

Exhibit CC

Applicable Statutes, Rules, and Local Government Ordinances

**Wheatridge Renewable Energy Facility East
December 2022**

**Prepared for
Wheatridge East Wind, LLC**

Prepared by



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Acronyms and Abbreviations

Facility	Wheatridge Renewable Energy Facility East
OAR	Oregon Administrative Rule
ORS	Oregon Revised Statutes
RFA	Request for Amendment

1.0 Introduction

The Wheatridge Renewable Energy Facility East (Facility) is an approved, but not yet constructed, wind energy generation facility consisting of up to 66 turbines and related or supporting facilities with a peak generating capacity of up to 200 megawatts (MW), to be located in an Approved Site Boundary of approximately 4,582 acres on over 42,000 acres of leased land in Morrow and Umatilla counties, Oregon. As part of Request for Amendment (RFA) 1 to the Facility Site Certificate, Wheatridge East Wind, LLC (Certificate Holder) is proposing to expand wind power generation at the Facility to provide the opportunity for increased power capacity and availability. This includes expanding the Site Boundary and micrositing corridors, increasing the peak generating capacity by adding more and newer turbines, changing the intraconnection routes, and extending the construction date. See the RFA 1's Division 27 document (*Request for Amendment #1 for the Wheatridge Renewable Energy Facility East*) for a more detailed summary of the proposed changes.

This Exhibit CC was prepared to meet the submittal requirements in Oregon Administrative Rules (OAR) 345-021-0010(1)(cc). Analysis in this exhibit incorporates and/or relies on reference information, analysis, and findings found in the Application for Site Certificate, previous RFAs, and Oregon Department of Energy Final Orders to demonstrate that the Facility, as modified by RFA 1, continues to comply with applicable Site Certificate conditions and the standard in OAR 345-021-0010(1)(cc). OAR 345 Division 22 does not provide an approval standard specific to Exhibit CC.

2.0 Additional Statutes and Administrative Rules – OAR 345-021-0010(1)(cc)

OAR 345-021-0010(cc) Identification, by legal citation, of all state statutes and administrative rules and local government ordinances containing standards or criteria that the proposed facility must meet for the Council to issue a site certificate, other than statutes, rules and ordinances identified in Exhibit E, and identification of the agencies administering those statutes, administrative rules and ordinances. The applicant shall identify all statutes, administrative rules and ordinances that the applicant knows to be applicable to the proposed facility, whether or not identified in the project order. To the extent not addressed by other materials in the application, the applicant shall include a discussion of how the proposed facility meets the requirements of the applicable statutes, administrative rules and ordinances.

Table CC-1 identifies, by legal citation and relevant administering agency, the state statutes, administrative rules, and local government ordinances referenced in other exhibits. The proposed Facility must meet the standards and criteria in the identified statutes, rules, and ordinances for the Energy Facility Siting Council to amend the Facility's Site Certificate.

Table CC-1. Statutes, Rules, and Local Ordinances Referenced in Other Exhibits

Administering Agency	Agency Address	Program Description Legal Citation	Relevant Exhibit
Oregon Department of Geology and Mineral Industries	Oregon Department of Geology and Mineral Industries Geologic Survey and Services Program 800 NE Oregon Street #28, Suite 965 Portland, OR 97232	Department of Geology and Mineral Industries Administrative Rules - OAR Chapter 632	Exhibits H, I
Oregon Biodiversity Information Center	Oregon Biodiversity Center Oregon State University Institute for Natural Resources University Center Building 527 SW Hall Street, Suite 335 Portland, OR 97201	Oregon Revised Statutes (ORS) 564.105; OAR 603-73-070 and 345-022-0070	Exhibits P, Q
Oregon Department of Agriculture	Oregon Department of Agriculture Native Plant Conservation 635 Capitol Street NE Salem, OR 97301	Native Plant Conservation Program (Oregon Revised Statutes) ORS Chapter 564 (Wildflowers, Threatened or Endangered Plants); OAR Chapter 603, Division 73 (Plants: Wildflowers and Endangered, Threatened and Candidate Species)	Exhibit Q
Oregon Department of Environmental Quality	Oregon Department of Environmental Quality Eastern Region/Central and South Central 1011 SW Emkay Drive, Suite 108 Bend, OR 97702	Hazardous Materials Management ORS Chapters 465 and 466 (Hazardous Waste and Hazardous Materials I and II); and OAR Chapter 340, Divisions 45, 47, 108, 100 through 122, 150, and 160 (Hazardous Waste Management); 40 CFR Parts 110, 122, 262, 265, 280, 302, 355, and 761	Exhibit G

