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FIRST AMENDED SITE CERTIFICATE
FOR THE
GOLDEN HILLS WIND PROJECT

Issued by

OREGON ENERGY FACILITY SITING COUNCIL
625 Marion Street NE
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May 11, 2012

Amending the
Site Certificate for the Golden Hills Wind Project
of May 15, 2009

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44

1 **FIRST AMENDED SITE CERTIFICATE**
2 **FOR THE**
3 **GOLDEN HILLS WIND PROJECT**
4

5 **I. INTRODUCTION**
6

7 This site certificate for the Golden Hills Wind Project (“Golden Hills”) is issued and executed in
8 the manner provided by ORS Chapter 469, by and between the State of Oregon (the “State”),
9 acting by and through its Energy Facility Siting Council (the “Council”), and Golden Hills Wind
10 Farm LLC (“GHWF” or the “certificate holder”).
11

12 The findings of fact, reasoning and conclusions of law underlying the terms and conditions of
13 this site certificate are set forth in the Council’s Final Order in the Matter of the Application for a
14 Site Certificate for the Golden Hills Wind Project (the “Final Order on the Application” or “Final
15 Order”) issued on May 15, 2009 and the Council’s Final Order in the Matter of the Request for
16 Amendment #1 of the Site Certificate for the Golden Hills Wind Project (“Final Order on
17 Amendment #1”) issued May 11, 2012 and incorporated herein by this reference. In interpreting
18 this site certificate, any ambiguity shall be clarified by reference to the following, in order of
19 priority: (1) this site certificate; (2) the Final Order on Amendment #1; (3) the Final Order on the
20 Application; and (4) the record of the proceedings that led to the Final Order.
21

22 The definitions used in ORS 469.300 and OAR 345-001-0010 apply to terms used in this site
23 certificate, except where otherwise stated or where the context clearly indicates otherwise.
24

25 **II. SITE CERTIFICATION**
26

- 27 1. To the extent authorized by State law and subject to the conditions set forth herein, the
28 State approves and authorizes the certificate holder to construct, operate and retire a wind
29 energy facility, together with certain related or supporting facilities, at the site in
30 Sherman County, Oregon, as described in Section III of this site certificate. ORS
31 469.401(1).
32
- 33 2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the
34 rules in effect on the date that termination is sought, or until the site certificate is revoked
35 under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date
36 that revocation is ordered. ORS 469.401(1).
37
- 38 3. This site certificate does not address, and is not binding with respect to, matters that were
39 not addressed in the Council’s Final Order on the Application for the facility. Such
40 matters include, but are not limited to: (1) building code compliance; wage, hour and
41 other labor regulations; local government fees and charges; and other design or
42 operational issues that do not relate to siting the facility (ORS 469.401(4)); and (2)
43 permits issued under statutes and rules for which the decision on compliance has been
44 delegated by the federal government to a State agency other than the Council. ORS
45 469.503(3).
46

- 1 4. Both the State and the certificate holder shall abide by local ordinances and State law and
2 the rules of the Council in effect on the date this site certificate is executed. ORS
3 469.401(2). In addition, upon a clear showing of a significant threat to the public health,
4 safety or the environment that requires application of later-adopted laws or rules, the
5 Council may require compliance with such later-adopted laws or rules. ORS 469.401(2).
6
- 7 5. For a permit, license or other approval addressed in and governed by this site certificate,
8 the certificate holder shall comply with applicable State and federal laws adopted in the
9 future to the extent that such compliance is required under the respective State agency
10 statutes and rules. ORS 469.401(2).
11
- 12 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities
13 and political subdivisions in Oregon as to the approval of the site and the construction,
14 operation and retirement of the facility as to matters that are addressed in and governed
15 by this site certificate. ORS 469.401(3).
16
- 17 7. Each affected State agency, county, city and political subdivision in Oregon with
18 authority to issue a permit, license or other approval addressed in or governed by this site
19 certificate shall, upon submission of the proper application and payment of the proper
20 fees, but without hearings or other proceedings, issue such permit, license or other
21 approval subject only to conditions set forth in this site certificate. ORS 469.401(3).
22
- 23 8. After issuance of this site certificate, each State agency or local government agency that
24 issues a permit, license or other approval for the facility shall continue to exercise
25 enforcement authority over such permit, license or other approval. ORS 469.401(3).
26
- 27 9. After issuance of this site certificate, the Council shall have continuing authority over the
28 site and may inspect, or direct the Oregon Department of Energy (“ODOE” or the
29 “Department”) to inspect, or request another State agency or local government to inspect,
30 the site at any time in order to ensure that the facility is being operated consistently with
31 the terms and conditions of this site certificate. ORS 469.430.
32

33 **III. DESCRIPTION**

34 **A. THE FACILITY**

35 **1. The Energy Facility**

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

1
2 GHWF has not yet selected the wind turbine model or models that would be installed in
3 the facility. GHWF is requesting a site certificate that would allow the installation of up to 267
4 GE sle 1.5-MW turbines or any combination of turbines subject to specific restrictions. Under
5 maximum conditions, turbine towers would measure up to 80 meters (263 feet) at the rotor hub,
6 and the diameter of the rotor-swept area would be 96 meters (315 feet).
7

8 A wind turbine features a nacelle mounted on a tubular steel tower. The nacelle houses
9 the generator and gearbox and supports the rotor and blades at the hub. The turbine tower
10 supports and provides access to the nacelle. Each turbine unit sits on a concrete pad that
11 accommodates the turbine pedestal, a step-up transformer and a turnout area for service vehicles.
12 The purpose of the step-up transformer is to increase the output voltage of the wind turbine to the
13 voltage of the power collection system. Underlying the pad would be a deep concrete turbine
14 foundation with a surface area dependent upon the type and size of wind turbine selected.
15

16 **2. Related or Supporting Facilities**

17
18 GHWF proposes to construct the following related or supporting facilities:

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

28
29 **Power Collection System.** About 62 miles of power collection system, operating at 34.5
30 kV, would transport the power from the wind turbines to the substations. Some portion of the
31 power collection system may be installed above ground to avoid impacts or to accommodate
32 unforeseen geotechnical conditions.
33

34 **Substations.** The proposed facility would include two substations, one in the eastern
35 section of the Golden Hills site and another in the western section of the Golden Hills site. Each
36 substation would occupy a graveled and fenced area about 2 acres in size to facilitate a
37 transformer, switching equipment and a parking area.
38

39 **230-kV Transmission Line.** The substation in the eastern section of the Golden Hills site
40 would interconnect with an existing PPM Energy transmission line by means of an aboveground
41 0.7-mile 230-kV transmission line.
42

43 **500-kV Transmission Line.** The substation in the western section of the Golden Hills
44 site would interconnect with the existing BPA John Day Substation by means of an aboveground
45 500-kV transmission line about 11 miles long.
46

1 **Meteorological Towers.** GHWF proposes to install up to six permanent meteorological
2 towers (“met towers”). The met towers would be unguyed tubular structures about 85 meters
3 (279 feet) tall and set in concrete foundations.
4

5 **SCADA System.** A fiber optic communications network would link the wind turbines to
6 a central computer at the O&M facility. The SCADA system would collect operating and
7 performance data from each wind turbine and Golden Hills as a whole and provide for remote
8 operation of the wind turbines.
9

10 **O&M Facility.** A 5,000-square-foot operations and maintenance (“O&M”) building
11 would be constructed at one or the other of two locations proposed by GHWF. The O&M
12 building would house office and workshop areas, a control room for the SCADA system, and a
13 kitchen, bathroom and shower. The five-acre O&M facility site would include parking for
14 vehicles. Domestic water use would not exceed 5,000 gallons per day, and domestic water would
15 be obtained from an on-site well. Domestic wastewater would be drained into an on-site septic
16 system.
17

18 **Access Roads.** Approximately 50 miles of new roads would be constructed to provide
19 access to the turbine strings and other facility components. Access roads would connect to
20 graveled turbine pad areas at the base of each wind turbine. The roads would be 20 feet wide and
21 constructed with crushed gravel. In addition, GHWF would improve and widen some existing
22 county and farm roads.
23

24 **Temporary Laydown Areas.** Up to seven principal, temporary laydown areas would be
25 used to stage construction and store supplies and equipment during construction. In addition,
26 temporary laydown areas would be required at the base of each proposed wind turbine. The
27 laydown areas would be covered with gravel, and the gravel would be removed and the areas
28 would be restored to their pre-construction conditions following completion of construction.
29

30 The certificate holder shall satisfy the following administrative condition:
31

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

- 1 (f) The certificate holder shall request an amendment of the site certificate to
2 increase the combined peak generating capacity of the facility beyond 400
3 megawatts, to increase the number of wind turbines to more than 267
4 turbines, to install wind turbines with a hub height greater than 80 meters
5 or a blade tip height greater than 128 meters, or to install turbines with a
6 maximum combined weight of metals in the tower (including ladders and
7 platforms) and nacelle greater than 324 U.S. tons per turbine.
8

