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SECOND AMENDED SITE CERTIFICATE

FOR THE

SUMMIT RIDGE WIND FARM

Issued November 4, 2016
by

OREGON ENERGY FACILITY SITING COUNCIL
625 Marion Street NE
Salem, OR 97301-3737

PHONE: 503-378-4040
FAX: 503-373-7806

Amending the
Site Certificate for the Summit Ridge Wind Farm
of August 7, 2015

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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 **1.0. INTRODUCTION**

2
3 The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Summit
4 Ridge Wind Farm (Summit Ridge) in the manner authorized under ORS Chapter 469. This site
5 certificate is a binding agreement between the State of Oregon (State), acting through the
6 Council, and Summit Ridge Wind, LLC (certificate holder) authorizing the certificate holder to
7 construct and operate the facility in Wasco County, Oregon.

8
9 The findings of fact, reasoning, and conclusions of law underlying the terms and conditions of
10 this site certificate are set forth in the Council’s *Final Order in the Matter of the Application for a*
11 *Site Certificate for the Summit Ridge Wind Farm* (Final Order) issued on August 19, 2011, the
12 Council’s *Amended Final Order in the Matter of the Request for Amendment #1* (Amended
13 Final Order on Amendment 1), and the Council’s *Final Order on the Request for Contested*
14 *Case, Amendment #2 and Request for Transfer of the Site Certificate* (Final Order on
15 Amendment 2), and incorporated herein by this reference. In interpreting this site certificate, any
16 ambiguity will be clarified by reference to the following, in order of priority: (1) this Site
17 Certificate, (2) Final Order on Amendment 2, (3) the Amended Final Order on Amendment 1, (4)
18 the Final Order and (4) the record of the proceedings that led to the Final Order, Amended Final
19 Order on Amendment 1, and Final Order on Amendment 2.

20
21 This site certificate does not address, and is not binding with respect to, matters that were not
22 addressed in the Council’s Final Order, Amended Final Order on Amendment 1, or Final Order
23 on Amendment 2. Such matters include, but are not limited to: building code compliance; wage;
24 hour; and other labor regulations; local government fees and charges; other design or operational
25 issues that do not relate to siting the facility [Oregon Revised Statute (ORS) 469.401(4)]; and
26 permits issued under statutes and rules for which the decision on compliance has been delegated
27 by the federal government to a state agency other than the Council. ORS 469.503(3).

28
29 The obligation of the certificate holder to report information to the Department or the Council
30 under the conditions listed in this site certificate is subject to the provisions of ORS 192.502 *et*
31 *seq.* and ORS 469.560. To the extent permitted by law, the Department and the Council will not
32 publicly disclose information that may be exempt from public disclosure if the certificate holder
33 has clearly labeled such information and stated the basis for the exemption at the time of
34 submitting the information to the Department or the Council. If the Council or the Department
35 receives a request for the disclosure of the information, the Council or the Department, as
36 appropriate, will make a reasonable attempt to notify the certificate holder and will refer the
37 matter to the Attorney General for a determination of whether the exemption is applicable,
38 pursuant to ORS 192.450.

39
40 The Council recognizes that many specific tasks related to the design, construction, operation and
41 retirement of the facility will be undertaken by the certificate holder’s agents or contractors.
42 Nevertheless, the certificate holder is responsible for ensuring compliance with all provisions of
43 the site certificate.

44
45 The definitions in ORS 469.300 and OAR 345-001-0010 apply to terms used in this site
46 certificate, except where otherwise stated, or where the context clearly indicates otherwise.

1
2 **2.0. SITE CERTIFICATION**
3

- 4 2.1. To the extent authorized by state law and subject to the conditions set forth herein, the
5 State authorizes the certificate holder to construct, operate, and retire a wind energy
6 facility, together with certain related or supporting facilities, at the site in Wasco
7 County, Oregon, as described in Section 3.0 of this site certificate.
8 [ORS 469.401(1)]
9
- 10 2.2. This site certificate is effective until 1) it is terminated under OAR 345-027-0110 or the
11 rules in effect on the date that termination is sought; or 2) until the site certificate is
12 revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect
13 on the date that revocation is ordered.
14 [ORS 469.401(1)]
15
- 16 2.3. Both the State and the certificate holder shall abide by local ordinances, state law, and
17 the rules of the Council in effect on the date this site certificate is executed. ORS
18 469.401(2). In addition, upon a clear showing of a significant threat to public health,
19 safety, or the environment that requires application of later-adopted laws or rules, the
20 Council may require compliance with such later-adopted laws or rules.
21 [ORS 469.401(2)]
22
- 23 2.4. For a permit, license, or other approval addressed in and governed by this site
24 certificate, the certificate holder shall comply with applicable state and federal laws
25 adopted in the future to the extent that such compliance is required under the respective
26 state agency statutes and rules.
27 [ORS 469.401(2)]
28
- 29 2.5. Subject to the conditions herein, this site certificate binds the State and all counties,
30 cities, and political subdivisions in Oregon as to the approval of the site and the
31 construction, operation, and retirement of the facility as to matters that are addressed in
32 and governed by this site certificate.
33 [ORS 469.401(3)]
34
- 35 2.6. Each affected state agency, county, city, and political subdivision in Oregon with
36 authority to issue a permit, license, or other approval addressed in or governed by this
37 site certificate shall, upon submission of the proper application and payment of the
38 proper fees, but without hearings or other proceedings, issue such permit, license, or
39 other approval subject only to conditions set forth in this site certificate.
40 [ORS 469.401(3)]
41
- 42 2.7. After issuance of this site certificate, each state agency or local government agency that
43 issues a permit, license, or other approval for the facility shall continue to exercise
44 enforcement authority over such permit, license, or other approval.
45 [ORS 469.401(3)]
46

- 1
2 2.8. After issuance of this site certificate, the Council shall have continuing authority over
3 the site and may inspect, or direct the Oregon Department of Energy (Department) to
4 inspect, or request another state agency or local government to inspect, the site at any
5 time in order to ensure that the facility is being operated consistently with the terms and
6 conditions of this site certificate.
7 [ORS 469.430]
8
- 9 2.9. The certificate holder shall request an amendment of the site certificate to increase the
10 combined peak generating capacity of the facility beyond 194.4 megawatts, to increase
11 the number of wind turbines to more than 72 wind turbines or to install wind turbines
12 with a hub height greater than 91 meters, a blade tip height greater than 152 meters or a
13 blade tip clearance less than 18 meters above ground.
14 [Final Order on Amendment 2] [Mandatory Condition OAR 345-027-0020(3)]
15
- 16 2.10. Before any transfer of ownership of the facility or ownership of the site certificate
17 holder, the certificate holder shall inform the Department of the proposed new owners.
18 The requirements of OAR 345-027-0100 apply to any transfer of ownership that
19 requires a transfer of the site certificate.
20 [Final Order IV.B.2.8] [Mandatory Condition OAR 345-027-0020(15)]
21
- 22 2.11. Any matter of non-compliance under the site certificate shall be the responsibility of the
23 certificate holder. Any notice of violation issued under the site certificate shall be
24 issued to the certificate holder. Any civil penalties assessed under the site certificate
25 shall be levied on the certificate holder.
26 [Final Order IV.B.2.5]
27
- 28 2.12. Within 72 hours after discovery of conditions or circumstances that may violate the
29 terms or conditions of the site certificate, the certificate holder shall report the
30 conditions or circumstances to the Department.
31 [Final Order IV.B.2.7]
32
- 33 2.13. The Council shall not change the conditions of this site certificate except as provided
34 for in OAR Chapter 345, Division 27.
35 [Final Order VII.1] [Mandatory Condition OAR 345-027-0020(1)]
36
- 37 2.14. Following the completion of surveys required by this site certificate, the Department
38 will present the results of those surveys and required consultations at the next regularly
39 scheduled Council meeting.
40 [Added at the August 7, 2015 Energy Facility Siting Council Meeting]
41

1 **3.0 DESCRIPTION OF FACILITY**

2
3 **LOCATION AND SITE BOUNDARY**

4
5 Summit Ridge is located in Wasco County, Oregon approximately 17 miles southeast of The
6 Dalles, and eight miles east of Dufur, Oregon. The facility site boundary encompasses
7 approximately 11,000 acres on private land subject to long-term wind energy leases with the
8 landowners.

9
10 As defined by OAR 345-001-0010, the “site boundary” is the perimeter of the site of the energy
11 facility, its related or supporting facilities, all temporary laydown and staging areas and all
12 corridors and micrositing corridors. The Summit Ridge turbines will be located within
13 micrositing corridors approximately 1,300 feet wide.

14
15 **THE ENERGY FACILITY**

16
17 Summit Ridge has a combined peak generating capacity of 194.4 megawatts (MW). The facility
18 consists of up to 72 wind turbine generators.

19
20 Turbines will be mounted on tubular steel towers no greater than 91 meters (299 feet) tall at the
21 turbine hub, with a maximum blade tip height no greater than 152 meters (499 feet) and a
22 minimum blade tip clearance of no less than 18 meters (59 feet) above the ground. Turbines
23 include a nacelle that houses the generator and gearbox, and supports the rotor and blades at the
24 hub. A gravel turbine pad area would surround the base of each concrete turbine foundation. A
25 step-up transformer increases the output voltage of each wind turbine generator to the voltage of
26 the power collection system. The step-up transformer will be installed on its own concrete pad at
27 the base of each wind turbine tower, or located in the nacelle, depending on the final turbine
28 model selected.

29
30 Summit Ridge includes the following related or supporting facilities:

- 31
32
- 33 ● Power collection system
 - 34 ● Collector substation
 - 35 ● 230-kV transmission line
 - 36 ● Supervisory Control and Data Acquisition (SCADA) System
 - 37 ● Operations and maintenance (O&M) facility
 - 38 ● Meteorological (met) towers
 - 39 ● Access roads
 - 40 ● Temporary roadway modifications
 - 41 ● Additional temporary construction areas (including laydown areas, crane paths, and a
42 concrete batch plant)

43 **POWER COLLECTION SYSTEM**

44
45 Power from each turbine will be transmitted via the approximately 49-mile collection line system
46 to the collector substation. The new 34.5-kV collection lines will be constructed underground to

1 the extent possible, although up to 10% of the collector lines may be placed aboveground due to
2 site-specific geotechnical or environmental considerations. Aboveground segments would be
3 supported by H-frame wood poles approximately 55 feet in height.

