

SRW-0163

ORIGINAL

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

**Site Certificate
for the
Summit Ridge Wind Farm**

ISSUE DATE

August 19, 2011

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SUMMIT RIDGE WIND FARM SITE CERTIFICATE TABLE OF CONTENTS

		Page
1.0	INTRODUCTION.....	1
2.0	SITE CERTIFICATION.....	2
3.0	DESCRIPTION OF FACILITY	3
	Location and Site Boundary.....	3
	The Energy Facility.....	4
	Power Collection System.....	4
	Collector Substation	5
	230 kV Transmission Line	5
	Supervisory Control and Data Acquisition (SCADA) System	5
	Operations and Maintenance (O&M) Facility	5
	Meteorological Towers	5
	Access Roads	6
	Temporary Roadway Modifications.....	6
	Additional Construction Areas	6
4.0	GENERAL ADMINISTRATIVE CONDITIONS	6
5.0	PRE-CONSTRUCTION REQUIREMENTS.....	7
6.0	DESIGN, CONSTRUCTION AND OPERATIONS.....	10
7.0	PUBLIC HEALTH AND SAFETY	15
8.0	ON-SITE SAFETY AND SECURITY.....	16
9.0	PROTECTION OF SOIL.....	18
10.0	PROTECTION OF NATURAL RESOURCES	19
11.0	PROTECTION OF HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES	22
12.0	NOISE CONTROL AND NOISE COMPLAINT RESPONSE	23
13.0	MONITORING AND REPORTING REQUIREMENTS - GENERAL	25
14.0	RETIREMENT AND FINANCIAL INSURANCE	27
15.0	SUCCESSORS AND ASSIGNS	30
16.0	SEVERABILITY AND CONSTRUCTION.....	30
17.0	GOVERNING LAW AND FORUM	30
18.0	EXECUTION	30

Acronyms and Abbreviations

Council	Oregon Energy Facility Siting Council
Department	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
DPO	Draft Proposed Order
ESCP	Erosion and Sediment Control Plan
FAA	Federal Aviation Administration
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
WCLUDO	Wasco County Land Use and Development Ordinance

1.0 INTRODUCTION

The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Summit Ridge Wind Farm (Summit Ridge) in the manner authorized under ORS Chapter 469. This site certificate is a binding agreement between the State of Oregon (State), acting through the Council, and LotusWorks – Summit Ridge I, LLC (certificate holder) authorizing the certificate holder to construct and operate the facility in Wasco County, Oregon.

The findings of fact, reasoning, and conclusions of law underlying the terms and conditions of this site certificate are set forth in the Council's *Final Order in the Matter of the Application for a Site Certificate for the Summit Ridge Wind Farm* (Final Order) issued on August 19, 2011, and incorporated herein by this reference. In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) this Site Certificate, (2) the Final Order and (3) the record of the proceedings that led to the Final Order.

This site certificate does not address, and is not binding with respect to, matters that were not addressed in the Council's Final Order. Such matters include, but are not limited to: building code compliance; wage; hour; and other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility [Oregon Revised Statute (ORS) 469.401(4)]; and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council. ORS 469.503(3).

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

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

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

2.0 SITE CERTIFICATION

- 2.1 To the extent authorized by state law and subject to the conditions set forth herein, the State authorizes the certificate holder to construct, operate, and retire a wind energy facility, together with certain related or supporting facilities, at the site in Wasco County, Oregon, as described in Section 3.0 of this site certificate.
[ORS 469.401(1)]
- 2.2 This site certificate is effective until 1) it is terminated under OAR 345-027-0110 or the rules in effect on the date that termination is sought; or 2) until the site certificate is revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered.
[ORS 469.401(1)]
- 2.3 Both the State and the certificate holder shall abide by local ordinances, state law, and the rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In addition, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules.
[ORS 469.401(2)]
- 2.4 For a permit, license, or other approval addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules.
[ORS 469.401(2)]
- 2.5 Subject to the conditions herein, this site certificate binds the State and all counties, cities, and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate.
[ORS 469.401(3)]
- 2.6 Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate shall, upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license, or other approval subject only to conditions set forth in this site certificate.
[ORS 469.401(3)]
- 2.7 After issuance of this site certificate, each state agency or local government agency that issues a permit, license, or other approval for the facility shall continue to exercise enforcement authority over such permit, license, or other approval.
[ORS 469.401(3)]

- 2.8 After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate.
[ORS 469.430]
- 2.9 The certificate holder shall request an amendment of the site certificate to increase the combined peak generating capacity of the facility beyond 200.1 megawatts, to increase the number of wind turbines to more than 87 wind turbines or to install wind turbines with a hub height greater than 80 meters, a blade tip height greater than 132 meters or a blade tip clearance less than 28 meters above ground.
[Final Order III.D.7] [Mandatory Condition OAR 345-027-0020(3)]
- 2.10 Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the Department of the proposed new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership that requires a transfer of the site certificate.
[Final Order IV.B.2.8] [Mandatory Condition OAR 345-027-0020(15)]
- 2.11 Any matter of non-compliance under the site certificate shall be the responsibility of the certificate holder. Any notice of violation issued under the site certificate shall be issued to the certificate holder. Any civil penalties assessed under the site certificate shall be levied on the certificate holder.
[Final Order IV.B.2.5]
- 2.12 Within 72 hours after discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report the conditions or circumstances to the Department.
[Final Order IV.B.2.7]
- 2.13 The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.
[Final Order VII.1] [Mandatory Condition OAR 345-027-0020(1)]

3.0 DESCRIPTION OF FACILITY

LOCATION AND SITE BOUNDARY

Summit Ridge I is located in Wasco County, Oregon approximately 17 miles southeast of The Dalles, and eight miles east of Dufur, Oregon. The facility site boundary encompasses approximately 25,000 acres on private land subject to long-term wind energy leases with the landowners.

As defined by OAR 345-001-0010, the "site boundary" is the perimeter of the site of the energy facility, its related or supporting facilities, all temporary laydown and staging areas and all corridors and micro-siting corridors. The Summit Ridge turbines will be located within micro-siting corridors approximately 1,300 feet wide.

