

SITE CERTIFICATE
FOR THE
BIGLOW CANYON WIND FARM

Issued by

Oregon Energy Facility Siting Council
625 Marion Street NE
Salem OR 97301-3742

June 30, 2006

BIGLOW CANYON WIND FARM
FINAL ORDER

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

I. INTRODUCTION.....	2
II. SITE CERTIFICATION.....	2
III. DESCRIPTIONS.....	3
A. THE FACILITY.....	3
B. LOCATION OF THE FACILITY.....	6
IV. SPECIFIC FACILITY CONDITIONS.....	6
A. ORGANIZATIONAL EXPERTISE, OAR 345-022-0010.....	6
B. RETIREMENT AND FINANCIAL ASSURANCE, OAR 345-022-0050.....	7
C. LAND USE, OAR 345-022-0030.....	11
D. SOIL PROTECTION, OAR 345-022-0022.....	12
E. PROTECTED AREAS, OAR 345-022-0040.....	13
F. SCENIC AND AESTHETIC VALUES, OAR 345-022-0080.....	13
G. RECREATION, OAR 345-022-0100.....	13
H. PUBLIC HEALTH AND SAFETY STANDARDS FOR WIND ENERGY FACILITIES, OAR 345-024-0010.....	13
I. SITING STANDARDS FOR WIND ENERGY FACILITIES, OAR 345-024-0015.....	15
J. SITING STANDARDS FOR TRANSMISSION LINES, OAR 345-024-0090.....	16
K. THREATENED AND ENDANGERED SPECIES, OAR 345-022-0070.....	16
L. FISH AND WILDLIFE HABITAT, OAR 345-022-0060.....	17
M. STRUCTURAL STANDARD, OAR 345-022-0020.....	19
N. HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES, OAR 345-022-0090.....	19
O. PUBLIC SERVICES, OAR 345-022-0110.....	20
P. WASTE MINIMIZATION, OAR 345-022-0120.....	21
Q. NOISE CONTROL REGULATIONS, OAR 340-035-0035.....	23
R. REMOVAL-FILL LAW.....	26
S. GROUND WATER ACT.....	26
T. PUBLIC HEALTH AND SAFETY.....	26
V. CONDITIONS REQUIRED BY COUNCIL RULES.....	27
VI. SUCCESSORS AND ASSIGNS.....	34
VII. SEVERABILITY AND CONSTRUCTION.....	34
VIII. GOVERNING LAW AND FORUM.....	34
IX. EXECUTION.....	34

**OREGON ENERGY FACILITY SITING COUNCIL
SITE CERTIFICATE FOR BIGLOW CANYON WIND FARM**

I. INTRODUCTION

This site certificate for the Biglow Canyon Wind Farm (“Biglow” or the “facility”) is issued and executed in the manner provided by ORS Chapter 469, by and between the State of Oregon (“State”), acting by and through its Energy Facility Siting Council (the “Council”), and Orion Sherman County Wind Farm LLC (“Orion” or “certificate holder”). This site certificate is a binding agreement between the State, acting by and through the Council, and Orion.

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the Council’s Final Order in the Matter of the Application for a Site Certificate for the Biglow Canyon Wind Farm (the “final order”), which the Council granted and approved in final form on June 30, 2006, and which by this reference is incorporated herein.

In interpreting this site certificate, any ambiguity shall be clarified by reference to the following, in order of priority: (1) this site certificate; (2) the final order issued on June 30, 2006; (3) the record of the proceedings that led to the final order; and (4) the Site Certificate Application for the Biglow Canyon Wind Farm, which the Oregon Department of Energy (the “Department”) filed on March 20, 2006.

The terms used in this site certificate shall have the same meaning as set forth in ORS 469.300 and OAR 345-001-0010, except where otherwise stated or where the context clearly indicates otherwise.

II. SITE CERTIFICATION

- A. To the extent authorized by state law and subject to the conditions set forth herein, the State authorizes the certificate holder to construct, operate and retire a wind energy facility, together with certain related or supporting facilities, at the site in Sherman County, Oregon, as described in Section III of this site certificate. ORS 469.401(1)
- B. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in effect on the date that termination is sought or until the site certificate is revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. ORS 469.401(1)
- C. This site certificate does not address, and is not binding with respect to, matters that were not addressed in the Council’s final order. These matters include, but are not limited to: building code compliance, wage, hour and other labor regulations, local government fees and charges, and other design or operational issues that do not relate to siting the facility [ORS 469.401(4)] and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council. ORS 469.503(3)

- 1
2 D. Both the State and the certificate holder shall abide by local ordinances, state law, and the
3 rules of the Council in effect on the date this site certificate is issued. In addition, upon a
4 clear showing of a significant threat to public health, safety or the environment that
5 requires application of later-adopted laws or rules, the Council may require compliance
6 with such later-adopted laws or rules. ORS 469.401(2)
7
8 E. For a permit, license or other approval addressed in and governed by this site certificate,
9 the certificate holder shall comply with applicable state and federal laws adopted in the
10 future to the extent that such compliance is required under the respective state agency
11 statutes and rules. ORS 469.401(2)
12
13 F. Subject to the conditions herein, this site certificate binds the State and all counties, cities
14 and political subdivisions in Oregon as to the approval of the site and the construction,
15 operation and retirement of the facility as to matters that are addressed in and governed
16 by this site certificate. ORS 469.401(3)
17
18 G. Each affected state agency, county, city and political subdivision in Oregon with
19 authority to issue a permit, license or other approval addressed in or governed by this site
20 certificate shall, upon submission of the proper application and payment of the proper
21 fees, but without hearings or other proceedings, issue such permit, license or other
22 approval subject only to conditions set forth in this site certificate. ORS 469.401(3)
23
24 H. After issuance of this site certificate, each state agency or local government agency that
25 issues a permit, license or other approval for the facility shall continue to exercise
26 enforcement authority over such permit, license or other approval. ORS 469.401(3)
27
28 I. After issuance of this site certificate, the Council shall have continuing authority over the
29 site and may inspect, or direct the Department to inspect, or request another state agency
30 or local government to inspect, the site at any time in order to ensure that the facility is
31 being operated consistently with the terms and conditions of this site certificate. ORS
32 469.430
33

34 **III. DESCRIPTIONS**

35 **A. THE FACILITY**

36
37
38 In the site certificate application, the certificate holder requested the flexibility, within
39 defined 500-foot-wide turbine corridors, to defer the final selection of turbine vendor, turbine
40 size, number of turbines to be installed, and precise turbine layout until after the issuance of a
41 site certificate and prior to commencement of construction. In the site certificate application, the
42 certificate holder defined the range of possible turbine vendors, sizes and numbers. In the site
43 certificate application, the certificate holder also defined two alternative transmission line
44 options, two alternative substation locations, and three alternative O&M facility locations.
45 Subject to specific conditions, this site certificate grants that flexibility.
46

1 1. Major Structures. The Biglow Canyon Wind Farm will consist of up to 225 wind
2 turbines with an aggregate nominal nameplate generating capacity of 337.5
3 megawatts (MW) of electricity or 150 wind turbines with an aggregate nominal
4 nameplate generating capacity of 450 MW. The average electric generating
5 capacity will be about 112.5 to 150 MW. Turbines will be mounted on tubular
6 steel towers ranging in height from 265 to 280 feet at the hub with an overall
7 height of from 400 to 445 feet including the turbine blades. The turbines will be
8 erected within up to 30 corridors and spaced to optimize the facility's output. The
9 facility will be located on private farmland that Orion has leased from the affected
10 landowners.

11
12 2. Related or Supporting Facilities. The facility includes the following related or
13 supporting facilities:

14
15 a. Power Collection System. Each wind turbine will generate power at about
16 600 volts. The transformer sitting at the base of each wind turbine unit will
17 increase the voltage to 34.5 kilovolts (kV). From the transformer, power
18 will be transmitted to a central substation by means of electric cables.
19 Most of the cables will be buried three feet or more below the surface in
20 trenches about 3 feet wide. In areas where collector cables from several
21 turbine strings follow the same alignment, *e.g.*, on approach to the
22 substation, multiple sets of cables may be installed within a single trench.
23 If the facility is fully developed, there will be about 468,000 feet (88.6
24 miles) of 3-wire collector cables. Generally, these cables will be above,
25 below or adjacent to the fiber optic cables comprising the supervisory
26 control and data acquisition system.