4 5 **COLLECTOR SUBSTATION**

6
7 The 34.5 kV collector line system will link each turbine to the facility collector substation, which
8 will step up the power from 34.5 kV to 230 kV. The centrally-located collector substation will
9 occupy approximately five acres, surrounded by a graveled, fenced area.

10 11 **230 KV TRANSMISSION LINE**

12
13 A new overhead 230 kV transmission feeder line approximately eight miles in length connects
14 the facility's collector substation to the regional grid at a substation operated by the Bonneville
15 Power Administration (BPA). The 230 kV transmission line runs northwest from the collector
16 substation for approximately two miles, then almost due west for another six miles to the BPA
17 substation, connecting with BPA's 500 kV "Big Eddy to Maupin-Redmond" transmission line.

18
19 The Summit Ridge transmission line will be supported on wooden H-frame poles that are 70 feet
20 in height and spaced approximately 800 feet apart. The right-of-way for the transmission line is
21 approximately 150 feet wide.

22
23 BPA will be responsible for the operation and maintenance of the interconnection facility. If the
24 Summit Ridge facility ceases operation and a decommissioning/retirement plan is implemented,
25 the transmission system operator is not obliged under this site certificate to dismantle the
26 interconnection station, which will also be used to serve other customers.

27 28 **SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM**

29
30 A SCADA system will be installed at the facility to enable remote operation and collect operating
31 data for each wind turbine, and archive wind and performance data. The SCADA system will be
32 linked via fiber optic cables or other means of communication to a central computer in the O&M
33 building. SCADA system wires will be installed in the collector line underground trenches, or
34 overhead as necessary with the collector line.

35 36 **OPERATIONS AND MAINTENANCE (O&M) FACILITY**

37
38 One permanent O&M facility will be located within the five-acre facility collector substation site,
39 and will include up to 10,000 square feet of enclosed space for office and workshop areas, a
40 control room, and kitchen and sanitary facilities. The O&M facility will have an adjacent
41 graveled parking area and an approximately 300-foot by 300-foot fenced storage area. The
42 Facility will also include an on-site well and septic system. Domestic water needs for the O&M
43 facility will be served by an on-site well and septic system.

1 **METEOROLOGICAL TOWERS**

2
3 A maximum of three permanent un-guyed meteorological towers will be placed within the site
4 boundary to collect wind resource data (these towers will replace seven existing temporary
5 towers). The met towers will be the same height as the hub of the turbines, approximately 80
6 meters (263 feet) tall. Met tower foundations may be constructed as deep as 40 feet, depending
7 on soil conditions and geotechnical engineering requirements.

8
9 **ACCESS ROADS**

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

16
17 **TEMPORARY ROADWAY MODIFICATIONS**

18
19 Approximately six miles of existing private roads will be upgraded to accommodate construction
20 and operation of the facility. Where needed, existing roads will be improved to 20-foot wide
21 graveled surfaces with 10-foot compacted shoulders to accommodate construction equipment and
22 cranes. After the completion of construction, improved roads within the site boundary will be
23 restored to a total width of 20-feet for general use during facility operation.

24
25 **ADDITIONAL CONSTRUCTION AREAS**

26
27 During construction, up to six temporary laydown areas will be used for the delivery and staging
28 of wind turbine components and other equipment and materials, as well as the staging of
29 construction trailers for the construction crews. Five of the six temporary laydown areas will be
30 located on approximately four acres, covered with gravel, which will be removed following
31 completion of facility construction. The sixth temporary laydown area will encompass the
32 permanent five-acre collector substation and O&M site. Concrete for construction of the facility
33 would be obtained from an on-site concrete batch plant to be located on a graveled 2-acre site
34 within the site boundary.

35

1 **4.0. GENERAL ADMINISTRATIVE CONDITIONS**

2
3 4.1. The certificate holder shall begin construction of the facility by August 19, 2018. The
4 Council may grant an extension of the deadline to begin construction in accordance
5 with OAR 345-027-0030 or any successor rule in effect at the time the request for
6 extension is submitted.
7 [Final Order on Amendment 2] [Mandatory Condition OAR 345-027-0020(4)]
8

9 4.2. The certificate holder shall complete construction of the facility by August 19, 2021.
10 Construction is complete when: 1) the facility is substantially complete as defined by
11 the certificate holder’s construction contract documents, 2) acceptance testing has been
12 satisfactorily completed; and 3) the energy facility is ready to begin continuous
13 operation consistent with the site certificate. The certificate holder shall promptly notify
14 the Department of the date of completion of construction. The Council may grant an
15 extension of the deadline for completing construction in accordance with OAR 345-
16 027-0030 or any successor rule in effect at the time the request for extension is
17 submitted.
18 [Final Order on Amendment 2] [Mandatory Condition OAR 345-027-0020(4)]
19

20 4.3. The certificate holder shall submit a legal description of the site to the Department of
21 Energy within 90 days after beginning operation of the facility. The legal description
22 required by this rule means a description of metes and bounds or a description of the
23 site by reference to a map and geographic data that clearly and specifically identifies the
24 outer boundaries that contain all parts of the facility.
25 [Final Order III.D.3] [Mandatory Condition OAR 345-027-0020(2)]
26

27 4.4. The certificate holder shall design, construct, operate and retire the facility:
28 a. Substantially as described in the site certificate;
29 b. In compliance with the requirements of ORS Chapter 469, applicable Council rules,
30 and applicable state and local laws, rules and ordinances in effect at the time the site
31 certificate is issued; and
32 c. In compliance with all applicable permit requirements of other state agencies.
33 [Final Order III.D.4] [Mandatory Condition OAR 345-027-0020(3)]
34

35 4.5. The certificate holder shall construct the turbines and transmission line within the
36 corridor locations set forth in Exhibit C of the application for site certificate, subject to
37 the conditions of this site certificate.
38 [Final Order III.D.8] [Mandatory Condition OAR 345-027-0023(5)]
39

40 4.6. The certificate holder shall obtain all necessary federal, state, and local permits or
41 approvals required for construction, operation, and retirement of the facility or ensure
42 that its contractors obtain the necessary federal, state, and local permits or approvals.
43 [Final Order IV.B.2.4]
44

1 **5.0. PRE-CONSTRUCTION REQUIREMENTS**
2

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

5
6 5.1. Before beginning construction, the certificate holder shall notify the Department of the
7 identity and qualifications of the major design, engineering and construction
8 contractor(s) for the facility. The certificate holder shall select contractors that have
9 substantial experience in the design, engineering and construction of similar facilities.
10 The certificate holder shall report to the Department any change of major contractors.
11 [Final Order IV.B.2.1]
12

13 5.2. The certificate holder shall contractually require all construction contractors and
14 subcontractors involved in the construction of the facility to comply with all applicable
15 laws and regulations and with the terms and conditions of the site certificate. Such
16 contractual provisions shall not operate to relieve the certificate holder of responsibility
17 under the site certificate.
18 [Final Order IV.B.2.2]
19

20 5.3. Before beginning construction, the certificate holder shall ensure that participating
21 landowners obtain a Farm-Forest Management Easement. The landowner is required to
22 sign and record in the deed records for the county a document binding the landowner,
23 and the landowner’s successors in interest, prohibiting them from pursuing a claim for
24 relief or case of action alleging injury from farming or forest practices for which no
25 action or claim is allowed under ORS 30.936 or 30.937.
26 [Final Order IV.D.2.4] [WCLUDO section 3.210(H)]
27

