

1
2 **THERMAL POWER PLANT**

3
4 **SITE CERTIFICATE**

5
6 **for the**

7
8 **HERMISTON POWER PROJECT**
9

10
11 This Site Certificate is made and entered into in the manner provided by ORS Chapter 469 by and
12 between the State of Oregon (State), acting by and through its Energy Facility Siting Council
13 ("EFSC" or "the Council"), and Hermiston Power Partnership ("HPP") an Oregon General
14 Partnership.
15

16 **I. SITE CERTIFICATION**
17

18 A. To the extent authorized by State law and subject to the conditions set forth herein, the
19 State approves and authorizes the construction, operation and retirement by HPP of a
20 natural gas-fired combustion turbine energy facility, together with certain related or
21 supporting facilities, at the site near Hermiston in Umatilla County, Oregon, in the manner
22 described in the EFSC's Final Order, which by this reference is incorporated herein. The
23 terms used in this Site Certificate shall have the meaning set forth in ORS 469.300 and
24 Oregon Administrative Rules OAR 345-01-010. The facts, reasoning, conclusions and
25 conditions relied on for approval are set out in EFSC's Final Order.
26

27 Subject to the conditions herein, this certificate binds the State and all counties, cities and
28 political subdivisions in this State as to the approval of the site and the construction,
29 operation and retirement of the facility, as to matters that are included in and governed by
30 this Site Certificate. The Site Certificate is not binding with respect to matters not
31 governed by and included in the Site Certificate, including permits issued under statutes and
32 rules for which the decision on compliance has been delegated by the Federal government
33 to a state agency other than EFSC.
34

35 B. Each affected state agency, county, city and political subdivision with authority to issue a
36 permit, license or other approval addressed in or governed by the Site Certificate or EFSC's
37 Final Order shall, upon submission by HPP of the proper application and payment of the
38 proper fees, issue such permit, license or other approval without hearing or other
39 proceeding, subject only to conditions set forth in the Site Certificate. Each state agency
40 or local government that issues a permit, license or other approval to HPP shall continue
41 to exercise enforcement authority over such permit, license or other approval.
42
43

1 For a permit, license or other approval addressed in the Site Certificate, HPP shall comply
2 with applicable state and federal laws adopted in the future to the extent that such
3 compliance is required under the respective state agency statutes and rules.
4

- 5
6 C. Both the State and HPP shall abide by local ordinances and state law and the rules of EFSC
7 in effect on the date the Site Certificate is executed. The EFSC rules in effect on the date
8 the Site Certificate is executed are attached as Exhibit B. In addition, upon a clear showing
9 of a significant threat to the public health, safety or the environment that requires
10 application of later-adopted laws or rules, EFSC may require compliance with such later-
11 adopted laws or rules.
12

13 **II. DESCRIPTION OF SITE AND FACILITY**

14

15 The Hermiston Power Project is a combined-cycle combustion turbine electric generating
16 plant, fueled primarily by natural gas, with a nominal capacity of 460 MW at annual average
17 conditions. Distillate (diesel) fuel will be used if needed as a backup fuel. In addition to the
18 generation of electricity, the facility will be designed to supply steam to the J.R. Simplot Company
19 potato processing plant.
20

21 *Energy Facility Site:* The energy facility site is located on a 17 acre site adjacent to the J.R.
22 Simplot ("Simplot") potato processing plant, approximately 3 miles south of Hermiston, Oregon.
23 The energy facility site is on land zoned Heavy Industrial (HI). The location of the energy facility
24 site is shown on the attached Figure 1.
25

26 *Power Plant Structures and Major Equipment:* The proposed energy facility will consist
27 of several structures: a turbine-generator building; two heat recovery steam generator (HRSG)
28 structures; two exhaust stacks approximately 195 feet in height; an administration/control building;
29 storage tanks for raw and demineralized water; an electrical substation occupying approximately
30 50,000 square feet; two above ground 1,000,000 gallon distillate storage tanks; and two five-cell
31 mechanical induced draft evaporative cooling towers, each with a height of approximately 42 feet.
32 The combustion turbine will be surrounded with an acoustically insulated enclosure to reduce noise
33 levels and to provide containment for automatic fire suppression equipment. The facility's water
34 system, including treatment, component cooling, fire protection and condensate return is described
35 in the ASC, Exhibit B, pp 13 and 14a.
36

37 *Related and Supporting Facilities:* Related and supporting facilities include two natural
38 gas pipelines that will bring natural gas to the energy facility from interstate pipelines, a water
39 pipeline which will carry raw water to the energy facility site, and one of two electrical
40 transmission lines that will deliver output from the power plant to the BPA McNary substation.
41

42 The two natural gas pipelines will deliver natural gas from the Pacific Gas Transmission
43 (PGT) and Northwest Pipeline (NWP) interstate pipeline systems. Each pipeline would be

1 approximately 12 inches in diameter and will be located underground. The PGT pipeline
2 connection will be approximately 4.1 miles long and the NWP pipeline will be approximately 8.8
3 miles long. Both pipelines are related and supporting facilities as defined in OAR 345-01-010.
4 HPP may construct one or both pipelines. The routes for these pipelines are described in the land
5 use section of the EFSC Final Order and shown on Figures I-4 and I-5 in the ASC.

6 The raw water supply line for the energy facility will be approximately 16 inches in
7 diameter and approximately 1.1 miles long. The route for the raw water supply line is shown on
8 Figure I-3 in the ASC. This line will connect the energy facility site to the Port of Umatilla water
9 supply project. HPP has an agreement to purchase water from the Port of Umatilla. The Port will
10 obtain the water from the Columbia River under an existing municipal water permit issued by
11 WRD, # 49497 ("Permit # 49497"). The Port's water supply project is not an energy facility and
12 is not subject to EFSC regulation.

13
14 This Site Certificate permits construction along either one of two transmission line routes.
15 Only one of the two will be built. The two transmission line routes include a 230 kV option and
16 a 500 kV option.

17
18 The 230 kV option will be approximately 15.9 miles long. The route for the 230 kV
19 transmission line is shown on Figures I-7A, I-7B and I-7C in the ASC. Approximately 12.3 miles
20 of this would use the 230 kV transmission line route from the Westland Substation to the BPA
21 McNary Substation which is a double circuit steel pole 230/115 kV line. The Hermiston
22 Generating Company L.P ("HGC") holds a Site Certificate for the 230 kV line in connection with
23 its energy facility. The Umatilla Electric Cooperative Association ("UECA") owns and will
24 operate the 230/115 kV line. If this option is chosen, HPP would replace UECA's 115 kV
25 conductors and insulators with 230 kV conductors and insulators, thereby upgrading the line to a
26 230/230 kV line. No new right of way will be required for the 230 kV transmission line from the
27 Westland Substation to the McNary Substation. UECA may relocate portions of the displaced 115
28 kV line along different routes elsewhere in Umatilla County. HPP intends to deed the 230 kV line
29 to UECA.

30
31 The 500 kV option would require construction of approximately 14.2 miles of new 500 kV
32 transmission line between the energy facility site and the McNary Substation. The route for the
33 500 kV transmission line is shown on Figures I-6A and I-6B in the ASC. Most transmission line
34 structures would be placed within existing BPA right of way with the remainder located on private
35 lands. All construction will be entirely within Umatilla County with a portion also located within
36 the City of Umatilla. The 500 kV line would be deeded to BPA.

37
38 Upon leaving the energy facility site, the 500 kV line will proceed north and east
39 approximately 1.5 miles to Feedville Road. This portion of the route is primarily occupied by an
40 existing Pacific Power & Light 69 kV transmission line. The new transmission line would be
41 constructed as a double circuit 69/500 kV in this section. At Feedville Road the line will proceed
42 east for approximately 3.2 miles. At the intersection with Canal Road the line will proceed north
43 for approximately .9 miles to its intersection with the BPA McNary-Roundup transmission line

1 corridor. From this point the 500 kV line will parallel the McNary-Roundup line within BPA's
2 existing 250 foot right-of way, and head in a northwesterly direction approximately 7.6 miles.
3 Approximately 0.8 miles of this 7.6 mile section will include construction of a double-circuit
4 500/230 kV line with PacifiCorp. As the line approaches the McNary substation it will occupy
5 existing double-circuit transmission structures now being used by the BPA Slatt-McNary and
6 McNary-Lower Monument 500 kV lines.