9 **B. LOCATION OF THE FACILITY**

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

18
19 **C. THE SITE AND SITE BOUNDARY**

20 The certificate holder shall satisfy the following administrative condition:

- 21
22 (III.C.1) Before beginning construction and after considering all micro-siting factors, the
23 certificate holder shall provide to the Department, the Oregon Department of Fish
24 and Wildlife (“ODFW”) and the Planning Director of Sherman County detailed
25 maps of the facility site, showing the final locations where the certificate holder
26 proposes to build facility components and a table showing the acres of temporary
27 and permanent habitat impact by habitat category and subtype. The maps shall
28 include the locations of temporary laydown areas and areas of temporary ground
29 disturbance associated with the construction of all transmission lines. The detailed
30 maps of the facility site shall indicate the habitat categories of all areas that would
31 be affected during construction. In classifying the affected habitat into habitat
32 categories, the certificate holder shall consult with ODFW. The certificate holder
33 shall not begin ground disturbance in an affected area until the habitat assessment
34 has been approved by the Department. The Department may employ a qualified
35 contractor to confirm the habitat assessment by on-site inspection.
36
37

38 **D. CONSTRUCTION DEADLINES**

39 The certificate holder shall satisfy the following administrative conditions:

- 40 (III.D.1) The certificate holder shall begin construction of the facility within by June 18,
41 2014. Under OAR 345-015-0085(9), an amended site certificate is effective upon
42 execution by the Council Chair and the applicant. The Council may grant an
43 extension of the deadline to begin construction in accordance with OAR 345-027-
44
45

0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment 1]

(III.D.2) The certificate holder shall complete construction of the facility by June 18, 2017. Construction is complete when (1) the facility is substantially complete as defined by the certificate holder’s construction contract documents; (2) acceptance testing has been satisfactorily completed; and (3) the energy facility is ready to begin continuous operation consistent with the site certificate. The certificate holder shall promptly notify the Department of the date of completion of construction. The Council may grant an extension of the deadline for completing construction in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment 1]

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

IV. SPECIFIC FACILITY CONDITIONS

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

A. [PLACEHOLDER]

B. ORGANIZATIONAL EXPERTISE

(IV.B.1) The certificate holder shall report promptly to the Department any change in its corporate relationship with BP Alternative Energy North America Inc. (“BP AE”). The certificate holder shall report promptly to the Department any change in its access to the resources, expertise and personnel of BP AE.

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

1
2 (IV.B.3) If the certificate holder chooses a third-party contractor to operate the facility, the
3 certificate holder shall submit to the Council the identity of the contractor so the
4 Council may review the qualifications and capability of the contractor to meet the
5 standards of OAR 345-022-0010. If the Council finds that a new contractor meets
6 these standards, the Council shall not require an amendment to the site certificate
7 for the certificate holder to hire the contractor.
8

9 (IV.B.4) Any matter of noncompliance under the site certificate shall be the responsibility
10 of the certificate holder. Any notice of violation issued under the site certificate
11 shall be issued to the certificate holder. Any civil penalties assessed under the site
12 certificate shall be levied on the certificate holder.
13

14 (IV.B.5) The certificate holder shall contractually require the engineering and procurement
15 contractor and all independent contractors and subcontractors involved in the
16 construction and operation of the facility to comply with all applicable laws and
17 regulations and with the terms and conditions of the site certificate. Such
18 contractual provision shall not operate to relieve the certificate holder of
19 responsibility under the site certificate.
20

21 (IV.B.6) The certificate holder shall obtain, or shall ensure that its contractors obtain,
22 necessary federal, State and local permits or approvals required for the
23 construction, operation and retirement of the facility. The certificate holder shall
24 work with local and State fire officials to ensure compliance with all fire code
25 regulations regarding public buildings.
26

27 (IV.B.7) During construction, the certificate holder shall have an on-site assistant
28 construction manager who is qualified in environmental compliance to ensure
29 compliance with all construction-related site certificate conditions. During
30 operation, the certificate holder shall have a facility manager who is qualified in
31 environmental compliance to ensure compliance with all ongoing site certificate
32 conditions. The certificate holder shall notify the Department of the name,
33 telephone number, fax number and e-mail address of these managers and shall
34 keep the Department informed of any change in this information.
35

36 (IV.B.8) Within 72 hours after discovery of conditions or circumstances that may violate
37 the terms or conditions of the site certificate, the certificate holder shall report the
38 conditions or circumstances to the Department.
39

40 **C. RETIREMENT AND FINANCIAL ASSURANCE**

41
42 (IV.C.1) The certificate holder shall retire the facility if the certificate holder permanently
43 ceases construction or operation of the facility. The certificate holder shall retire
44 the facility according to a final retirement plan approved by the Council, as
45 described in OAR 345-027-0110, and prepared pursuant to Condition (IV.C.2).
46

- 1 (IV.C.2) Two years before closure of the energy facility, the certificate holder shall submit
2 to the Department a proposed final retirement plan for the facility and site,
3 pursuant to OAR 345-027-0110, including:
- 4 (a) A plan for retirement that provides for completion of retirement within
5 two years after permanent cessation of operation of the energy facility and
6 that protects the public health and safety and the environment;
 - 7 (b) A description of actions the certificate holder proposes to take to restore
8 the site to a useful, non-hazardous condition suitable for agricultural use;
9 and
 - 10 (c) A detailed cost estimate, a comparison of that estimate with the dollar
11 amount secured by a bond or letter of credit and any amount contained in a
12 retirement fund, and a plan for assuring the availability of adequate funds
13 for completion of retirement.
- 14
- 15 (IV.C.3) The certificate holder shall prevent the development of any conditions on the site
16 that would preclude restoration of the site to a useful, non-hazardous condition to
17 the extent that prevention of such site conditions is within the control of the
18 certificate holder.
- 19
- 20 (IV.C.4) Before beginning construction, the certificate holder shall submit to the State
21 through the Council a bond or letter of credit in the amount described herein
22 naming the State, acting by and through the Council, as beneficiary or payee. If
23 the certificate holder elects to build the facility in a single phase, the initial bond
24 or letter of credit amount is \$16,491,000 (in 2008 dollars), adjusted to the date of
25 issuance as described in (b), or the amount determined as described in (a). If the
26 certificate holder elects to build the facility in more than one phase, the amount of
27 the initial bond or letter of credit for each phase of construction shall be the
28 amount determined as described in (a). The certificate holder shall adjust the
29 amount of each bond or letter of credit on an annual basis thereafter as described
30 in (b).
- 31 (a) The certificate holder may adjust the amount of each bond or letter of
32 credit based on the final design configuration of the facility by applying
33 the unit costs and general costs illustrated in Table IV.C.1 of the Final
34 Order on the Application to the final design and calculating the financial
35 assurance amount as described in that order, adjusted to the date of
36 issuance as described in (b) and subject to approval by the Department.
 - 37 (b) The certificate holder shall adjust the amount of each bond or letter of
38 credit, using the following calculation and subject to approval by the
39 Department:
 - 40 (i) Adjust the subtotal component of the bond or letter of credit
41 amount (expressed in 2008 dollars) to present value, using the U.S.
42 Gross Domestic Product Implicit Price Deflator, Chain-Weight, as
43 published in the Oregon Department of Administrative Services’
44 “Oregon Economic and Revenue Forecast” or by any successor
45 agency (the “Index”) and using the annual average index value for
46 2008 dollars and the quarterly index value for the date of issuance

- 1 of the new bond or letter of credit. If at any time the Index is no
 2 longer published, the Council shall select a comparable calculation
 3 to adjust 2008 dollars to present value.
- 4 (ii) Calculate the adjusted performance bond amount as 1 percent of
 5 the new subtotal (i).
 - 6 (iii) Add the subtotal (i) to the adjusted performance bond amount (ii)
 7 for the adjusted gross cost.
 - 8 (iv) Calculate the adjusted administration and project management
 9 costs as 10 percent of the adjusted gross cost (iii).
 - 10 (v) Calculate the adjusted future developments contingency as 10
 11 percent of the adjusted gross cost (iii).
 - 12 (vi) Add the adjusted gross cost (iii) to the sum of adjusted
 13 administration and project management costs (iv) and the adjusted
 14 future developments contingency (v) and round the resulting total
 15 to the nearest \$1,000 to determine the adjusted financial assurance
 16 amount.
 - 17 (c) The certificate holder shall use a form of bond or letter of credit approved
 18 by the Council.
 - 19 (d) The certificate holder shall use an issuer of the bond or letter of credit
 20 approved by the Council.
 - 21 (e) The certificate holder shall describe the status of the bond or letter of
 22 credit in the annual report submitted to the Council under Condition
 23 (VII.21.a.ii).
 - 24 (f) The bond or letter of credit shall not be subject to revocation or reduction
 25 before retirement of the facility site.
- 26
- 27 (IV.C.5) If the certificate holder elects to use a bond to meet the requirements of Condition
 28 (IV.C.4), the certificate holder shall ensure that the surety is obligated to comply
 29 with the requirements of applicable statutes, Council rules and this site certificate
 30 when the surety exercises any legal or contractual right it may have to assume
 31 construction, operation or retirement of the energy facility. The certificate holder
 32 shall also ensure that the surety is obligated to notify the Council that it is
 33 exercising such rights and to obtain any Council approvals required by applicable
 34 statutes, Council rules and this site certificate before the surety commences any
 35 activity to complete construction, operate or retire the energy facility.
- 36
- 37 (IV.C.6) The certificate holder shall report to the Department any release of hazardous
 38 substances, pursuant to Oregon Department of Environmental Quality (“DEQ”)
 39 regulations, within one working day after the discovery of such release. This
 40 obligation shall be in addition to any other reporting requirements applicable to
 41 such a release.
- 42
- 43 (IV.C.7) If the certificate holder has not remedied a release consistent with applicable
 44 Oregon DEQ standards within six months after the date of the release, the
 45 certificate holder shall submit to the Council for its approval an independently

1 prepared estimate of the additional cost of remediation or correction within such
2 six-month period.