28 5.4. Before beginning construction, the certificate holder shall submit a Notice of Proposed
29 Construction or Alteration to the Federal Aviation Administration (FAA) and the
30 Oregon Department of Aviation identifying the proposed final locations of turbine
31 towers and meteorological towers, and shall provide to the Department copies of a
32 Determination of No Hazard for all turbine towers and meteorological towers or an
33 equivalent determination to confirm that the structures comply with applicable FAA
34 and Oregon Department of Aviation air hazard rules. The certificate holder shall
35 promptly notify the Department of the responses from the FAA and Oregon Department
36 of Aviation.
37 [Amended Final Order on Amendment 1 IV.K.2.4]
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- 1 5.5. Before beginning construction, the certificate holder shall provide to the Department a
2 description of the turbine types selected for the facility demonstrating compliance with
3 this condition. The certificate holder may select turbines of any type, subject to the
4 following restrictions and compliance with all other site certificate conditions:
5 a. The total number of turbines at the facility must not exceed 72 turbines.
6 b. The combined peak generating capacity of the facility must not exceed 194.4
7 megawatts.
8 c. The turbine hub height must not exceed 91 meters and the maximum blade tip height
9 must not exceed 152 meters above grade.
10 d. The minimum blade tip clearance must be 18 meters above ground.
11 [Final Order on Amendment 2] [Mandatory Condition OAR 345-027-0020(3)]
12
- 13 5.6. Before beginning construction the certificate holder shall obtain approval of a final
14 Revegetation and Weed Control Plan [based upon the draft plan included as Attachment
15 E of the *Final Order on Amendment #2*] from the Department, in consultation with the
16 Wasco County Weed Department and ODFW, to control the introduction and spread of
17 noxious weeds, and shall implement that approved plan during all phases of
18 construction and operation of the facility.
19 [Final Order on Amendment #2] [WCLUDO Section 3.210(J)(17)(5)]
20
- 21 5.7. Except as necessary for the initial survey or as otherwise allowed for wind energy
22 facilities, transmission lines or pipelines under OAR 345-027-0020, the certificate
23 holder shall not begin construction, as defined in OAR 345-001-0010, or create a
24 clearing on any part of the site until the certificate holder has construction rights on all
25 parts of the site. For the purpose of this rule, “construction rights” means the legal right
26 to engage in construction activities. For wind energy facilities, transmission lines or
27 pipelines, if the certificate holder does not have construction rights on all parts of the
28 site, the certificate holder may nevertheless begin construction, as defined in OAR 345-
29 001-0010, or create a clearing on a part of the site if the certificate holder has
30 construction rights on that part of the site and:
31 a. The certificate holder would construct and operate part of the facility on that part of
32 the site even if a change in the planned route of the transmission line or pipeline
33 occurs during the certificate holder’s negotiations to acquire construction rights on
34 another part of the site; or
35 b. The certificate holder would construct and operate part of a wind energy facility on
36 that part of the site even if other parts of the facility were modified by amendment of
37 the site certificate or were not built.
38 [Final Order III.D.6] [Mandatory Condition OAR 345-027-0020(5)]
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- 1 5.8. Before beginning construction, the certificate holder shall conduct a site-specific
2 geotechnical investigation and shall report its findings to the Oregon Department of
3 Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder
4 shall conduct the geotechnical investigation after consultation with DOGAMI and in
5 general accordance with DOGAMI open file report 00-04 “Guidelines for Engineering
6 Geologic Reports and Site-Specific Seismic Hazard Reports.”
7 [Final Order V.A.2.1]
8
- 9 5.9. Before beginning construction of any new State Highway approaches or utility
10 crossings, the certificate holder shall obtain all required permits from the Oregon
11 Department of Transportation (ODOT) subject to the applicable conditions required by
12 OAR Chapter 734, Divisions 51 and 55. The certificate holder shall submit the
13 necessary application or applications in a form satisfactory to ODOT and the
14 Department for the location, construction and maintenance of approaches to State
15 Highway 197 for access to the site. The certificate holder shall submit the necessary
16 application or applications in a form satisfactory to ODOT and the Department for the
17 location, construction and maintenance of collector cables or transmission lines
18 crossing Highway 197.
19 [Final Order V.C.2.12]
20
- 21 5.10. Before beginning construction, the certificate holder shall notify the Department in
22 advance of any work on the site that does not meet the definition of “construction” in
23 ORS 469.300 (excluding surveying, exploration, or other activities to define or
24 characterize the site) and shall provide to the Department a description of the work and
25 evidence that its value is less than \$250,000.
26 [Final Order IV.B.2.6]
27
- 28 5.11. Prior to the beginning of construction a Road Impact Assessment/Geotechnical Report
29 for roads to be used by the project shall be submitted to the Department and Wasco
30 County. Said report should include an analysis of project-related traffic routes to be
31 used during phases of construction, project operation and decommissioning. These
32 reports shall be incorporated into a Road Use Agreement with the County.
33 [Amended Final Order on Amendment 1 V.C.2.17]
34
- 35 5.12. Prior to beginning construction of new access roads, the certificate holder shall obtain
36 any Road Approach Permit(s) that may be required by the Wasco County Public
37 Works Department.
38 [Final Order on Amendment 2]
39
- 40 5.13. Prior to beginning construction, the certificate holder shall obtain any Utility Permit(s)
41 that may be required by the Wasco County Public Works Department.
42 [Final Order on Amendment 2]
43
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1 5.14. Before beginning construction, the certificate holder shall provide to the Department
2 evidence demonstrating that the certificate holder has obtained a guarantee from the
3 turbine manufacturer for those turbines located within one mile of the boundaries of the
4 Deschutes Federal Wild and Scenic River and the Deschutes State Scenic Waterway
5 that the maximum sound power of those turbines would not exceed 109 dBA plus 2 dB
6 uncertainty when measured according to IEC (International Electrotechnical
7 Commission) 61400-11:2002 ed. 2. No turbine shall be located closer than 0.72 miles
8 from any protected area.
9

10 **6.0. DESIGN, CONSTRUCTION, AND OPERATIONS**

11
12 6.1. During construction, the certificate holder shall have a full-time, on-site assistant
13 construction manager who is qualified in environmental compliance to ensure
14 compliance with all site certificate conditions. The certificate holder shall notify the
15 Department of the name, telephone number, and e-mail address of this person prior to
16 the start of construction and immediately upon any change in the contact information.
17 [Final Order IV.B.2.3]
18

19 6.2. The certificate holder shall provide portable toilets for on-site sewage handling during
20 construction and shall ensure that they are pumped and cleaned regularly by a licensed
21 contractor who is qualified to pump and clean portable toilet facilities.
22 [Final Order V.C.2.1]
23

24 6.3. The certificate holder shall implement a waste management plan during construction
25 that includes but is not limited to the following measures:
26 a. Recycling steel and other metal scrap.
27 b. Recycling wood waste.
28 c. Recycling packaging wastes such as paper and cardboard.
29 d. Collecting non-recyclable waste for transport to a local landfill by a licensed water
30 hauler.
31 e. Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent
32 materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for
33 disposal by a licensed firm specializing in the proper recycling or disposal of
34 hazardous wastes.
35 f. Confining concrete delivery truck rinse-out to a designated wash-out area and burying
36 other concrete waste as part of backfilling.
37 [Final Order V.D.2.1]
38

39 6.4. The certificate holder shall install the 34.5-kV collector system underground to the
40 extent practical. The certificate holder shall install underground lines at a minimum
41 depth of three feet. Based on geotechnical conditions or other engineering
42 considerations, the certificate holder may install segments of the collector system
43 aboveground, but the total length of aboveground segments must not exceed five miles.
44 [Final Order VI.D.2.1]
45
46

- 1 6.5. In advance of, and during, preparation of detailed design drawings and specifications
2 for the 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with
3 the Utility Safety and Reliability Section of the Oregon Public Utility Commission to
4 ensure that the designs and specifications are consistent with applicable codes and
5 standards.
6 [Final Order VI.D.2.3]
7
- 8 6.6. The certificate holder must design, construct and operate the transmission line in
9 accordance with the requirements of the 2012 Edition of the National Electrical Safety
10 Code approved on June 3, 2011.
11 [Final Order on Amendment 2] [Mandatory Condition OAR 345-027-0023(4)(a)]
12
- 13 6.7. The certificate holder shall consult with the Wasco Electric Cooperative during the
14 design, construction, and operation of the Summit Ridge Wind Farm to ensure that the
15 integrity and reliability of the power grid in Wasco County is maintained.
16 [Final Order VI.D.2.4]
17
- 18 6.8. The certificate holder shall design and construct the facility in accordance with
19 requirements set forth by the Oregon Building Codes Division and any other applicable
20 codes and design procedures.
21 [Final Order V.A.2.4]
22
- 23 6.9. To protect wetlands and waterways, the certificate holder shall construct the proposed
24 facility substantially as described in the Final Order. Specifically, the certificate holder
25 shall not remove material from waters of the State or add new fill material to waters of
26 the State such that the total volume of removal and fill exceeds 50 cubic yards for the
27 project as a whole.
28 [Final Order VI.B.2.1]
29
- 30 6.10. The certificate holder shall design, engineer and construct the facility to avoid dangers
31 to human safety presented by non-seismic hazards. As used in this condition, “non-
32 seismic hazards” include settlement, landslides, flooding and erosion.
33 [Final Order V.A.2.5]
34
- 35 6.11. The certificate holder shall design, engineer and construct the facility to avoid dangers
36 to human safety presented by seismic hazards affecting the site that are expected to
37 result from all maximum probable seismic events. “Seismic hazard” includes ground
38 shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault
39 displacement and subsidence.
40 [Final Order V.A.2.6] [Mandatory Condition OAR 345-027-0020(12)]
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1 6.12. The certificate holder shall design and construct the facility using the minimum land
2 area necessary for safe construction and operation. The certificate holder shall locate
3 access roads and temporary construction laydown and staging areas to minimize
4 disturbance of farming practices and, wherever feasible, shall place turbines and
5 transmission interconnection lines along the margins of cultivated areas to reduce the
6 potential for conflict with farm operations.

7 [Final Order IV.D.2.7] [WCLUDO Section 3.210(J)(17)(5)]
8

9 6.13. The certificate holder shall notify the Department, the State Building Codes Division
10 and DOGAMI promptly if site investigations or trenching reveal that conditions in the
11 foundation rocks differ significantly from those described in the application for a site
12 certificate. After the Department receives the notice, the Council may require the
13 certificate holder to consult with the DOGAMI and the Building Codes Division and to
14 propose mitigation actions.

15 [Final Order V.A.2.2] [Mandatory Condition OAR 345-027-0020(13)]
16

17 6.14. The certificate holder shall notify the Department, the State Building Codes Division
18 and DOGAMI promptly if shear zones, artesian aquifers, deformations or clastic dikes
19 are found at or in the vicinity of the site.

20 [Final Order V.A.2.3] [Mandatory Condition OAR 345-027-0020(14)]
21

22 6.15. To reduce the visual impact of the facility, the certificate holder shall:

23 a. Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity,
24 neutral gray, white, or off-white color.

25 b. Paint the substation structures in a low-reflectivity neutral color to blend with the
26 surrounding landscape.

27 c. Not allow any advertising to be used on any part of the facility.

28 d. Use only those signs required for facility safety, required by law or otherwise
29 required by this site certificate, except that the certificate holder may erect a sign
30 near the O&M building to identify the facility, may paint turbine numbers on each
31 tower and may allow unobtrusive manufacturers' logos on turbine nacelles.

32 e. Maintain any signs allowed under this condition in good repair.

33 [Final Order IV.I.2.1]
34

35 6.16. The certificate holder shall design and construct the O&M building to be generally
36 consistent with the character of similar buildings used by commercial farmers or
37 ranchers in the area and shall paint the building in a low-reflectivity, neutral color to
38 blend with the surrounding landscape.