27
28 In some locations, the collector cables may be constructed above ground
29 on pole or tower structures. Aboveground structures would allow the
30 collector cables to span terrain, such as canyons, native grasslands,
31 wetlands, and intermittent streams, thereby reducing adverse
32 environmental impacts, or to span cultivated areas, thereby reducing
33 adverse impacts to farming operations. Poles or towers supporting
34 aboveground segments of the power collection system will be about 23 to
35 28 feet tall. Pending final site design, the certificate holder states that the
36 length of the aboveground segments of the power collection system will
37 be up to but not exceeding 15 miles.

38
39 b. Substations and Interconnection System. Under one of its transmission
40 alternatives, the certificate holder would construct a new substation in the
41 southern section of the facility site. The substation site would be a
42 graveled, fenced area of up to 6 acres with transformers, switching
43 equipment and a parking area. Transformers would be non-
44 polychlorinated biphenyl (PCB) oil-filled types. The transmission line
45 would be about 3 miles long and would interconnect with the Bonneville
46 Power Administration (BPA) system at the existing Klondike Schoolhouse
47 Substation.

1
2 Under its second transmission alternative, the certificate holder would
3 construct a new substation near the center of the facility site. The
4 substation site would be a graveled, fenced area of up to 6 acres with
5 transformers, switching equipment and a parking area. Transformers
6 would be non-PCB oil-filled types. The transmission line would be about
7 7 miles long and would interconnect with an electric transformer or
8 switching facility to be installed at BPA's John Day Substation or
9 Switchyard for delivery of electricity to BPA's high-voltage transmission
10 system.

11
12 c. Meteorological Towers. The certificate holder will place up to 10
13 meteorological towers throughout the facility site to collect wind resource
14 data. The towers would be up to 279 feet tall.

15
16 d. Operations and Maintenance Building. The site of the operations and
17 maintenance building will comprise about 5 acres. The O&M building will
18 occupy about 5,000 square feet and will include office and workshop
19 areas, control room, kitchen, bathroom, shower, utility sink, and other
20 typical facilities. Water for the bathroom, shower and kitchen will be
21 obtained from an onsite well constructed by a licensed contractor in
22 accordance with local and state requirements. Water use will not be
23 expected to exceed 1,000 gallons per day. Domestic wastewater generated
24 at the O&M facility will drain into an onsite septic system. A graveled
25 parking area for employees, visitors and equipment will be located
26 adjacent to the O&M facility.

27
28 The certificate holder proposed three alternative locations for the O&M
29 facility: (1) adjacent to the substation to be located in the southern section
30 of the facility site in the event Biglow is interconnected to the BPA
31 transmission system by means of the Klondike Schoolhouse Substation;
32 (2) adjacent to the substation to be located near the center of the facility
33 site in the event Biglow is interconnected to the BPA transmission system
34 by means of the John Day Substation; or (3) at the site of an existing
35 house located at 97327 Emigrant Lane, Wasco, Oregon.

36
37 e. Control System. The certificate holder will install a supervisory control
38 and data acquisition (SCADA) system to assist with the remote operation
39 of the wind turbines, to collect data from each wind turbine, and to archive
40 wind and performance data from various sources. The SCADA system
41 will be linked by means of fiber optic cables or other means of
42 communication to a central computer in the O&M facility.

43
44 f. Access Roads. The certificate holder will construct about 40.5 miles of
45 new roads to provide access to the wind turbine strings, together with
46 turnaround areas at the end of each wind turbine string. The roads will be

1 about 28 feet wide and will be composed of crushed gravel. In addition,
2 the certificate holder will improve about 0.7 mile of existing roads by
3 providing an all-weather surface and, in some cases, widening the roads to
4 accommodate construction vehicles.

- 5
- 6 g. Temporary Laydown and Staging Areas. Depending on whether it
7 proceeds with the 150-turbine or 225-turbine configuration, the certificate
8 holder will use a total of 186 or 261 laydown and staging areas to stage
9 construction and store supplies and equipment during construction of the
10 facility. The certificate holder will develop one 18,500 square-foot
11 laydown area at the site of each wind turbine, a one-acre laydown area for
12 each wind turbine string, and six additional 5-acre laydown areas at
13 various locations throughout the facility site. The laydown areas will have
14 a crushed gravel surface and will be returned to their pre-construction
15 condition following completion of construction of the facility.

16

17 **B. LOCATION OF THE FACILITY**

18

19 The facility is located about 2.5 miles northeast of Wasco in Townships 1 and 2 North,
20 Ranges 17 and 18 East, Willamette Meridian, Sherman County, Oregon.

21

22 **IV. SPECIFIC FACILITY CONDITIONS**

23

24 The conditions listed in this section include conditions based on representations in the
25 site certificate application and supporting record. The Council deems these representations to be
26 binding commitments made by the applicant. These conditions are required under OAR 345-027-
27 0020(10).

28

29 This section includes other specific facility conditions the Council finds necessary to
30 ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to
31 protect the public health and safety.

32

33 **A. ORGANIZATIONAL EXPERTISE, OAR 345-022-0010**

- 34
- 35 (1) Before beginning construction of the facility, the certificate holder shall notify the
36 Department of the identity and qualifications of the engineering, procurement and
37 construction (EPC) contractor(s) for specific portions of the work. The certificate
38 holder shall select EPC contractors that have substantial experience in the design
39 and construction of similar facilities. The certificate holder shall report to the
40 Department any change of major construction contractors.
- 41
- 42 (2) The certificate holder shall contractually require all construction contractors and
43 subcontractors involved in the construction of the facility to comply with all
44 applicable laws and regulations and with the terms and conditions of the site
45 certificate. Such contractual provisions shall not operate to relieve the certificate
46 holder of responsibility under the site certificate.

- 1
- 2 (3) During construction of the facility, the certificate holder shall have an on-site
- 3 assistant construction manager who is qualified in environmental compliance to
- 4 ensure compliance with all construction-related site certificate conditions. During
- 5 operation, the certificate holder shall have a project manager who is qualified in
- 6 environmental compliance to ensure compliance with all ongoing site certificate
- 7 conditions. The certificate holder shall notify the Department of the name,
- 8 telephone number, fax number and e-mail address of these managers and shall
- 9 keep the Department informed of any change in this information.
- 10
- 11 (4) Within 72 hours after discovery of conditions or circumstances that may violate
- 12 the terms or conditions of the site certificate, the certificate holder shall report the
- 13 conditions or circumstances to the Department.
- 14

15 **B. RETIREMENT AND FINANCIAL ASSURANCE, OAR 345-022-0050**

16

- 17 (5) If the certificate holder elects to build the facility in a single phase using only GE
- 18 1.5-MW turbines, GE 3.0-MW turbines or a combination of these two GE
- 19 turbines, before beginning construction of the facility and after considering all
- 20 micrositing factors, the certificate holder shall provide to the Department a
- 21 detailed map of the proposed facility showing the final locations where facility
- 22 components are proposed to be built within the 500-foot-wide corridors shown on
- 23 Revised Figures C-2 and C-2A of the ASC Supplement.
- 24
- 25 (6) If the certificate holder proposes to build the facility in more than one phase using
- 26 only GE 1.5-MW turbines, GE 3.0-MW turbines or a combination of these two
- 27 GE turbines, before beginning construction of any phase of the facility and after
- 28 considering all micrositing factors, the certificate holder shall provide to the
- 29 Department a detailed map of that phase of the facility showing the final locations
- 30 where facility components are proposed to be built within the 500-foot-wide
- 31 corridors shown on Revised Figures C-2 and C-2A of the ASC Supplement, shall
- 32 identify on this map the facilities that would constitute that phase of construction,
- 33 and shall provide documentation defining the quantities of each of the following
- 34 components that would constitute that phase of construction: GE 1.5-MW
- 35 turbines, GE 3.0-MW turbines, pad transformers, meteorological towers,
- 36 substation, O&M facility, miles of 230-kV or 500-kV transmission line, miles of
- 37 aboveground 34.5-kV collector system, miles of access road, acres of turnarounds
- 38 and access road intersections, and acres of temporary laydown area.
- 39
- 40 (7) If the certificate holder elects to build the facility in a single phase using any
- 41 turbines other than the GE 1.5-MW turbines or GE 3.0-MW turbines, before
- 42 beginning construction of the facility and after considering all micrositing factors,
- 43 the certificate holder shall provide to the Department a detailed map of the
- 44 proposed facility showing the final locations where facility components are
- 45 proposed to be built within the 500-foot-wide corridors shown on Revised Figures
- 46 C-2 and C-2A of the ASC Supplement. The certificate holder shall include with