3 (a) Upon approval of an estimate by the Council, the certificate holder shall
4 increase the amount of its bond or letter of credit by the amount of the
5 estimate.

6 (b) In no event, however, shall the certificate holder be relieved of its
7 obligation to exercise all due diligence in remedying a release of
8 hazardous substances.

9
10 (IV.C.8) All funds received by the certificate holder from the salvage of equipment and
11 buildings shall be committed to the restoration of the energy facility site to the
12 extent necessary to fund the approved site restoration and remediation.

13
14 (IV.C.9) The certificate holder shall pay the actual cost to restore the site to a useful, non-
15 hazardous condition at the time of retirement, notwithstanding the Council's
16 approval in the site certificate of an estimated amount required to restore the site.

17
18 (IV.C.10) If the Council finds that the certificate holder has permanently ceased
19 construction or operation of the facility without retiring the facility according to a
20 final retirement plan approved by the Council, as described in OAR 345-027-0110
21 and prepared pursuant to Condition (IV.C.2), the Council shall notify the
22 certificate holder and request that the certificate holder submit a proposed final
23 retirement plan to the Department within a reasonable time not to exceed 90 days.

24 (a) If the certificate holder does not submit a proposed final retirement plan
25 by the specified date or if the Council rejects the retirement plan that the
26 certificate holder submits, the Council may direct the Department to
27 prepare a proposed a final retirement plan for the Council's approval.

28 (b) Upon the Council's approval of the final retirement plan prepared pursuant
29 to (a), the Council may draw on the bond or letter of credit described in
30 Condition (IV.C.4) and shall use the funds to restore the site to a useful,
31 non-hazardous condition according to the final retirement plan, in addition
32 to any penalties the Council may impose under OAR Chapter 345,
33 Division 29.

34 (c) If the amount of the bond or letter of credit is insufficient to pay the actual
35 cost of retirement, the certificate holder shall pay any additional cost
36 necessary to restore the site to a useful, non-hazardous condition.

37 (d) After completion of site restoration, the Council shall issue an order to
38 terminate the site certificate if the Council finds that the facility has been
39 retired according to the approved final retirement plan.

40 41 **D. LAND USE**

42
43 (IV.D.1) The certificate holder shall construct the public road improvements described in
44 the Application for a Site Certificate to meet or exceed road standards for the road
45 classifications in the County's Transportation System Plan and Zoning Ordinance
46 because roads will require a more substantial section to bear the weight of the

1 vehicles and turbine components than would usually be constructed by the
2 County.

3
4 (IV.D.2) The certificate holder shall ensure that no equipment or machinery is parked or
5 stored on any county road except while in use.

6
7 (IV.D.3) The site certificate holder shall, in consultation with affected landowners, design
8 and construct private access roads to minimize the division of existing farm units.

9
10 (IV.D.4) The certificate holder shall not locate any aboveground facility structure
11 (including wind turbines, O&M building, substations and met towers, but not
12 including aboveground power collection and transmission lines and poles and
13 junction boxes) within 50 feet from any property line or within 50 feet from the
14 right of way of any arterial or major collector road.

15
16 (IV.D.5) Aboveground transmission line structures shall not occupy areas that show gross
17 indicators of landslide activity or marginal stability.

18
19 (IV.D.6) Collector lines in the Natural Hazards Combining Zone (“NH zone”) shall be
20 placed under ground except in instances where it is more practical to install
21 aboveground power collection lines and provided that the aboveground power
22 collection lines will be designed to minimize slope stability and other NH zone
23 hazards. The site-specific geotechnical investigation required prior to construction
24 shall address native soil and bedrock stability concerns at cuts, fills and culvert
25 crossings, and shall include design and construction recommendations to
26 minimize the potential for destabilizing marginally stable slopes and the potential
27 for stream erosion.

28
29 (IV.D.7) Prior to start of construction, the certificate holder shall submit for Sherman
30 County Planning Department concurrence the plans and profiles described at
31 SCZO 3.7.5(e).

32
33 (IV.D.8) Construction staging areas shall be limited to areas outside the NH zone.

34
35 (IV.D.9) Roads or streets in the NH zone shall be stabilized by planking, gravel or
36 pavement as deemed necessary, and roadways shall be built without installation of
37 excessive fill, diversion of water or excessive cuts unless the site investigation
38 determines that such conditions will not be detrimental to the area or create
39 unwarranted maintenance problems or additional hazards.

40
41 (IV.D.10) The certificate holder shall locate access roads and temporary construction
42 laydown and staging areas, including those associated with construction of
43 transmission lines or placement of conductors on third-party transmission lines, to
44 minimize disturbance with farming practices and, wherever feasible, as
45 determined in consultation with affected landowners, shall place turbines and
46 transmission interconnection lines along the margins of cultivated areas to reduce

1 the potential for conflict with farm operations. The certificate holder shall place
2 aboveground transmission and collector lines and poles and junction boxes along
3 property lines and public road rights-of-way to the extent practicable.
4

5 (IV.D.11) During operation of the facility, the certificate holder, in cooperation with
6 landowners, shall avoid impact on cultivated land to the extent reasonably
7 possible when performing facility repair and maintenance activities.
8

9 (IV.D.12) Where necessary and feasible, the certificate holder shall provide access across
10 construction trenches to fields within the facility site and otherwise provide
11 adequate and timely access to properties during critical periods in the farming
12 cycle, such as harvest.
13

14 (IV.D.13) Before beginning construction of the facility, the certificate holder shall record a
15 Farm Management Easement covering the properties on which the certificate
16 holder locates wind power generation facilities. The certificate holder shall record
17 the easements in the real property records of Sherman County and shall file a
18 copy of the recorded easement with the Sherman County Planning Director.
19

20 (IV.D.14) The certificate holder shall remove from Special Farm Assessment the portions of
21 parcels on which facilities are located and shall pay all property taxes due and
22 payable after the Special Farm Assessment is removed from such properties.
23

24 (IV.D.15) Within 90 days after beginning operation, the certificate holder shall provide to
25 the Department and to the Sherman County Planning Director the actual latitude
26 and longitude location or Stateplane NAD 83(91) coordinates of each turbine
27 tower, connecting lines and transmission lines. In addition, the certificate holder
28 shall provide to the Department and to the Sherman County Planning Director, a
29 summary of as-built changes in the facility compared to the original plan, if any.
30

31 (IV.D.16) The certificate holder shall work with the Sherman County Weed Control
32 manager to take appropriate measures to prevent the invasion, during and after the
33 facility's construction, of any weeds on the Sherman County noxious weed list.
34

35 (IV.D.17) The certificate holder shall cooperate with the Sherman County Road Department
36 to ensure that any unusual damage or wear caused by the use of the county's
37 roads by the developer during the construction of the facility will be the
38 responsibility of the developer. The Road Department will provide an assessment
39 of road conditions in the facility area prior to the start of construction of the
40 facility and an evaluation of the roads following completion of the facility to
41 determine any significant change in condition. In addition, no equipment or
42 machinery of the developers shall be parked or stored on any county road except
43 while in use.
44

45 (IV.D.18) Prior to start of construction, the certificate holder shall, in consultation with
46 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 (IV.D.22) Prior to construction, Certificate Holder shall demonstrate that the final location
33 of turbines within the micrositing corridors approved by the Council will satisfy
34 setback requirements prescribed by Section 4 of the Sherman County Wind
35 Setback Ordinance (Ordinance No. 39-2007) unless the Council or Oregon
36 Department of Energy has approved a variance to such setback for the turbine or
37 the Certificate Holder has negotiated a setback agreement with the affected
38 adjacent property owner or wind project developer. [Amendment #1]

39

40 **E. SOIL PROTECTION**

41

42 (IV.E.1) The certificate holder shall conduct all construction work in compliance with an
43 Erosion and Sediment Control Plan (the "ESCP") satisfactory to the Oregon DEQ
44 and as required under the National Pollutant Discharge Elimination System Storm
45 Water Discharge General Permit #1200-C. The certificate holder shall include in

1 the ESCP any procedures necessary to meet local erosion and sediment control
2 requirements or storm water management requirements.