39 [Final Order IV.I.2.2]
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1 6.17. The certificate holder shall design and construct new access roads and private road
2 improvements to standards approved by the Wasco County Road Department. Where
3 modifications of County roads are necessary, the certificate holder shall construct the
4 modifications entirely within the County road rights-of-way and in conformance with
5 County road design standards subject to the approval of the Wasco County Road
6 Department. Where modifications of State roads or highways are necessary, the
7 certificate holder shall construct the modifications entirely within the public road rights-
8 of-way and in conformance with ODOT standards subject to the approval of ODOT.
9 [Final Order V.C.2.13]

10
11 6.18. The certificate holder shall cooperate with the Wasco County Public Works
12 Department to ensure that any unusual damage or wear to county roads that is caused
13 by construction of the facility is repaired by the certificate holder. Upon completion of
14 construction, the certificate holder shall restore public roads to pre-construction
15 condition or better to the satisfaction of the applicable county departments.
16 [Final Order V.C.2.14]

17
18 6.19. During construction of the facility, the certificate holder shall implement measures to
19 reduce traffic impacts, including:
20 a. Providing notice to adjacent landowners when heavy construction traffic is
21 anticipated.
22 b. Providing appropriate traffic safety signage and warnings.
23 c. Requiring flaggers to be at appropriate locations at appropriate times during
24 construction to direct traffic reduce accident risks.
25 d. Using traffic diversion equipment (such as advance signage and pilot cars) when
26 slow or oversize construction loads are anticipated.
27 e. Maintaining at least one travel lane at all times to the extent reasonably possible so
28 that roads will not be closed to traffic because of construction vehicles.
29 f. Encouraging carpooling for the construction workforce.
30 g. Including traffic control procedures in contract specifications for construction of the
31 facility.
32 h. Keeping Highway 197 free of gravel that tracks out onto the highway at facility
33 access points.
34 [Final Order V.C.2.15]

35
36 6.20. The certificate holder shall ensure that no equipment or machinery is parked or stored
37 on any County road whether inside or outside the site boundary. The certificate holder
38 may temporarily park equipment off the road but within County rights-of-way with the
39 approval of the County Roadmaster.
40 [Final Order V.C.2.16]

41
42 6.21. The height of the proposed Operations and Maintenance building shall not exceed 35
43 feet in height.
44 [Final Order IV.D.2.1] [WCLUDO Section 3.210(F)(2)]
45
46

- 1 6.22. Signage for the proposed facility shall conform to the following requirements:
2 a. The certificate holder shall install the following signs at the facility:
3 i. "No Trespassing" signs shall be attached to any perimeter fence;
4 ii. "Danger" signs shall be posted at the height of five feet on turbine towers and
5 accessory structures;
6 iii. A sign shall be posted on the tower showing an emergency telephone
7 number; and
8 iv. Manual electrical and/or overspeed shutdown disconnect switch(es) shall be
9 clearly labeled.

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

- 11 b. Signage installed in accordance with Condition 6.22.a shall meet the following
12 requirements:

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

28 [Final Order IV.D.2.2] [WCLUDO Section 3.210(F)(4)]
29

- 30 6.23. Except as necessary to meet the requirements of the Federal Aviation Administration to
31 warn aircraft of obstructions, the certificate holder shall design and implement a
32 lighting plan to ensure that all outdoor lighting is directed downward, limited in
33 intensity, and is shielded and hooded to prevent light from projecting onto adjacent
34 properties, roadways, and waterways. Shielding and hooding materials shall be
35 composed of nonreflective, opaque materials.

36 [Final Order IV.D.2.3] [WCLUDO section 3.210(F)(4)]
37

- 38 6.24. The certificate holder shall be responsible for restoring, as nearly as possible, to its
39 former condition any agricultural land and associated improvements that are damaged
40 or otherwise disturbed by the siting, maintenance, repair or reconstruction of the
41 facility.

42 [Final Order IV.D.2.5] [WCLUDO Section 3.210(J)(8)(c)]
43
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1 6.25. The certificate holder shall consult with area landowners and lessees during
2 construction and operation of the facility and shall implement measures to reduce or
3 avoid any adverse impacts to farm practices on surrounding lands and to avoid any
4 increase in farming costs.

5 [Final Order IV.D.2.6] [WCLUDO Sections 5.020(J) and 5.020(K)]
6

7 6.26. The certificate holder shall not use exterior nighttime lighting except:

8 a. The minimum turbine tower lighting required or recommended by the Federal
9 Aviation Administration.

10 b. Safety and security lighting at the O&M facility and substation, if such lighting is
11 shielded or downward-directed to reduce offsite glare.

12 [Final Order IV.I.2.3]
13

14 6.27. The certificate holder shall design, construct and operate the facility in a manner to
15 ensure that the facility avoids any material signal interference with communication
16 systems such as, but not limited to, radio, telephone, television, satellite, microwave or
17 emergency communication systems. Should any material interference occur, the
18 certificate holder must develop and implement a mitigation plan in consultation with the
19 Department.

20 [Amended Final Order on Amendment 1 IV.D.2.9]
21

22 6.28. During facility design and construction, the certificate holder shall comply with the
23 following turbine setback distances, as measured from the centerline of the turbine to
24 the edge of the dwelling, as set forth below.

25 a. Except as provided in subsection (b) of this condition, wind turbines shall be set back
26 from the property line of any abutting property not part of the project (non-project
27 boundaries), the right-of-way of any dedicated road, and any above ground major
28 utility facility line a minimum of 1.5 times the blade tip height of the wind turbine
29 tower. Wind turbines shall be set back from any above ground minor utility facility
30 line a minimum of 1.1 times the blade tip height of the wind turbine tower.

31 b. Wind turbine tower numbers 21, 22, 23, 24, 26, 27, 28, 29, 30, 54, 55, 56, 57, 58, 59,
32 60, and 61 shall be set back a minimum of 1.1 times the blade tip height of the wind
33 turbine tower from the right-of-way of any dedicated road within the site boundary.

34 c. Wind turbines must be setback a minimum of 1 mile (5,280 feet) from all non-
35 resource zoned property boundaries located outside of urban growth boundaries or
36 urban reserves (as measured from the centerline of the turbine to the edge of the
37 property boundary zoned for non-resource purposes, e.g. rural residential).

38 [Final Order on Amendment 2]
39

40 6.29. The certificate holder must maintain all access roads for all-weather use to assure
41 adequate, safe and efficient emergency vehicle and maintenance vehicle access to the
42 site.

43 [Amended Final Order on Amendment 1 V.C.2.18]
44
45
46

- 1 6.30. The certificate holder shall submit a legal description of the site to the Wasco County
2 GIS Department upon the beginning operation of the facility. This information shall
3 include the actual latitude and longitude or Oregon State Plane North American Datum
4 1983 (NAD83) High Accuracy Reference Network (HARN) coordinates of each turbine
5 tower, support structures for the 34.5-kV collector lines and 230-kV transmission line,
6 and other related and supporting facilities. The certificate holder may provide the
7 information in a GIS layer based on the geospatial data that includes all characteristics
8 of spatial features of the facility site boundary. The certificate holder shall confer with
9 the Department prior to submittal of GIS-based information.
10 [Amended Final Order on Amendment 1 IV.D.2.11]
11
- 12 6.31. During facility construction and operation, the certificate holder shall report to the
13 Department, within 7 days, any change in the corporate structure of the parent
14 company, Summit Ridge Wind Holdings, LLC. The certificate holder shall report
15 promptly to the Department any change in its access to the resources, expertise, and
16 personnel of Summit Ridge Wind Holdings, LLC.
17 [Final Order on Amendment 2]
18
- 19 6.32 During facility design and construction, the certificate holder shall ensure that the
20 foundations of the turbines, substation, and operations and maintenance building are set
21 back a minimum of 100 feet from any waterbodies designated as fish-bearing, 50 feet
22 from any waterbodies designated as non-fish bearing, and 25 feet from all waterbodies
23 (seasonal or permanent) not identified on any federal, state, or local inventory.
24 [Final Order on Amendment 2]
25
- 26 6.33 During facility design and construction, the certificate holder shall ensure that facility
27 components are not developed within the Environmental Protection District 4 as
28 designated by Wasco County.
29 [Final Order on Amendment 2]
30
- 31 6.34 During facility design and construction, the certificate holder shall ensure that facility
32 components are sited to avoid direct impacts to wetlands and waterways.
33 [Final Order on Amendment 2]
34
35

1 **7.0. PUBLIC HEALTH AND SAFETY**

2
3 7.1. The certificate holder shall construct turbine towers with no exterior ladders or access
4 to the turbine blades and shall install locked tower access doors. The certificate holder
5 shall keep tower access doors locked at all times, except when authorized personnel are
6 present.

7 [Final Order IV.K.2.1]
8

9 7.2. For turbine types having pad-mounted step-up transformers, the certificate holder shall
10 install the transformers at the base of each tower in locked cabinets designed to protect
11 the public from electrical hazards and to avoid creation of artificial habitat for raptor
12 prey.

13 [Final Order IV.K.2.2]
14

15 7.3. To protect the public from electrical hazards, the certificate holder shall enclose the
16 facility substation with appropriate fencing and locked gates.

17 [Final Order IV.K.2.3]
18

19 7.4. The certificate holder shall follow manufacturers' recommended handling instructions
20 and procedures to prevent damage to turbine or turbine tower components that could
21 lead to failure.

22 [Final Order IV.K.2.5]
23

24 7.5. The certificate holder shall have an operational safety-monitoring program and shall
25 inspect all turbine and turbine tower components on a regular basis. The certificate
26 holder shall maintain or repair turbine and turbine tower components as necessary to
27 protect public safety.

28 [Final Order IV.K.2.6]
29

30 7.6. The certificate holder shall install and maintain self-monitoring devices on each turbine,
31 linked to sensors at the operations and maintenance building, to alert operators to
32 potentially dangerous conditions, and the certificate holder shall immediately remedy
33 any dangerous conditions. The certificate holder shall maintain automatic equipment
34 protection features in each turbine that would shut down the turbine and reduce the
35 chance of a mechanical problem causing a fire.