1 this map documentation defining quantities of each of the following components
2 that would constitute the complete facility: turbines, pad transformers,
3 meteorological towers, substation, O&M facility, miles of 230-kV or 500-kV
4 transmission line, miles of aboveground 34.5-kV collector system, miles of access
5 road, acres of turnarounds and access road intersections, and acres of temporary
6 laydown area. For each turbine, the certificate shall define the turbine
7 manufacturer, turbine capacity, weight of steel, height of tower, sweep of blade,
8 and size of concrete foundation.
9

10 (8) If the certificate holder elects to build the facility in more than one phase using
11 any turbines other than the GE 1.5-MW turbines or GE 3.0-MW turbines, before
12 beginning construction of any phase of the facility and after considering all
13 micrositing factors, the certificate holder shall provide to the Department a
14 detailed map of that phase of the facility showing the final locations where facility
15 components are proposed to be built within the 500-foot-wide corridors shown on
16 Revised Figures C-2 and C-2A of the ASC Supplement, shall identify on this map
17 the facilities that would constitute that phase of construction, and shall provide
18 documentation defining the quantities of each of the following components that
19 would constitute that phase of construction: turbines, pad transformers,
20 meteorological towers, substation, O&M facility, miles of 230-kV or 500-kV
21 transmission line, miles of aboveground 34.5-kV collector system, miles of access
22 road, acres of turnarounds and access road intersections, and acres of temporary
23 laydown area. For each turbine, the certificate shall define the turbine
24 manufacturer, turbine capacity, weight of steel, height of tower, sweep of blade,
25 and size of concrete foundation.
26

27 (9) If the certificate holder elects to build the facility in a single phase using only GE
28 1.5-MW turbines, GE 3.0-MW turbines or a combination of these two GE
29 turbines, before beginning construction of the facility the certificate holder shall
30 submit to the State of Oregon through the Council a bond or letter of credit in the
31 amount of \$6.208 million (in 2005 dollars) naming the State of Oregon, acting by
32 and through the Council as beneficiary or payee. If the certificate holder elects to
33 build the facility in a single phase using any turbines other than the GE 1.5-MW
34 or GE 3.0-MW turbines or if the certificate holder elects to build the facility in
35 more than one phase using any combination of turbines, before beginning
36 construction of any phase of the facility, the certificate holder shall submit to the
37 State of Oregon through the Council a bond or letter of credit naming the State of
38 Oregon, acting by and through the Council, as beneficiary or payee in the amount
39 (in 2005 dollars) determined by the Department as the gross cost of demolition
40 and site restoration minus the carbon steel scrap value plus the one-percent
41 performance bond amount, ten-percent administration and project management
42 costs and twenty-percent future developments contingency applicable to the
43 proposed phase of construction, together with any previous phases of
44 construction. If the certificate holder elects to build the facility in more than one
45 phase using only GE 1.5-MW turbines, GE 3.0-MW turbines or a combination of
46 the two GE turbines, the Department will establish the amount of the bond or

1 letter of credit by applying the unit costs described in Table 5 of the Council’s
2 final order on the site certificate application (incorporated herein by this
3 reference) to the number of units identified by the certificate holder and verified
4 by the Department as applicable to the proposed phase and any previous phases of
5 construction and adding to that subtotal the one-percent performance bond
6 amount, ten-percent administration and project management costs and twenty-
7 percent future developments contingency. If the certificate holder elects to build
8 the facility using any turbines other than the GE 1.5-MW turbines or GE 3.0-MW
9 turbines, for each phase of construction the Department will establish the amount
10 of the bond or letter of credit by using its Facility Retirement Cost Estimating
11 Guide to estimate the gross cost of demolition and site restoration minus the
12 carbon steel scrap value plus the one-percent performance bond amount, ten-
13 percent administration and project management costs and twenty-percent future
14 developments contingency.

- 15
- 16 (a) The certificate holder shall adjust the amount of the bond or letter of credit
17 annually, using the following calculation:
- 18 (i) Adjust the gross cost (in 2005 dollars) to present value, using the
19 U.S. Gross Domestic Product Implicit Price Deflator, Chain-
20 Weight, as published in the Oregon Department of Administrative
21 Services’ *Oregon Economic and Revenue Forecast* or by any
22 successor agency (the “Index”). If at any time the Index is no
23 longer published, the Council shall select a comparable calculation
24 to adjust 2005 dollars to present value.
- 25 (ii) Adjust the estimated carbon steel scrap value by an index factor
26 derived from the Producer Price Index values, not seasonally
27 adjusted, reported by the U.S. Department of Labor, Bureau of
28 Labor Statistics, “Commodities: Metals and Metal Products:
29 Carbon Steel Scrap” (Series ID: WPU101211). Using the average
30 monthly index value for the 12 months ending with December of
31 the year preceding the year in which the adjustment is made as the
32 numerator and the average monthly index value for the 12 months
33 ending with December 2005 (277.2) as the demoninator, multiply
34 the estimated scrap value of \$149 per net ton (in 2005 dollars) by
35 the resulting factor. If at any time the Producer Price Index Values
36 are no longer published, the Council shall select a comparable
37 calculation to adjust the estimated scrap value.
- 38 (iii) Multiply the adjusted carbon steel scrap value (ii) per net ton by
39 the number of tons of carbon steel scrap applicable to the phase or
40 phases of construction to which the letter of credit applies and
41 subtract the resulting value from the adjusted gross cost (i).
- 42 (iv) Add 1 percent of the subtotal (iii) for the adjusted performance
43 bond amount, 10 percent of the subtotal (iii) for the adjusted
44 administration and project management costs, and 20 percent of
45 the subtotal (iii) for the adjusted future developments contingency.

- 1 (v) Add the subtotal (iii) to the sum of the percentages (iv) and round
2 the resulting total to the nearest \$1,000 to determine the adjusted
3 financial assurance amount for the reporting year.
4
- 5 (b) The certificate holder shall use a form of bond or letter of credit approved
6 by the Council.
7
- 8 (c) The certificate holder shall use an issuer of the bond or letter of credit
9 approved by the Council.
10
- 11 (d) The certificate holder shall describe the status of the bond or letter of
12 credit in the annual report submitted to the Council under Condition (122).
13
- 14 (e) The bond or letter of credit shall not be subject to revocation or reduction
15 before retirement of the facility.
16
- 17 (10) If the certificate holder elects to use a bond to meet the requirements of Condition
18 (9), the certificate holder shall ensure that the surety is obligated to comply with
19 the requirements of applicable statutes, Council rules and this site certificate when
20 the surety exercises any legal or contractual right it may have to assume
21 construction, operation or retirement of the facility. The certificate holder shall
22 also ensure that the surety is obligated to notify the Council that it is exercising
23 such rights and to obtain any Council approvals required by applicable statutes,
24 Council rules and this site certificate before the surety commences any activity to
25 complete construction, operate or retire the facility.
26
- 27 (11) The certificate holder shall begin construction of the facility within three years
28 after the effective date of the site certificate. Under OAR 345-015-0085(9), a site
29 certificate is effective upon execution by the Council Chair and the applicant. The
30 Council may grant an extension of the deadline to begin construction in
31 accordance with OAR 345-027-0030 or any successor rule in effect at the time the
32 request for extension is submitted.
33
- 34 (12) The certificate holder shall complete construction of the facility within five years
35 after the effective date of the site certificate. Construction is complete when: (1)
36 the facility is substantially complete as defined by the certificate holder's
37 construction contract documents; (2) acceptance testing has been satisfactorily
38 completed; and (3) the energy facility is ready to begin continuous operation
39 consistent with the site certificate. The certificate holder shall promptly notify the
40 Department of the date of completion of construction. The Council may grant an
41 extension of the deadline for completing construction in accordance with OAR
42 345-027-0030 or any successor rule in effect at the time the request for extension
43 is submitted.
44
- 45 (13) The certificate holder shall construct a facility substantially as described in the
46 site certificate.