THE ENERGY FACILITY

Summit Ridge I has a combined peak generating capacity of 200.1 megawatts (MW) (average electric generating capacity is approximately 67 MW). The facility consists of up to 87 wind turbine generators, each producing 1.8 to 2.3 MW of electrical power.

Turbines will be mounted on tubular steel towers approximately 80 meters (263 feet) tall at the turbine hub, with a rotor diameter of 101 meters (331 feet). Turbines include a nacelle that houses the generator and gearbox, and supports the rotor and blades at the hub. A gravel turbine pad area would surround the base of each concrete turbine foundation. A step-up transformer increases the output voltage of each wind turbine generator to the voltage of the power collection system. The step-up transformer will be installed on its own concrete pad at the base of each wind turbine tower, or located in the nacelle, depending on the final turbine model selected.

Summit Ridge will include the following related or supporting facilities:

- Power collection system
- Collector substation
- 230-kV transmission line
- Supervisory Control and Data Acquisition (SCADA) System
- Operations and maintenance (O&M) facility
- Meteorological (met) towers
- Access roads
- Temporary roadway modifications
- Additional temporary construction areas (including laydown areas, crane paths, and a concrete batch plant)

POWER COLLECTION SYSTEM

Each wind turbine generates power ranging from approximately 600 volts to 690 volts, and the transformer located next to or inside of each turbine will increase the voltage to 34.5 kilovolts (kV). Power from each turbine will be transmitted via the approximately 49-mile collection line system to the collector substation. The new 34.5-kV collection lines will be constructed underground to the extent possible, although up to 10% of the collector lines may be placed aboveground due to site-specific geotechnical or environmental considerations. Aboveground segments would be supported by H-frame wood poles approximately 55 feet in height.

COLLECTOR SUBSTATION

The 34.5 kV collector line system will link each turbine to the facility collector substation, which will step up the power from 34.5 kV to 230 kV. The centrally-located collector substation will occupy approximately five acres, surrounded by a graveled, fenced area.

230 kV TRANSMISSION LINE

A new overhead 230 kV transmission feeder line approximately eight miles in length will connect the facility's collector substation to the regional grid at a substation operated by the Bonneville Power Administration (BPA). The 230 kV transmission line runs northwest from the collector substation for approximately two miles, then almost due west for another six miles to the BPA substation, connecting with BPA's 500 kV "Big Eddy to Maupin-Redmond" transmission line. The Summit Ridge transmission line will be supported on wooden H-frame poles that are 70 feet in height and spaced approximately 800 feet apart. The right-of-way for the transmission line is approximately 150 feet wide.

BPA will be responsible for the operation and maintenance of the interconnection facility. If the Summit Ridge facility ceases operation and a decommissioning/retirement plan is implemented, the transmission system operator is not obliged under this site certificate to dismantle the interconnection station, which will also be used to serve other customers.

SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM

A SCADA system will be installed at the facility to enable remote operation and collect operating data for each wind turbine, and archive wind and performance data. The SCADA system will be linked via fiber optic cables or other means of communication to a central computer in the Operations and Maintenance (O&M) building. SCADA system wires will be installed in the collector line underground trenches, or overhead as necessary with the collector line.

OPERATIONS AND MAINTENANCE (O&M) FACILITY

One permanent O&M facility will be located within the five-acre facility collector substation site, and will include up to 10,000 square feet of enclosed space for office and workshop areas, a control room, and kitchen and sanitary facilities. The O&M facility will have an adjacent graveled parking area and an approximately 300-foot by 300-foot fenced storage area. The Facility will also include an on-site well and septic system. Domestic water needs for the O&M facility will be served by an on-site well and septic system.

METEOROLOGICAL TOWERS

A maximum of three permanent un-guyed meteorological towers will be placed within the site boundary to collect wind resource data (these towers will replace seven existing temporary towers). The met towers will be the same height as the hub of the turbines, approximately 80

meters (263 feet) tall. Met tower foundations may be constructed as deep as 40 feet, depending on soil conditions and geotechnical engineering requirements.

ACCESS ROADS

Approximately 19 miles of new roads will be constructed within the site boundary to provide access to the turbines and other facility components. Access roads will be designed to be 20-foot wide graveled surfaces with 10-foot compacted shoulders to accommodate construction cranes. After the completion of construction, all new roads within the site boundary will be restored to a total width of 20 feet for general use during facility operation.

TEMPORARY ROADWAY MODIFICATIONS

Approximately six miles of existing private roads will be upgraded to accommodate construction and operation of the facility. Where needed, existing roads will be improved to 20-foot wide graveled surfaces with 10-foot compacted shoulders to accommodate construction equipment and cranes. After the completion of construction, improved roads within the site boundary will be restored to a total width of 20-feet for general use during facility operation.

ADDITIONAL CONSTRUCTION AREAS

During construction, six temporary laydown areas will be used for the delivery and staging of wind turbine components and other equipment and materials, as well as the staging of construction trailers for the construction crews. Five of the six temporary laydown areas will be located on approximately four acres, covered with gravel, which will be removed following completion of facility construction. The sixth temporary laydown area will encompass the permanent five-acre collector substation and O&M site. Concrete for construction of the facility would be obtained from an on-site concrete batch plant to be located on a graveled 2-acre site within the site boundary.

4.0 GENERAL ADMINISTRATIVE CONDITIONS

4.1. The certificate holder shall begin construction of the facility within three years after the effective date of the site certificate. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the applicant. The Council may grant an extension of the deadline to begin construction in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted.

[Final Order III.D.1] [Mandatory Condition OAR 345-027-0020(4)]

4.2. The certificate holder shall complete construction of the facility within six years after the effective date of the site certificate. Construction is complete when: 1) the facility is substantially complete as defined by the certificate holder's construction contract documents, 2) acceptance testing has been satisfactorily completed; and 3) the energy

facility is ready to begin continuous operation consistent with the site certificate. The certificate holder shall promptly notify the Department of the date of completion of construction. The Council may grant an extension of the deadline for completing construction in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted.

[Final Order III.D.2] [Mandatory Condition OAR 345-027-0020(4)]

- 4.3. The certificate holder shall submit a legal description of the site to the Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identifies the outer boundaries that contain all parts of the facility.