3
4 (IV.E.2) Where temporary impacts will occur in cultivated areas, the certificate holder
5 shall salvage approximately three feet of topsoil and stockpile this topsoil in
6 windrows. The certificate holder shall protect the windrows with plastic sheeting
7 or mulch. Upon removal of the temporary features, the certificate holder shall
8 cultivate the subsoil to a depth of at least 12 inches (except where bedrock
9 prohibits achieving this depth) and then redistribute the salvaged topsoil to match
10 adjacent grades.

11
12 (IV.E.3) During facility operation, the certificate holder shall routinely inspect and
13 maintain all roads, pads and trenched areas and, as necessary, maintain or repair
14 erosion control measures. The certificate holder shall restore areas that are
15 temporarily disturbed during facility maintenance or repair activities to
16 predisturbance condition or better.

17
18 (IV.E.4) During construction and operation of the facility, the certificate holder shall
19 implement a plan, developed in consultation with the Sherman County Weed
20 Control manager, to control the introduction and spread of noxious weeds.

21
22 (IV.E.5) During construction, the certificate holder shall ensure that the wash down of
23 concrete trucks occurs only at a contractor-owned batch plant or at tower
24 foundation locations. If such wash down occurs at tower foundation locations,
25 then the certificate holder shall ensure that wash down wastewater does not run
26 off the construction site into otherwise undisturbed areas and that the wastewater
27 is disposed of on backfill piles and buried underground with the backfill over the
28 tower foundation.

29
30 (IV.E.6) During facility operation, if blade-washing becomes necessary, the certificate
31 holder shall ensure that there is no runoff of wash water from the site or
32 discharges to surface waters, storm sewers or dry wells. The certificate holder
33 shall not use acids, bases or metal brighteners with the wash water. The certificate
34 holder may use biodegradable, phosphate-free cleaners sparingly.

35
36 **F. PROTECTED AREAS**
37 [No conditions]

38
39 **G. SCENIC RESOURCES**

- 40
41 (IV.G.1) To reduce the visual impact of the facility, the certificate holder shall:
42 (a) Mount nacelles on smooth steel structures painted uniformly in a neutral
43 color to blend with the surrounding landscape;
44 (b) Paint substation structures in a neutral color to blend with the surrounding
45 landscape;
46 (c) Not allow any advertising to be used on any part of the facility;

- 1 (d) Use only those signs required for facility safety or required by law, except
2 that the certificate holder may erect a sign to identify the facility; and
3 (e) Maintain any signs allowed under this condition in good repair.
4

5 (IV.G.2) The certificate holder shall design and construct the O&M facility to be generally
6 consistent with the character of similar buildings used by commercial farmers or
7 ranchers in the area and shall paint the building in a neutral color to blend with the
8 surrounding landscape.
9

- 10 (IV.G.3) During operation of the facility, the certificate holder shall not use exterior
11 nighttime lighting except:
12 (a) The minimum turbine tower lighting required or recommended by the
13 Federal Aviation Administration (the “FAA”);
14 (b) Security lighting at the O&M facility and substations, provided that such
15 lighting is shielded or directed downward to reduce glare;
16 (c) Minimum lighting necessary for repairs or emergencies; and
17 (d) As otherwise required by federal, State or local law.
18

19 **H. RECREATION**
20 [No conditions]
21

22 **I. PUBLIC HEALTH AND SAFETY STANDARDS**
23

24 (IV.I.1) The certificate holder shall follow manufacturer’s recommended handling
25 instructions and procedures to prevent damage to turbine or turbine tower
26 components that could lead to failure.
27

28 (IV.I.2) The certificate holder shall install and maintain self-monitoring devices on each
29 turbine, connected to a fault annunciation panel or SCADA system at the O&M
30 facility to alert operators to potentially dangerous conditions. The certificate
31 holder shall equip each turbine with vibration-sensing equipment that will shut
32 down the turbine in the event of abnormal levels of vibration.
33

34 (IV.I.3) The certificate holder shall construct turbine towers with no exterior ladders or
35 access to the turbine blades and shall install locked tower access doors. The
36 certificate holder shall keep tower access doors locked at all times except when
37 authorized personnel are present.
38

39 (IV.I.4) The certificate holder shall have an operational safety-monitoring program and
40 shall inspect all turbines and turbine tower components on a regular basis. The
41 certificate holder shall maintain or repair turbine and turbine tower components as
42 necessary to protect public safety.
43

44 (IV.I.5) For turbine types having pad-mounted step-up transformers, the certificate holder
45 shall install the transformers at the base of each tower in locked cabinets designed

1 to protect the public from electrical hazards and to avoid creation of artificial
2 habitat for raptor prey.

3
4 (IV.I.6) To protect the public from electrical hazards, the certificate holder shall enclose
5 the facility substations with appropriate fencing and locked gates.

6
7 (IV.I.7) Before beginning construction, the certificate holder shall submit to the FAA and
8 the Oregon Department of Aviation (“ODA”) a Notice of Proposed Construction
9 or Alteration identifying the proposed final locations of the turbines and related or
10 supporting facilities and shall provide a copy of this notice to the Department. The
11 certificate holder shall notify the Department of the FAA’s and ODA’s responses
12 as soon as they have been received.

13
14 (IV.I.8) The certificate holder shall construct all facility components in compliance with
15 the following setback requirements:

- 16 (a) The certificate holder shall maintain a minimum distance of 110 percent of
17 maximum blade tip height, measured from the centerline of the turbine
18 tower to the nearest edge of any public road right-of-way. The certificate
19 holder shall assume a minimum right-of-way width of 60 feet.
- 20 (b) The certificate holder shall maintain a minimum distance of 1,320 feet,
21 measured from the centerline of the turbine tower to the center of the
22 nearest residence existing at the time of tower construction.
- 23 (c) The certificate holder shall maintain a minimum distance of 110 percent of
24 maximum blade tip height, measured from the centerline of the turbine
25 tower to the nearest boundary of the certificate holder’s lease area.

26
27 **J. SITING STANDARDS FOR WIND ENERGY FACILITIES**
28 [No conditions]

29
30 **K. SITING STANDARDS FOR TRANSMISSION LINES**

31
32 (IV.K.1) The certificate holder shall install the underground segments of the 34.5-kV
33 collector system at a minimum depth of three feet.

34
35 **L. THREATENED AND ENDANGERED SPECIES**

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

- 1
2 (IV.L.2) The certificate holder shall implement measures to mitigate impacts to sensitive
3 wildlife habitat during construction including, but not limited to, the following:
4 (a) Preparing maps to show sensitive areas, such as nesting or denning areas
5 for sensitive wildlife species, that are off limits to construction personnel;
6 (b) Ensuring that a qualified person instructs construction personnel to be
7 aware of wildlife in the area and to take precautions to avoid injuring or
8 destroying wildlife or significant wildlife habitat; and
9 (c) Avoiding unnecessary road construction, temporary disturbance and
10 vehicle use.
11

12 **M. FISH AND WILDLIFE HABITAT**
13

- 14 (IV.M.1) The certificate holder shall implement the Habitat Mitigation and Revegetation
15 Plan submitted by the certificate holder in its August 2008 application supplement
16 and attached to the Final Order as Attachment B, as amended from time to time.
17 Prior to start of construction, the certificate holder shall acquire the legal right to
18 create, enhance, maintain and protect a habitat mitigation area so long as the site
19 certificate is in effect by means of outright purchase, conservation easement or
20 similar conveyance and shall provide a copy of the documentation to the
21 Department. The nominal lease term shall be at least 30 years, with an option to
22 extend if the facility continues operations past year 30. The mitigation area shall
23 be as shown in figures 1, 2 and 3 of Attachment B to the Final Order. Any
24 different mitigation area shall require prior approval of the Department in
25 consultation with ODFW.
26
- 27 (IV.M.2) The certificate holder shall restore areas outside the permanent footprint that are
28 disturbed during construction according to the methods and monitoring
29 procedures described in the revegetation plan included in the Final Order as
30 Attachment B and as amended from time to time. Mitigation and restoration
31 requirements in the plan shall apply to all laydown areas and other areas of
32 temporary disturbance, including those associated with construction of
33 transmission lines.
34
- 35 (IV.M.3) Permanent met towers shall not have guy wires.
36
- 37 (IV.M.4) The certificate holder shall survey the status of known raptor nests within 0.5
38 miles before ground-disturbing activities begin. If an active nest is found, and
39 ground-disturbing activities are scheduled to begin before the end of the sensitive
40 nesting and breeding season (mid-April to mid-August), the certificate holder will
41 not engage in ground-disturbing activities within a 0.25-mile buffer around the
42 nest until the nest fledges young or the nest fails, unless ODFW approves an
43 alternative plan. If ground-disturbing construction activities continue into the
44 sensitive nesting and breeding season for the following year, the certificate holder
45 will not engage in ground-disturbing activities within the 0.25-mile buffer if the

1 nest site is found to be active until the nest fledges young or the nest fails, unless
2 ODFW approves an alternate plan.

3
4 (IV.M.5) The certificate holder will survey the status of known loggerhead shrikes nests
5 and visit sites where non-nesting loggerhead shrikes were observed in order to
6 determine old and new nest sites. Ground-disturbing activities will be sequenced
7 with active raptor nests, using a 150-meter buffer.