- 1
2 (14) Notwithstanding OAR 345-027-0050(2), an amendment of the site certificate is
3 required if the proposed change would increase the electrical generation capacity
4 of the facility and would increase the number of wind turbines or the dimensions
5 of existing wind turbines.
6
7 (15) The certificate holder shall obtain all necessary state and local permits or
8 approvals required for construction, operation and retirement of the facility or
9 ensure that its contractors obtain necessary state and local permits or approvals.
10
11 (16) Before beginning construction, the certificate holder shall notify the Department
12 in advance of any work on the site that does not meet the definition of
13 “construction” in OAR 345-001-0010 or ORS 469.300 and shall provide to the
14 Department a description of the work and evidence that its value is less than
15 \$250,000.
16

17 **C. LAND USE, OAR 345-022-0030**
18

- 19 (17) The certificate holder shall construct the public road improvements described in
20 the site certificate application to meet or exceed road standards for the road
21 classifications in the County’s Transportation System Plan and Zoning Ordinance
22 because roads will require a more substantial section to bear the weight of the
23 vehicles and turbine components than would usually be constructed by the
24 County.
25
26 (18) The certificate holder shall ensure that no equipment or machinery is parked or
27 stored on any county road except while in use.
28
29 (19) The site certificate holder shall design and construct private access roads to
30 minimize the division of existing farm units.
31
32 (20) The certificate holder shall not locate any aboveground facility structure
33 (including wind turbines, O&M building, substations, and meteorological towers,
34 but not including aboveground transmission and collector lines and junction
35 boxes) within 30 feet from any property line or within 50 feet from the right-of-
36 way of any arterial or major collector road or street and shall not allow any
37 architectural feature, as described in Sherman County Zoning Ordinance Section
38 4.2, to project into these required setbacks by more than 2 feet.
39
40 (21) The certificate holder shall locate access roads and temporary construction
41 laydown and staging areas to minimize disturbance with farming practices and,
42 wherever feasible, shall place turbines and transmission interconnection lines
43 along the margins of cultivated areas to reduce the potential for conflict with farm
44 operations. The certificate holder shall place aboveground transmission and
45 collector lines and junction boxes along property lines and public road rights-of-
46 way to the extent practicable.
47

- 1 (22) During operation of the facility, the certificate holder, in cooperation with
2 landowners, shall avoid impact on cultivated land to the extent reasonably
3 possible when performing facility repair and maintenance activities.
4
- 5 (23) Where necessary and feasible, the certificate holder shall provide access across
6 construction trenches to fields within the facility site and otherwise provide
7 adequate and timely access to properties during critical periods in the farming
8 cycle, such as harvest.
9
- 10 (24) Before beginning construction of the facility, the certificate holder shall record a
11 Farm Management Easement covering the properties on which the certificate
12 holder locates wind power generation facilities. The certificate holder shall record
13 the easements in the real property records of Sherman County and shall file a
14 copy of the recorded easement with the Sherman County Planning Director.
15
- 16 (25) The certificate holder shall remove from Special Farm Assessment the portions of
17 parcels on which facilities are located and shall pay all property taxes due and
18 payable after the Special Farm Assessment is removed from such properties.
19

20 **D. SOIL PROTECTION, OAR 345-022-0022**
21

- 22 (26) The certificate holder shall conduct all construction work in compliance with an
23 Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon
24 Department of Environmental Quality and as required under the National
25 Pollutant Discharge Elimination System (NPDES) Storm Water Discharge
26 General Permit #1200-C. The certificate holder shall include in the ESCP any
27 procedures necessary to meet local erosion and sediment control requirements and
28 storm water management requirements.
29
- 30 (27) During construction of the facility, the certificate holder shall limit truck traffic to
31 designated existing and improved road surfaces to avoid soil compaction, to the
32 extent possible.
33
- 34 (28) The certificate holder shall cover turbine pad areas with gravel or other non-
35 erosive material immediately following exposure during construction and shall
36 maintain the pad area covering during operation of the facility.
37
- 38 (29) During construction of the facility, the certificate holder shall restore areas that
39 are temporarily disturbed in accordance with the methods, monitoring procedures
40 and success criteria described in the Revegetation Plan that is incorporated in this
41 order as Attachment B and as that Revegetation Plan may be amended from time
42 to time. During operation of the facility, the certificate holder shall restore areas
43 that are temporarily disturbed during facility maintenance or repairs according to
44 the same methods and monitoring procedures.
45

- 1 (30) During operation of the facility, the certificate holder shall routinely inspect and
2 maintain all roads, pads and trenched areas and, as necessary, maintain or repair
3 erosion control measures.
4
- 5 (31) During construction of the underground collector system, the certificate holder
6 shall open the smallest necessary sections of trench during each day of
7 construction and backfill the trenches as soon as is practical after power lines
8 have been set in the trenches.
9
- 10 (32) During construction of the facility, the certificate holder shall strip and stockpile
11 soil from laydown areas only during the time of year when rainfall is lowest,
12 minimizing erosion from precipitation.
13
- 14 (33) During construction of the facility, the certificate holder shall use straw bales or
15 similar containment features to protect soil stockpiles from erosion, as needed.
16
- 17 (34) During construction of the facility, the certificate holder shall keep wind-borne
18 erosion to a minimum by using water trucks for dust suppression, as necessary.
19
- 20 (35) During construction of the facility, the certificate holder shall restore staging
21 locations by bringing them back to their original contours, covering them with
22 topsoil, and revegetating or preparing them for planting of wheat or barley or use
23 as range land.
24

25 **E. PROTECTED AREAS, OAR 345-022-0040**
26

- 27 (36) Without Department approval, the certificate holder shall not move any turbines
28 within its micro-siting corridors such that a worst-case visual impact beyond that
29 stated in the ASC and ASC Supplement would occur for the John Day Wildlife
30 Refuge, the John Day Federal Wild and Scenic River, or the John Day State
31 Scenic Waterway (Parrish Creek to Tumwater Falls).
32

33 **F. SCENIC AND AESTHETIC VALUES, OAR 345-022-0080**
34

35 [No conditions]

36 **G. RECREATION, OAR 345-022-0100**
37

38 [No conditions]

39 **H. PUBLIC HEALTH AND SAFETY STANDARDS FOR WIND ENERGY FACILITIES, OAR 345-
40 024-0010**
41

- 42 (37) During construction, operation or retirement of the facility, the certificate holder
43 shall notify the Department within 72 hours of any accidents that may result in
44 public health and safety concerns, including mechanical failures on the site
45 associated with construction or operation of the facility.
46

- 1 (38) Before beginning construction of any phase of the facility, the certificate holder
2 shall submit a Notice of Proposed Construction or Alteration to the Federal
3 Aviation Administration (FAA) identifying the proposed final locations of the
4 turbines and related or supporting facilities for that phase of the facility. The
5 certificate holder shall notify the Department of the FAA's response as soon as it
6 has been received.
7
- 8 (39) The certificate holder shall enclose the facility substation with appropriate fencing
9 and locked gates to protect the public from electrical hazards.
10
- 11 (40) The certificate holder shall not locate turbine towers within 450 feet of any
12 residence. The certificate holder shall not locate turbine towers within 450 feet of
13 any public road, unless the certificate holder demonstrates to the Department's
14 satisfaction that a lesser setback is consistent with the protection of public health
15 and safety..
16
- 17 (41) The certificate holder shall construct turbine towers that are smooth steel
18 structures with no exterior ladders or access to the turbine blades and shall install
19 locked access doors accessible only to authorized personnel.
20
- 21 (42) During construction of the facility, the certificate holder shall follow
22 manufacturers' recommended handling instructions and procedures to prevent
23 damage to towers or blades that could lead to failure.
24
- 25 (43) During operation of the facility, the certificate holder shall have an operational
26 safety-monitoring program and shall inspect turbine blades on a regular basis for
27 signs of wear. The certificate holder shall repair turbine blades as necessary to
28 protect public safety.
29
- 30 (44) During operation of the facility, the certificate holder shall install and maintain
31 self-monitoring devices on each turbine, connected to a fault annunciation panel
32 or supervisory control and data acquisition (SCADA) system at the O&M facility,
33 to alert operators to potential dangerous conditions, and the certificate holder shall
34 remedy any dangerous conditions immediately.
35
- 36 (45) During construction of the facility, the certificate holder shall install generator
37 step-up transformers at the base of each turbine tower in locked cabinets designed
38 to protect the public from electrical hazards and to avoid creation of artificial
39 habitat for raptor prey.
40
- 41 (46) During construction of the facility, the certificate holder shall require that all on-
42 site construction contractors develop and implement a site health and safety plan
43 that informs on-site workers and others what to do in case of an emergency and
44 that includes the locations of fire extinguishers and nearby hospitals, important
45 telephone numbers, and first aid techniques.
46