[Final Order III.D.3] [Mandatory Condition OAR 345-027-0020(2)]

- 4.4. The certificate holder shall design, construct, operate and retire the facility:
- a. Substantially as described in the site certificate;
 - b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and
 - c. In compliance with all applicable permit requirements of other state agencies.

[Final Order III.D.4] [Mandatory Condition OAR 345-027-0020(3)]

- 4.5. The certificate holder shall construct the turbines and transmission line within the corridor locations set forth in Exhibit C of the application for site certificate, subject to the conditions of this site certificate.

[Final Order III.D.8] [Mandatory Condition OAR 345-027-0023(5)]

- 4.6. The certificate holder shall obtain all necessary federal, state, and local permits or approvals required for construction, operation, and retirement of the facility or ensure that its contractors obtain the necessary federal, state, and local permits or approvals.

[Final Order IV.B.2.4]

5.0 PRE-CONSTRUCTION REQUIREMENTS

In addition to pre-construction requirements contained elsewhere in this site certificate, the certificate holder must meet the following requirements:

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

[Final Order IV.B.2.1]

- 5.2. The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable

laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.

[Final Order IV.B.2.2]

- 5.3. Before beginning construction, the certificate holder shall ensure that participating landowners obtain a Farm-Forest Management Easement. The landowner is required to sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

[Final Order IV.D.2.4] [WCLUDO section 3.210(H)]

- 5.4. Before beginning construction, the certificate holder shall submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying the proposed final locations of turbine towers and meteorological towers. The certificate holder shall promptly notify the Department of the responses from the FAA and the Oregon Department of Aviation.

[Final Order IV.K.2.4]

- 5.5. Before beginning construction, the certificate holder shall provide to the Department a description of the turbine types selected for the facility demonstrating compliance with this condition. The certificate holder may select turbines of any type, subject to the following restrictions and compliance with all other site certificate conditions:

- a. The total number of turbines at the facility must not exceed 87 turbines.
- b. The combined peak generating capacity of the facility must not exceed 200.1 megawatts and the peak generating capacity of any individual turbine must not exceed 2.3 megawatts.
- c. The turbine hub height must not exceed 80 meters and the maximum blade tip height must not exceed 132 meters above grade.
- d. The minimum blade tip clearance must be 28 meters above ground.

[Final Order III.D.5] [Mandatory Condition OAR 345-027-0020(3)]

- 5.6. Before beginning construction the certificate holder shall obtain approval of a Revegetation and Weed Control Plan [Exhibit 1 to Final Order] by the Wasco County Weed Department to control the introduction and spread of noxious weeds, and shall implement that approved plan during all phases of construction and operation of the facility.

[Final Order IV.D.2.8] [WCLUDO Section 3.210(J)(17)(5)]

- 5.7. Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under OAR 345-027-0020, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all

parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:

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

[Final Order III.D.6] [Mandatory Condition OAR 345-027-0020(5)]

- 5.8. Before beginning construction, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI and in general accordance with DOGAMI open file report 00-04 "Guidelines for Engineering Geologic Reports and Site-Specific Seismic Hazard Reports."

[Final Order V.A.2.1]

- 5.9. Before beginning construction of any new State Highway approaches or utility crossings, the certificate holder shall obtain all required permits from the Oregon Department of Transportation (ODOT) subject to the applicable conditions required by OAR Chapter 734, Divisions 51 and 55. The certificate holder shall submit the necessary application or applications in a form satisfactory to ODOT and the Department for the location, construction and maintenance of approaches to State Highway 197 for access to the site. The certificate holder shall submit the necessary application or applications in a form satisfactory to ODOT and the Department for the location, construction and maintenance of collector cables or transmission lines crossing Highway 197.

[Final Order V.C.2.12]

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

[Final Order IV.B.2.6]

6.0 DESIGN, CONSTRUCTION AND OPERATIONS

- 6.1. During construction, the certificate holder shall have a full-time, on-site assistant construction manager who is qualified in environmental compliance to ensure compliance with all site certificate conditions. The certificate holder shall notify the Department of the name, telephone number, and e-mail address of this person prior to the start of construction and immediately upon any change in the contact information.
[Final Order IV.B.2.3]
- 6.2. The certificate holder shall provide portable toilets for on-site sewage handling during construction and shall ensure that they are pumped and cleaned regularly by a licensed contractor who is qualified to pump and clean portable toilet facilities.
[Final Order V.C.2.1]
- 6.3. The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures:
- a. Recycling steel and other metal scrap.
 - b. Recycling wood waste.
 - c. Recycling packaging wastes such as paper and cardboard.
 - d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
 - e. Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes.
 - f. Confining concrete delivery truck rinse-out to a designated wash-out area and burying other concrete waste as part of backfilling.
- [Final Order V.D.2.1]
- 6.4. The certificate holder shall install the 34.5-kV collector system underground to the extent practical. The certificate holder shall install underground lines at a minimum depth of three feet. Based on geotechnical conditions or other engineering considerations, the certificate holder may install segments of the collector system aboveground, but the total length of aboveground segments must not exceed five miles.
[Final Order VI.D.2.1]
- 6.5. In advance of, and during, preparation of detailed design drawings and specifications for the 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with the Utility Safety and Reliability Section of the Oregon Public Utility Commission to ensure that the designs and specifications are consistent with applicable codes and standards.
[Final Order VI.D.2.3]