8
9 (IV.M.6) Trees in Category 3 upland tree habitat shall not be physically harmed or
10 removed.

11
12 (IV.M.7) The certificate holder shall conduct wildlife monitoring as described in the
13 Wildlife Monitoring and Mitigation Plan that is included as Attachment A to the
14 Final Order and as amended from time to time.

15
16 (IV.M.8) The certificate holder shall design and construct all aboveground transmission line
17 support structures following the practices suggested by the Avian Powerline
18 Interaction Committee (APLIC 1996, referenced in the Application for a Site
19 Certificate, at P-33) and shall install anti-perching devices on transmission pole
20 tops and cross arms where the poles are within the site or are located within one-
21 quarter mile of any wind turbine.

22
23 (IV.M.9) The certificate holder may construct turbines and other facility components within
24 the 900-foot corridors shown on Figures P-1 through P-10 of the Application for a
25 Site Certificate and August 2008 supplement, subject to the following
26 requirements addressing potential habitat impact:

- 27 (a) The certificate holder shall not construct any facility components within
28 areas of Category 1 or Category 2 habitat and shall avoid temporary
29 disturbance of Category 1 or Category 2 habitat, except for those acreages
30 allowed in Table IV.M.1 in the Final Order.
31 (b) The certificate holder shall design and construct facility components that
32 are the minimum size needed for safe operation of the energy facility.

33
34 (IV.M.10) During construction, the certificate holder shall protect the area within a 1300-
35 foot buffer around any active nests of the following species during the sensitive
36 period, as provided in this condition:
37

| 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 |

38
39 The 1300-foot buffer may be reduced, with Department approval, if there is an
40 adequate physical barrier between the nest site and the construction impacts such
41 that a 1300-foot buffer proves to be excessive.
42

1 During the year in which construction of any phase occurs, the certificate holder
2 shall use a protocol approved by ODFW to determine whether there are any active
3 nests of these species within a half-mile of any areas that would be disturbed
4 during construction. If a nest is occupied by any of these species after the
5 beginning of the sensitive period, the certificate holder shall not engage in high-
6 impact construction activities (activities that involve blasting, grading or other
7 major ground disturbance) or allow high levels of construction traffic within 1300
8 feet of the nest site, or such lesser distance as may be approved by the Department
9 in the event there is an adequate physical barrier between the nest site and the
10 construction impacts.

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

32
33 **V. STANDARDS NOT APPLICABLE TO SITE CERTIFICATE ELIGIBILITY**

34
35 Under ORS 469.501(4), the Council may issue a site certificate without making the
36 findings required by the standards discussed in this section (Structural Standard; Historic,
37 Cultural and Archaeological Resources Standard; Public Services Standard; and Waste
38 Minimization Standard). Nevertheless, the Council may impose site certificate conditions based
39 on the requirements of these standards.

40
41 **A. STRUCTURAL STANDARD**

42
43 (V.A.1) The certificate holder shall submit a site-specific geotechnical investigation report
44 to the Oregon Department of Geology & Mineral Industries (“DOGAMI”). The
45 investigation and report shall conform to the Oregon State Board of Geologist
46 Examiners guidelines titled “Guidelines for Engineering Geologic Reports” and

1 “Guidelines for Site-Specific Seismic Hazard Reports for Essential and
2 Hazardous Facilities and Major and Special-Occupancy Structures in Oregon.”
3 The certificate holder shall provide the Department with the report and with
4 evidence of concurrence by DOGAMI prior to start of construction.
5

6 (V.A.2) The certificate holder shall instruct the consulting geologist and engineer to study
7 slope stability issues and include conclusions and recommendations about slope
8 stability in the site-specific geotechnical report.
9

10 (V.A.3) The certificate holder shall design and construct the facility in accordance with
11 requirements set forth by the State’s Building Code Division and any other
12 applicable codes and design procedures.
13

14 (V.A.4) The certificate holder shall design, engineer and construct the facility to avoid
15 dangers to human safety presented by non-seismic hazards. As used in this
16 condition, “non-seismic hazards” include settlement, landslides, flooding and
17 erosion.
18

19 (V.A.5) The certificate holder shall ensure that wind turbine corridors and major structures
20 are constructed with sufficient setbacks from all steeper slopes to minimize the
21 potential for creating unstable or marginally stable conditions.
22

23 **B. HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES STANDARD**
24

25 (V.B.1) The certificate holder shall design the facility to avoid impacts to sites 35SH217,
26 35SH220, GH site 6 (above ground resource), 35SH219 and GH Isolate 6.
27

28 (V.B.2) For sites 35SH215, 35SH216 and 35SH221, the certificate holder shall avoid
29 impacts to these sites during construction and subsequent operations. The
30 certificate holder shall develop a Cultural Resource Management Plan (the
31 “CRMP”) that includes a 30-meter buffer area around these listed sites designated
32 as a “no-work zone” for all ground-disturbing activities. The certificate holder
33 shall submit the CRMP to the State Historic Preservation Office (the “SHPO”) for
34 concurrence and shall provide to the Department documentation confirming
35 SHPO concurrence prior to start of construction.
36

37 (V.B.3) The certificate holder shall consult with the SHPO regarding the development of a
38 CRMP that will address the protection of aboveground historic resources and
39 belowground archeological resources. The CRMP shall include established
40 protocol and procedures for unanticipated discoveries, such as the discovery of
41 new archeological sites or Native American human remains during ground-
42 disturbing activities, and shall document how these protocols will follow State
43 laws and rules at ORS 358.905-961, ORS 390.235, OAR 736-051-0090 and ORS
44 97.740-760 as in effect on the date of this site certificate.
45

- 1 (V.B.4) Before beginning construction of any phase of the facility, the certificate holder
2 shall provide to the Department a map showing the final design locations of all
3 components of that phase of the facility and areas that would be temporarily
4 disturbed during construction, and also showing the areas surveyed by Tetra Tech
5 in preparing the Archeological Inventory for Golden Hills Wind Energy
6 Development included in the Application for a Site Certificate as Attachment S-1.
7 If there are any additional areas where ground-disturbing activities will occur that
8 were not part of the original facility area, the certificate holder shall contact the
9 SHPO to determine whether there will be additional impacts to cultural resources.
10
- 11 (V.B.5) The certificate holder shall ensure that a qualified archaeologist instructs
12 construction personnel on the identification of cultural resources
13
- 14 (V.B.6) If any cultural resources are discovered during construction activities, all work at
15 that location shall cease immediately and the certificate holder shall contact the
16 SHPO to determine whether it is necessary to have an archeologist travel to the
17 worksite and assess the discovery or monitor construction activities.
18
- 19 (V.B.7) “No access” buffers shall be identified on construction plans and temporarily
20 demarcated in the field before and during construction. The facility
21 Environmental Inspector shall monitor flagged “no access” buffers around
22 archeological sites during construction to prevent accidental damage to cultural
23 resources. These flags or markers shall not be moved or removed during
24 construction activities, and construction personnel shall be advised of these
25 restrictions.
26
- 27 (V.B.8) The certificate holder shall ensure that construction personnel cease all ground-
28 disturbing activities in the immediate area if any archaeological or cultural
29 resources are found during construction of the facility until a qualified
30 archaeologist can evaluate the significance of the find. No construction personnel
31 will be allowed in the discovery area except for facility management in
32 consultation with the SHPO. The certificate holder shall notify the Department
33 and the SHPO of the find. If the SHPO determines that the resource is significant,
34 the certificate holder shall make recommendations to the Council for mitigation,
35 including avoidance or data recovery, in consultation with the Department, the
36 SHPO, the appropriate Oregon tribes and other appropriate parties. The certificate
37 holder shall not restart work in the affected area until the certificate holder has
38 demonstrated to the Department that it has complied with State archaeological
39 protection and archaeological permit laws in coordination with the SHPO.
40
- 41 (V.B.9) The certificate holder shall ensure that construction personnel proceed carefully in
42 the vicinity of the mapped alignment of the Oregon Trail. If any intact physical
43 evidence of the trail is discovered, the certificate holder shall avoid any
44 disturbance to the intact segments by redesign, reengineering or restricting the
45 area of construction activity. The certificate holder shall promptly notify the
46 Department and the SHPO of the discovery. The certificate holder shall consult

1 with the Department and with the SHPO to determine appropriate mitigation
2 measures.