EXHIBIT CC: APPLICABLE STATUTES, RULES, AND LOCAL GOVERNMENT ORDINANCES

Administering Agency	Agency Address	Program Description Legal Citation	Relevant Exhibit
	Oregon Department of Environmental Quality Eastern Region/Central and South Central 1011 SW Emkay Drive, Suite 108 Bend, OR 97702	Solid Waste Management ORS Chapter 459 (Solid Waste Management) and OAR Chapter 340, Division 93 (Solid Waste General Provisions)	Exhibit W
	Oregon Department of Environmental Quality 811 SW Sixth Avenue Portland, OR 97204	Noise Regulations ORS 467.020 and ORS 467.030 (Noise Control) and OAR Chapter 340, Division 35 (Noise Control Regulations)	Exhibit Y
Oregon Department of Fish and Wildlife	Oregon Department of Fish and Wildlife 2042 SE Paulina Road Prineville, OR 97754	Fish and Wildlife Habitat Mitigation Policy ORS 496; OAR Chapter 635, Divisions 100 and 415 (Fish and Wildlife Habitat Mitigation Policy)	Exhibits P, Q
	Oregon Department of Fish and Wildlife 2042 SE Paulina Road Prineville, OR 97754	State Threatened and Endangered Species OAR Chapter 625, Division 100 (Wildlife Diversity Plan) and OAR 635-044-0130	Exhibit Q
Oregon Department of Land Conservation and Development	Oregon Department of Land Conservation and Development 635 Capital Street NE, Suite 150 Salem, OR 97301	Statewide Planning Goals ORS Chapter 195 (Local Government Planning Coordination); ORS Chapter 197 (Comprehensive Land Use Planning Coordination); ORS Chapter 215 (County Planning, Zoning, Housing Codes); ORS Chapter 469 (Energy, Conservation Program, Energy Facilities); OAR Chapter 660, Division 12 (Transportation Planning), Division 16 (Requirements and Application Procedures for Complying with Statewide Goal 5), Division 33 (Agricultural Land)	Exhibit K
Morrow County Planning Department – Land Use	Morrow County Planning Department 205 NE 3rd Street Irrigon, OR 97844	Morrow County Zoning Ordinance Articles 1–10	Exhibit K

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Administering Agency	Agency Address	Program Description Legal Citation	Relevant Exhibit
Umatilla County Department of Land Use Planning	Umatilla County Department of Land Use Planning 216 SE 4th Street Pendleton, OR 97801	Umatilla County Development Code Chapters 150, 151, 152, and 153	Exhibit K
Office of State Fire Marshal; Oregon State Police	Office of State Fire Marshal, Oregon State Police Emergency Response Services Branch 3565 Trelstad Avenue SE Salem, OR 97317	Emergency Planning and Community Right-To-Know Act OAR Chapter 837, Division 85 (Community Right-To-Know Survey and Compliance Programs)	Exhibit U, V
Public Utility Commission of Oregon	Public Utility Commission of Oregon 550 Capitol Street NE, Suite 215 Salem, OR 97301	Public Utility Commission of Oregon Safety Standards ORS 757.045; OAR Chapter 860, Division 24 (Safety Standards)	Exhibit DD
State Historic Preservation Office	Oregon State Historic Preservation Office 725 Summer Street NE, Suite C Salem, OR 97301	Historic, Cultural and Archaeological Resources Standard ORS 97.745 (Prohibited Acts); ORS 358.920 (Prohibited Conduct); ORS 390.010 (Outdoor Recreation); ORS 390.235 (Archaeological Sites and Historical Material); and OAR 345-022-0090 (Historic, Cultural and Archaeological Resources Standard)	Exhibit S
Oregon Department of State Lands	Oregon Department of State Lands 775 Summer Street NE, Suite 100 Salem, OR 97301	Department of State Lands - OAR Chapter 141 and ORS 196.795-196.990	Exhibit J
Oregon Water Resources Department - Water Rights Division	Oregon Department of Water Resources Commerce Building 158 12th Avenue NE Salem, OR 97301	Appropriation of Water Generally - ORS Chapter 537; Distribution of Water Watermasters; Change in Use; Transfer or Forfeiture of Water Rights - ORS Chapter 540; Water Resources Administrative Rules - OAR Chapter 690	Exhibit O

3.0 Spill Response Statutes

Rules and statutes containing state and federal requirements for reporting and responding to spills or releases of hazardous materials include:

- ORS 466.635;
- OAR Chapter 340, Divisions 45, 100, 101, 102, 103, 122, 135, 142, 150, 160;
- 33 Code of Federal Regulations part 153; and
- 40 Code of Federal Regulations parts 110, 122, 262, 265, 280, 302, 355, 761.

Oregon agencies that may require notification in the event of a spill or the release of hazardous materials of reportable quantities include:

- Oregon Office of Emergency Management;
- Oregon Department of Environmental Quality; and
- Oregon State Police.

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