- 6.6. The certificate holder must design, construct and operate the transmission line in accordance with the requirements of the National Electrical Safety Code (American National Standards Institute, Section C2, 1997 Edition).
[Final Order IV.M.2.1] [Mandatory Condition OAR 345-027-0023(4)(a)]
- 6.7. The certificate holder shall consult with the Wasco Electric Cooperative during the design, construction, and operation of the Summit Ridge Wind Farm to ensure that the integrity and reliability of the power grid in Wasco County is maintained.
[Final Order VI.D.2.4]
- 6.8. The certificate holder shall design and construct the facility in accordance with requirements set forth by the Oregon Building Codes Division and any other applicable codes and design procedures.
[Final Order V.A.2.4]
- 6.9. To protect wetlands and waterways, the certificate holder shall construct the proposed facility substantially as described in the Final Order. Specifically, the certificate holder shall not remove material from waters of the State or add new fill material to waters of the State such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole.
[Final Order VI.B.2.1]
- 6.10. The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by non-seismic hazards. As used in this condition, "non-seismic hazards" include settlement, landslides, flooding and erosion.
[Final Order V.A.2.5]
- 6.11. The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. "Seismic hazard" includes ground shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement and subsidence.
[Final Order V.A.2.6] [Mandatory Condition OAR 345-027-0020(12)]
- 6.12. The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall locate access roads and temporary construction laydown and staging areas to minimize disturbance of farming practices and, wherever feasible, shall place turbines and transmission interconnection lines along the margins of cultivated areas to reduce the potential for conflict with farm operations.
[Final Order IV.D.2.7] [WCLUDO Section 3.210(J)(17)(5)]
- 6.13. The certificate holder shall notify the Department, the State Building Codes Division and DOGAMI promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the DOGAMI and the Building Codes Division and to propose mitigation actions.

[Final Order V.A.2.2] [Mandatory Condition OAR 345-027-0020(13)]

- 6.14. The certificate holder shall notify the Department, the State Building Codes Division and DOGAMI promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site.

[Final Order V.A.2.3] [Mandatory Condition OAR 345-027-0020(14)]

- 6.15. To reduce the visual impact of the facility, the certificate holder shall:
- a. Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity, neutral gray, white, or off-white color.
 - b. Paint the substation structures in a low-reflectivity neutral color to blend with the surrounding landscape.
 - c. Not allow any advertising to be used on any part of the facility.
 - d. Use only those signs required for facility safety, required by law or otherwise required by this site certificate, except that the certificate holder may erect a sign near the O&M building to identify the facility, may paint turbine numbers on each tower and may allow unobtrusive manufacturers' logos on turbine nacelles.
 - e. Maintain any signs allowed under this condition in good repair.

[Final Order IV.1.2.1]

- 6.16. The certificate holder shall design and construct the O&M building to be generally consistent with the character of similar buildings used by commercial farmers or ranchers in the area and shall paint the building in a low-reflectivity, neutral color to blend with the surrounding landscape.

[Final Order IV.1.2.2]

- 6.17. The certificate holder shall design and construct new access roads and private road improvements to standards approved by the Wasco County Road Department. Where modifications of County roads are necessary, the certificate holder shall construct the modifications entirely within the County road rights-of-way and in conformance with County road design standards subject to the approval of the Wasco County Road Department. Where modifications of State roads or highways are necessary, the certificate holder shall construct the modifications entirely within the public road rights-of-way and in conformance with ODOT standards subject to the approval of ODOT.

[Final Order V.C.2.13]

- 6.18. The certificate holder shall cooperate with the Wasco County Public Works Department to ensure that any unusual damage or wear to county roads that is caused by construction of the facility is repaired by the certificate holder. Upon completion of construction, the certificate holder shall restore public roads to pre-construction condition or better to the satisfaction of the applicable county departments.

[Final Order V.C.2.14]

- 6.19. During construction of the facility, the certificate holder shall implement measures to reduce traffic impacts, including:
- a. Providing notice to adjacent landowners when heavy construction traffic is anticipated.
 - b. Providing appropriate traffic safety signage and warnings.
 - c. Requiring flaggers to be at appropriate locations at appropriate times during construction to direct traffic reduce accident risks.
 - d. Using traffic diversion equipment (such as advance signage and pilot cars) when slow or oversize construction loads are anticipated.
 - e. Maintaining at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles.
 - f. Encouraging carpooling for the construction workforce.
 - g. Including traffic control procedures in contract specifications for construction of the facility.
 - h. Keeping Highway 197 free of gravel that tracks out onto the highway at facility access points.

[Final Order V.C.2.15]

- 6.20. The certificate holder shall ensure that no equipment or machinery is parked or stored on any County road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within County rights-of-way with the approval of the County Roadmaster.

[Final Order V.C.2.16]

- 6.21. The height of the proposed Operations and Maintenance building shall not exceed 35 feet in height.

[Final Order IV.D.2.1] [WCLUDO Section 3.210(F)(2)]

- 6.22. Signage for the proposed facility shall conform to the following requirements:

- a. The certificate holder shall install the following signs at the facility:
 - i. "No Trespassing" signs shall be attached to any perimeter fence;
 - ii. "Danger" signs shall be posted at the height of five feet on turbine towers and accessory structures;
 - iii. A sign shall be posted on the tower showing an emergency telephone number; and
 - iv. Manual electrical and/or overspeed shutdown disconnect switch(es) shall be clearly labeled.

[Final Order IV.D.2.2] [WCLUDO Section 19.030(C)(7)]

- b. Signage installed in accordance with Condition 6.22.a shall meet the following requirements:
 - i. Permanent signs shall not project beyond the property line.

- ii. Signs shall not be illuminated or capable of movement.
- iii. Permanent signs shall describe only uses permitted and conducted on the property on which the sign is located.
- iv. Freestanding signs shall be limited to twelve square feet in area and 8 feet in height measured from natural grade. Signs on buildings are permitted in a ratio of one square foot of sign area to each linear foot of building frontage but in no event shall exceed 32 square feet and shall not project above the building.
- v. Freestanding signs shall be limited to one at the entrance of the property. Up to one additional sign may be placed in each direction of vehicular traffic running parallel to the property if they are more than 750 feet from the entrance of the property.
- vi. Signs on buildings shall be limited to one per building and only allowed on buildings conducting the use being advertised.

[Final Order IV.D.2.2] [WCLUDO Section 3.210(F)(4)]

- 6.23. Except as necessary to meet the requirements of the Federal Aviation Administration to warn aircraft of obstructions, the certificate holder shall design and implement a lighting plan to ensure that all outdoor lighting is directed downward, limited in intensity, and is shielded and hooded to prevent light from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.

[Final Order IV.D.2.3] [WCLUDO section 3.210(F)(4)]

- 6.24. The certificate holder shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility.

[Final Order IV.D.2.5] [WCLUDO Section 3.210(J)(8)(c)]

- 6.25. The certificate holder shall consult with area landowners and lessees during construction and operation of the facility and shall implement measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs.