7
8 The existing BPA 500 kV McNary-Lower Monumental transmission line will be displaced
9 by the facility's 500 kV transmission line and will be relocated about 500 - 800 feet east of its
10 present location, as shown on document ODOE-285.3 of the contested case record. This relocated
11 section will be about one mile (5000 feet) in length. The relocation begins about 150 feet north
12 of the intersection of Margaret Avenue and Lind Road at the existing 500 kV McNary-Lower
13 Monumental transmission line to the east of Lind Road. The relocated line will then proceed north
14 generally paralleling Lind Road, crossing Highway 730, and continuing north across the existing
15 railroad tracks near the McNary Substation. After crossing the railroad tracks, the line would turn
16 northwest and proceed about 700 feet to the McNary Substation.

17
18 The corridor for the relocated BPA 500 kV line includes a currently occupied residence.
19 Pursuant to an agreement with the occupant of that residence, HPP will not place the centerline of
20 the relocated 500 kV line closer than 80 feet to that property if it is occupied as a residence at the
21 time of construction.

22
23 *Power Generation Process Description:* The Hermiston Power Project will consist of two
24 identical, natural gas-fired, combined-cycle units. A gas turbine-generator is essentially a jet
25 engine on a stationary mount that derives its power from the combustion of natural gas, which is
26 used to turn an electric generator. The high-temperature exhaust from the gas turbine-generator
27 is ducted to a heat recovery steam generator (HRSG) to generate steam. This steam, in turn, is
28 used to drive a steam turbine-generator. The term "combined-cycle power plant" describes the
29 sequential use of the fuel energy in both the gas turbine-generator and the steam turbine-generator.

30
31 The Hermiston Power Project will use approximately 3,400 million British thermal units
32 (MMBTU) of natural gas fuel per hour at full load. A BTU (British thermal unit) is the amount
33 of energy needed to heat one pound of water one degree Fahrenheit. Fuel for the turbines will
34 primarily be natural gas with distillate used only as backup fuel.

35
36 A power plant's steam cycle describes the process where water enters the heat recovery
37 steam generator (HRSG) as a liquid and is changed into a high-temperature, high-pressure vapor
38 (steam) whose energy can then be used to drive the steam turbine. In order to complete the steam
39 cycle, low-pressure, low-temperature steam exiting the steam turbine-generator must be cooled to
40 condense the steam back to liquid (water). The change from steam to liquid occurs in the
41 condenser. Cooling of the condenser is provided by a separate circulating water system known as
42 the condenser/cooling tower loop.

1 The cooling tower provides a flow of relatively cold water to the condenser and receives
2 heated water back from the condenser. The cooling tower is used to dissipate heat by evaporating
3 a portion of the water circulating within the loop. Water lost through evaporation is replaced by
4 the facility's cooling water makeup supply source. Cooling tower makeup water will be provided
5 and sold to the facility by the Port of Umatilla. The Port of Umatilla will obtain the water sold to
6 the Hermiston Power Project from the Columbia River under Permit # 49497. The evaporation
7 rate from the cooling tower will vary between 1,300 gallons per minute and 2,000 gallons per
8 minute, depending on steam turbine load and ambient weather conditions. The water use of the
9 entire energy facility under full load conditions, while operating at an average ambient temperature
10 of 53 degrees Fahrenheit, will be approximately 1969 gallons per minute.

11
12 The proposed power plant will produce wastewater from cooling tower blowdown,
13 demineralization system backwash and from sanitary wastewater. The combined wastewater
14 stream will be discharged to Simplot's existing wastewater discharge system, which reuses treated
15 wastewater for irrigation. Simplot has an existing Water Pollution Control Facility (WPCF) permit
16 administered by the Department of Environmental Quality ("DEQ"). Simplot has requested and
17 obtained a modification to its WPCF permit to accommodate the additional discharge from the
18 proposed energy facility. This permit is a "third party" permit under OAR 345-22-010(2).

19 20 **III. CONDITIONS**

21 22 **Need/BPA Exemption: OAR 345-23-010(3)**

23
24 (1) Prior to commencement of construction, the Site Certificate holder shall notify the Council in
25 writing of the final selection of gas turbine vendor.

26
27 (2) Prior to commencement of construction, the Site Certificate holder shall submit design
28 information to the Department sufficient to verify that the facility's actual design fuel chargeable
29 to power heat rate under ISO conditions as defined in OAR 345-01-010(21) is less than 8,000
30 Btu/Kwh, with no credit taken for steam to the steam host.

31
32 (3) Within six months of completion of the first full year of commercial operation, the Site
33 Certificate holder shall provide a test report of the capacity and unit heat rate in BTU per kilowatt
34 hour produced, corrected to ISO conditions and accounting for steam delivered to the steam host,
35 averaged over the first full year of operation, to document that the facility achieves a fuel
36 chargeable to power heat rate of less than 8,000 Btu/Kwh.

37
38 (4) In accordance with the Mandatory Condition requirement in OAR 345-27-020(6)(d), the Site
39 Certificate holder shall provide to the Council, prior to commencement of construction:

40
41 (A) A long term power sales contract with the Bonneville Power Administration for all
42 the net electric output of the facility; and
43

1 (B) A final, non-appealable determination by the Pacific Northwest Electric Power and
2 Conservation Planning Council, under the criteria identified in OAR 345-23-010(3), that
3 the Bonneville Power Administrator's decision to acquire output from the proposed facility
4 is consistent with the 1991 Northwest Conservation and Electric Power Plan and is in
5 accordance with the criteria identified in OAR 345-23-010(3)(a), (b), and (c). If such a
6 determination is not provided, the certificate holder shall not commence construction of the
7 facility unless it demonstrates need in a process conforming to the requirements of OAR
8 345-27-070, except that the Council shall hold a contested case hearing if requested under
9 OAR 345-27-070(3). The issue at the hearing shall be limited to whether the facility
10 complies with OAR Chapter 345, division 23.
11

12 The Site Certificate holder must demonstrate compliance with the need for facility standard in
13 effect at the time the decision on the request to amend is made.
14

15 **Shelf Life: OAR 345-27-020(3)**
16

17 (5) The Site Certificate holder shall begin construction of proposed facility by November 30, 2000
18 and shall complete construction by January 1, 2003.
19

20 (6) Construction completion of the facility shall be defined as the commercial operation date of the
21 facility. If the Site Certificate holder begins construction by November 30, 2000 but cannot
22 complete construction by January 1, 2003, then the Council may grant extensions of the
23 construction completion date in accordance with OAR 345-27-030.
24

25 **Organizational, Managerial And Technical Expertise: OAR 345-22-010**
26

27 (7) Prior to commencement of construction, the Site Certificate holder shall demonstrate to ODOE
28 that the Port has not forfeited its legal right to perfect the 2400 gpm contracted to HPP.
29

30 (8) Prior to commencement of construction, HPP shall have a contract or other agreement with
31 Simplot to accept and dispose of HPP's wastewater.
32

33 (9) Prior to construction, HPP shall identify for the Council's approval the EPC contractor chosen
34 to construct the facility. Prior to commercial operation, HPP shall identify for the Council's
35 approval the contractor chosen to operate the facility. Any such approval shall not be unreasonably
36 withheld.
37

38 (10) All modifications to the partnership agreement shall be submitted to the Department for
39 incorporation in the Site Certificate file.
40

41 (11) Any change of operator shall be reported to the Department.
42
43

1 (12) Any matter of non-compliance under this Site Certificate shall be the responsibility of the
2 partnership. Any notices of violation issued will be issued to the partnership. Any civil penalties
3 levied will be the responsibility of the partners jointly and severally.
4