1 (47) During operation of the facility, the certificate holder shall develop and
2 implement a site health and safety plan that informs on-site employees and others
3 what to do in case of an emergency and that includes the locations of fire
4 extinguishers and nearby hospitals, important telephone numbers, and first aid
5 techniques.
6

7 **I. SITING STANDARDS FOR WIND ENERGY FACILITIES, OAR 345-024-0015**
8

9 (48) The certificate holder shall construct turbines on concrete foundations and shall
10 cover the ground within a minimum 10-foot radius with non-flammable material.
11 The certificate holder shall maintain the non-flammable pad area covering
12 throughout operation of the facility.
13

14 (49) During construction and operation of the facility, the certificate holder shall
15 implement a plan to control the introduction and spread of noxious weeds. The
16 certificate holder shall develop the weed control plan in consultation with the
17 Sherman County Weed Control District and the Department.
18

19 (50) During construction of the facility, to reduce the visual impact of the facility, the
20 certificate holder shall:

21
22 (a) Paint turbine towers, nacelles, rotors, meteorological towers, and cabinets
23 containing pad-mounted equipment with a low-reflectivity, neutral gray,
24 white, off-white or earth tone finish to reduce contrast with the
25 surrounding background.
26

27 (b) Apply a low-reflectivity finish to the exterior of the O&M building and
28 substation equipment to control their visual integration into the
29 surrounding background.
30

31 (c) With the exception of the turbine manufacturer's logo that may appear on
32 turbine nacelles, not allow any advertising to be used on any part of the
33 facility or on any signs posted at the facility.
34

35 (d) Use only those signs required by law or for facility safety or security,
36 except that the certificate holder may erect a sign near the O&M facility or
37 substation to identify the wind energy facility.
38

39 (51) The certificate holder shall design and construct the O&M building to be
40 generally consistent with the character of similar buildings used by commercial
41 farmers or ranchers in the area and shall paint the building in a neutral color to
42 blend with the surrounding background.
43

44 (52) The certificate holder shall not use exterior nighttime lighting except:
45

- 1 (a) The minimum turbine tower lighting required by the Federal Aviation
- 2 Administration.
- 3
- 4 (b) Security lighting at the O&M building and substation, provided that such
- 5 lighting is shielded or directed downward to reduce glare.
- 6
- 7 (c) Minimum lighting necessary for repairs or emergencies.
- 8

9 **J. SITING STANDARDS FOR TRANSMISSION LINES, OAR 345-024-0090**

- 10
- 11 (53) The certificate holder shall design the transmission lines so that alternating
- 12 current electric fields shall not exceed 9 kV per meter at one meter above the
- 13 ground surface in areas accessible to the public.
- 14
- 15 (54) The certificate holder shall design the transmission lines so that induced voltages
- 16 resulting from the transmission lines are as low as reasonably achievable.
- 17

18 **K. THREATENED AND ENDANGERED SPECIES, OAR 345-022-0070**

- 19
- 20 (55) Before beginning construction of the facility, the certificate holder shall deliver to
- 21 the Department surveys for threatened and endangered plant and wildlife species
- 22 in newly affected areas as identified in the ASC Supplement.
- 23
- 24 (56) If construction of the facility begins after 2006, the certificate holder shall review
- 25 the ONHIC and USFWS databases and consult with an expert designated by
- 26 ODFW on an annual basis before beginning construction to determine whether
- 27 nesting bald eagles or peregrine falcons have been documented to occur within
- 28 two miles of the facility. The certificate holder shall report the results of the
- 29 database review and consultation to the Department and to ODFW and, if there
- 30 have been new documentations of nesting bald eagles or peregrine falcons within
- 31 two miles of the facility, the certificate holder shall implement appropriate
- 32 measures to protect the species from adverse impact, as approved by the
- 33 Department and ODFW.
- 34
- 35 (57) The certificate holder shall implement measures to mitigate impacts to sensitive
- 36 wildlife habitat during construction including, but not limited to, the following:
- 37
- 38 (a) Preparing maps to show sensitive areas, such as nesting or denning areas
- 39 for sensitive wildlife species, that are off limits to construction personnel.
- 40
- 41 (b) Ensuring that a qualified person instructs construction personnel to be
- 42 aware of wildlife in the area and to take precautions to avoid injuring or
- 43 destroying wildlife or significant wildlife habitat.
- 44
- 45 (c) Avoiding unnecessary road construction, temporary disturbance and
- 46 vehicle use.
- 47

1 **L. FISH AND WILDLIFE HABITAT, OAR 345-022-0060**

- 2
- 3 (58) The certificate holder shall design and construct all aboveground transmission line
- 4 support structures following the practices suggested by the Avian Powerline
- 5 Interaction Committee (APLIC 1996, referenced in the site certificate application,
- 6 p. P-33) and shall install anti-perching devices on transmission pole tops and cross
- 7 arms where the poles are located within one-half mile of any wind turbine.
- 8
- 9 (59) The certificate holder may construct turbines and other facility components within
- 10 the 500-foot corridors shown on Figures P-1 through P-10 of the site certificate
- 11 application and March 2006 supplement, subject to the following requirements
- 12 addressing potential habitat impact:
- 13
- 14 (a) The certificate holder shall not construct any facility components within
- 15 areas of Category 1 or Category 2 habitat and shall avoid temporary
- 16 disturbance of Category 1 or Category 2 habitat.
- 17
- 18 (b) The certificate holder shall design and construct facility components that
- 19 are the minimum size needed for safe operation of the energy facility.
- 20
- 21 (c) To the extent possible, the certificate holder shall construct facility
- 22 components in the locations shown on Figure C-2 of the March 2006 site
- 23 certificate application supplement.
- 24
- 25 (60) During construction, the certificate holder shall protect the area within a 1300-
- 26 foot buffer around any active nests of the following species during the sensitive
- 27 period, as provided in this condition:
- 28

Species	Sensitive Period	Early Release Date
Swainson's hawk	April 1 to August 15	May 31
Golden eagle	February 1 to August 31	May 31
Ferruginous hawk	March 15 to August 15	May 31
Burrowing owl	April 1 to August 15	July 15

29

30 The 1300-foot buffer may be reduced, with Department approval, if there is an

31 adequate physical barrier between the nest site and the construction impacts such

32 that a 1300-foot buffer proves to be excessive.

33

34 During the year in which construction of any phase occurs, the certificate holder

35 shall use a protocol approved by the Oregon Department of Fish and Wildlife

36 (ODFW) to determine whether there are any active nests of these species within a

37 half-mile of any areas that would be disturbed during construction. If a nest is

38 occupied by any of these species after the beginning of the sensitive period, the

39 certificate holder shall not engage in high-impact construction activities (activities

40 that involve blasting, grading or other major ground disturbance) or allow high

41 levels of construction traffic within 1300 feet of the nest site, or such lesser

1 distance as may be approved by the Department in the event there is an adequate
2 physical barrier between the nest site and the construction impacts.

3
4 In addition, the certificate holder shall flag the boundaries of the 1300-foot buffer
5 area, or such lesser distance as may be approved by the Department in the event
6 there is an adequate physical barrier between the nest site and the construction
7 impacts, and shall instruct construction personnel to avoid any unnecessary
8 activity within the buffer area. The certificate holder shall direct a qualified
9 independent third-party biological monitor, as approved by the Department, to
10 observe the active nest sites during the sensitive period for signs of disturbance
11 and to notify the Department of any non-compliance with this condition. If the
12 monitor observes nest site abandonment or other adverse impact to nesting
13 activity, the certificate holder shall implement appropriate mitigation, in
14 consultation with ODFW and subject to the approval of the Department, unless
15 the adverse impact is clearly shown to have a cause other than construction
16 activity. The certificate holder may begin or resume high impact construction
17 activities before the ending day of the sensitive period if any known nest site is
18 not occupied by the early release date. If a nest site is occupied, then the
19 certificate holder may begin or resume high-impact construction before the ending
20 day of the sensitive period with the approval of ODFW, after the young are
21 fledged. The certificate holder shall use a protocol approved by ODFW to
22 determine when the young are fledged (the young are independent of the core nest
23 site).