36 [Final Order IV.K.2.7]
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- 1 7.7. The certificate holder shall notify the Department of Energy and Wasco County within
2 72 hours of any occurrence involving the facility if:
3 a. There is an attempt by anyone to interfere with its safe operation;
4 b. A natural event such as an earthquake, flood, tsunami or tornado, or a human- caused
5 event such as a fire or explosion affects or threatens to affect the public health and
6 safety or the environment;
7 c. There is a mechanical failure or accident on the site associated with construction or
8 operation of the facility that may result in public health and safety concerns; or
9 d. There is any fatal injury at the facility.

10 [Final Order IV.K.2.8 and OAR 345-026-017]
11

- 12 7.8. During operation, the certificate holder shall discharge sanitary wastewater generated at
13 the Operations and Maintenance building to a licensed on-site septic system in
14 compliance with State of Oregon permit requirements. The certificate holder shall
15 design the septic systems for a discharge capacity of less than 5,000 gallons per day.
16 [Final Order V.C.2.2]
17

- 18 7.9. The certificate holder shall take reasonable steps to reduce or manage human exposure
19 to electromagnetic fields, including but not limited to:

- 20 a. Constructing all aboveground transmission lines at least 200 feet from any residence
21 or other occupied structure, measured from the centerline of the transmission line.
22 b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance
23 of 20 feet from the ground.
24 c. Constructing all aboveground 230-kV transmission lines with a minimum clearance
25 of 25 feet from the ground
26 d. Providing to landowners a map of underground and overhead transmission lines on
27 their property and advising landowners of possible health risks from electric and
28 magnetic fields.
29 e. Designing and maintaining all transmission lines so that alternating current electric
30 fields do not exceed 9-kV per meter at one meter above the ground surface in areas
31 accessible to the public.
32 f. Designing and maintaining all transmission lines so that induced voltages during
33 operation are as low as reasonably achievable.

34 [Final Order VI.D.2.2]
35

- 36 7.10. The certificate holder must develop and implement a program that provides reasonable
37 assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a
38 permanent nature that could become inadvertently charged with electricity are grounded
39 or bonded throughout the life of the line.

40 [Final Order IV.M.2.2] [Site Specific Condition OAR 345-027-0023(4)]
41

- 42 7.11. A current copy of the electrical protection plan developed in compliance with Condition
43 7.10 must be available at the O&M building and provided upon request by ODOE staff.

44 [Final Order IV.M.2.3]
45
46

1 7.12 Prior to construction, the certificate holder shall schedule a time to brief the OPUC
2 Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with
3 OAR Chapter 860, Division 024 during design, construction, operations, and
4 maintenance of the facilities.
5 [Final Order on Amendment 2]
6

7 7.13 During operation, the certificate holder shall:
8 a. Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter
9 860, Division 024 on an ongoing basis considering future operations, maintenance,
10 emergency response, and alterations until facility retirement.
11 b. File the following required information with the Commission:

12 i. Each person who is subject to the Public Utility Commission’s authority
13 under ORS 757.035 and who engages in the operation of an electric power
14 line as described in ORS 757.035 must provide the commission with the
15 following information before January 2 of each even-numbered year:

- 16 a. The name and contact information of the person that is responsible for
17 the operation and maintenance of the electric power line, and for
18 ensuring that the electric power line is safe, on an ongoing basis; and
19 b. The name and contact information of the person who is responsible for
20 responding to conditions that present an imminent threat to the safety
21 of employees, customers and the public.

22 ii. In the event that the contact information described in subsection (a) of this
23 condition changes or that ownership of the electric power line changes, the
24 person who engages in the operation of the electric power line must notify the
25 commission of the change as soon as practicable, but no later than within 90
26 days.

27 iii. If the person described in subsection (a) of this condition is not the public
28 utility, as defined in ORS 757.005, in whose service territory the electric
29 power line is located, the commission shall make the information provided to
30 the commission under subsection (1) of this section available to the public
31 utility in whose service territory the electric power line is located. [2013
32 c.235 §3]

33 c. Provide OPUC Safety Staff with:

- 34 i. Maps and Drawings of routes and installation of electrical supply lines
35 showing:
36 • Transmission lines and structures (over 50,000 Volts)
37 • Distribution lines and structures - differentiating underground and
38 overhead lines (over 600 Volts to 50,000 Volts)
39 • Substations, roads and highways

40 ii. Plan and profile drawings of the transmission lines (and name and contact
41 information of responsible professional engineer).

42 [Final Order on Amendment 2]
43
44
45

1 **8.0. ON-SITE SAFETY AND SECURITY**

2
3 8.1. During construction and operation of the facility, the certificate holder shall provide for
4 on-site security and shall establish good communications between on-site security
5 personnel and the Wasco County Sheriff’s Office. During operation, the certificate
6 holder shall ensure that appropriate law enforcement agency personnel have an up-to-
7 date list of the names and telephone numbers of facility personnel available to respond
8 on a 24-hour basis in case of an emergency on the facility site.
9 [Final Order V.C.2.3]

10
11 8.2. Prior to construction, the certificate holder shall require that all on-site construction
12 contractors develop a site health and safety plan to be implemented during facility
13 construction that informs workers and others on-site about first aid techniques and what
14 to do in case of an emergency and that includes important telephone numbers and the
15 locations of on-site fire extinguishers and nearby hospitals. The certificate holder shall
16 ensure that construction contractors have personnel on-site who are trained and
17 equipped for tower rescue and who are first aid and CPR certified.
18 [Final Order on Amendment 2]

19
20 8.3. Prior to commencing operation, the certificate holder shall develop a site health and
21 safety plan to be implemented during facility operation that informs employees and
22 others on-site about first aid techniques and what to do in case of an emergency and that
23 includes important telephone numbers and the locations of on-site fire extinguishers and
24 nearby hospitals. The certificate holder shall ensure that operations personnel are
25 trained and equipped for tower rescue. The facility must maintain training records and
26 have a current copy of the site health and safety plan on-site and available upon request
27 by the Department of Energy.
28 [Final Order on Amendment 2]

29
30 8.4. Prior to construction, the certificate holder shall develop fire safety plans in
31 consultation with the Columbia Rural Fire District to minimize the risk of fire and to
32 respond appropriately to any fires that occur on the facility site. The plans shall be
33 maintained onsite and implemented throughout construction and operation of the
34 facility. In developing the fire safety plans, the certificate holder shall take into account
35 the dry nature of the region and shall address risks on a seasonal basis. The certificate
36 holder shall meet annually with local fire protection agency personnel to discuss
37 emergency planning and shall invite local fire protection agency personnel to observe
38 any emergency drill or tower rescue training conducted at the facility.
39 [Final Order on Amendment 2]

- 1 8.5. Upon the beginning of operation of the facility, the certificate holder shall provide a site
2 plan to the Columbia Rural Fire District. The certificate holder shall indicate on the site
3 plan the identification number assigned to each turbine and the actual location of all
4 facility structures. The certificate holder shall provide an updated site plan if additional
5 turbines or other structures are later added to the facility. During operation, the
6 certificate holder shall ensure that appropriate fire protection agency personnel have an
7 up-to-date list of the names and telephone numbers of facility personnel available to
8 respond on a 24-hour basis in case of an emergency on the facility site.
9 [Final Order V.C.2.7]
- 10
11 8.6. The certificate holder shall construct turbines and pad-mounted transformers on
12 concrete foundations and shall cover the ground within a 15-foot radius with non-
13 flammable material. The certificate holder shall maintain the non-flammable pad area
14 covering during operation of the facility.
15 [Final Order V.C.2.8]
- 16
17 8.7. During construction and operation of the facility, the certificate holder shall ensure that
18 the O&M building and all service vehicles are equipped with shovels and portable fire
19 extinguishers of a 4A5OBC or equivalent rating.
20 [Final Order V.C.2.9]
- 21
22 8.8. During construction, the certificate holder shall ensure that construction vehicles and
23 equipment are operated on graveled areas to the extent possible and that open flames,
24 such as cutting torches, are kept away from dry grass areas.
25 [Final Order V.C.2.10]
- 26
27 8.9. During operation, the certificate holder shall ensure that all on-site employees receive
28 annual fire prevention and response training by qualified instructors or members of the
29 local fire districts. The certificate holder shall ensure that all employees are instructed to
30 keep vehicles on roads and off dry grassland, except when off-road operation is
31 required for emergency purposes.
32 [Final Order V.C.2.11]
- 33
34

1 **9.0. PROTECTION OF SOIL**

2
3 9.1. The certificate holder shall conduct all construction work in compliance with an
4 Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of
5 Environmental Quality and as required under the National Pollutant Discharge
6 Elimination System (NPDES) Storm Water Discharge General Permit #1200-C. The
7 certificate holder shall include in the ESCP any procedures necessary to meet local
8 erosion and sediment control requirements or storm water management requirement.
9 [Final Order IV.C.2.1]

10
11 9.2. During construction, the certificate holder shall limit truck traffic to improved road
12 surfaces to avoid soil compaction and wind erosion on dirt roads, to the extent
13 practicable.
14 [Final Order IV.C.2.2]

15
16 9.3. During construction, the certificate holder shall implement best management practices
17 to control any dust generated by construction activities, such as applying water to roads
18 and disturbed soil areas.
19 [Final Order IV.C.2.3]

20
21 9.4. The certificate holder shall handle hazardous materials used on the site in a manner that
22 protects public health, safety and the environment and shall comply with all applicable
23 local, state and federal environmental laws and regulations. The certificate holder shall
24 not store diesel fuel or gasoline on the facility site.
25 [Final Order IV.C.2.4]

26
27 9.5. If a spill or release of hazardous material occurs during construction or operation of the
28 facility, the certificate holder shall notify the Department within 72 hours and shall
29 clean up the spill or release and dispose of any contaminated soil or other materials
30 according to applicable regulations. The certificate holder shall make sure that spill kits
31 containing items such as absorbent pads are located on equipment and at the O&M
32 building. The certificate holder shall instruct employees about proper handling, storage
33 and cleanup of hazardous materials.
34 [Final Order IV.C.2.5]

