

# **Exhibit CC**

## **Applicable Statutes, Rules, and Local Government Ordinances**

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**Wagon Trail Solar Project  
January 2022**

**Prepared for**



**Prepared by**



**Tetra Tech, Inc.**

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## **Acronyms and Abbreviations**

Applicant	Wheatridge East Wind, LLC c/o NextEra Energy Resources, LLC
Council	Oregon Energy Facility Siting Council
Facility	Wagon Trail Solar Project
OAR	Oregon Administrative Rule
ORS	Oregon Revised Statutes

## 1.0 Introduction

Wheatridge East Wind, LLC c/o NextEra Energy Resources, LLC (Applicant) proposes to construct and operate the Wagon Trail Solar Project (Facility), a solar energy generation facility and related or supporting facilities in Morrow County, Oregon. This Exhibit CC was prepared to meet the submittal requirements in Oregon Administrative Rule (OAR) 345-021-0010(1)(cc).

## 2.0 State Statutes, Rules, and Ordinances

*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 relevant administering agency and legal citation, the state statutes and administrative rules and local government ordinances referenced in other exhibits, with the exception of those presented in Exhibit E. The identified statutes, rules, and ordinances contain standards or criteria that the Facility must meet for the Oregon Energy Facility Siting Council (Council) to issue a site certificate.

**Table CC-1. Statutes, Rules, and Ordinances Containing Relevant Standards or Criteria**

Department	Legal Citation	Agency Address	Relevant Exhibit
Oregon Department of Agriculture	Plant Conservation Biology Program—Oregon Revised Statutes (ORS) 564; OAR Chapter 603, Division 73	Oregon Department of Agriculture 635 Capitol Street, NE Salem, OR 97301 (503) 986-4550	Exhibit Q
Oregon Water Resources Department – Water Rights Division	ORS Chapters 537, 540; OAR Chapter 690	Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301 (503) 986-0900	Exhibit O
Oregon Department of Environmental Quality – Water Quality	ORS 468 and 468B; OAR Chapter 340, Divisions 41, 45, 52, and 55	Oregon Department of Environmental Quality 475 NE Bellevue Drive, Suite 110 Bend, OR 97701 (541) 388-6146	Exhibit O

<b>Department</b>	<b>Legal Citation</b>	<b>Agency Address</b>	<b>Relevant Exhibit</b>
Oregon Department of Environmental Quality – Noise	ORS 467; OAR Chapter 340, Division 35	Oregon Department of Environmental Quality 475 NE Bellevue Drive, Suite 110 Bend, OR 97701 (541) 388-6146	Exhibit X
Oregon Department of Environmental Quality – Hazardous Waste Management	ORS 465 and 466; OAR Chapter 340, Divisions 100-122	Oregon Department of Environmental Quality 475 NE Bellevue Drive, Suite 110 Bend, OR 97701 (541) 388-6146	Exhibit G
Oregon Department of Environmental Quality – Solid Waste	ORS 459; OAR Chapter 340, Division 93	Oregon Department of Environmental Quality 475 NE Bellevue Drive, Suite 110 Bend, OR 97701 (541) 388-6146	Exhibit V
Oregon Department of Fish and Wildlife – Habitat Conservation Division	ORS 496-497, and ORS 506, Divisions 109 and 119; OAR Chapter 635, Divisions 100 and 415	Oregon Department of Fish and Wildlife 2042 SE Paulina Highway Prineville, OR 97754 (541) 447-5111	Exhibits J, P, and Q
Oregon Department of Geology and Mineral Industries	OAR Chapter 632, Division 1	Oregon Department of Geology and Mineral Industries 800 NE Oregon Street, Suite 965 Portland, OR 97232 (971) 673-1555	Exhibits H and I
Oregon Parks and Recreation Department, State Historic Preservation Office —Archaeological	Native American Graves and Protected Objects—ORS 97.740-97.760 Archaeological Objects and Sites—ORS 358.90-358.955 Permit and Conditions for Excavation or Removal of Archaeological or Historical Materials on Private Lands (OAR 736-051-0090)	Oregon Heritage/State Historic Preservation Office 725 Summer Street NE, Suite C Salem, OR 97301 (503) 986-0690	Exhibit S
Oregon Office of State Fire Marshal – Emergency Planning and Community Right to Know Act	ORS 453; OAR Chapter 837, Divisions 85 and 95; Fire and Life Safety Regulations, OAR 837, Division 40	Oregon Office of State Fire Marshal 3565 Trelstad Avenue SE Salem, OR 97317 (503) 378-3473	Exhibit G
Oregon Office of State Fire Marshal	2014 Oregon Fire Code; OAR Chapter 837, Division 40	Oregon Office of State Fire Marshal 3565 Trelstad Avenue SE Salem, OR 97317 (503) 378-3473	Exhibits B, K, and U

Department	Legal Citation	Agency Address	Relevant Exhibit
Oregon Biodiversity Information Center	ORS 564.105; OAR 603-73-0070 and 345-022-0070	Oregon Biodiversity Information Center Oregon State University Institute for Natural Resources Portland State University PO Box 751 Portland, OR 97207 (503) 725-9950	Exhibits P and Q
Oregon Department of State Lands	OAR Chapter 141	Oregon Department of State Lands 775 Summer Street NE, Suite 100 Salem, OR 97301 (503) 986-5200	Exhibit J
Oregon Department of Land Conservation and Development	Comprehensive Land Use Planning Coordination - ORS Chapter 197; Oregon Department of Land Conservation and Development Administrative Rules - OAR Chapter 660	Department of Land Conservation and Development 635 Capitol Street NE, Suite 150 Salem, OR 97301 (503) 373-0050	Exhibit K
Oregon Department of Aviation <sup>1/</sup>	Code of Federal Regulations Title 14, Part 77; ORS 836.530 and 836.535; OAR Chapter 738, Division 70	Oregon Department of Aviation 3040 25 <sup>th</sup> Street, SE Salem, OR 97302 (503) 378-4880	Exhibit E
Morrow County Planning Department – Land Use <sup>2/</sup>	Morrow County Zoning Ordinance	Morrow County Planning Department Irrigon Annex P.O. Box 40 205 Third Street NE Irrigon, OR 97844 (541) 922-4624	Exhibit K
<ol style="list-style-type: none"> <li>Added in response to comments received on the Applicant's Notice of Intent, filed June 11, 2021, and Oregon Department of Energy's Project Order dated August 17, 2021.</li> <li>The Applicant intends to satisfy the Council's Land Use standard, OAR 345-022-0030, by seeking a Council determination under ORS 469.504(1)(b). The Applicant seeks a determination by the Council of compliance with Land Use standards from Morrow County.</li> </ol>			

Applicable state statutes, administrative rules, and local government ordinances containing Land Use standards are identified in Exhibit K.

### 3.0 Spill Response Statutes

In regard to reporting and responding to spills or the release of hazardous materials, the following rules and statutes contain state and federal spill reporting requirements:

- 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 be required to be notified in the event of 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.

## 4.0 Submittal Requirements and Approval Standards

### 4.1 Submittal Requirements

**Table CC-2. Submittal Requirements Matrix**

Requirement	Location
OAR 345-021-0010(1)(cc) Exhibit 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.	Section 2.0

### 4.2 Approval Standards

OAR 345 Division 22 does not provide an approval standard specific to Exhibit CC.