- 24
25 (61) The certificate holder shall conduct wildlife monitoring and mitigation in
26 accordance with the Wildlife Monitoring and Mitigation Plan that is incorporated
27 in the order as Attachment A and as may be amended from time to time.
28
29 (62) The certificate holder shall restore areas that are temporarily disturbed during
30 construction in accordance with the methods, monitoring procedures and success
31 criteria set forth in the Revegetation Plan that is incorporated in the order as
32 Attachment B and as may be amended from time to time.
33
34 (63) Before beginning construction of the facility, the certificate holder shall acquire
35 the legal right to create, maintain and protect a habitat mitigation area for the life
36 of the facility by means of an outright purchase, conservation easement or similar
37 conveyance and shall provide a copy of the documentation to the Department.
38 Within the habitat mitigation area, the certificate holder shall improve the habitat
39 quality in accordance with the Habitat Mitigation Plan that is incorporated in the
40 order as Attachment C and as may be amended from time to time.
41
42 (64) For the life of the project, the certificate holder shall provide to the appropriate
43 staff of the Confederated Tribes of the Warm Springs Reservation of Oregon the
44 same annual mitigation and monitoring reports it submits to the Department.
45

1 (65) For the life of the project, the certificate holder shall consult annually with the
2 appropriate staff of the Confederated Tribes of the Warm Springs Reservation of
3 Oregon to discuss noxious weed or other issues that may arise from the close
4 proximity of the facility site and tribal lands. The certificate holder shall provide a
5 summary of that consultation in the annual report it provides to the Department.
6

7 **M. STRUCTURAL STANDARD, OAR 345-022-0020**
8

9 (66) Before beginning construction of the facility, the certificate holder shall conduct a
10 site-specific geotechnical investigation and shall report its findings to the Oregon
11 Department of Geology & Mineral Industries (DOGAMI). The certificate holder
12 shall conduct the geotechnical investigation after consultation with DOGAMI and
13 in accordance with the Oregon Board of Geologists Examiners guidelines entitled:
14 Guidelines for Engineering Geology Reports and Site-Specific Seismic Hazard
15 Report.
16

17 (67) The certificate holder shall design and construct the facility in accordance with
18 requirements set forth by the State of Oregon's Building Code Division and any
19 other applicable codes and design procedures.
20

21 (68) The certificate holder shall design, engineer and construct the facility to avoid
22 dangers to human safety presented by non-seismic hazards. As used in this
23 condition, "non-seismic hazards" include settlement, landslides, flooding and
24 erosion.
25

26 **N. HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES, OAR 345-022-0090**
27

28 (69) Before beginning construction of any phase of the facility, the certificate holder
29 shall provide to the Department a map showing the final design locations of all
30 components of that phase of the facility and areas that would be temporarily
31 disturbed during construction and also showing the areas surveyed by CH2M Hill
32 in preparing the Cultural Resources Survey for Biglow Canyon Wind Farm
33 included in the site certificate application as Attachment S-1. The certificate
34 holder shall hire qualified personnel to conduct field investigation of all areas of
35 permanent or temporary disturbance that CH2M Hill did not previously survey
36 and shall provide to the Department a written report of the field investigation. If
37 any significant historic, cultural or archaeological resources are found during the
38 field investigation, the certificate holder shall ensure that construction and
39 operation of the facility will have no impact on the resources. The certificate
40 holder shall instruct all construction personnel to avoid areas where the resources
41 were found and shall implement other appropriate measures to protect the
42 resources.
43

44 (70) The certificate holder shall ensure that a qualified person instructs construction
45 personnel in the identification of cultural resources.
46

1 (71) The certificate holder shall ensure that a qualified archaeologist is present on site
2 during any ground-disturbing activities, including grading and graveling; or, the
3 certificate holder shall implement an alternate monitoring procedure, including a
4 testing strategy, as agreed to in consultation with the Department, SHPO, and the
5 tribes.
6

7 (72) The certificate holder shall ensure that construction personnel cease all ground-
8 disturbing activities in the immediate area if any archaeological or cultural
9 resources are found during construction of the facility until a qualified
10 archaeologist can evaluate the significance of the find. The certificate holder shall
11 notify the Department and the State Historic Preservation Office (SHPO) of the
12 find. If the archaeologist determines that the resource is significant, the certificate
13 holder shall make recommendations to the Council for mitigation, including
14 avoidance or data recovery, in consultation with the Department, SHPO, and other
15 appropriate parties. The certificate holder shall not restart work in the affected
16 area until the certificate holder has demonstrated to the Department that it has
17 complied with the archaeological permit requirements administered by SHPO.
18

19 (73) The certificate holder shall ensure that construction personnel proceed carefully in
20 the vicinity of the mapped alignment of the Oregon Trail. If any intact physical
21 evidence of the trail is discovered, the certificate holder shall avoid any
22 disturbance to the intact segments, by redesign, re-engineering or restricting the
23 area of construction activity. The certificate holder shall promptly notify the
24 Department and SHPO of the discovery. The certificate holder shall consult with
25 the Department and with SHPO to determine appropriate mitigation measures.
26

27 **O. PUBLIC SERVICES, OAR 345-022-0110**
28

29 (74) During construction of the facility, the certificate holder and its contractors shall
30 obtain all water required for construction activities from off-site sources
31 previously permitted for such uses.
32

33 (75) Before beginning operation of the facility, the certificate holder shall have in
34 operation a well suitable for delivering water, not exceeding 5,000 gallons per
35 day, for domestic use at the facility's O&M building and, provided the rate of
36 extraction would not exceed 5,000 gallons per day, blade-washing activities. The
37 certificate holder shall not change the source of water for the facility's domestic
38 use without prior Council approval.
39

40 (76) During operation of the facility, the certificate holder and its contractors shall
41 obtain all water required for blade-washing activities from off-site sources
42 previously permitted for such uses or from the on-site well, provided such use of
43 well water would not cause the rate of extraction to exceed 5,000 gallons in any
44 one-day period.
45

1 (77) Before beginning construction of the facility, the certificate holder shall develop a
2 system for monitoring state highways and local roads that would serve as
3 transporter routes for delivering equipment to the facility site for degradation,
4 *e.g.*, major potholes, so that safe travel paths may be maintained. The monitoring
5 system shall include site inspection and photographic cataloging of existing road
6 conditions so that pre-construction conditions can be compared with conditions
7 after construction has been completed. Orion shall coordinate monitoring methods
8 and preferred mitigation efforts with Sherman County Public Works and the
9 Oregon Department of Transportation.

10
11 (78) After completing construction of the facility, the certificate holder shall restore
12 state highways and county roads affected by facility construction activities to at
13 least their pre-construction conditions, to the satisfaction of Sherman County
14 Public Works and the Oregon Department of Transportation.

15
16 (79) During construction of the facility, the certificate holder shall implement the
17 following measures to reduce traffic delays on county roads serving as transporter
18 routes for delivery of equipment to the facility site:

19
20 (a) Provide notice to adjacent landowners when construction takes place to
21 help minimize access disruptions;

22
23 (b) Provide proper road signage and warnings of “Equipment on Road,”
24 “Truck Access,” or “Road Crossings;”

25
26 (c) Implement traffic diversion equipment, such as advance signage and pilot
27 cars, whenever possible when slow or oversized loads are being hauled;

28
29 (d) Encourage carpooling for the construction workforce to reduce traffic
30 volume;

31
32 (e) Employ flaggers, as necessary, to direct traffic when large equipment is
33 entering or exiting public roads to minimize risk of accidents; and

34
35 (f) Maintain at least one travel lane at all times so that roadways will not be
36 closed to traffic as a result of construction vehicles entering or exiting
37 public roads.