- 3
4 (V.B.10) Upon completion of construction, the certificate holder shall consult with the
5 Oregon Historic Trails Advisory Council regarding the appropriate content of an
6 interpretive sign. After such consultation, the certificate holder shall place in a
7 publicly accessible location a sign giving notice of the historic background of the
8 facility site and surrounding areas.
9

10 **C. PUBLIC SERVICES STANDARD**

- 11
12 (V.C.1) During operation of the facility, the certificate holder shall obtain water for on-
13 site use from one well located at the O&M facility, subject to compliance with
14 applicable permit requirements. During operation of the facility, the certificate
15 holder shall not use more than 5,000 gallons of water per day from the on-site
16 well.
17

- 18 (V.C.2) During construction and operation of the facility, the certificate holder shall install
19 on-site security and shall require on-site security personnel to establish a line of
20 communication with the Sherman County Sheriff's Office to regularly report on
21 the status of on-site security operations.
22

- 23 (V.C.3) During construction and operation of the facility, the certificate holder shall
24 develop and coordinate response protocols with the North Sherman Fire
25 Protection District, the Moro Rural Fire Protection District and other wind energy
26 facility operators in the vicinity of the facility.
27

- 28 (V.C.4) During construction of the facility, the certificate holder shall ensure that
29 construction vehicles and equipment are operated on graveled areas to the extent
30 possible and that open flames, such as cutting torches, are kept away from grassy
31 areas.
32

- 33 (V.C.5) During construction and operation of the facility, the certificate holder shall
34 ensure that the O&M facility and all service vehicles are equipped with shovels
35 and portable fire extinguishers of a 4A50BC or equivalent rating.
36

- 37 (V.C.6) During construction of the facility, the certificate holder shall maintain a water
38 truck on site to respond to potential fire incidents.
39

- 40 (V.C.7) The certificate holder shall construct turbines on concrete pads with a minimum
41 of 10 feet of nonflammable and non-erosive ground cover on all sides. The
42 certificate holder shall cover turbine pad areas with nonflammable, non-erosive
43 material immediately following exposure during construction and shall maintain
44 the pad area covering during operation of the facility.
45

- 1 (V.C.8) During operation of the facility, the certificate holder shall ensure that all on-site
2 employees receive annual fire prevention and response training, including tower
3 rescue training, from qualified instructors or members of local fire districts and
4 shall ensure that all employees are instructed to keep vehicles on roads and off dry
5 grassland, except when off-road operation is required for emergency purposes.
6
- 7 (V.C.9) Upon beginning operation of the facility, the certificate holder shall provide to
8 North Sherman Fire Protection District and Moro Rural Fire Protection District a
9 site plan indicating the identification number assigned to each turbine and the
10 location of all facility structures. During operation of the facility, the certificate
11 holder shall ensure that appropriate district personnel have an up-to-date list of the
12 names and telephone numbers of facility personnel available to respond on a 24-
13 hour basis in case of an emergency on the facility site.
14
- 15 (V.C.10) Before and during beginning construction of the facility, the certificate holder
16 shall develop and implement a construction-phase traffic management plan with
17 all affected local jurisdictions.
18
- 19 (V.C.11) During construction of the facility, the certificate holder shall implement
20 measures to reduce traffic impacts, including:
21 (a) Providing notice to all affected local jurisdictions in advance of deliveries;
22 (b) Providing notice to adjacent landowners and residents of Biggs Junction in
23 advance of deliveries; and
24 (c) Requiring flaggers to be at appropriate locations at appropriate times
25 during construction to direct traffic and reduce accident risks.
26
- 27 (V.C.12) Prior to start of construction, the certificate holder shall obtain from the Sherman
28 County Road Department an assessment of road conditions in the facility area
29 prior to the start of construction of the facility. The certificate holder shall also
30 obtain from the county road department an evaluation of the roads following
31 completion of the facility to determine any significant change in condition. The
32 certificate shall cooperate with the Sherman County Road Department to ensure
33 that any unusual damage or wear caused by the use of the county's roads by the
34 developer during the construction of the facility will be the responsibility of the
35 developer. In addition, no equipment or machinery of the developers shall be
36 parked or stored on any county road except while in use.
37
- 38 (V.C.13) Prior to beginning construction, the certificate holder will
39 (a) Designate a route or routes for the transport of wind turbine construction
40 material (including water, aggregate, concrete, machinery and tower
41 pieces), with the intention of minimizing damage to non-designated roads,
42 and provide these designations to the County Road Master;
43 (b) Provide to the County Road Master a written summary of possible
44 anticipated road damage to the designated route or routes, and an estimate
45 of the cost of repair to the designated route or routes;

- 1 (c) Establish and maintain an escrow account for so long as construction is
- 2 ongoing funded in an amount equal to the estimated cost to repair the
- 3 designated route or routes consistent with the estimate provided in (b); and
- 4 (d) Conduct an inspection of the roads along the designated route or routes
- 5 before and after construction with a representative of the Sherman County
- 6 Road Department and an independent third party with the required
- 7 expertise to inspect and evaluate paved and graveled roads. In the event a
- 8 dispute arises, the third party shall be the final arbiter. The cost of the
- 9 hiring of the third party shall be borne by the certificate holder.

10
11 (V.C.14) The certificate holder shall work with Sherman County Emergency Manager to
12 assign a 9-1-1 5-digit rural address to every tower road that intersects a State or
13 county road. The county will provide and install the signage for these addresses.
14

15 **D. WASTE MINIMIZATION STANDARD**

- 16
- 17 (V.D.1) During construction, the certificate holder shall implement a waste management
18 plan that includes, but is not limited to, the following measures:
- 19 (a) Recycling steel and other metal scrap;
 - 20 (b) Recycling wood waste;
 - 21 (c) Recycling packaging wastes, such as paper and cardboard;
 - 22 (d) Collecting non-recyclable waste for transport to a landfill; and
 - 23 (e) Segregating all hazardous wastes, such as used oil, oily rags and oil-
 - 24 absorbent materials, lubricant and cleaning solution containers, mercury-
 - 25 containing lights, and lead-acid and nickel-cadmium batteries, for disposal
 - 26 by a licensed firm specializing in the proper recycling or disposal of
 - 27 hazardous wastes.
28
- 29 (V.D.2) During operation, the certificate holder shall implement a waste management plan
30 that includes, but is not limited to, the following measures:
- 31 (a) Training employees to minimize and recycle solid waste;
 - 32 (b) Recycling paper products, metals, glass and plastics;
 - 33 (c) Recycling used oil and hydraulic fluid;
 - 34 (d) Collecting non-recyclable waste for transport to a landfill; and
 - 35 (e) Segregating all hazardous wastes, such as used oil, oily rags and
 - 36 oil-absorbent materials, oil and cleaning solution containers,
 - 37 mercury-containing lights, and lead-acid and nickel-cadmium
 - 38 batteries, for disposal by a licensed firm specializing in the proper
 - 39 recycling or disposal of hazardous wastes.
40
- 41 (V.D.3) During construction, the certificate holder shall provide portable toilets for on-site
42 sewage handling and shall ensure that they are pumped and cleaned regularly by a
43 licensed contractor.
44
- 45 (V.D.4) During operation, the certificate holder shall discharge sanitary wastewater
46 generated at the O&M facility to a licensed on-site septic system in compliance

1 with county permit requirements. The certificate holder shall design the septic
2 system with a discharge capacity of less than 5,000 gallons per day.
3

4 **VI. OTHER APPLICABLE REGULATORY REQUIREMENTS**

5
6 **A. REQUIREMENTS UNDER COUNCIL JURISDICTION**

7
8 **1. NOISE CONTROL REGULATIONS**

9
10 (VI.A.1.1) To reduce noise impacts at nearby residential areas, the certificate holder shall:

- 11 (a) Confine the noisiest operation of heavy construction equipment to the
12 daylight hours;
13 (b) Require contractors to install and maintain exhaust mufflers on all
14 combustion engine-powered equipment; and
15 (c) Establish a complaint response system at the construction manager's
16 office to address noise complaints.
17

18 (VI.A.1.2) The certificate holder shall submit, for Department approval prior to construction,
19 a complete new noise analysis for the facility as designed and generate a new
20 table listing each noise-sensitive property, as defined in OAR 340-035-0015(38),
21 and the predicted maximum hourly L₅₀ noise level at each noise-sensitive
22 property. In addition, the certificate holder shall provide the predicted sound
23 levels contributed by each turbine at each noise-sensitive property that does not
24 provide a waiver of the ambient noise rule. The certificate holder shall perform
25 the analysis using the CADNA/A by DataKustik GmbH of Munich, Germany,
26 and shall base the analysis on the final facility design including final choice of
27 turbine and location of all facility components. The analysis shall demonstrate to
28 the satisfaction of the Department that each of the following requirements have
29 been met:

- 30 (a) For any noise-sensitive property, the certificate holder shall identify the
31 final design locations of all turbines to be built and perform a noise
32 analysis demonstrating, in accordance with OAR 340-035-
33 0035(1)(b)(B)(iii)(IV), that the total hourly L₅₀ noise level generated by
34 the facility would not exceed 50 dBA at the appropriate measurement
35 point. The certificate holder shall assume the following input parameters:
36 · The maximum sound power level warranted by the manufacturer or
37 confirmed by other means acceptable to the Department;
38 · The exact locations of the proposed turbines;
39 · Attenuation of sound due to absorption to be calculated using a
40 methodology satisfactory to the Department;
41 · The use of 50° F temperature and 70 percent relative humidity in the
42 analysis;
43 · A 2dB safety margin shall be added to turbine sound power levels;
44 · No credit for shielding of any residence by terrain; and
45 · All receptors treated as simultaneously downwind of all turbines.