[Final Order IV.D.2.6] [WCLUDO Sections 5.020(J) and 5.020(K)]

- 6.26. The certificate holder shall not use exterior nighttime lighting except:
- a. The minimum turbine tower lighting required or recommended by the Federal Aviation Administration.
 - b. Safety and security lighting at the O&M facility and substation, if such lighting is shielded or downward-directed to reduce offsite glare.

[Final Order IV.I.2.3]

7.0 PUBLIC HEALTH AND SAFETY

- 7.1 The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. The certificate holder shall keep tower access doors locked at all times, except when authorized personnel are present.
[Final Order IV.K.2.1]
- 7.2 For turbine types having pad-mounted step-up transformers, the certificate holder shall install the transformers at the base of each tower in locked cabinets designed to protect the public from electrical hazards and to avoid creation of artificial habitat for raptor prey.
[Final Order IV.K.2.2]
- 7.3 To protect the public from electrical hazards, the certificate holder shall enclose the facility substation with appropriate fencing and locked gates.
[Final Order IV.K.2.3]
- 7.4 The certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components that could lead to failure.
[Final Order IV.K.2.5]
- 7.5 The certificate holder shall have an operational safety-monitoring program and shall inspect all turbine and turbine tower components on a regular basis. The certificate holder shall maintain or repair turbine and turbine tower components as necessary to protect public safety.
[Final Order IV.K.2.6]
- 7.6 The certificate holder shall install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, to alert operators to potentially dangerous conditions, and the certificate holder shall immediately remedy any dangerous conditions. The certificate holder shall maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical problem causing a fire.
[Final Order IV.K.2.7]
- 7.7 The certificate holder shall notify the Department of Energy and Wasco County within 72 hours of any occurrence involving the facility if:
- a. There is an attempt by anyone to interfere with its safe operation;
 - b. A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused event such as a fire or explosion affects or threatens to affect the public health and safety or the environment;
 - c. There is a mechanical failure or accident on the site associated with construction or operation of the facility that may result in public health and safety concerns; or
 - d. There is any fatal injury at the facility.

[Final Order IV.K.2.8 and OAR 345-026-017]

- 7.8 During operation, the certificate holder shall discharge sanitary wastewater generated at the Operations and Maintenance building to a licensed on-site septic system in compliance with State of Oregon permit requirements. The certificate holder shall design the septic systems for a discharge capacity of less than 5,000 gallons per day.

[Final Order V.C.2.2]

- 7.9 The certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields, including but not limited to:
- a. Constructing all aboveground transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.
 - b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 20 feet from the ground.
 - c. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 25 feet from the ground
 - d. Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks from electric and magnetic fields.
 - e. Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9-kV per meter at one meter above the ground surface in areas accessible to the public.
 - f. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.

[Final Order VI.D.2.2]

- 7.10 The certificate holder must develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line.

[Final Order IV.M.2.2] [Mandatory Condition OAR 345-027-0023(4)]

- 7.11 A current copy of the electrical protection plan developed in compliance with Condition 7.10 must be available at the O&M building and provided upon request by ODOE staff.

[Final Order IV.M.2.3]

8.0 ON-SITE SAFETY AND SECURITY

- 8.1 During construction and operation of the facility, the certificate holder shall provide for on-site security and shall establish good communications between on-site security personnel and the Wasco County Sheriff's Office. During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-

date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site.

[Final Order V.C.2.3]

- 8.2 During construction, the certificate holder shall require that all on-site construction contractors develop and implement a site health and safety plan that informs workers and others on-site about first aid techniques and what to do in case of an emergency and that includes important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The certificate holder shall ensure that construction contractors have personnel on-site who are trained and equipped for tower rescue and who are first aid and CPR certified.

[Final Order V.C.2.4]

- 8.3 During operation, the certificate holder shall develop and implement a site health and safety plan that informs employees and others on-site about first aid techniques and what to do in case of an emergency and that includes important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The certificate holder shall ensure that operations personnel are trained and equipped for tower rescue. The facility must maintain training records and have a current copy of the site health and safety plan on-site and available upon request by the Department of Energy.

[Final Order V.C.2.5]

- 8.4 During construction and operation of the facility, the certificate holder shall develop and implement fire safety plans in consultation with the Columbia Rural Fire District to minimize the risk of fire and to respond appropriately to any fires that occur on the facility site. In developing the fire safety plans, the certificate holder shall take into account the dry nature of the region and shall address risks on a seasonal basis. The certificate holder shall meet annually with local fire protection agency personnel to discuss emergency planning and shall invite local fire protection agency personnel to observe any emergency drill or tower rescue training conducted at the facility.

[Final Order V.C.2.6]

- 8.5 Upon the beginning of operation of the facility, the certificate holder shall provide a site plan to the Columbia Rural Fire District. The certificate holder shall indicate on the site plan the identification number assigned to each turbine and the actual location of all facility structures. The certificate holder shall provide an updated site plan if additional turbines or other structures are later added to the facility. During operation, the certificate holder shall ensure that appropriate fire protection agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site.

[Final Order V.C.2.7]

- 8.6 The certificate holder shall construct turbines and pad-mounted transformers on concrete foundations and shall cover the ground within a 15-foot radius with non-flammable material. The certificate holder shall maintain the non-flammable pad area covering during operation of the facility.
[Final Order V.C.2.8]
- 8.7 During construction and operation of the facility, the certificate holder shall ensure that the O&M building and all service vehicles are equipped with shovels and portable fire extinguishers of a 4A50BC or equivalent rating.
[Final Order V.C.2.9]
- 8.8 During construction, the certificate holder shall ensure that construction vehicles and equipment are operated on graveled areas to the extent possible and that open flames, such as cutting torches, are kept away from dry grass areas.
[Final Order V.C.2.10]
- 8.9 During operation, the certificate holder shall ensure that all on-site employees receive annual fire prevention and response training by qualified instructors or members of the local fire districts. The certificate holder shall ensure that all employees are instructed to keep vehicles on roads and off dry grassland, except when off-road operation is required for emergency purposes.
[Final Order V.C.2.11]

9.0 PROTECTION OF SOIL

- 9.1 The certificate holder shall conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge General Permit #1200-C. The certificate holder shall include in the ESCP any procedures necessary to meet local erosion and sediment control requirements or storm water management requirement.
[Final Order IV.C.2.1]
- 9.2 During construction, the certificate holder shall limit truck traffic to improved road surfaces to avoid soil compaction and wind erosion on dirt roads, to the extent practicable.
[Final Order IV.C.2.2]
- 9.3 During construction, the certificate holder shall implement best management practices to control any dust generated by construction activities, such as applying water to roads and disturbed soil areas.
[Final Order IV.C.2.3]
- 9.4 The certificate holder shall handle hazardous materials used on the site in a manner that protects public health, safety and the environment and shall comply with all

applicable local, state and federal environmental laws and regulations. The certificate holder shall not store diesel fuel or gasoline on the facility site.