35
36 9.6. Upon completion of construction, the certificate holder shall restore vegetation to the
37 extent practicable and shall landscape all areas disturbed by construction in a manner
38 compatible with the surroundings and proposed use and in compliance with the
39 Revegetation and Weed Control Plan (Exhibit 1 to the Final Order). Upon completion
40 of construction, the certificate holder shall remove all temporary structures not required
41 for facility operation and dispose of all timber, brush, refuse and flammable or
42 combustible material resulting from clearing of land and construction of the facility.
43 [Final Order IV.C.2.6] [Mandatory Condition OAR 345-027-0020(11)]

1 9.7. During operation of the facility, the certificate holder shall restore areas that are
2 temporarily disturbed during facility maintenance or repair activities using the same
3 methods and monitoring procedures described in the Revegetation and Weed Control
4 Plan.
5 [Final Order IV.C.2.7]
6

7 9.8. During facility operation, the certificate holder shall routinely inspect and maintain all
8 transmission line corridors, roads, pads and trenched areas and, as necessary, maintain
9 or repair erosion and sediment control measures and control the introduction and spread
10 of noxious weeds.
11 [Final Order IV.C.2.8]
12
13

1 **10.0. PROTECTION OF NATURAL RESOURCES**
2

3 10.1. Before beginning construction, the certificate holder shall provide to the Department, to
4 the Oregon Department of Fish and Wildlife (ODFW) and to the Planning Director of
5 Wasco County detailed maps of the facility site, showing the final locations where the
6 certificate holder proposes to build facility components, and a table showing the acres
7 of temporary habitat impact by habitat category and subtype and the acres of permanent
8 habitat impact by habitat category and subtype. The detailed maps of the facility site
9 shall indicate the habitat categories of all areas that would be affected during
10 construction. In classifying the affected habitat into habitat categories, the certificate
11 holder shall consult with ODFW. The certificate holder shall not begin ground
12 disturbance in an affected area until the habitat assessment has been approved by the
13 Department. The Department may employ a qualified contractor to confirm the habitat
14 assessment by on-site inspection.
15 [Final Order IV.G.2.1]
16

17 10.2. The certificate holder shall incorporate the design elements listed below into the final
18 facility design to avoid or mitigate impacts to sensitive wildlife habitat:
19 a. Where practicable, facility components and construction areas shall be located to
20 avoid or minimize temporary and permanent impacts to high quality native habitat
21 and to retain habitat cover in the general landscape.
22 b. No facility components may be constructed within areas of Category 1 habitat and
23 temporary disturbance of Category 1 habitat shall be avoided.
24 c. The design of the facility and areas of temporary and permanent disturbance shall
25 avoid impacts to any Category 1 habitat, to any State-listed threatened or endangered
26 plant or wildlife species, and to any State Candidate plant species.
27 [Final Order IV.G.2.2]
28

29 10.3. The certificate holder shall implement measures to avoid or mitigate impacts to
30 sensitive wildlife habitat during construction including, but not limited to, the
31 following:
32 a. Preparing and distributing maps to employees and contractors to show areas that are
33 off-limits to construction personnel, such as nesting or denning areas for sensitive
34 wildlife species;
35 b. Avoiding unnecessary road construction, temporary disturbance and vehicle use;
36 c. Limiting construction work to approved and surveyed areas shown on facility
37 constraint maps; and
38 d. Ensuring that all construction personnel are instructed to avoid driving cross- country
39 or taking short-cuts within the site boundary or otherwise disturbing areas outside of
40 the approved and surveyed construction areas.
41 [Final Order IV.G.2.3]
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- 1 10.4. Prior to construction, the certificate holder shall:
2 a. Select qualified specialists (wildlife biologist/botanist) that have substantial
3 experience in creating, enhancing, and protecting habitat mitigation areas within
4 Oregon;
5 b. Notify the Department of the identity and qualifications of the personnel or
6 contractors selected to implement and manage the habitat mitigation area;
7 c. Acquire the legal right to create, enhance, maintain and protect a habitat mitigation
8 area, as long as the site certificate is in effect, by means of an outright purchase,
9 conservation easement or similar conveyance;
10 d. Develop and submit a final Habitat Mitigation Plan (HMP) for approval by the
11 Department in consultation with ODFW, based upon the draft amended HMP
12 included as Attachment G of the Final Order on Amendment #2. The Council retains
13 the authority to approve, reject or modify the final HMP and any future amendments;
14 and,
15 e. Improve the habitat quality, within the habitat mitigation area, as described in the
16 final HMP, and as amended from time to time.

17 [Final Order on Amendment 2]
18

- 19 10.5. Prior to construction, the certificate holder shall finalize the Wildlife Monitoring and
20 Mitigation Plan (WMMP), based on the draft WMMP included as Attachment F of the
21 *Final Order on Amendment #2*, as approved by the Department in consultation with
22 ODFW. The certificate holder shall conduct wildlife monitoring as described in the
23 final WMMP, as amended from time to time. The final WMMP shall specify that the
24 first long-term raptor nest survey will be conducted in the first raptor nesting season
25 that is at least 5 years after the completion of construction and is in a year that is
26 divisible by five (i.e., 2020, 2025, 2030); the certificate holder shall repeat the survey at
27 5-year intervals thereafter.

28 [Final Order on Amendment 2]
29

- 30 10.6. The certificate holder shall hire a qualified environmental professional to provide
31 environmental training during construction and operation. Environmental training
32 includes information on the sensitive species present onsite, precautions to avoid
33 injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit
34 requirements and other environmental issues. The certificate holder shall instruct
35 construction and operations personnel to report any injured or dead wildlife detected
36 while on the site to the appropriate onsite environmental manager.

37 [Final Order IV.G.2.6]
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1 10.7. Before beginning construction and after considering all micro-siting factors, the
2 certificate holder shall provide to the Department a map showing the final design
3 locations of all components of the facility and the areas that would be disturbed during
4 construction and identifying the survey areas for all plant and wildlife surveys. This
5 information may be combined with the map submitted per the requirements of
6 Condition 10.1. The certificate holder shall hire a qualified professional biologist to
7 conduct a pre-construction plant and wildlife investigation of all areas that would be
8 disturbed during construction that lie outside of the previously surveyed areas. The pre-
9 construction survey shall be planned in consultation with the Department and ODFW,
10 and survey protocols shall be confirmed with the Department and ODFW. Following
11 completion of the field survey, and final layout design and engineering, the certificate
12 holder shall provide the Department and ODFW a report containing the results of the
13 survey, showing expected final location of all facility components, the habitat
14 categories of all areas that will be affected by facility components, and the locations of
15 any sensitive resources. The report shall present in tabular format the acres of expected
16 temporary and permanent impacts to each habitat category, type, and sub-type. The pre-
17 construction survey shall be used to complete final design, facility layout, and
18 micro-siting of facility components. As part of the report, the certificate holder shall
19 include its impact assessment methodology and calculations, including assumed
20 temporary and permanent impact acreage for each transmission structure, wind turbine,
21 access road, and all other facility components. If construction laydown yards are to be
22 retained post construction, due to a landowner request or otherwise, the construction
23 laydown yards must be calculated as permanent impacts, not temporary.
24 [Final Order on Amendment 2]

25
26 10.8. The certificate holder shall reduce the risk of injuries to avian species by:
27 a. Installing turbine towers that are smooth steel structures that lack features that would
28 allow avian perching.
29 b. Installing meteorological towers that are non-guyed structures to eliminate the risk of
30 avian collision with guy-wires.
31 c. Designing and installing all aboveground transmission line support structures
32 following the most current suggested practices for avian protection on power lines
33 published by the Avian Power Line Interaction Committee.
34 [Final Order IV.H.2.1]

35
36 10.9. During facility operation, the certificate holder shall obtain water for on-site uses from
37 an on-site well located near the O&M building. The certificate holder shall construct
38 the on-site well subject to compliance with the provisions of ORS 537.765 relating to
39 keeping a well log. The certificate holder shall not use more than 5,000 gallons of water
40 per day from the on-site well. The certificate holder may use other sources of water for
41 on-site uses subject to prior approval by the Department.
42 [Final Order VI.C.2.1]

1 10.10. During facility operation, if equipment washing becomes necessary, the certificate
2 holder shall ensure that there is no runoff of wash water from the site or discharges to
3 surface waters, storm sewers or dry wells. The certificate holder shall not use acids,
4 bases or metal brighteners with the wash water. The certificate holder may use
5 biodegradable, phosphate-free cleaners sparingly.
6 [Final Order VI.C.2.2]
7

8 10.11. The certificate holder shall implement a waste management plan during operation that
9 includes but is not limited to the following measures:
10 a. Training employees to minimize and recycle solid waste.
11 b. Recycling paper products, metals, glass and plastics.
12 c. Recycling used oil and hydraulic fluid.
13 d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste
14 hauler.
15 e. Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-
16 absorbent materials, mercury-containing lights and lead-acid and nickel- cadmium
17 batteries for disposal by a licensed firm specializing in the proper recycling or
18 disposal of hazardous wastes.
19 [Final Order V.D.2.2]
20

21 10.12 The certificate holder shall not conduct any construction activities on land mapped as
22 Big Game Winter Range by the Oregon Department of Fish and Wildlife between
23 December 1 and April 15.
24 [Amended Final Order on Amendment 1 IV.G.2.2]
25