38
39 **P. WASTE MINIMIZATION, OAR 345-022-0120**

40
41 (80) The certificate holder shall use hazardous materials in a manner that protects
42 public health, safety and the environment and shall comply with applicable local,
43 state and federal environmental laws and regulations.

44
45 (81) If a spill or release of hazardous materials occurs during construction or operation
46 of the facility, the certificate holder shall notify the Department within 72 hours

1 and shall clean up the spill or release and dispose of any contaminated soil or
2 other materials according to applicable regulations. The certificate holder shall
3 ensure that spill kits containing items such as absorbent pads are located on
4 equipment and storage facilities to respond to accidental spills and shall instruct
5 employees handling hazardous materials in the proper handling, storage and
6 cleanup of these materials.
7

8 (82) During construction of the facility, the certificate holder shall provide portable
9 toilets for on-site sewage handling and shall ensure that the portable toilets are
10 pumped and cleaned regularly by a licensed contractor that is qualified to pump
11 and clean portable toilet facilities.
12

13 (83) During operation of the facility, the certificate holder shall discharge sanitary
14 wastewater generated at the O&M building to a licensed on-site septic system in
15 compliance with county permit requirements. The certificate holder shall design
16 the septic system with a capacity that is less than 2,500 gallons per day.
17

18 (84) During construction of the facility, the certificate holder shall implement a waste
19 management plan that includes but is not limited to the following measures:
20

21 (a) Training employees to minimize and recycle solid waste;
22

23 (b) Minimizing the generation of wastes from construction through detailed
24 estimating of materials needs and through efficient construction practices;
25

26 (c) Recycling steel and other metal scrap;
27

28 (d) Recycling wood waste;
29

30 (e) Recycling packaging wastes, such as paper and cardboard;
31

32 (f) Collecting non-recyclable waste for transport to a landfill by a licensed
33 waste hauler; and
34

35 (g) Segregating all hazardous wastes, such as used oil, oily rags and oil-
36 absorbent materials, mercury-containing lights and lead-acid and nickel-
37 cadmium batteries for disposal by a licensed firm specializing in the
38 proper recycling or disposal of hazardous wastes.
39

40 (85) The certificate holder may dispose of waste concrete on site with the permission
41 of the landowner and in accordance with OAR 340-093-0080 and other applicable
42 regulations. The certificate holder shall dispose of waste concrete on site by
43 placing the material in an excavated hole, covering the concrete with at least 3
44 feet of topsoil, and grading the area to match existing contours. If the waste
45 concrete is not disposed of on site, the certificate holder shall arrange for proper
46 disposal in a licensed landfill.

- 1
2 (86) During construction of the facility, the certificate holder shall ensure that the wash
3 down of concrete trucks occurs only at a contractor-owned batch plant or at tower
4 foundation locations. If such wash down occurs at tower foundation locations,
5 then the certificate holder shall ensure that wash down wastewater does not run
6 off the construction site into otherwise undisturbed areas and that the wastewater
7 is disposed of on backfill piles and buried underground with the backfill over the
8 tower foundation.
9
- 10 (87) During operation of the facility, the certificate holder shall implement a waste
11 management plan that includes but is not limited to the following measures:
12
- 13 (a) Training employees to minimize and recycle solid waste;
 - 14 (b) Recycling paper products, metals, glass and plastics;
 - 15 (c) Collecting non-recyclable waste for transport to a landfill by a licensed
16 waste hauler; and
 - 17 (d) Segregating all hazardous wastes, such as used oil, oily rags and oil-
18 absorbent materials, mercury-containing lights and lead-acid and nickel-
19 cadmium batteries for disposal by a licensed firm specializing in the
20 proper recycling or disposal of hazardous wastes.
21
22
23
24
- 25 (88) During operation of the facility, the certificate holder shall engage in blade-
26 washing activities only in accordance with the appropriate Wastewater General
27 Permit #1700 issued by the Oregon Department of Environmental Quality and all
28 applicable regulations.
29

30 **Q. NOISE CONTROL REGULATIONS, OAR 340-035-0035**

- 31
- 32 (89) To reduce noise impacts at nearby residential areas, the certificate holder shall:
33
- 34 (a) Confine the noisiest operation of heavy construction equipment to the
35 daylight hours;
 - 36 (b) Require contractors to install and maintain exhaust mufflers on all
37 combustion engine-powered equipment; and
 - 38 (c) Establish a complaint response system at the construction manager's
39 office to address noise complaints.
40
41
42
- 43 (90) If the GE 1.5-MW turbines (for which the certificate holder states the maximum
44 sound power level warranted by the manufacturer is 104 dBA) or the GE 3.0-MW
45 turbines (provided the certificate holder is able to demonstrate, by means of the
46 manufacturer's warranty or other means acceptable to the Department, that the

1 maximum sound power level of the GE 3.0-MW turbine is 106 dBA) will be used
2 at the facility, before beginning construction, the certificate holder shall present
3 information demonstrating to the satisfaction of the Department that each of the
4 following requirements have been met at all 25 properties identified as noise
5 sensitive properties in the site certificate application:
6

7 (a) For any noise sensitive property listed in Table 12 where the predicted
8 maximum hourly L₅₀ noise level caused by the facility would equal or
9 exceed 50 dBA, the certificate holder shall identify the final design
10 locations of all turbines to be built and perform a noise analysis
11 demonstrating, in accordance with OAR 340-035-0035(1)(b)(B)(iii)(IV),
12 that the total hourly L₅₀ noise level generated by the facility would not
13 exceed 50 dBA at the appropriate measurement point. The certificate
14 holder shall perform the noise analysis using the CADNA/A by
15 DataKustik GmbH of Munich, Germany, and shall assume the following
16 input parameters:

- 17 • The maximum sound power level warranted by the manufacturer or
18 confirmed by other means acceptable to the Department
- 19 • The exact locations of the proposed turbines
- 20 • The environmental factors included in the original noise analysis, *i.e.*,
21 the temperature, relative humidity, barrier effects and ground effects
22 used in the original analysis. If the certificate holder has cause to
23 believe the environmental factors included in the original noise
24 analysis are no longer valid for a particular receiver, the certificate
25 holder shall perform the noise analysis for that receiver using both the
26 environmental factors included in the original noise analysis and the
27 environmental factors the certificate holder now believes to be
28 applicable to that receiver.

29
30 (b) Where the hourly L₅₀ noise levels caused by the facility would exceed 36
31 dBA but not exceed 50 dBA at any noise sensitive property listed in Table
32 12, the certificate holder has obtained a legally effective easement or real
33 covenant pursuant to which the owner of the property authorizes the
34 certificate holder's operation of the facility to increase ambient statistical
35 noise levels L₁₀ and L₅₀ by more than 10 dBA at the appropriate
36 measurement point. A legally effective easement or real covenant shall: (i)
37 include a legal description of the burdened property (the noise sensitive
38 property); (ii) be recorded in the real property records of the county; (iii)
39 expressly benefit the certificate holder; (iv) expressly run with the land
40 and bind all future owners, lessees or holders of any interest in the
41 burdened property; and (v) not be subject to revocation without the
42 certificate holder's written approval.

43
44 (c) If, for any noise sensitive property listed in Table 12 where the hourly L₅₀
45 noise levels caused by the facility would exceed 36 dBA but not exceed 50
46 dBA, the certificate holder has not obtained a legally effective easement or

1 real covenant as described in (b) above, the certificate holder shall identify
2 the final design locations of all turbines to be built and perform a noise
3 analysis demonstrating, in accordance with OAR 340-035-
4 0035(1)(b)(B)(iii)(IV), that the total noise generated by the facility would
5 meet the ambient noise degradation test at the appropriate measurement
6 point on those noise sensitive properties. The certificate holder shall
7 perform the noise analysis using the CADNA/A by DataKustik GmbH of
8 Munich, Germany, and shall assume the following input parameters:

- 9 • The maximum sound power level warranted by the manufacturer or
10 confirmed by other means acceptable to the Department
- 11 • The exact locations of the proposed turbines
- 12 • The environmental factors included in the original noise analysis, *i.e.*,
13 the temperature, relative humidity, barrier effects and ground effects
14 used in the original analysis. If the certificate holder has cause to
15 believe the environmental factors included in the original noise
16 analysis are no longer valid for a particular receiver, the certificate
17 holder shall perform the noise analysis for that receiver using both the
18 environmental factors included in the original noise analysis and the
19 environmental factors the certificate holder now believes to be
20 applicable to that receiver.