5 (13) In the annual report submitted to the Council, the Site Certificate holder shall describe any
6 change in the membership or voting requirements of its management committee or any admission
7 or withdrawal of a partner not described in any earlier annual report previously submitted to the
8 Council. Any (a) such change in such membership or voting requirements resulting in a material
9 change to the Site Certificate holder's existing management structure and procedures; (b) such
10 admission resulting in a new partner's active participation in the business and affairs of the Site
11 Certificate holder; or (c) such withdrawal resulting in the complete removal of an existing partner
12 from its previously active participation in the business and affairs of the Site Certificate holder,
13 shall be subject to approval of the Council, which approval shall not be unreasonably withheld or
14 delayed.
15

16 (14) The Site Certificate holder shall contractually require the EPC contractor and all
17 independent contractors and subcontractors involved in the construction and operation of the
18 proposed facilities to comply with all applicable laws and regulations and with the terms and
19 conditions of the Site Certificate. Such contractual provision shall not operate to relieve the Site
20 Certificate holder of responsibility under the Site Certificate.
21

22 **Financial Assurance: OAR 345-22-050**
23

24 (15) Prior to commencement of construction HPP shall submit to the State of Oregon, through
25 the Council, a guaranty substantially in the form attached as Exhibit A, executed by J.R. Simplot
26 Co., TransCanada Pipelines Limited and Ida-West Energy Company. The guaranty shall remain
27 in effect until such time as the retirement fund described in Condition 16 below reaches \$8,202,000
28 (in 1995 dollars).
29

30 (16) Starting with the first year of commercial operation, HPP shall establish a retirement fund
31 and begin making annual commitments to the fund in the amount of \$800,000 in the form of a
32 letter of credit or performance bond. The terms of the security and identity of the issuer shall be
33 subject to approval by the Council, which approval shall not be unreasonably withheld. Such
34 annual commitments shall continue until the total security in the retirement fund reaches
35 \$8,202,000 (in 1995 dollars) in no event later than 10 years from the date of commercial operation.
36 The calculation of 1995 dollars shall be made using the U.S. Gross Domestic Product Deflator for
37 Total Non-Residential Fixed Investment, as published by the U.S. Department of Commerce,
38 Bureau of Economic Analysis, or any successor agency ("the index"). After the security in the fund
39 reaches \$8,202,000 (in 1995 dollars), the fund shall increase annually by the percentage increase
40 in the index. If at any time the index is no longer published, the Council shall select a comparable
41 calculation of 1995 dollars. In the event the security in the retirement fund is less than \$8,202,000
42 in (1995 dollars) at the time HPP notifies the Council of its intent to retire the facility, the annual
43 commitments to the retirement fund shall be adjusted so as to assure that the total security in the

1 funds is \$8,202,000 (in 1995 dollars) at the time of retirement. HPP shall describe the status of the
2 fund in the annual report submitted to the Council. All funds received by HPP from the salvage
3 of equipment or buildings shall be committed to the restoration of the facility site, to the extent
4 necessary to fund the approved restoration.
5

6 (17) In the event construction is begun but not completed by the deadlines set forth in the Site
7 Certificate, or the energy facility is closed permanently before the end of its useful life, HPP shall
8 restore the site to a useful condition. Restoration shall include but not be limited to the removal of
9 transmission line towers erected by the Site Certificate holder unless the Council determines that
10 such towers are likely to be used by another facility, electric utility or other entity that provides
11 electric service.
12

13 **Structural: OAR 345-22-020**
14

15 (18) Prior to the start of construction, HPP shall conduct an investigation as described by Mr.
16 D. Wermiel of DOGAMI in a letter dated May 9, 1995 to Mr. A. Bless, ODOE which would
17 confirm HPP's characterization of ground response to potential seismic events. The ground
18 response evaluation will include drilling one deep boring to bedrock and measuring downhole shear
19 wave velocity profile beneath the energy facility site. Based on the site-specific measurements,
20 ground response and amplification will be evaluated.
21

22 The geotechnical investigation shall be peer reviewed by the DOGAMI or by a private engineering
23 geologist or geotechnical engineer registered in the state of Oregon that is independent from HPP
24 and the HPP's contractors and subcontractors. If a private engineering geologist or geotechnical
25 engineer is used, the choice of peer reviewer shall be approved by ODOE in consultation with
26 DOGAMI.
27

28 (19) If the detailed survey reveals evidence that is not as described in the ASC, then the HPP
29 shall revise the facility design parameters to comply with corresponding Oregon Building Code
30 requirements. If pre-construction seismic analysis reveals features unique to the energy facility site
31 that justify enhanced seismic design, HPP shall design safety structures critical to public health or
32 safety in consultation with the Building Codes Division of the Department of Consumer and
33 Business Services ("DCBS"), subject to approval by ODOE. Critical structures include hazardous
34 material storage areas and control rooms.
35

36 (20) Except as provided for in condition 2 above, HPP shall design and construct the proposed
37 facility to be consistent with Seismic Zone 2b requirements, in compliance with the laws and
38 regulations administered by the DCBS.
39

40 (21) HPP shall place electrical transmission towers to avoid, to the greatest extent possible given
41 the existing alignment, the narrow strip of alluvium along the Umatilla River that may be subject
42 to liquefaction. If this strip cannot be avoided, the transmission towers shall be constructed so as
43

1 to otherwise mitigate for the risk of liquefaction. Mitigation measures shall be developed in
2 consultation with DOGAMI.

3
4 (22) HPP shall design the energy facility in accordance with a design basis seismic event of
5 magnitude 4.5 along the service Anticline at a distance of 1 km from the energy facility site, as
6 described on p. 14a of Exhibit G of the ASC, and in accordance with a Seismic Zone 2b
7 classification by the Oregon Building Code.

8
9 (23) HPP shall embed transmission line tower foundations below significant loose soils as
10 described on p. 16 of Exhibit G of the ASC.

11
12 (24) The PGT pipeline shall be embedded below loose soil deposits combined, if necessary
13 with the use of free draining, coarse granular backfill as described in the ASC, Exhibit G p. 17.

14
15 (25) Along the 500 kV transmission line right of way in the vicinity of Maxwell Canal, near
16 Diagonal Road, east and north of Hermiston, along the relocated BPA 500 kV McNary to Lower
17 Monumental line between Highway 730 and Power City Road, and in the area near Power City,
18 transmission line poles will be constructed in upland areas and/or on higher ground underlain by
19 dense granular soil with negligible liquefaction potential as described in ASC Exhibit G p. 17.

20
21 (26) Transmission pole and pipeline locations that could be subject to settling, slumping or
22 liquefaction shall be tested for soil properties prior to pole and pipe installation, as described on
23 page 19 on Exhibit G of the ASC.

24
25 **Soil Protection: OAR 345-22-022**

26
27 (27) Ground disturbing activities and incidental activities (e.g., personal vehicle parking, sanitary
28 facilities, temporary staging areas, etc.) for the facility shall be confined to a limited number of
29 locations identified by HPP and approved by the Department prior to commencement of
30 construction.

31
32 (28) Only existing roadways shall be used for access along the pipelines; access for transmission
33 line construction and maintenance shall utilize existing roads wherever practicable and temporary
34 transmission line access roads shall only be constructed where there is open terrain with no existing
35 access road; and no permanent impacts shall be associated with pipeline or transmission line access
36 road construction or maintenance.

37
38 (29) Topsoils and subsoils resulting from excavation for gas and water pipelines shall be
39 segregated and the topsoil restored to minimize impacts on soil fertility.

40
41 (30) The Site Certificate holder shall utilize site watering or other methods to reduce wind
42 erosion during site earthwork or construction. Post construction soil stabilization methods shall be
43 utilized as described on ASC Exhibit G p. 18.