26 10.13. Prior to the beginning of construction of the facility the certificate holder shall perform
27 new field surveys for threatened and endangered species following the survey protocol
28 set forth in the Northwest Wildlife Consultants Memorandum regarding Endangered
29 and Threatened Plant Species and Raptor Nest Surveys dated October 17, 2014. The
30 certificate holder shall report the results of the field surveys to the Department, ODA
31 and ODFW. If the surveys identify the presence of threatened or endangered species
32 within the survey area, the certificate holder shall implement appropriate measures to
33 avoid a significant reduction in the likelihood of survival or recovery of the species, as
34 approved by the Department, in consultation with ODA and ODFW.
35 [Amended Final Order on Amendment 1 IV.H.2.2]
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1 10.14. The certificate holder shall conduct two (2) seasons of raptor nest surveys with at least
 2 one (1) season of the surveys occurring prior to the beginning of construction. The
 3 raptor nest surveys shall be conducted following the instructions set forth in the Raptor
 4 Nest Survey Protocol for Summit Ridge Wind Farm included as Attachment B to the
 5 First Amended Site Certificate. The certificate holder shall report the results of the field
 6 surveys to the Department and ODFW. If the surveys identify the presence of raptor
 7 nests within the survey area, the certificate holder shall implement appropriate measures
 8 to assure that the design, construction and operation of the facility are consistent with
 9 the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025, as
 10 approved by the Department, in consultation with ODFW.
 11 [Amended Final Order on Amendment 1 IV.G.2.8]
 12

13 10.15. During construction the certificate holder shall observe the raptor nest avoidance
 14 guidelines shown in the following table around known raptor nests in the vicinity of
 15 ground-disturbing construction activities, unless the nest fledges young, the nest fails
 16 (i.e., is abandoned), or the Department in consultation with ODFW approves an
 17 alternative plan.
 18

Species	Disturbance Buffer	Nesting Season – Avoidance Period
Golden eagle	0.25 mile	Feb 1 - Aug 31
Red-tailed hawk	500 feet	Mar 1 - Aug 31
Ferruginous hawk	0.25 mile	Mar 15 - Aug 15
Swainson’s hawk	0.25 mile	April 1 - Aug 15
Prairie Falcon	0.25 mile	Jan 1 - Jul 31
American peregrine falcon	0.5 mile	Mar 15 - Jul 15
American kestrel	0.25 mile	Mar 1 - Jul 31

19 [Final Order on Amendment 2]
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 22

1 **11.0. PROTECTION OF HISTORIC, CULTURAL AND ARCHAEOLOGICAL**
2 **RESOURCES**
3

4 11.1. Before beginning construction, the certificate holder shall label all identified historic,
5 cultural or archaeological resource sites on construction maps and drawings as “no
6 entry” areas. The applicant shall implement a 200 foot buffer for all rock alignment and
7 cairn sites, and shall implement a 100 foot buffer for all other archaeological sites. The
8 certificate holder may use existing private roads within the buffer areas but may not
9 widen or improve private roads within the buffer areas. The no-entry restriction does
10 not apply to public road rights-of-way within the buffer areas.

11 [Final Order Section V.B.2.1]
12

13 11.2. Before beginning construction, the certificate holder shall provide to the Department a
14 map showing the final design locations of all components of the facility, the areas that
15 would be temporarily disturbed during construction and the areas that were previously
16 surveyed as described in the Application for Site Certificate.

17 [Final Order V.B.2.2]
18

19 11.3. The certificate holder shall hire qualified personnel to conduct field investigation of all
20 areas to be disturbed during construction that lie outside the previously-surveyed areas.
21 The certificate holder shall provide a written report of the field investigation to the
22 Department and to the Oregon State Historic Preservation Office (SHPO). If any
23 potentially significant historic, cultural or archaeological resource sites are found during
24 the field investigation, the certificate holder shall instruct all construction personnel to
25 avoid the identified sites and shall implement appropriate measures to protect the sites,
26 including the measures described in Condition 11.5 and in accordance with the
27 Archaeological Monitoring Plan required per Condition 11.6.

28 [Final Order V.B.2.3]
29

30 11.4. The certificate holder shall ensure that a qualified archaeologist, as defined in OAR
31 736-051-0070, instructs construction personnel in the identification of cultural materials
32 and avoidance of accidental damage to identified resource sites. Records of such
33 training shall be maintained at the Operations and Maintenance Building and made
34 available to authorized representatives of the Oregon Department of Energy upon
35 request.

36 [Final Order V.B.2.4]
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- 1 11.5. The certificate holder shall ensure that construction personnel cease all ground-
2 disturbing activities in the immediate area if any archaeological or cultural resources are
3 found during construction of the facility until a qualified archeologist can evaluate the
4 significance of the find. The certificate holder shall notify the Department and SHPO
5 of the find. If the SHPO determines that the resource is significant, the certificate
6 holder shall make recommendations to the Council for mitigation, including avoidance,
7 field documentation and data recovery, in consultation with the Department, SHPO,
8 interested tribes and other appropriate parties. The certificate holder shall not restart
9 work in the affected area until the certificate holder has demonstrated to the Department
10 and the SHPO that it has complied with archaeological resource protection regulations.
11 [Final Order V.B.2.5]
12
- 13 11.6. The certificate holder shall prepare and implement an Archaeological Monitoring Plan
14 for construction and maintenance activities to address and mitigate impacts from
15 exposure of unanticipated or previously unidentified cultural properties that may be
16 exposed during construction or operation of the facility. A current copy of the plan
17 must be maintained at the Operations and Maintenance Building and made available to
18 authorized representatives of the Oregon Department of Energy upon request.
19 [Final Order V.B.2.6]
20

1 **12.0. NOISE CONTROL AND NOISE COMPLAINT RESPONSE**
2

- 3 12.1. To reduce construction noise impacts at nearby residences, the certificate holder shall:
4 a. Confine the noisiest operation of heavy construction equipment to the daylight hours.
5 b. Require contractors to install and maintain exhaust mufflers on all combustion
6 engine-powered equipment; and
7 c. Establish a complaint response system at the construction manager’s office to address
8 noise complaints. Records of noise complaints during construction must be made
9 available to authorized representatives of the Department of Energy upon request.

10 [Final Order VI.A.2.1]
11

- 12 12.2. Before beginning construction, the certificate holder shall provide to the Department:
13 a. Information that identifies the final design locations of all turbines to be built at the
14 facility;
15 b. The maximum sound power level for the substation transformers and the maximum
16 sound power level and octave band data for the turbine type(s) selected for the
17 facility based on manufacturers’ warranties or confirmed by other means acceptable
18 to the Department;
19 c. The results of the noise analysis of the final facility design performed in a manner
20 consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI).
21 The analysis must demonstrate to the satisfaction of the Department that the total
22 noise generated by the facility (including the noise from turbines and substation
23 transformers) will not exceed the maximum allowable noise level at any potentially-
24 affected noise receptor. The analysis must also demonstrate that the facility would
25 meet the ambient degradation test at the appropriate measurement point for
26 potentially-affected noise sensitive properties, or that the certificate holder has
27 obtained the noise waiver described in Condition 12.2.d for each noise-sensitive
28 property where the ambient degradation standard cannot be met.
29 d. For each noise-sensitive property where the certificate holder relies on a noise waiver
30 to demonstrate compliance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the
31 a legally effective easement or real covenant pursuant to which the owner of the
32 property authorizes the certificate holder’s operation of the facility to increase
33 ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate
34 measurement point. The legally-effective easement or real covenant must meet all of
35 the following criteria:
36 i. Include a legal description of the burdened property (the noise sensitive
37 property);
38 ii. Be recorded in the real property records of the county;
39 iii. Expressly benefit the certificate holder;
40 iv. Expressly run with the land and bind all future owners, lessees or holders of
41 any interest in the burdened property; and
42 v. Not be subject to revocation without the certificate holder’s written approval.

43 [Final Order VI.A.2.2]
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1 12.3. During operation, the certificate holder shall maintain a complaint response system to
2 address noise complaints. The certificate holder shall notify the Department within 15
3 days of receiving a complaint about noise from the facility. The notification should
4 include, but is not limited to, the date the complaint was received, the nature of the
5 complaint, the complainant's contact information, the location of the affected property,
6 and any actions taken, or planned to be taken, by the certificate holder to address the
7 complaint.

8 [Final Order VI.A.2.3]
9

10 12.4. Upon written notification from the Department, the certificate holder will monitor and
11 record the actual statistical noise levels during operations to verify that the certificate
12 holder is operating the facility in compliance with the noise control regulations. The
13 monitoring plan must be reviewed and approved by the Department prior to
14 implementation. The cost of such monitoring, if required, will be borne by the
15 certificate holder.

16 [Final Order VI.A.2.4]
17

1 **13.0. MONITORING AND REPORTING REQUIREMENTS - GENERAL**
2

3 13.1. In addition to monitoring and reporting requirements elsewhere in this Site Certificate,
4 the certificate holder shall also report according to the following requirements:

5 a. General reporting obligation for energy facilities under construction or operating:

- 6 i. Within six months after beginning construction, and every six months
7 thereafter during construction of the energy facility and related or supporting
8 facilities, the certificate holder shall submit a semiannual construction
9 progress report to the Department of Energy. In each construction progress
10 report, the certificate holder shall describe any significant changes to major
11 milestones for construction. The certificate holder shall include such
12 information related to construction as specified in the site certificate. When
13 the reporting date coincides, the certificate holder may include the
14 construction progress report within the annual report described in Condition
15 13.1.b.
16 ii. By April 30 of each year after beginning construction, the certificate holder
17 shall submit an annual report to the Department addressing the subjects listed
18 in Condition 13.1.b. The Council Secretary and the certificate holder may, by
19 mutual agreement, change the reporting date.
20 iii. To the extent that information required by Condition 13.1.b is contained in
21 reports the certificate holder submits to other state, federal or local agencies,
22 the certificate holder may submit excerpts from such other reports to satisfy
23 this rule. The Council reserves the right to request full copies of such
24 excerpted reports.

