part of the compliance plan, to verify compliance with the requirement to begin
14 construction by the date specified in the site certificate, the certificate holder shall
15 report promptly to the Department of Energy when construction begins.
16 Construction is defined in OAR 345-001-0010. In reporting the beginning of
17 construction, the certificate holder shall describe all work on the site performed
18 before beginning construction, including work performed before the Council
19 issued the site certificate, and shall state the cost of that work. For the purpose of
20 this exhibit, “work on the site” means any work within a site or corridor, other
21 than surveying, exploration or other activities to define or characterize the site or
22 corridor. The certificate holder shall document the compliance plan and maintain
23 it for inspection by the Department or the Council.
24

25 (VII.21) OAR 345-026-0080: The certificate holder shall report according to the following
26 requirements:

- 27 (a) General reporting obligation for energy facilities under construction or
28 operating:
29 (i) Within six months after beginning construction, and every six
30 months thereafter during construction of the energy facility and
31 related or supporting facilities, the certificate holder shall submit a
32 semiannual construction progress report to the Department of
33 Energy. In each construction progress report, the certificate holder
34 shall describe any significant changes to major milestones for
35 construction. The certificate holder shall include such information
36 related to construction as specified in the site certificate. When the
37 reporting date coincides, the certificate holder may include the
38 construction progress report within the annual report described in
39 OAR 345-026-0080.
40 (ii) By April 30 of each year after beginning construction, the
41 certificate holder shall submit an annual report to the Department
42 addressing the subjects listed in OAR 345-026-0080. The Council
43 Secretary and the certificate holder may, by mutual agreement,
44 change the reporting date.
45 (iii) To the extent that information required by OAR 345-026-0080 is
46 contained in reports the certificate holder submits to other state,

1 federal or local agencies, the certificate holder may submit
2 excerpts from such other reports to satisfy this rule. The Council
3 reserves the right to request full copies of such excerpted reports.

- 4 (b) In the annual report, the certificate holder shall include the following
5 information for the calendar year preceding the date of the report:
- 6 (i) Facility Status: An overview of site conditions, the status of
7 facilities under construction, and a summary of the operating
8 experience of facilities that are in operation. In this section of the
9 annual report, the certificate holder shall describe any unusual
10 events, such as earthquakes, extraordinary windstorms, major
11 accidents or the like that occurred during the year and that had a
12 significant adverse impact on the facility.
 - 13 (ii) Reliability and Efficiency of Power Production: For electric power
14 plants, the plant availability and capacity factors for the reporting
15 year. The certificate holder shall describe any equipment failures
16 or plant breakdowns that had a significant impact on those factors
17 and shall describe any actions taken to prevent the recurrence of
18 such problems.
 - 19 (iii) Fuel Use: For thermal power plants:
 - 20 (A) The efficiency with which the power plant converts fuel
21 into electric energy. If the fuel chargeable to power heat
22 rate was evaluated when the facility was sited, the
23 certificate holder shall calculate efficiency using the same
24 formula and assumptions, but using actual data; and
 - 25 (B) The facility's annual hours of operation by fuel type and,
26 every five years after beginning operation, a summary of
27 the annual hours of operation by fuel type as described in
28 OAR 345-024-0590(5).
 - 29 (iv) Status of Surety Information: Documentation demonstrating that
30 bonds or letters of credit as described in the site certificate are in
31 full force and effect and will remain in full force and effect for the
32 term of the next reporting period.
 - 33 (v) Monitoring Report: A list and description of all significant
34 monitoring and mitigation activities performed during the previous
35 year in accordance with site certificate terms and conditions, a
36 summary of the results of those activities, and a discussion of any
37 significant changes to any monitoring or mitigation program,
38 including the reason for any such changes.
 - 39 (vi) Compliance Report: A description of all instances of
40 noncompliance with a site certificate condition. For ease of review,
41 the certificate holder shall, in this section of the report, use
42 numbered subparagraphs corresponding to the applicable sections
43 of the site certificate.
 - 44 (vii) Facility Modification Report: A summary of changes to the facility
45 that the certificate holder has determined do not require a site
46 certificate amendment in accordance with OAR 345-027-0050.

(viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of operation of the carbon dioxide emitting equipment as described in OAR 345-024-0630(4).

(VII.22) OAR 345-026-0105: The certificate holder and the Department of Energy shall exchange copies of all correspondence or summaries of correspondence related to compliance with statutes, rules and local ordinances on which the Council determined compliance, except for material withheld from public disclosure under state or federal law or under Council rules. The certificate holder may submit abstracts of reports in place of full reports; however, the certificate holder shall provide full copies of abstracted reports and any summarized correspondence at the request of the Department.

(VII.23) OAR 345-026-0170(1): The certificate holder shall notify the Department of Energy within 72 hours of any occurrence involving the facility if:
(a) There is an attempt by anyone to interfere with its safe operation;
(b) A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused event such as a fire or explosion affects or threatens to affect the public health and safety or the environment; or
(c) There is any fatal injury at the facility.

VIII. SUCCESSORS AND ASSIGNS

To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0100.

IX. 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.

X. GOVERNING LAW AND FORUM

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

1 **XI. EXECUTION**

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18

This site certificate may be executed in counterparts and will become effective upon signature by the Chair of the Council and the authorized representative of the certificate holder.

IN WITNESS WHEREOF, this site certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, and by Golden Hills Wind Farm LLC.

ENERGY FACILITY SITING COUNCIL

GOLDEN HILLS WIND FARM LLC

By: _____
Robert Shiprack, Chair

By: _____

Print: _____

Date: _____

Date: _____

1 **XI. EXECUTION**

2
3 This site certificate may be executed in counterparts and will become effective upon
4 signature by the Chair of the Council and the authorized representative of the certificate holder.

5
6 **IN WITNESS WHEREOF**, this site certificate has been executed by the State of Oregon, acting
7 by and through its Energy Facility Siting Council, and by Golden Hills Wind Farm LLC.

8
9 ENERGY FACILITY SITING COUNCIL

GOLDEN HILLS WIND FARM LLC

10
11
12 By: Robert Shiprack
13 Robert Shiprack, Chair

By: Reid M. Buckley

14 Print: Reid M. Buckley

15
16 Date: 5/27/09

Date: 6/18/09