1 **Protected Areas: OAR 345-22-040**

2
3 (31) The Site Certificate holder shall not operate the Circulating Water System at above 5,200
4 ppm, TDS equivalent on an annual average basis. Drift rate shall not result in solids carryover
5 exceeding the equivalent of 0.005% drift rate at 5,200 ppm, TDS.
6

7 **Fish and Wildlife: OAR 345-22-060**

8
9 (32) Any trimming, side cutting or other removal of riparian vegetation that may be required
10 under the proposed 500 kV transmission line shall be kept to a minimum and shall only be
11 conducted to meet National Electric Safety Code clearances.
12

13 (33) Construction and maintenance of the transmission lines and natural gas pipelines shall
14 avoid all wetlands, except for the two wetland areas (wetlands #4 and #15) that will be
15 unavoidably impacted as stated in the ASC (Exhibit H, p. 11f; Exhibit P, p. 11b) and the one
16 wetland area, wetland #13, that may be impacted by pole placement.
17

18 (34) No ground disturbing activities shall be conducted in the Umatilla River, no water
19 withdrawals from the Umatilla River shall occur, and the energy facility shall not discharge
20 water into the river (ASC, Exhibit P, p. 15).
21

22 (35) Non-wetland areas disturbed by construction of the energy facility, the equipment
23 storage/staging area and employee parking staging area, the natural gas pipelines, the water
24 supply pipeline, and the transmission lines shall be revegetated upon completion of
25 construction. Revegetation shall emphasize the use of native species and shall be conducted in
26 accordance with the Recommended Revegetation Plan (July 19, 1994) stated in the ASC
27 (Exhibit P/P-1, Appendix E).
28

29 (36) Subject to Condition (37), if feasible, construction of the natural gas pipelines, water
30 supply line and transmission line shall occur outside of sensitive time periods (as described in
31 the ASC, Exhibit P/P-1, page 44a) for the following wildlife species of concern which were
32 documented within the impact area of the proposed natural gas pipelines, water supply line and
33 transmission line: painted turtle, long-billed curlew, grasshopper sparrow, Swainson's hawk,
34 burrowing owl, and bank swallow.
35

36 (37) Notwithstanding Condition (36), prior to construction of the gas pipelines, water supply
37 line and transmission line HPP shall provide to ODOE a construction schedule, including
38 activities and locations, if any, of planned construction of the gas pipelines, water supply line
39 and transmission line during the sensitive time periods for the species listed above. HPP shall
40 consult with ODFW to make every effort to schedule construction activities to avoid adverse
41 impact on the species listed above.
42
43

1 Not less than 60 days prior to the sensitive time periods for species listed above, HPP shall
2 notify ODOE in writing of any construction activities on the gas pipelines, water supply line
3 and transmission line scheduled for those time periods. If construction activities cannot be
4 scheduled to occur outside the sensitive time periods for the above listed species of concern,
5 pre-construction biological surveys shall be conducted by a wildlife biologist within the impact
6 area of the proposed natural gas pipelines, water supply line and transmission line to identify
7 the location of wildlife species of concern or their nest sites. HPP shall develop the
8 methodology for these pre-construction surveys in consultation with ODFW prior to conducting
9 the surveys. Mitigation for potential impacts to any wildlife species of concern and/or their nest
10 sites found during pre-construction surveys shall be developed by HPP prior to construction of
11 the gas pipelines, water supply line and transmission line and in consultation with ODFW. The
12 mitigation plan shall be submitted to ODFW and ODOE for review and approval prior to
13 construction of the gas pipelines, water supply line and transmission line. ODOE shall make a
14 final determination on the mitigation plan within 45 days of its submission.

15
16 (38) Upon completion of construction of the energy facility, two raptor perching poles shall
17 be placed near the outside edge of the 17 acre energy facility site. The design and location of
18 these raptor perching poles shall be developed in consultations with ODFW. Raptor perching
19 poles shall be located to benefit raptors without interfering with the energy facility plant
20 operation and maintenance.

21
22 (39) Transmission lines shall span the Umatilla River and associated riparian habitat in order
23 to avoid adverse impacts, as described in the ASC (Exhibit P, p. 15). The natural gas pipelines,
24 water supply line, and transmission lines shall be routed to avoid riparian areas and wetlands
25 adjacent to the Umatilla River. All permanent access routes shall be designed to be set back at
26 least 50 feet from the Umatilla River, as described in the ASC (Exhibit N, p. 7a).

27
28 (40) The following areas shall be flagged in the field prior to the start of construction to
29 delineate the maximum extent of project disturbance:

- 30 i. the natural gas pipeline and transmission line routes through wetlands #4, #13,
31 and #15;
- 32
33 ii. any natural gas pipeline, water supply line, and transmission line routes within
34 50 feet of the Umatilla River; and
- 35
36 iii. the transmission line crossings of the Umatilla River.

37
38 (41) Notification shall be provided to the ODFW's Pendleton District office at least one
39 week (7 days) prior to the start of construction for the power plant, natural gas pipelines, water
40 supply pipeline, and transmission lines.

41
42 (42) Measures taken to mitigate impacts to fish and wildlife and their habitats shall be
43 monitored by HPP. Monitoring methodologies and schedules shall be developed in consultation

1 with ODFW. A mitigation monitoring plan shall be submitted to ODFW and ODOE for review
2 and approval prior to issuance of a notice to proceed. If any mitigation measures are determined
3 by the HPP or ODFW to be unsuccessful, corrective actions shall be taken by the applicant
4 after consultation with ODFW.

5
6 (43) A minimum of ten (10) cottonwood (*Populus trichocarpa*) tree saplings shall be planted,
7 in an appropriate habitat area, and within the vegetation impact area for the natural gas
8 pipelines and electrical transmission lines for every cottonwood tree removed during
9 construction of the natural gas pipelines and electrical transmission lines.

10
11 (44) The project shall not impact any native vegetation within the U.S. Army's Umatilla
12 Ordinance Depot.

13
14 (45) HPP shall design transmission lines with a separation between conductors greater than 5
15 feet, and shall consider other techniques to reduce collision potential (e.g., clustering lines,
16 placing colored serial marker ball on the line, etc.)

17
18 (46) Top soils and subsoils resulting from excavation for gas and water pipelines shall be
19 segregated and the top soil restored.

20
21 (47) The Swainson's hawk nest south of the proposed energy facility (described in ASC Ex
22 P, page 19) shall be monitored during the two weeks prior to facility construction to determine
23 if the nest is active. If the nest is determined to be active, a qualified biologist shall be retained
24 to monitor the nest during facility construction and maintain contact with ODFW. If monitoring
25 indicates that facility construction is adversely impacting nesting Swainson's hawks or their
26 young, a mitigation plan shall be developed after consultation with ODFW.

27
28 **Threatened and Endangered Species: OAR 345-22-070**

29
30 (48) Raptor protection shall be employed in the design and construction of the transmission
31 towers and transmission lines following the methods described by Olendorf, R.L., A.D. Miller,
32 and R.N. Lehman, 1981, Suggested practices for raptor protection on power lines, Raptor
33 Research Foundation, University of Minnesota, St. Paul, Minnesota. A detailed design shall be
34 submitted to the ODFW for review and approval during the design phase of the project. All
35 energized transmission conductors shall be designed with adequate separation of a minimum of
36 five feet.

37
38 (49) Notification shall be provided to the ODFW's Pendleton District office at least one
39 week (7 days) prior to the start of construction for the power plant, natural gas pipelines, water
40 supply pipeline, and transmission lines.

41
42 (50) HPP shall conduct a pre-construction survey to determine if *Astragalus collinus var.*
43 *laurentii* is present along the route of the relocated BPA 500 kV transmission line where the

1 route crosses the slope that occurs north of Highway 730. The survey shall be conducted during
2 the appropriate field season (May through early July) by a qualified biologist. If the species is
3 found to occur in areas that might be affected by construction of the relocated BPA 500 kV
4 line, HPP shall contact ODOE and the Oregon Department of Agriculture, Plant Conservation
5 biology Program to develop a mitigation plan.