- (b) If the hourly L₅₀ noise levels caused by the facility at any noise-sensitive property would increase the ambient noise level at any noise-sensitive property over the full set of wind conditions ranging from cut in to full load by more than 10 dBA, the certificate holder shall obtain a legally effective easement or real covenant from that property owner pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L₁₀ and L₅₀ by more than 10 dBA at the appropriate measurement point. A legally effective easement or real covenant shall (i) include a legal description of the burdened property (the noise-sensitive property); (ii) be recorded in the real property records of the county; (iii) expressly benefit the certificate holder; (iv) expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and (v) not be subject to revocation without the certificate holder's written approval.
- (c) If, for any noise-sensitive property where the hourly L₅₀ noise levels caused by the facility would increase by more than 10 dBA above the ambient level over the full range of wind conditions measured for that property and where the certificate holder has not obtained a legally effective easement or real covenant as described in (b), the certificate holder shall identify measures to reduce noise at that property either by eliminating or moving turbines, and shall perform the noise analysis again to demonstrate, in accordance with OAR 340-035-0035(1)(b)(B)(iii)(IV), that the total noise generated by the facility would meet the ambient noise degradation test at the appropriate measurement point at that noise-sensitive property. The certificate holder shall obtain Department concurrence of the new analysis prior to start of construction.

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

(VI.A.1.4) Prior to start of commercial operation, the certificate holder shall submit a plan for complaint-based operational noise monitoring to the Department. Commercial operation shall not commence until the Department has concurred in writing with the complaint-based noise monitoring protocol. The plan shall provide for testing at houses whose owners or occupants submit a complaint to the Council or the Department. The plan shall include a schedule for completion of required testing

1 and a date certain by which written results shall be provided to the Council. If the
2 owner of the property that filed the complaint refuses to grant access for the
3 purpose of performing the noise test described in this condition after reasonable
4 attempts are made by the certificate holder to receive permission for access, then
5 the Department shall not require further corrective action.
6

7 **2. REMOVAL FILL LAW**

8 [No conditions]
9

10 **3. GROUND WATER ACT**

11 [No conditions]
12

13 **4. PUBLIC HEALTH AND SAFETY**

- 14
15 (VI.A.4.1) The certificate holder shall take reasonable steps to reduce or manage human
16 exposure to electric and magnetic fields, including, but not limited to:
17 (a) Constructing all aboveground transmission lines at least 200 feet from any
18 residence or other occupied structure, measured from the centerline of the
19 transmission line;
20 (b) Fencing all areas near the facility substations to ensure that substation
21 equipment is not accessible to the public;
22 (c) Providing to landowners a map of underground and overhead transmission
23 lines on their property and advising landowners of possible health risks;
24 and
25 (d) Designing and maintaining all transmission lines so that alternating
26 current electric fields do not exceed 9 kV per meter at one meter above the
27 ground surface in areas accessible to the public.
28

- 29 (VI.A.4.2) In advance of, and during, preparation of detailed design drawings and
30 specifications for 230-kV, 500-kV and 34.5-kV transmission lines, the certificate
31 holder shall consult with the Utility Safety and Reliability Section of the Oregon
32 Public Utility Commission to ensure that the designs and specifications are
33 consistent with applicable codes and standards.
34

- 35 (VI.A.4.3) Prior to start of construction, the certificate holder shall submit to ODOE a
36 procedure for coordinating, with all affected local electric service utilities and
37 transmission service providers, crane movements under electric transmission lines
38 during construction and maintenance of the facility. The procedure shall address
39 subjects including, but not limited to, minimum advance notification prior to any
40 crane movement under an electric transmission or distribution line, protocols for
41 determining adequate line clearance and specific crane path locations. With the
42 procedure, the certificate holder shall provide evidence of concurrence by each
43 affected electric service utility or transmission service provider. The certificate
44 holder shall ensure that all employees, construction contactors and subcontractors
45 adhere to this procedure throughout construction and maintenance of the facility.
46

1
2
3 **VII. CONDITIONS REQUIRED BY COUNCIL RULES**

4 This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in
5 Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028
6 (Monitoring Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules
7 for Facilities). These conditions should be read together with the specific facility conditions
8 listed in Sections III, IV, V and VI to ensure compliance with the siting standards of OAR
9 Chapter 345, Divisions 22 and 24, and to protect the public health and safety. In these conditions,
10 the definitions in OAR 345-001-0010 apply.
11

12 The obligation of the certificate holder to report information to the Department or the
13 Council under the conditions listed in this section and in Sections III, IV, V and VI is subject to
14 the provisions of ORS 192.502 et seq. and ORS 469.560. To the extent permitted by law, the
15 Department and the Council will not publicly disclose information that may be exempt from
16 public disclosure if the certificate holder has clearly labeled such information and stated the basis
17 for the exemption at the time of submitting the information to the Department or the Council. If
18 the Department or the Council receives a request for the disclosure of the information, the
19 Department or the Council, as appropriate, will make a reasonable attempt to notify the
20 certificate holder and will refer the matter to the Attorney General for a determination of whether
21 the exemption is applicable, pursuant to ORS 192.450.
22

23 In addition to these conditions, the certificate holder is subject to all conditions and
24 requirements contained in the rules of the Council and in local ordinances and State laws in
25 effect on the date the site certificate is executed. Under ORS 469.401(2), upon a clear showing of
26 a significant threat to the public health, safety or the environment that requires application of
27 later-adopted laws or rules, the Council may require compliance with such later-adopted laws or
28 rules.
29

30 The Council recognizes that many specific tasks related to the design, construction,
31 operation and retirement of the facility will be undertaken by the certificate holder's agents or
32 contractors. Nevertheless, the certificate holder is responsible for ensuring compliance with all
33 provisions of the site certificate.
34

35 (VII.1) OAR 345-027-0020(1): The Council shall not change the conditions of the site
36 certificate except as provided for in OAR Chapter 345, Division 27.
37

38 (VII.2) OAR 345-027-0020(2): The certificate holder shall submit a legal description of
39 the site to the Department of Energy within 90 days after beginning operation of
40 the facility. The legal description required by this rule means a description of
41 metes and bounds or a description of the site by reference to a map and
42 geographic data that clearly and specifically identifies the outer boundaries that
43 contain all parts of the facility.
44

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

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

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

(VII.5) OAR 345-027-0020(5): Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, “construction rights” means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:

- (a) The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of the transmission line or pipeline occurs during the certificate holder’s negotiations to acquire construction rights on another part of the site; or
- (b) The certificate holder would construct and operate part of a wind energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built.

(VII.6) OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative finding under any standards of Division 22 or Division 24 of OAR Chapter 345, the certificate holder shall consult with affected state agencies and local governments designated by the Council and shall develop specific mitigation plans consistent with Council findings under the relevant standards. The certificate holder must submit the mitigation plans to the Office and receive Office approval before beginning construction or, as appropriate, operation of the facility.

(VII.7) OAR 345-027-0020(7): The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.

(VII.8) OAR 345-027-0020(8): Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond

1 or letter of credit in a form and amount satisfactory to the Council to restore the
2 site to a useful, non-hazardous condition. The certificate holder shall maintain a
3 bond or letter of credit in effect at all times until the facility has been retired. The
4 Council may specify different amounts for the bond or letter of credit during
5 construction and during operation of the facility. [*See Condition IV.C.4.*]
6

7 (VII.9) OAR 345-027-0020(9): The certificate holder shall retire the facility if the
8 certificate holder permanently ceases construction or operation of the facility. The
9 certificate holder shall retire the facility according to a final retirement plan
10 approved by the Council, as described in OAR 345-027-0110. The certificate
11 holder shall pay the actual cost to restore the site to a useful, non-hazardous
12 condition at the time of retirement, notwithstanding the Council’s approval in the
13 site certificate of an estimated amount required to restore the site.
14

15 (VII.10) OAR 345-027-0020(10): The Council shall include as conditions in the site
16 certificate all representations in the site certificate application and supporting
17 record the Council deems to be binding commitments made by the applicant.
18

19 (VII.11) OAR 345-027-0020(11): Upon completion of construction, the certificate holder
20 shall restore vegetation to the extent practicable and shall landscape all areas
21 disturbed by construction in a manner compatible with the surroundings and
22 proposed use. Upon completion of construction, the certificate holder shall
23 remove all temporary structures not required for facility operation and dispose of
24 all timber, brush, refuse and flammable or combustible material resulting from
25 clearing of land and construction of the facility.
26

27 (VII.12) OAR 345-027-0020(12): The certificate holder shall design, engineer and
28 construct the facility to avoid dangers to human safety presented by seismic
29 hazards affecting the site that are expected to result from all maximum probable
30 seismic events. As used in this rule “seismic hazard” includes ground shaking,
31 landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement
32 and subsidence.
33

34 (VII.13) OAR 345-027-0020(13): The certificate holder shall notify the Department, the
35 State Building Codes Division and the Department of Geology and Mineral
36 Industries promptly if site investigations or trenching reveal that conditions in the
37 foundation rocks differ significantly from those described in the application for a
38 site certificate. After the Department receives the notice, the Council may require
39 the certificate holder to consult with the Department of Geology and Mineral
40 Industries and the Building Codes Division and to propose mitigation actions.
41