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

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

- 28 i. Facility Status: An overview of site conditions, the status of facilities under
29 construction, and a summary of the operating experience of facilities that are
30 in operation. In this section of the annual report, the certificate holder shall
31 describe any unusual events, such as earthquakes, extraordinary windstorms,
32 major accidents or the like that occurred during the year and that had a
33 significant adverse impact on the facility.
34 ii. Reliability and Efficiency of Power Production: For electric power plants,
35 the plant availability and capacity factors for the reporting year. The
36 certificate holder shall describe any equipment failures or plant breakdowns
37 that had a significant impact on those factors and shall describe any actions
38 taken to prevent the recurrence of such problems.
39 iii. Status of Surety Information: Documentation demonstrating that bonds or
40 letters of credit as described in the site certificate are in full force and effect
41 and will remain in full force and effect for the term of the next reporting
42 period.
43 iv. Monitoring Report: A list and description of all significant monitoring and
44 mitigation activities performed during the previous year in accordance with
45 site certificate terms and conditions, a summary of the results of those
46 activities and a discussion of any significant changes to any monitoring or

1 mitigation program, including the reason for any such changes.

2 v. Compliance Report: A description of all instances of noncompliance with a
3 site certificate condition. For ease of review, the certificate holder shall, in
4 this section of the report, use numbered subparagraphs corresponding to the
5 applicable sections of the site certificate.

6 vi. Facility Modification Report: A summary of changes to the facility that the
7 certificate holder has determined do not require a site certificate amendment
8 in accordance with OAR 345-027-0050.

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

10
11 13.2. The certificate holder and the Department of Energy shall exchange copies of all
12 correspondence or summaries of correspondence related to compliance with statutes,
13 rules and local ordinances on which the Council determined compliance, except for
14 material withheld from public disclosure under state or federal law or under Council
15 rules. The certificate holder may submit abstracts of reports in place of full reports;
16 however, the certificate holder shall provide full copies of abstracted reports and any
17 summarized correspondence at the request of the Department.

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

19
20 13.3. The following general monitoring conditions apply:

21 a. The certificate holder shall consult with affected state agencies, local governments
22 and tribes and shall develop specific monitoring programs for impacts to resources
23 protected by the standards of Divisions 22 and 24 of OAR Chapter 345 and resources
24 addressed by applicable statutes, administrative rules and local ordinances. The
25 certificate holder must submit the monitoring programs to the Department of Energy
26 and receive Department approval before beginning construction or, as appropriate,
27 operation of the facility.

28 b. The certificate holder shall implement the approved monitoring programs described
29 in Condition 13.3.a and monitoring programs required by permitting agencies and
30 local governments.

31 c. For each monitoring program described in Conditions 13.3.a and 13.3.b, the
32 certificate holder shall have quality assurance measures approved by the Department
33 before beginning construction or, as appropriate, before beginning commercial
34 operation.

35 d. If the certificate holder becomes aware of a significant environmental change or
36 impact attributable to the facility, the certificate holder shall, as soon as possible,
37 submit a written report to the Department describing the impact on the facility and
38 any affected site certificate conditions.

39 [Final Order VII.2] [Mandatory Condition OAR 345-027-0020(6)]

1 **14.0. RETIREMENT AND FINANCIAL INSURANCE**
2

3 14.1. Before beginning construction, the certificate holder shall submit to the State of Oregon
4 through the Council a bond or letter of credit in the amount described herein naming the
5 State of Oregon, acting by and through the Council, as beneficiary or payee. The initial
6 bond or letter of credit amount is either \$6.965 million (in 3rd Quarter 2010 dollars), to
7 be adjusted to the date of issuance as described in (b), or the amount determined as
8 described in Condition 14.1.a below. The certificate holder shall adjust the amount of
9 the bond or letter of credit on an annual basis thereafter as described in Condition
10 14.1.b.

- 11 a. The certificate holder may adjust the amount of the bond or letter of credit based on
12 the final design configuration of the facility and turbine types selected. Any revision
13 to the restoration costs should be adjusted to the date of issuance as described in
14 Condition 14.1.b, and is subject to review and approval by the Department.
15 b. The certificate holder shall adjust the amount of the bond or letter of credit, using the
16 following calculation and subject to approval by the Department:
17 i. Adjust the Subtotal component of the bond or letter of credit amount
18 (expressed in 3rd Quarter 2010 dollars) to present value, using the U.S. Gross
19 Domestic Product Implicit Price Deflator, Chain-Weight, as published in the
20 Oregon Department of Administrative Services “Oregon Economic and
21 Revenue Forecast” or by any successor agency (the “Index”) and using the 3rd
22 Quarter 2010 index value and the quarterly index value for the date of
23 issuance of the new bond or letter of credit. If at any time the Index is no
24 longer published, the Council shall select a comparable calculation to adjust
25 3rd Quarter 2010 dollars to present value.
26 ii. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond
27 amount to determine the adjusted Gross Cost.
28 iii. Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration
29 and project management costs and 10 percent of the adjusted Gross Cost (ii)
30 for the adjusted future developments contingency.
31 iv. Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round
32 the resulting total to the nearest \$1,000 to determine the adjusted financial
33 assurance amount.
34 c. The certificate holder shall use a form of bond or letter of credit approved by the
35 Council.
36 d. The certificate holder shall use an issuer of the bond or letter of credit approved by
37 the Council.
38 e. The certificate holder shall describe the status of the bond or letter of credit in the
39 annual report submitted to the Council required by Condition 13.1.b.
40 f. The bond or letter of credit shall not be subject to revocation or reduction before
41 retirement of the facility site.

42 [Final Order IV.F.2.1] [Mandatory Condition OAR 345-027-0020(8)]
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- 1 14.2. If the certificate holder elects to use a bond to meet the requirements of Condition 14.1,
2 the certificate holder shall ensure that the surety is obligated to comply with the
3 requirements of applicable statutes, Council rules and this site certificate when the
4 surety exercises any legal or contractual right it may have to assume construction,
5 operation or retirement of the energy facility. The certificate holder shall also ensure
6 that the surety is obligated to notify the Council that it is exercising such rights and to
7 obtain any Council approvals required by applicable statutes, Council rules and this site
8 certificate before the surety commences any activity to complete construction, operate
9 or retire the energy facility.
10 [Final Order IV.F.2.2]
11
- 12 14.3. The certificate holder shall prevent the development of any conditions on the site that
13 would preclude restoration of the site to a useful, non-hazardous condition to the extent
14 that prevention of such site conditions is within the control of the certificate holder.
15 [Final Order IV.F.2.3] [Mandatory Condition OAR 345-027-0020(7)]
16
- 17 14.4. The certificate holder must retire the facility in accordance with a retirement plan
18 approved by the Council if the certificate holder permanently ceases construction or
19 operation of the facility. The retirement plan must describe the activities necessary to
20 restore the site to a useful, non-hazardous condition, as described in OAR 345-027-
21 0110(5). After Council approval of the plan, the certificate holder must obtain the
22 necessary authorization from the appropriate regulatory agencies to proceed with
23 restoration of the site.
24 [Final Order IV.F.2.4] [Mandatory Condition OAR 345-027-0020(9)]
25
- 26 14.5. The certificate holder is obligated to retire the facility upon permanent cessation of
27 construction or operation. If the Council finds that the certificate holder has
28 permanently ceased construction or operation of the facility without retiring the facility
29 according to a final retirement plan approved by the Council, as described in OAR 345-
30 027-0110, the Council shall notify the certificate holder and request that the certificate
31 holder submit a proposed final retirement plan to the Department within a reasonable
32 time not to exceed 90 days. If the certificate holder does not submit a proposed final
33 retirement plan by the specified date, the Council may direct the Department to prepare
34 a proposed final retirement plan for the Council's approval.
35 [Final Order IV.F.2.5] [Mandatory Condition OAR 345-027-0020(16)]
36
- 37 14.6. Upon the Council's approval of the final retirement plan, the Council may draw on the
38 bond or letter of credit submitted per the requirements of Condition 6.1 to restore the
39 site to a useful, non-hazardous condition according to the final retirement plan, in
40 addition to any penalties the Council may impose under OAR Chapter 345, Division 29.
41 If the amount of the bond or letter of credit is insufficient to pay the actual cost of
42 retirement, the certificate holder shall pay any additional cost necessary to restore the
43 site to a useful, non-hazardous condition. After completion of site restoration, the
44 Council shall issue an order to terminate the site certificate if the Council finds that the
45 facility has been retired according to the approved final retirement plan.
46 [Final Order IV.F.2.6] [Mandatory Condition OAR 345-027-0020(16)]

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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] [OAR 345-026-0048]

1 **15.0. SUCCESSORS AND ASSIGNS**

2
3 To transfer this site certificate or any portion thereof or to assign or dispose of it in any other
4 manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0100.
5

6 **16.0. SEVERABILITY AND CONSTRUCTION**

7
8 If any provision of this agreement and certificate is declared by a court to be illegal or in conflict
9 with any law, the validity of the remaining terms and conditions shall not be affected, and the
10 rights and obligations of the parties shall be construed and enforced as if the agreement and
11 certificate did not contain the particular provision held to be invalid.
12

13 **17.0. GOVERNING LAW AND FORUM**

14
15 This site certificate shall be governed by the laws of the State of Oregon. Any litigation or
16 arbitration arising out of this agreement shall be conducted in an appropriate forum in Oregon.
17

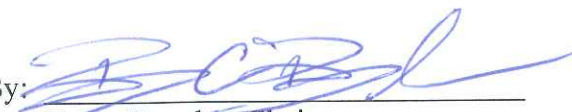
18 **18.0. EXECUTION**


19
20 This site certificate may be executed in counterparts and will become effective upon signature by
21 the Chair of the Energy Facility Siting Council and the authorized representative of the certificate
22 holder.
23

24 **IN WITNESS THEREOF**, this site certificate has been executed by the State of Oregon, acting
25 by and through its Energy Facility Siting Council, and by Summit Ridge Wind, LLC.
26

27 ENERGY FACILITY SITING COUNCIL

Summit Ridge Wind, LLC

28
29
30 By: 
31 Barry Beyeler, Chair
32 Oregon Energy Facility Siting Council

By: 
Print: STEVEN A. OSSOWSKI, JR.

33
34 Date: 11/4/2016

Date: 11/04/16