6
7 **Scenic and Aesthetic Values: OAR 345-22-080**
8

9 (51) To minimize visual intrusion caused by the stacks, the stacks shall be painted in a matte
10 finished neutral color to minimize the potential for glare caused by reflective surfaces. Colors
11 shall be chosen to blend with the surrounding area, to the extent that the choice does not
12 compromise air traffic safety.

13
14 (52) Landscaping shall be used to screen the energy facility from the nearest residence and
15 roadways to the extent reasonably feasible. Shrubbery and trees planted along the perimeter of
16 the energy facility site and other landscaping shall be well-maintained and include low-
17 maintenance and indigenous plants.

18
19 (53) To minimize project visibility at night, outdoor lighting shall be limited to the extent
20 necessary to maintain safety conditions.

21
22 (54) HPP will not put up signs along Feedville Road without authorization from the County.
23

24 **Historic, Cultural, and Archaeological Resources: OAR 345-22-090**
25

26 (55) HPP shall consult with CTUIR before commencing construction. HPP shall allow tribal
27 monitoring by CTUIR of earth-moving activities within areas with a high potential for
28 containing archaeological remains. These areas are identified in Figure T-5 of the ASC.
29

30 (56) HPP shall notify the CTUIR before starting construction and shall provide the
31 opportunity for a CTUIR representative, knowledgeable in cultural resources of the area, to be
32 available for periodic on-site monitoring during construction activities.
33

34 (57) If resources are discovered during project construction or construction-related activities
35 that are likely to be eligible for listing on the National Register of Historic Places or to qualify
36 as archeological objects or sites, HPP shall stop all work in the immediate area of the find and
37 consult with the CTUIR and SHPO. HPP shall not restart work in the affected area until it has
38 complied with the archeological permit requirements administered by SHPO (currently set forth
39 in OAR Chapter 736, Division 51).
40

41 (58) HPP shall place the transmission towers/poles away from the banks of the Z, Maxwell,
42 A-Line and Feed canals, and the Hermiston and Stanfield Branch Furnish Ditches, and shall
43

1 avoid any disturbance at the canal crossings when electrical lines are strung, to avoid
2 disturbance of the canal features during construction and operation of the transmission line.

3
4 (59) If practicable, HPP shall avoid disturbance to the Feed Canal in construction of the
5 NWP pipeline. If construction cannot avoid the canal, HPP shall consult with SHPO and shall
6 take steps required by SHPO to mitigate adverse impacts to the canal. Fill excavated during any
7 construction at the canal shall be monitored by a professional historic archaeologist.

8
9 (60) HPP shall consult with the irrigation district in which the canal is located before
10 construction or the upgrading of the transmission line in the area of the canal to determine
11 whether there are any applicable restrictions.

12
13 **Recreation: OAR 345-22-100**

14
15 None

16
17 **Socio-Economic Impacts: OAR 345-22-110**

18
19 (61) HPP will hire as many local workers as is reasonably possible for both the construction
20 and operation of the Project. A "local" worker is one who resides within a 60 mile radius from
21 the project site encompassing part of Umatilla and Morrow Counties in Oregon and the part of
22 Benton, Franklin and Walla Walla counties in Washington. HPP will establish a single point of
23 contact with the Oregon Employment Department in Pendleton Oregon to coordinate
24 employment opportunities at the project site.

25
26 (62) During construction, contracted portable toilet facilities shall be used. During operation,
27 domestic wastewater will be treated by the Simplot Company treatment system.

28
29 (63) HPP shall retain stormwater on-site in a stormwater detention pond. During an extreme
30 event, excess stormwater will be discharged from the settlement basin to the natural drainage.
31 Prior to construction the Site Certificate holder will obtain from the Department of
32 Environmental Quality a general National Pollutant Discharge Elimination System (NPDES)
33 permit 1200-C for construction of the facility. Prior to operation the facility will obtain a
34 general NPDES permit 1200-H as administered by DEQ.

35
36 (64) The energy facility shall be constructed with fire hydrants and a sprinkler and deluge
37 system. An employee training program will be implemented and records maintained as
38 described in the ASC, Exhibit U p. 19. An early warning gas release system will be installed as
39 described in the ASC Exhibit U p. 19.

40
41 (65) During construction, HPP shall establish a housing clearing house at the energy facility site
42 for construction workers. The clearing house shall coordinate with local officials and housing
43 owners to place workers who need lodging as necessary. During construction, HPP shall

1 monitor the central vacancy rate in the cities of Umatilla, Stanfield and Hermiston. If the
2 vacancy rate falls below seven percent, the clearing house will begin its activity to locate
3 available housing outside of Umatilla, Stanfield and Hermiston so a listing of available housing
4 outside of these cities can be provided to temporary workers should the vacancy rate fall below
5 five percent. If the vacancy rate falls below five percent, HPP shall locate housing outside of
6 Umatilla, Stanfield and Hermiston, or offer temporary housing for any temporary workers that
7 it hires from outside the local area. HPP shall provide a plan of operation for the housing
8 clearing house to ODOE prior to the start of construction. HPP shall provide such a plan at
9 least 60 days prior to the start of construction and ODOE shall review and respond with its
10 approval or comments not later than 30 days after the plan is submitted.

11
12 (66) Construction worker traffic patterns to the energy facility site will be coordinated with the
13 state, county and adjacent Simplot potato processing facility. If necessary, sight distances will
14 be improved and a left turn lane provided on Simplot's private access road at its intersection
15 with State Road 207.

16
17 (67) Rail delivery shall be used to the extent practical to minimize heavy-haul truck trips during
18 construction.

19
20 (68) HPP shall, in consultation with the Hermiston Rural Fire Protection District, establish a
21 pre-fire plan which shall be available to the local fire district. The plan shall describe key
22 entrances and exits, the floor plan of the energy facility, the location of hydrants and hoses, and
23 the location and description of any hazardous materials.

24
25 **Waste Minimization: OAR 345-22-120**

26
27 (69) During construction of the facility, HPP shall identify means of minimizing waste
28 generation and shall recycle waste to the extent reasonably practicable. HPP shall also
29 implement a waste minimization and recycling program to remain in effect throughout the life
30 of the facility.

31
32 (70) HPP shall ship used batteries, spent demineralizer resins and spent oxidation catalysts to
33 vendor recycling facilities. Used SCR catalysts will be shipped to a metals reclaiming facility.

34
35 (71) During operation, all waste materials shall be contained on the energy facility site within
36 the site perimeter fence and screened from view. Process waste will be stored in closed
37 containers. Used batteries shall be stored indoors. Hazardous waste shall be stored and
38 transported in accordance with applicable state and federal law.

39
40 (72) HPP shall implement, to the extent reasonably practical, design features such as those
41 described in Exhibit V pages 4 through 6 to reduce unnecessary water consumption. Such
42 features may include but are not limited to controls to maximize demineralizer resin efficiency,
43 utilization of optimal cycles of concentration, selection of advanced gas turbines, sizing of the

1 condenser to condense all steam produced in the HRSG, recovery of filter backwash water,
2 reprocessing of filtrate from the sludge dewatering system, and incorporation of a two pass
3 Reverse Osmosis system.

4
5 (73) Non hazardous chemicals shall be selected for water treatment to allow use of waste water
6 for irrigation.

7
8 (74) Steam condensate that is recovered in the potato processing plant will be returned to the
9 energy facility for reuse.

10
11 (75) Upon completion of construction, HPP shall dispose of all temporary structures not
12 required for future operation of the facility and all used timber, brush, refuse, or flammable
13 material resulting from clearing of lands or from construction of the facility.

14
15 **Retirement: OAR 345-22-130**

16
17 (76) HPP shall manage all hazardous material in accordance with local and state regulatory
18 standards. Documentation will be maintained and hazardous materials will be handled by
19 qualified personnel. Hazardous waste will be stored on site no more than 90 days, followed by
20 transport to a licensed treatment storage disposal facility, as described in ASC, exhibit B p.15a.