42 (VII.14) OAR 345-027-0020(14): The certificate holder shall notify the Department, the
43 State Building Codes Division and the Department of Geology and Mineral
44 Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes
45 are found at or in the vicinity of the site.
46

- 1 (VII.15) OAR 345-027-0020(15): Before any transfer of ownership of the facility or
2 ownership of the site certificate holder, the certificate holder shall inform the
3 Department of the proposed new owners. The requirements of OAR 345-027-
4 0100 apply to any transfer of ownership that requires a transfer of the site
5 certificate.
6
- 7 (VII.16) OAR 345-027-0020(16): If the Council finds that the certificate holder has
8 permanently ceased construction or operation of the facility without retiring the
9 facility according to a final retirement plan approved by the Council, as described
10 in OAR 345-027-0110, the Council shall notify the certificate holder and request
11 that the certificate holder submit a proposed final retirement plan to the Office
12 within a reasonable time not to exceed 90 days. If the certificate holder does not
13 submit a proposed final retirement plan by the specified date, the Council may
14 direct the Department to prepare a proposed a final retirement plan for the
15 Council's approval. Upon the Council's approval of the final retirement plan, the
16 Council may draw on the bond or letter of credit described in OAR 345-027-
17 0020(8) to restore the site to a useful, non-hazardous condition according to the
18 final retirement plan, in addition to any penalties the Council may impose under
19 OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is
20 insufficient to pay the actual cost of retirement, the certificate holder shall pay any
21 additional cost necessary to restore the site to a useful, non-hazardous condition.
22 After completion of site restoration, the Council shall issue an order to terminate
23 the site certificate if the Council finds that the facility has been retired according
24 to the approved final retirement plan.
25
- 26 (VII.17) OAR 345-027-0023(4): If the facility includes any transmission line under
27 Council jurisdiction:
28 (a) The certificate holder shall design, construct and operate the transmission
29 line in accordance with the requirements of the National Electrical Safety
30 Code 2007 edition; and
31 (b) The certificate holder shall develop and implement a program that
32 provides reasonable assurance that all fences, gates, cattle guards, trailers,
33 or other objects or structures of a permanent nature that could become
34 inadvertently charged with electricity are grounded or bonded throughout
35 the life of the line.
36
- 37 (VII.18) OAR 345-027-0023(5): If the proposed energy facility is a pipeline or a
38 transmission line or has, as a related or supporting facility, a pipeline or
39 transmission line, the Council shall specify an approved corridor in the site
40 certificate and shall allow the certificate holder to construct the pipeline or
41 transmission line anywhere within the corridor, subject to the conditions of the
42 site certificate. If the applicant has analyzed more than one corridor in its
43 application for a site certificate, the Council may, subject to the Council's
44 standards, approve more than one corridor.

- 1
2 (VII.19) OAR 345-027-0028: The following general monitoring conditions apply:
3 (a) The certificate holder shall consult with affected state agencies, local
4 governments and tribes and shall develop specific monitoring programs
5 for impacts to resources protected by the standards of divisions 22 and 24
6 of OAR Chapter 345 and resources addressed by applicable statutes,
7 administrative rules and local ordinances. The certificate holder must
8 submit the monitoring programs to the Department of Energy and receive
9 Department approval before beginning construction or, as appropriate,
10 operation of the facility.
11 (b) The certificate holder shall implement the approved monitoring programs
12 described in OAR 345-027-0028(1) and monitoring programs required by
13 permitting agencies and local governments.
14 (c) For each monitoring program described in OAR 345-027-0028(1) and (2),
15 the certificate holder shall have quality assurance measures approved by
16 the Department before beginning construction or, as appropriate, before
17 beginning commercial operation.
18 (d) If the certificate holder becomes aware of a significant environmental
19 change or impact attributable to the facility, the certificate holder shall, as
20 soon as possible, submit a written report to the Department describing the
21 impact on the facility and any affected site certificate conditions.
22

23 (VII.20) OAR 345-026-0048: Following receipt of the site certificate or an amended site
24 certificate, the certificate holder shall implement a plan that verifies compliance
25 with all site certificate terms and conditions and applicable statutes and rules. As a
26 part of the compliance plan, to verify compliance with the requirement to begin
27 construction by the date specified in the site certificate, the certificate holder shall
28 report promptly to the Department of Energy when construction begins.
29 Construction is defined in OAR 345-001-0010. In reporting the beginning of
30 construction, the certificate holder shall describe all work on the site performed
31 before beginning construction, including work performed before the Council
32 issued the site certificate, and shall state the cost of that work. For the purpose of
33 this exhibit, “work on the site” means any work within a site or corridor, other
34 than surveying, exploration or other activities to define or characterize the site or
35 corridor. The certificate holder shall document the compliance plan and maintain
36 it for inspection by the Department or the Council.
37

- 38 (VII.21) OAR 345-026-0080: The certificate holder shall report according to the following
39 requirements:
40 (a) General reporting obligation for energy facilities under construction or
41 operating:
42 (i) Within six months after beginning construction, and every six
43 months thereafter during construction of the energy facility and
44 related or supporting facilities, the certificate holder shall submit a
45 semiannual construction progress report to the Department of
46 Energy. In each construction progress report, the certificate holder

1 shall describe any significant changes to major milestones for
2 construction. The certificate holder shall include such information
3 related to construction as specified in the site certificate. When the
4 reporting date coincides, the certificate holder may include the
5 construction progress report within the annual report described in
6 OAR 345-026-0080.

7 (ii) By April 30 of each year after beginning construction, the
8 certificate holder shall submit an annual report to the Department
9 addressing the subjects listed in OAR 345-026-0080. The Council
10 Secretary and the certificate holder may, by mutual agreement,
11 change the reporting date.

12 (iii) To the extent that information required by OAR 345-026-0080 is
13 contained in reports the certificate holder submits to other state,
14 federal or local agencies, the certificate holder may submit
15 excerpts from such other reports to satisfy this rule. The Council
16 reserves the right to request full copies of such excerpted reports.

17 (b) In the annual report, the certificate holder shall include the following
18 information for the calendar year preceding the date of the report:

19 (i) Facility Status: An overview of site conditions, the status of
20 facilities under construction, and a summary of the operating
21 experience of facilities that are in operation. In this section of the
22 annual report, the certificate holder shall describe any unusual
23 events, such as earthquakes, extraordinary windstorms, major
24 accidents or the like that occurred during the year and that had a
25 significant adverse impact on the facility.

26 (ii) Reliability and Efficiency of Power Production: For electric power
27 plants, the plant availability and capacity factors for the reporting
28 year. The certificate holder shall describe any equipment failures
29 or plant breakdowns that had a significant impact on those factors
30 and shall describe any actions taken to prevent the recurrence of
31 such problems.

32 (iii) Fuel Use: For thermal power plants:

33 (A) The efficiency with which the power plant converts fuel
34 into electric energy. If the fuel chargeable to power heat
35 rate was evaluated when the facility was sited, the
36 certificate holder shall calculate efficiency using the same
37 formula and assumptions, but using actual data; and

38 (B) The facility's annual hours of operation by fuel type and,
39 every five years after beginning operation, a summary of
40 the annual hours of operation by fuel type as described in
41 OAR 345-024-0590(5).

42 (iv) Status of Surety Information: Documentation demonstrating that
43 bonds or letters of credit as described in the site certificate are in
44 full force and effect and will remain in full force and effect for the
45 term of the next reporting period.

- (v) Monitoring Report: A list and description of all significant monitoring and mitigation activities performed during the previous year in accordance with site certificate terms and conditions, a summary of the results of those activities, and a discussion of any significant changes to any monitoring or mitigation program, including the reason for any such changes.
- (vi) Compliance Report: A description of all instances of noncompliance with a site certificate condition. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.
- (vii) Facility Modification Report: A summary of changes to the facility that the certificate holder has determined do not require a site 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

1 If any provision of this agreement and certificate is declared by a court to be illegal or in
2 conflict with any law, the validity of the remaining terms and conditions shall not be affected,
3 and the rights and obligations of the parties shall be construed and enforced as if the agreement
4 and certificate did not contain the particular provision held to be invalid.
5
6

7 **X. GOVERNING LAW AND FORUM**

8
9 This site certificate shall be governed by the laws of the State of Oregon. Any litigation
10 or arbitration arising out of this agreement shall be conducted in an appropriate forum in Oregon.
11

12
13 **XI. EXECUTION**

14
15 This site certificate may be executed in counterparts and will become effective upon
16 signature by the Chair of the Council and the authorized representative of the certificate holder.
17

18 **IN WITNESS WHEREOF**, this site certificate has been executed by the State of Oregon, acting
19 by and through its Energy Facility Siting Council, and by Golden Hills Wind Farm LLC.
20

21 ENERGY FACILITY SITING COUNCIL

GOLDEN HILLS WIND FARM LLC

22
23
24 By: W. Bryan Wolfe
25 W. Bryan Wolfe, Chair
26 Oregon Energy Facility Siting Council
27

By: [Signature]

Print: Darrel Thorson

28
29 Date: May 11, 2012
30
31

Date: May 18, 2012