[Final Order IV.C.2.4]

- 9.5 If a spill or release of hazardous material occurs during construction or operation of the facility, the certificate holder shall notify the Department within 72 hours and shall clean up the spill or release and dispose of any contaminated soil or other materials according to applicable regulations. The certificate holder shall make sure that spill kits containing items such as absorbent pads are located on equipment and at the O&M building. The certificate holder shall instruct employees about proper handling, storage and cleanup of hazardous materials.

[Final Order IV.C.2.5]

- 9.6 Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use and in compliance with the Revegetation and Weed Control Plan (Exhibit 1 to the Final Order). Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.

[Final Order IV.C.2.6] [Mandatory Condition OAR 345-027-0020(11)]

- 9.7 During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the Revegetation and Weed Control Plan.

[Final Order IV.C.2.7]

- 9.8 During facility operation, the certificate holder shall routinely inspect and maintain all transmission line corridors, roads, pads and trenched areas and, as necessary, maintain or repair erosion and sediment control measures and control the introduction and spread of noxious weeds.

[Final Order IV.C.2.8]

10.0 PROTECTION OF NATURAL RESOURCES

- 10.1 Before beginning construction, the certificate holder shall provide to the Department, to the Oregon Department of Fish and Wildlife (ODFW) and to the Planning Director of Wasco County detailed maps of the facility site, showing the final locations where the certificate holder proposes to build facility components, and a table showing the acres of temporary habitat impact by habitat category and subtype and the acres of permanent habitat impact by habitat category and subtype. The detailed maps of the facility site shall indicate the habitat categories of all areas that would be affected during construction. In classifying the affected habitat into habitat categories, the

certificate holder shall consult with ODFW. The certificate holder shall not begin ground disturbance in an affected area until the habitat assessment has been approved by the Department. The Department may employ a qualified contractor to confirm the habitat assessment by on-site inspection.

[Final Order IV.G.2.1]

- 10.2 The certificate holder shall incorporate the design elements listed below into the final facility design to avoid or mitigate impacts to sensitive wildlife habitat:
- a. Where practicable, facility components and construction areas shall be located to avoid or minimize temporary and permanent impacts to high quality native habitat and to retain habitat cover in the general landscape.
 - b. No facility components may be constructed within areas of Category 1 habitat and temporary disturbance of Category 1 habitat shall be avoided.
 - c. The design of the facility and areas of temporary and permanent disturbance shall avoid impacts to any Category 1 habitat, to any State-listed threatened or endangered plant or wildlife species, and to any State Candidate plant species.

[Final Order IV.G.2.2]

- 10.3 The certificate holder shall implement measures to avoid or mitigate impacts to sensitive wildlife habitat during construction including, but not limited to, the following:
- a. Preparing and distributing maps to employees and contractors to show areas that are off-limits to construction personnel, such as nesting or denning areas for sensitive wildlife species;
 - b. Avoiding unnecessary road construction, temporary disturbance and vehicle use;
 - c. Limiting construction work to approved and surveyed areas shown on facility constraint maps; and
 - d. Ensuring that all construction personnel are instructed to avoid driving cross-country or taking short-cuts within the site boundary or otherwise disturbing areas outside of the approved and surveyed construction areas.

[Final Order IV.G.2.3]

- 10.4 The certificate holder shall acquire the legal right to create, enhance, maintain and protect a habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the Habitat Mitigation Plan that is incorporated as Exhibit 3 of the Final Order and as amended from time to time.

[Final Order IV.G.2.4]

10.5 The certificate holder shall conduct wildlife monitoring as described in the Wildlife Monitoring and Mitigation Plan that is incorporated as Exhibit 2 of the Final Order and as amended from time to time.

[Final Order IV.G.2.5] [Mandatory Condition OAR 345-027-0020(6)]

10.6 The certificate holder shall hire a qualified environmental professional to provide environmental training during construction and operation. Environmental training includes information on the sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. The certificate holder shall instruct construction and operations personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager.

[Final Order IV.G.2.6]

10.7 Before beginning construction and after considering all micro-siting factors, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility and the areas that would be disturbed during construction and identifying the survey areas for all plant and wildlife surveys. This information may be combined with the map submitted per the requirements of Condition 9.1. The certificate holder shall hire a qualified professional biologist to conduct a pre-construction plant and wildlife investigation of all areas that would be disturbed during construction that lie outside of the previously surveyed areas. The certificate holder shall provide a written report of the investigation to the Department and to the Oregon Department of Fish and Wildlife (ODFW).

[Final Order IV.G.2.7]

10.8 The certificate holder shall reduce the risk of injuries to avian species by:

- a. Installing turbine towers that are smooth steel structures that lack features that would allow avian perching.
- b. Installing meteorological towers that are non-guyed structures to eliminate the risk of avian collision with guy-wires.
- c. Designing and installing all aboveground transmission line support structures following the most current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.

[Final Order IV.H.2.1]

10.9 During facility operation, the certificate holder shall obtain water for on-site uses from an on-site well located near the O&M building. The certificate holder shall construct the on-site well subject to compliance with the provisions of ORS 537.765 relating to keeping a well log. The certificate holder shall not use more than 5,000 gallons of water per day from the on-site well. The certificate holder may use other sources of water for on-site uses subject to prior approval by the Department.