21
22 (77) Storage and handling of flammable and combustible liquid chemicals shall be in
23 compliance with National Fire Protection Association Codes 30 and 321. Chemical storage
24 areas will have secondary containment. Storage tanks for distillate shall have secondary
25 containment. HPP shall comply with Uniform Building Code Chapters 79 for Hazardous
26 Materials and 80 for Flammable Liquids. Concrete basins will be provided at each of the large
27 electrical transformers to capture any insulating oil that might spill during a transformer failure
28 or maintenance operation. (ASC Exhibit F p.6) Foundations and slabs for equipment containing
29 lubricating oil, insulating oil or hydraulic fluid shall be designed to contain and collect any
30 spill. Secondary containment for hazardous material storage areas shall have volume equal to
31 100 percent of the maximum chemical volume in primary containment (ASC Exhibit F p. 9)

32
33 (78) HPP shall prevent any condition over which the certificate holder has control from
34 developing on the site that would preclude restoration of the site to a useful condition. (OAR
35 345-27-020(9)).

36
37 (79) Starting with the first year of commercial operation, HPP shall establish a retirement
38 fund and begin making annual commitments to the fund in the amount of \$800,000 in the form
39 of a letter of credit or performance bond. The terms of the security and identity of the issuer
40 shall be subject to approval by the Council, which approval shall not be unreasonably withheld.
41 Such annual commitments shall continue until the total security in the retirement fund reaches
42 \$8,202,000 (in 1995 dollars) in no event later than 10 years from the date of commercial
43 operation. The calculation of 1995 dollars shall be made using the U.S. Gross Domestic

1 Product Deflator for Total Non-Residential Fixed Investment, as published by the U.S.
2 Department of Commerce, Bureau of Economic Analysis, or any successor agency ("the
3 index"). After the security in the fund reaches \$8,202,000 (in 1995 dollars), the fund shall
4 increase annually by the percentage increase in the index. If at any time the index is no longer
5 published, the Council shall select a comparable calculation of 1995 dollars. In the event the
6 security in the retirement fund is less than \$8,202,000 in (1995 dollars) at the time HPP notifies
7 the Council of its intent to retire the facility, the annual commitments to the retirement fund
8 shall be adjusted so as to assure that the total security in the funds is \$8,202,000 (in 1995
9 dollars) at the time of retirement. The Site Certificate holder shall describe the status of the
10 fund in the annual report submitted to the Council. All funds received by HPP from the salvage
11 of equipment or buildings shall be committed to the restoration of the facility site, to the extent
12 necessary to fund the approved restoration.
13

14 (80) In the event construction is begun but not completed by the deadlines set forth in the
15 Site Certificate, or the energy facility is closed permanently before the end of its useful life,
16 HPP shall restore the site to a useful condition. Restoration shall include but not be limited to
17 the removal of transmission line towers erected by the Site Certificate holder unless the Council
18 determines that such towers are likely to be used by another facility, electric utility or other
19 entity that provides electric service.
20

21 (81) At least five years prior to planned permanent closure of the facility, HPP shall submit a
22 retirement plan to the Council for approval. The plan shall describe how the site will be
23 restored adequately to a useful condition, including options for post-retirement land use,
24 information on how impacts to fish, wildlife and the environment will be minimized during the
25 retirement process, measures to protect the public against risk or danger resulting from post-
26 retirement site conditions. The plan shall provide for restoration of vegetation to the maximum
27 extent consistent with the anticipated use of the site after the facility is retired.
28

29 (82) HPP shall retire the facility at the end of its useful life in accordance with the approved
30 final retirement plan, pursuant to OAR 345-27-110.
31

32 (83) The retirement plan shall provide for restoration of vegetation to the maximum extent
33 consistent with the anticipated use of the site after the facility is retired.
34

35 (84) Not later than four months before commencing construction of the transmission line, or
36 immediately before commencing construction of the energy facility (whichever is sooner) HPP
37 shall notify ODOE of which alternative transmission line route will serve the energy facility.
38 Once this election has been made, Council approval of the other alternative transmission line
39 shall terminate.
40
41
42
43

1 **Mandatory Conditions (General): OAR 345-27-020**
2

3 The following mandatory conditions are either specifically required by OAR 345-27-020 or are
4 appropriate under OAR 345-27-020(6) to address project and site specific conditions and
5 requirements. These mandatory conditions shall apply and should be read together with the
6 specific additional conditions in this Site Certificate to ensure compliance with the siting
7 standards of OAR 345 divisions 22, 23 and 24, and to protect the public health and safety.
8

9 (85) The Site Certificate holder shall submit to the department a legal description of the site to
10 be appended to the Site Certificate prior to construction.
11

12 (86) The facility shall be designed, constructed, operated and retired:

13 (a) Substantially as described in this Site Certificate and in the Final Order;

14 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules,
15 and applicable state and local laws, rules and ordinances in effect at the time the Site Certificate
16 is issued; and

17 (c) In compliance with all applicable permit requirements of other state agencies.
18

19 (87) Construction of the facility must begin and be completed by dates specified in Condition 5
20 of this Site Certificate.
21

22 (88) No construction, including clearing of a right of way, except for the initial survey, may
23 commence on any part of the facility until the Site Certificate holder has adequate control, or
24 has the statutory authority to gain control, of the lands on which clearing or construction will
25 occur.
26

27 (89) The certificate holder shall submit to the State of Oregon, through the Council, a bond or
28 comparable security, satisfactory to the Council, in an amount specified in the certificate
29 adequate to restore the site to a useful condition if the certificate holder:

30 (a) Begins but does not complete construction of the facility; or

31 (b) Permanently closes the facility before establishing a financial mechanism or
32 instrument, satisfactory to the Council, that will assure funds will be available to adequately
33 retire the facility and restore the site.
34

35 (90) Except for the portion of capacity to be used by the Site Certificate holder:

36 (d) For facilities exempt from demonstrating need under OAR 345-23-010(3), facilities
37 for which all of the net electric output is contracted to the Bonneville Power Administration,
38 the Council shall condition the Site Certificate to require, before construction:

39 (A) A long-term power sales contract with the Bonneville Power Administration
40 for all the net electric output of the facility; and

41 (B) A final, non-appealable determination by the Pacific Northwest Electric
42 Power and Conservation Planning Council, under the criteria identified in OAR 345-23-010(3),
43 that the Bonneville Power Administrator's decision to acquire output from the proposed facility

1 is consistent with the 1991 Northwest Conservation and Electric Power Plan and is in
2 accordance with the criteria identified in OAR 345-23-010(3)(a), (b) and (c). If such a
3 determination is not provided, the certificate holder shall not begin construction unless it
4 demonstrates need in a process in conformance with OAR 345-27-070, except that the Council
5 shall hold a contested case if requested by any person as provided in 345-27-070(3). The
6 hearing shall be limited to consideration of whether the facility complies with division 23 of
7 these rules.

8
9 (91) If mitigation is required after an affirmative finding by the Council under any standards of
10 division 22 or division 24 of this chapter, the certificate holder, in consultation with affected
11 state agencies and local governments designated by the Council, shall develop specific
12 mitigation plans consistent with Council findings under the relevant standards. Such plans must
13 be approved by the department prior to the beginning of construction or, as appropriate,
14 operation.

15
16 (92) The certificate holder shall prevent any condition over which the certificate holder has
17 control from developing on the site that would preclude restoration of the site to a useful
18 condition.

19
20 (93) Conditions related to facility retirement and site restoration:

21 (a) The certificate holder shall establish a financial mechanism or instrument,
22 satisfactory to the Council, that will assure funds will be available to adequately retire the
23 facility and restore the site;

24 (b) At least five years prior to planned retirement of the facility, the certificate holder
25 shall submit a retirement plan to the Council for approval. The plan shall describe how the site
26 will be restored adequately to a useful condition, including options for post-retirement land use,
27 information on how impacts to fish, wildlife and the environment will be minimized during the
28 retirement process and measures to protect the public against risk or danger resulting from post-
29 retirement site conditions; and

30 (c) The facility shall be retired after its useful life in accordance with the approved final
31 retirement plan, pursuant to OAR 345-27-110.

32
33 (94) The certificate holder shall restore vegetation to the extent practicable and shall landscape
34 portions of the site disturbed by construction in a manner compatible with its surroundings
35 and/or proposed future use. Upon completion of construction, the certificate holder shall
36 dispose of all temporary structures not required for future use and all timber, brush, refuse and
37 flammable or combustible material resulting from the clearing of land or from construction of
38 the facility.

39
40 (95) The facility shall be designed, engineered and constructed to avoid potential dangers to
41 human safety presented by seismic hazards affecting the site as defined in ORS 455.447(1)(d),
42 and including amplification, that are expected to result from the reasonably probable seismic
43 event.

1 **Mandatory Conditions (Site-Specific): OAR 345-27-023**

2
3 (96) The certificate holder shall notify the department, the State Building Codes Division and
4 the Department of Geology and Mineral Industries promptly if site investigations or trenching
5 reveal that conditions in the foundation rocks differ significantly from those described in the
6 Application for Site Certificate. The Council may, at such time, require the certificate holder to
7 propose additional mitigating actions in consultation with the Department of Geology and
8 Mineral Industries and the Building Codes Division.

9
10 (97) The certificate holder shall notify the department, the State Building Codes Division and
11 the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers,
12 deformations or clastic dikes are found at or in the vicinity of the site.

13
14 **Mandatory Conditions (Monitoring): OAR 345-27-028**

15
16 (98) The certificate holder shall establish, in consultation with affected state agencies and local
17 governments, monitoring programs as required by the Site Certificate for impact on resources
18 protected by the standards of division 22 and 24 of this chapter, and to ensure compliance with
19 the Site Certificate.

20
21 (99) The certificate holder shall establish monitoring programs as required by permitting
22 agencies and local governments, as required by the Site Certificate.

23
24 (100) For each monitoring program that it establishes, the certificate holder shall have quality
25 assurance measures that are reviewed and approved by the department prior to commencement
26 of construction or commencement of commercial operation, as specified in the Site Certificate.

27
28 (101) If the certificate holder becomes aware of a significant environmental change or impact
29 attributable to the facility, the certificate holder shall submit to the department as soon as
30 possible a written report identifying the issue and assessing the impact on the facility and any
31 affected Site Certificate conditions.

32
33 (102) HPP shall report any material violation of any condition of the Site Certificate by HPP or
34 any of its contractors, subcontractors or agents to ODOE within 72 hours of discovery. HPP
35 shall report to ODOE within 24 hours of discovery if HPP or any of its contractors,
36 subcontractors or agents creates any condition by construction or operation of the facility that
37 endangers the public health or safety.

38
39 **Public Health & Safety: ORS 469.401(2)**

40
41 (103) The Site Certificate holder shall design, construct, operate and retire the facility in
42 accordance with all applicable statutes, rules, and ordinances.

1 (104) The pipelines shall be constructed in accordance with the requirements of the U.S.
2 Department of Transportation as set forth in Title 49, Code of Federal Regulations, Part 192.

3
4 (105) The pipelines shall have mechanical structures that allow the pipeline to be sealed off, in
5 the event of leakage, in a manner that will minimize the release of flammable materials. This is
6 rebuttably presumed to be satisfied if the pipeline meets the requirements of Title 49, Code of
7 Federal Regulations, Part 192.

8
9 (106) The Site Certificate holder shall develop a program, or assure the development of a
10 program by the entity responsible for the pipelines, using the best available, practicable
11 technology to monitor the proposed pipeline to ensure protection of public health and safety.

12
13 (107) The transmission line shall be designed so that alternating current electric fields shall not
14 exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public
15 within the right of way.

16
17 (108) The transmission line shall be designed so that induced currents resulting from the
18 transmission line and related facilities will be as low as reasonably achievable. The Site
19 Certificate holder shall develop and implement a program which shall provide reasonable
20 assurance that all fences, gates, cattle guards, trailers, or other permanent objects or structures
21 ("structures") that could become inadvertently charged with electricity shall be grounded
22 through the life of the line. The Council interprets this requirement to apply to structures in
23 existence when the line is constructed.

24
25 (109) The transmission line shall be designed, constructed, and operated in a manner consistent
26 with the National Electrical Safety Code, Section C2, 1993 Edition (American National
27 Standards Institute), as well as the Rural Electrification Administration standards, where
28 applicable.

29
30 (110) HPP shall submit to the Department copies of all incident reports required under 49 CFR
31 §192.709 involving the related and supporting natural gas pipelines.

32
33 **Land Use**

34
35 (111) Following issuance of the Site Certificate and prior to commencement of construction,
36 HPP shall apply for and obtain all appropriate land use approvals from the County, as listed in
37 the Resolution of June 5, 1995 passed by the Umatilla County Board of Commissioners.

38
39 (112) HPP shall file with the County Planning Department a landscaping plan for the power
40 plant prior to issuance of a zoning permit. The landscaping plan shall be implemented and shall
41 provide screening and visual buffering for the power plant and its parking and loading areas to
42 the extent reasonably feasible.

- 1 (113) Prior to issuance of a building permit, HPP shall file a site plan with the County which
2 shall consist of a map showing the property lines, location of buildings, access roads and the
3 names of the owner and developer of the site. The site plan shall also show that county
4 ordinances related to parking and loading requirements, setbacks, signs and vision clearance are
5 satisfied.
6
- 7 (114) If the energy facility site will not be owned by Simplot, HPP shall file with the County
8 an application for a minor partition of the energy facility site from remainder of the adjacent
9 Simplot property in conformance with the information included in the ASC and file and record
10 a final plat in accordance with County ordinances.
11
- 12 (115) Prior to construction, HPP shall submit a plan acceptable to ODOE for responding to an
13 emergency at the Umatilla Army Depot. The plan shall be developed in consultation with the
14 Umatilla County Chemical Stockpile Emergency Preparedness Program.
15
- 16 (116) HPP shall take reasonable steps to reduce or manage exposure to electromagnetic fields
17 (EMF), consistent with EFSC findings presented in the "Report of the EMF Subcommittee to
18 the Energy Facility Siting Council," dated March 30, 1993. Prior to and during construction and
19 operation, HPP shall provide information to the public upon public request about EMF levels
20 associated with the power plant and related transmission lines.
21
- 22 (117) HPP shall enter into an Irrevocable Consent Agreement (ICA) with the County by
23 which HPP agrees to waive the right to oppose the formation of a Local Improvement District
24 (LID) for Co. Rd.No 1324.
25
- 26 (118) The power plant will incorporate an on-site fire suppression system and will be
27 constructed from fire retardant materials to the extent reasonably feasible. The power plant will
28 incorporate spill prevention and containment designs for the storage of all hazardous materials.
29 Fire suppression and hazardous material safety designs shall be established in consultation with
30 the Hermiston Fire Department and the State Fire Marshall.
31
- 32 (119) HPP shall provide adequate parking during construction.
33
- 34 (120) HPP shall coordinate construction traffic with the county Public Works Department. In
35 particular, a traffic plan shall be developed to coordinate peak construction traffic and peak
36 potato harvest traffic.
37
- 38 (121) The Site Certificate holder shall be responsible for any damages to County Road No.
39 1324 occurring as a result of construction or general operating activities.
40
- 41 (122) If the 500 kV transmission line alternative is constructed, HPP shall minimize the visual
42 impact of new transmission line structures in the City of Umatilla by the use of steel lattice and
43 wood frame structures, where feasible. Where new single steel pole structures must be installed

1 within the City of Umatilla, HPP shall use non glossy paint coverings in colors that will
2 minimize visual impacts.

3
4 **Noise**

5
6 (123) The Site Certificate holder shall design, select, locate, and/or orient components of the
7 energy facility and provide needed noise controls required to comply with OAR 340-35-035 for
8 new industrial sources located on previously unused industrial sites.