[Final Order VI.C.2.1]

10.10 During facility operation, if equipment washing becomes necessary, the certificate holder shall ensure that there is no runoff of wash water from the site or discharges to surface waters, storm sewers or dry wells. The certificate holder shall not use acids, bases or metal brighteners with the wash water. The certificate holder may use biodegradable, phosphate-free cleaners sparingly.

[Final Order VI.C.2.2]

10.11 The certificate holder shall implement a waste management plan during operation that includes but is not limited to the following measures:

- a. Training employees to minimize and recycle solid waste.
- b. Recycling paper products, metals, glass and plastics.
- c. Recycling used oil and hydraulic fluid.
- d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
- e. Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes.

[Final Order V.D.2.2]

11.0 PROTECTION OF HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES

11.1 Before beginning construction, the certificate holder shall label all identified historic, cultural or archaeological resource sites on construction maps and drawings as “no entry” areas. The applicant shall implement a 200 foot buffer for all rock alignment and cairn sites, and shall implement a 100 foot buffer for all other archaeological sites. The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within the buffer areas.

[Final Order Section V.B.2.1]

11.2 Before beginning construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility, the areas that would be temporarily disturbed during construction and the areas that were previously surveyed as described in the Application for Site Certificate.

[Final Order V.B.2.2]

11.3 The certificate holder shall hire qualified personnel to conduct field investigation of all areas to be disturbed during construction that lie outside the previously-surveyed areas. The certificate holder shall provide a written report of the field investigation to the Department and to the Oregon State Historic Preservation Office (SHPO). If any

potentially significant historic, cultural or archaeological resource sites are found during the field investigation, the certificate holder shall instruct all construction personnel to avoid the identified sites and shall implement appropriate measures to protect the sites, including the measures described in Condition 11.5 and in accordance with the Archaeological Monitoring Plan required per Condition 11.6.

[Final Order V.B.2.3]

- 11.4 The certificate holder shall ensure that a qualified archaeologist, as defined in OAR 736-051-0070, instructs construction personnel in the identification of cultural materials and avoidance of accidental damage to identified resource sites. Records of such training shall be maintained at the Operations and Maintenance Building and made available to authorized representatives of the Oregon Department of Energy upon request.

[Final Order V.B.2.4]

- 11.5 The certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archaeological or cultural resources are found during construction of the facility until a qualified archeologist can evaluate the significance of the find. The certificate holder shall notify the Department and SHPO of the find. If the SHPO determines that the resource is significant, the certificate holder shall make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery, in consultation with the Department, SHPO, interested tribes and other appropriate parties. The certificate holder shall not restart work in the affected area until the certificate holder has demonstrated to the Department and the SHPO that it has complied with archaeological resource protection regulations.

[Final Order V.B.2.5]

- 11.6 The certificate holder shall prepare and implement an Archaeological Monitoring Plan for construction and maintenance activities to address and mitigate impacts from exposure of unanticipated or previously unidentified cultural properties that may be exposed during construction or operation of the facility. A current copy of the plan must be maintained at the Operations and Maintenance Building and made available to authorized representatives of the Oregon Department of Energy upon request.

[Final Order V.B.2.6]

12.0 NOISE CONTROL AND NOISE COMPLAINT RESPONSE

- 12.1. To reduce construction noise impacts at nearby residences, the certificate holder shall:
- a. Confine the noisiest operation of heavy construction equipment to the daylight hours.
 - b. Require contractors to install and maintain exhaust mufflers on all combustion engine-powered equipment; and

- c. Establish a complaint response system at the construction manager's office to address noise complaints. Records of noise complaints during construction must be made available to authorized representatives of the Department of Energy upon request.

[Final Order VI.A.2.1]

- 12.2. Before beginning construction, the certificate holder shall provide to the Department:
- a. Information that identifies the final design locations of all turbines to be built at the facility;
 - b. The maximum sound power level for the substation transformers and the maximum sound power level and octave band data for the turbine type(s) selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the Department;
 - c. The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the Department that the total noise generated by the facility (including the noise from turbines and substation transformers) will not exceed the maximum allowable noise level at any potentially-affected noise receptor. The analysis must also demonstrate that the facility would meet the ambient degradation test at the appropriate measurement point for potentially-affected noise sensitive properties, or that the certificate holder has obtained the noise waiver described in Condition 12.2.d for each noise-sensitive property where the ambient degradation standard cannot be met.
 - d. For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the a legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate measurement point. The legally-effective easement or real covenant must meet all of the following criteria:
 - i. Include a legal description of the burdened property (the noise sensitive property);
 - ii. Be recorded in the real property records of the county;
 - iii. Expressly benefit the certificate holder;
 - iv. Expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and
 - v. Not be subject to revocation without the certificate holder's written approval.

[Final Order VI.A.2.2]

12.3. During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the Department within 15 days of receiving a complaint about noise from the facility. The notification should include, but is not limited to, the date the complaint was received, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint.

[Final Order VI.A.2.3]

12.4. Upon written notification from the Department, the certificate holder will monitor and record the actual statistical noise levels during operations to verify that the certificate holder is operating the facility in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the Department prior to implementation. The cost of such monitoring, if required, will be borne by the certificate holder.

[Final Order VI.A.2.4]

13.0 MONITORING AND REPORTING REQUIREMENTS - GENERAL

13.1 In addition to monitoring and reporting requirements elsewhere in this Site Certificate, the certificate holder shall also report according to the following requirements:

- a. General reporting obligation for energy facilities under construction or operating:
 - i. Within six months after beginning construction, and every six months thereafter during construction of the energy facility and related or supporting facilities, the certificate holder shall submit a semiannual construction progress report to the Department of Energy. In each construction progress report, the certificate holder shall describe any significant changes to major milestones for construction. The certificate holder shall include such information related to construction as specified in the site certificate. When the reporting date coincides, the certificate holder may include the construction progress report within the annual report described in Condition 13.1.b.
 - ii. By April 30 of each year after beginning construction, the certificate holder shall submit an annual report to the Department addressing the subjects listed in Condition 13.1.b. The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date.
 - iii. To the extent that information required by Condition 13.1.b is contained in reports the certificate holder submits to other state, federal or local agencies, the certificate holder may submit excerpts from such other reports to satisfy this rule. The Council reserves the right to request full copies of such excerpted reports.