9
10 (124) The Site Certificate holder shall conduct a noise analysis of the final design to insure
11 that the facility will meet DEQ regulations. Results of the analysis shall be submitted to the
12 Department of Energy prior to issuing specifications for the equipment to be installed. The
13 noise study shall include a projection of noise to the noise sensitive properties identified along
14 Umatilla Meadows Road, the daycare facility, and residences west of the plant site west of
15 Highway 207 and south of the Umatilla River. The analysis shall include a listing of the major
16 noise sources and expected sound levels from each source at each receiver.

17
18 (125) The Site Certificate holder shall conduct a survey at locations mentioned in Condition
19 124 above within two months of startup of the first turbine, again within two months of full
20 power operation, within two months of startup of the second turbine, and again within two
21 months of full power operation of both units. Sound measurements of power operation shall be
22 at operation within 3% of full power. Measurements shall be made at each location during
23 atmospheric conditions best for sound propagation. Sound monitoring shall not be conducted
24 when winds are in excess of 5 mph.

25
26 (126) The Site Certificate holder shall consult with Umatilla County and City of Umatilla and
27 with neighbors around the energy facility to minimize the impacts of construction noise.

28
29 (127) The Site Certificate holder shall specify noise rated cooling towers.

30
31 (128) The Site Certificate holder shall design the HRSG and stack with resonant frequency
32 above the lowest natural frequency of the exhaust from the gas turbine.

33
34 (129) The Site Certificate holder shall specify combustion air inlet silencers to limit noise
35 levels to 46 dBA or less at 2900 feet.

36
37 **Wetlands**

38
39 (130) Prior to construction of the 500 kV transmission line, the Site Certificate holder shall
40 investigate, and where practicable, shall implement opportunities to design the tangent poles of
41 the transmission lines to be high enough to pull the line up so that vegetation maintenance
42 activities in riparian habitats can be minimized or avoided.

1 (131) Construction and maintenance of the transmission lines and natural gas pipelines shall
2 avoid all wetlands, except for the two wetland areas (wetlands 4 and 15) that will be
3 unavoidably impacted as stated in the ASC (Exhibit H, p. 11f; Exhibit P, p. 11b) and wetland
4 #13, which may be impacted by placement of the transmission line poles. The permanent
5 impact at these wetlands shall be limited to the area occupied by natural gas pipeline (wetland
6 #4) and the pole foundations and the earthen backfill placed at the base of the poles (wetlands
7 #13 and 15).

8
9 (132) The following areas shall be flagged in the field prior to the start of construction to
10 delineate the maximum extent of project disturbance:

- 11 i. the natural gas pipeline and transmission line routes through wetlands 4, 13, and
12 15;
- 13 ii. any natural gas pipeline, water supply line, and transmission line routes within
14 50 feet of the Umatilla River; and
- 15
16 iii. the transmission line crossings of the Umatilla River.

17
18 Ground disturbing activities in all areas shall be confined to a predefined construction right-of-
19 way corridor. The corridor shall be no wider than is necessary for the safe and practicable
20 completion of the construction tasks. Incidental activities (i.e., personal vehicle parking,
21 sanitary facilities, temporary staging areas, etc.) shall be confined to a limited number of
22 locations that shall be predetermined prior to commencement of construction activities.

23
24 (133) At wetland #13, all ditch crossings shall be culverted with adequate culverts to maintain
25 year round flow.

26
27 (134) If pole placement avoids wetland #13 but is within 45 feet of it, HPP shall place a
28 temporary construction fence and temporary silt barrier at the border of the wetland in the area
29 of the pole to preclude incidental construction-related activity within the wetland and to
30 minimize surface runoff from the construction site into the wetland.

31
32 (135) At wetland #15, construction access for pole placement shall be restricted to the driest
33 period of the year (July through October); all waste and construction debris shall be removed
34 from the wetland area and disposed of on uplands; and construction disturbance shall be
35 restricted to the smallest area practicable.

36
37 (136) At wetland #4, a clay collar shall be placed on the down gradient side of the pipeline at
38 the wetland boundary at each crossing; the pipeline shall be backfilled and stockpiled topsoil
39 shall be replaced at the grade of the trench; and at the location of the outfall, fill material shall
40 be minimized and stabilized to prevent erosion.

41
42 (137) Disturbed wetland and riparian areas shall be revegetated upon completion of
43 construction with seed composition and vegetation species designed to enhance wetland and

1 riparian habitat values and composed only of species commonly associated with wetland and
2 riparian plant communities. Any wetland area that is lost due to project construction shall be
3 compensated by restoring wetland area at a 1:1 wetland impact:wetland restoration ratio, or by
4 creating wetland area at a 1:1.5 wetland impact:wetland creation ration, or by enhancing
5 wetland area at a 1:3.0 wetland impact:wetland enhancement ratio such that there shall be no
6 net loss of wetland habitat units or wetland habitat values. A wetland creation and revegetation
7 plan shall be developed prior to construction in consultation with ODFW and DSL. The
8 wetland creation and revegetation plan shall be submitted to ODOE for review and approval in
9 consultation with ODFW and DSL. HPP shall comply with the approved plan.

10
11 (138) Measures taken to mitigate impacts to wetlands shall be monitored by the Site
12 Certificate holder. Monitoring methodologies and schedules shall be developed in consultation
13 with ODFW, ODA, and DSL. Monitoring shall be conducted for a minimum of seven (7) years
14 following the completion of the restoration efforts unless ODOE, in consultation with DSL and
15 ODFW, approves a shorter monitoring period pursuant to its approval of a specific mitigation
16 monitoring plan. A mitigation monitoring plan shall be submitted to ODOE for review and
17 approval in consultation with ODFW and DSL, prior to the commencement of construction. If
18 any mitigation measures are determined by the Site Certificate holder or ODFW to be
19 unsuccessful, corrective actions shall be taken by the Site Certificate holder after consultation
20 with ODFW (as well as with ODOE and DSL if appropriate).

21 22 **IV. AMENDMENT OF SITE CERTIFICATION AGREEMENT**

23
24 HPP and EFSC recognize that, because of the length of time that may pass between the
25 date on which this Agreement is executed and the date on which construction will commence,
26 and that will pass between the time construction is commenced and the energy facility is
27 retired, it may be necessary to amend this Agreement.

28
29 Amendments shall be made in accordance with EFSC rules applicable and in effect at
30 the time the amendment is sought.

31 32 **V. SUCCESSORS AND ASSIGNS**

33
34 No Site Certificate, or any portion thereof, may be transferred, assigned, or disposed of
35 in any other manner, directly or indirectly, except in compliance with OAR 345-27-100.

36 37 **VI. SEVERABILITY AND CONSTRUCTION**

38
39 If any provision of this agreement and certificate is declared by a court to be illegal or
40 in conflict with any law, the validity of the remaining terms and conditions shall not be
41 affected, and the rights and obligations of the parties shall be construed and enforced as if the
42 agreement and certificate did not contain the particular provision held to be invalid. In the
43

1 event of a conflict between the conditions contained in the Site Certificate and EFSC's Final
2 Order, the conditions contained in this Site Certificate shall control.

3
4 **VIII. GOVERNING LAW AND FORUM**

- 5
6 A. This agreement shall be governed by the laws of the State of Oregon.
7
8 B. Any litigation or arbitration arising out of this agreement shall be conducted in
9 an appropriate forum in Oregon.
10

11
12 **IN WITNESS WHEREOF**, this Site Certificate has been executed by the State of
13 Oregon, acting by and through its Energy Facility Siting Council, and Hermiston Power
14 Partnership.
15

16
17 ENERGY FACILITY SITING COUNCIL

18
19 By: Melvin J. Ferguson Date: 3/25/96
20

21
22 HERMISTON POWER PARTNERSHIP

23
24 By: Randolph J. Hill Date: 3/26/96
25