[Final Order VII.4.a] [Mandatory Condition OAR 345-026-0080(1)]

- b. In the annual report, the certificate holder shall include the following information for the calendar year preceding the date of the report:

- i. Facility Status: An overview of site conditions, the status of facilities under construction, and a summary of the operating experience of facilities that are in operation. In this section of the annual report, the certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.
- ii. Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.
- iii. Status of Surety Information: Documentation demonstrating that bonds or letters of credit as described in the site certificate are in full force and effect and will remain in full force and effect for the term of the next reporting period.
- iv. Monitoring Report: A list and description of all significant monitoring and mitigation activities performed during the previous year in accordance with site certificate terms and conditions, a summary of the results of those activities and a discussion of any significant changes to any monitoring or mitigation program, including the reason for any such changes.
- v. Compliance Report: A description of all instances of noncompliance with a site certificate condition. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.
- vi. Facility Modification Report: A summary of changes to the facility that the certificate holder has determined do not require a site certificate amendment in accordance with OAR 345-027-0050.

[Final Order VII.4.b] [Mandatory Condition OAR 345-026-0080(b)]

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

[Final Order VII.5] [Mandatory Condition OAR 345-026-0105]

- 13.3 The following general monitoring conditions apply:

- a. The certificate holder shall consult with affected state agencies, local governments and tribes and shall develop specific monitoring programs for impacts to resources protected by the standards of Divisions 22 and 24 of OAR Chapter 345 and resources addressed by applicable statutes, administrative rules and local ordinances. The certificate holder must submit the monitoring programs to the

Department of Energy and receive Department approval before beginning construction or, as appropriate, operation of the facility.

- b. The certificate holder shall implement the approved monitoring programs described in Condition 13.3.a and monitoring programs required by permitting agencies and local governments.
- c. For each monitoring program described in Conditions 13.3.a and 13.3.b, the certificate holder shall have quality assurance measures approved by the Department before beginning construction or, as appropriate, before beginning commercial operation.
- d. If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions.

[Final Order VII.2] [Mandatory Condition OAR 345-027-0028]

14.0 RETIREMENT AND FINANCIAL INSURANCE

- 14.1. Before beginning construction, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is either \$6.965 million (in 3rd Quarter 2010 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in Condition 14.1.a below. The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in Condition 14.1.b.
 - a. The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility and turbine types selected. Any revision to the restoration costs should be adjusted to the date of issuance as described in Condition 14.1.b, and is subject to review and approval by the Department.
 - b. The certificate holder shall adjust the amount of the bond or letter of credit, using the following calculation and subject to approval by the Department:
 - i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in 3rd Quarter 2010 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services "Oregon Economic and Revenue Forecast" or by any successor agency (the "Index") and using the 3rd Quarter 2010 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust 3rd Quarter 2010 dollars to present value.

- ii. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.
 - iii. Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of the adjusted Gross Cost (ii) for the adjusted future developments contingency.
 - iv. Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount.
- c. The certificate holder shall use a form of bond or letter of credit approved by the Council.
 - d. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.
 - e. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council required by Condition 13.1.b.
 - f. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

[Final Order IV.F.2.1] [Mandatory Condition OAR 345-027-0020(8)]

- 14.2. If the certificate holder elects to use a bond to meet the requirements of Condition 14.1, the certificate holder shall ensure that the surety is obligated to comply with the requirements of applicable statutes, Council rules and this site certificate when the surety exercises any legal or contractual right it may have to assume construction, operation or retirement of the energy facility. The certificate holder shall also ensure that the surety is obligated to notify the Council that it is exercising such rights and to obtain any Council approvals required by applicable statutes, Council rules and this site certificate before the surety commences any activity to complete construction, operate or retire the energy facility.

[Final Order IV.F.2.2]

- 14.3. The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.

[Final Order IV.F.2.3] [Mandatory Condition OAR 345-027-0020(7)]

- 14.4. The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, non-hazardous condition, as described in OAR 345-027-0110(5). After Council approval of the plan, the certificate holder must obtain the

necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site.

[Final Order IV.F.2.4] [Mandatory Condition OAR 345-027-0020(9)]

- 14.5. The certificate holder is obligated to retire the facility upon permanent cessation of construction or operation. If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the Department to prepare a proposed final retirement plan for the Council's approval.

[Final Order IV.F.2.5] [Mandatory Condition OAR 345-027-0020(16)]

- 14.6. Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit submitted per the requirements of Condition 6.1 to restore the site to a useful, non-hazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any additional cost necessary to restore the site to a useful, non-hazardous condition. After completion of site restoration, the Council shall issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan.

[Final Order IV.F.2.6] [Mandatory Condition OAR 345-027-0020(16)]

- 14.7. Following receipt of the site certificate or an amended site certificate, the certificate holder shall implement a plan that verifies compliance with all site certificate terms and conditions and applicable statutes and rules. As a part of the compliance plan, to verify compliance with the requirement to begin construction by the date specified in the site certificate, the certificate holder shall report promptly to the Department of Energy when construction begins. Construction is defined in OAR 345-001-0010. In reporting the beginning of construction, the certificate holder shall describe all work on the site performed before beginning construction, including work performed before the Council issued the site certificate, and shall state the cost of that work. For the purpose of this exhibit, "work on the site" means any work within a site or corridor, other than surveying, exploration or other activities to define or characterize the site or corridor. The certificate holder shall document the compliance plan and maintain it for inspection by the Department or the Council.

[Final Order VII.3] [Mandatory Condition OAR 345-026-0048]

15.0 SUCCESSORS AND ASSIGNS

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

16.0 SEVERABILITY AND CONSTRUCTION

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

17.0 GOVERNING LAW AND FORUM

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

18.0 EXECUTION

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

IN WITNESS THEREOF, this site certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, and by LotusWorks – Summit Ridge I, LL.

ENERGY FACILITY SITING COUNCIL

LotusWorks – Summit Ridge I, LLC

By: W. Bryan Wolfe

By: [Signature]

W. Bryan Wolfe, Chair

Oregon Energy Facility Siting Council

Print: STEVEN A OSTROWSKI, JR

Date: August 19, 2011

Date: AUGUST 19, 2011