21
22 (91) If turbines other than the GE 1.5-MW turbines (for which the certificate holder
23 states the maximum sound power level warranted by the manufacturer is 104
24 dBA) or the GE 3.0-MW turbines (for which the certificate holder has assumed a
25 maximum sound power level of 106 dBA) will be used at the facility, before
26 beginning construction of the facility the certificate holder shall identify the final
27 design locations of all turbines to be built, perform a complete new noise analysis
28 for all turbines, and generate a new table listing each noise sensitive property, as
29 defined in OAR 340-035-0015(3), and the predicted maximum hourly L₅₀ noise
30 level at each noise sensitive property. The certificate holder shall perform the
31 noise analysis using the CADNA/A by DataKustik GmbH of Munich, Germany,
32 and shall assume the following input parameters:

- 33 • The maximum sound power level warranted by the manufacturer or confirmed
34 by other means acceptable to the Department
- 35 • The exact locations of the proposed turbines
- 36 • The environmental factors included in the original noise analysis, *i.e.*, the
37 temperature, relative humidity, barrier effects and ground effects used in the
38 original analysis. If the certificate holder has cause to believe the
39 environmental factors included in the original noise analysis are no longer
40 valid for a particular receiver, the certificate holder shall perform the noise
41 analysis for that receiver using both the environmental factors included in the
42 original noise analysis and the environmental factors the certificate holder
43 now believes to be applicable to that receiver.

44
45 After generating the new table identifying noise sensitive properties and the
46 predicted maximum hourly L₅₀ noise level at each noise sensitive property, the

1 certificate holder shall meet Conditions (90)(a), (90)(b) and (90)(c) with respect to
2 the noise sensitive properties identified in that table.

3
4 **R. REMOVAL-FILL LAW**

5 [No conditions]

6
7 **S. GROUND WATER ACT**

8 [No conditions]

9
10 **T. PUBLIC HEALTH AND SAFETY**

11
12 (92) During operation of the facility, the certificate holder shall maintain built-in fire
13 prevention measures in each turbine that would shut down the turbine
14 automatically before mechanical problems create excess heat or sparks.

15
16 (93) During construction and operation of the facility, the certificate holder shall
17 develop and implement fire management plans in consultation with local fire
18 control authorities to minimize the risk of fire and to respond appropriately to any
19 fires that occur on the facility site. In developing the fire management plans, the
20 certificate holder should take into account the dry nature of the region and should
21 address risks on a seasonal basis.

22
23 (94) During construction and operation of the facility, the certificate holder shall
24 ensure that each on-site company vehicle contains a fire extinguisher, water spray
25 can, shovel, emergency response procedures book, and two-way radio for
26 immediate communication with the O&M facility.

27
28 (95) During construction of the facility, the certificate holder shall clear vegetation
29 from a laydown area adjacent to each wind turbine where welding, cutting,
30 grinding, or other flame- or spark-producing operations are likely to occur.

31
32 (96) Upon beginning operation of the facility, the certificate holder shall provide to all
33 local fire departments maps of the facility site. During operation of the facility,
34 the certificate holder shall provide to all local fire departments the names and
35 telephone numbers of facility personnel available to respond on a 24-hour basis in
36 case of an emergency on the facility site.

37
38 (97) During operation of the facility, the certificate holder shall ensure that all on-site
39 employees receive annual fire prevention and response training by qualified
40 instructors or members of the local fire department and that all employees are
41 instructed to keep vehicles on roads and off dry grassland, except when off-road
42 operation is required for emergency purposes.

43
44 (98) During operation of the facility, the certificate holder shall ensure that water-
45 carrying trailers (“water buffaloes”) are maintained at strategic locations around
46 the facility site and that a water buffalo is always present at a job site where there

1 is substantial risk of fire. Each water buffalo shall be equipped with one-inch
2 hoses, have a capacity of 500 gallons of water, and be equipped with a 5-
3 horsepower pump with a pumping rate of 60 gallons per minute. Each water
4 buffalo shall be capable of being towed by on-site service vehicles or pickup
5 trucks.
6

7 (99) The certificate holder shall take reasonable steps to reduce or manage exposure to
8 electromagnetic fields (EMF), consistent with Council findings presented in the
9 “Report of EMF Committee to the Energy Facility Siting Council,” March 30,
10 1993, and subsequent findings. Effective on the date of this site certificate, the
11 certificate holder shall provide information to the public, upon request, about
12 EMF levels associated with the energy facility and related transmission lines.
13

14 (100) At least 30 days before beginning preparation of detailed design and
15 specifications for the electrical transmission lines, the certificate holder shall
16 consult with the Oregon Public Utility Commission staff to ensure that its designs
17 and specifications are consistent with applicable codes and standards.
18

19 **V. CONDITIONS REQUIRED BY COUNCIL RULES**

20

21 This section lists conditions specifically required by OAR 345-027-0020 (Mandatory
22 Conditions in Site Certificates), OAR 345-027-0028 (Monitoring Conditions), and OAR Chapter
23 345, Division 26 (Construction and Operation Rules for Facilities). All references to the Office
24 of Energy or Office shall be construed to refer to the Department of Energy. These conditions
25 should be read together with the specific facility conditions included in Section IV to ensure
26 compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect
27 the public health and safety. The certificate holder shall comply with all site certificate
28 conditions.
29

30 The Council recognizes that many specific tasks related to the design, construction,
31 operation and retirement of the facility will be undertaken by the certificate holder’s agents or
32 contractors. Nevertheless, the certificate holder is responsible for ensuring compliance with all
33 provisions of the site certificate.
34

35 (101) OAR 345-027-0020(1): The Council shall not change the conditions of the site
36 certificate except as provided for in OAR Chapter 345, Division 27.
37

38 (102) OAR 345-027-0020(2): Except as provided in OAR 345-027-0023(6), before
39 beginning construction, the certificate holder shall submit to the Office of Energy
40 a legal description of the site.
41

42 (103) OAR 345-027-0020(3): The certificate holder shall design, construct, operate and
43 retire the facility:
44

45 (a) Substantially as described in the site certificate;
46

- (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and
- (c) In compliance with all applicable permit requirements of other state agencies.

(104) OAR 345-027-0020(4): The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate.

(105) OAR 345-027-0020(5): Except as necessary for the initial survey or as otherwise allowed for transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, “construction rights” means the legal right to engage in construction activities. For transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if:

- (a) The certificate holder has construction rights on that part of the site; and
- (b) The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of the transmission line or pipeline occurs during the certificate holder’s negotiations to acquire construction rights on another part of the site.

(106) OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative finding under any standards of Division 22 or Division 24 of this chapter, the certificate holder shall consult with affected state agencies and local governments designated by the Council and shall develop specific mitigation plans consistent with Council findings under the relevant standards. The certificate holder must submit the mitigation plans to the Office and receive Office approval before beginning construction or, as appropriate, operation of the facility.

(107) OAR 345-027-0020(7): The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.

(108) OAR 345-027-0020(8): Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit, satisfactory to the Council, in an amount specified in the site certificate to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the

1 facility has been retired. The Council may specify different amounts for the bond
2 or letter of credit during construction and during operation of the facility.

- 3
- 4 (109) OAR 345-027-0020(9): The certificate holder shall retire the facility if the
5 certificate holder permanently ceases construction or operation of the facility. The
6 certificate holder shall retire the facility according to a final retirement plan
7 approved by the Council, as described in OAR 345-027-0110. The certificate
8 holder shall pay the actual cost to restore the site to a useful, non-hazardous
9 condition at the time of retirement, notwithstanding the Council’s approval in the
10 site certificate of an estimated amount required to restore the site.
- 11
- 12 (110) OAR 345-027-0020(10): The Council shall include as conditions in the site
13 certificate all representations in the site certificate application and supporting
14 record the Council deems to be binding commitments made by the applicant.
- 15
- 16 (111) OAR 345-027-0020(11): Upon completion of construction, the certificate holder
17 shall restore vegetation to the extent practicable and shall landscape portions of
18 the site disturbed by construction in a manner compatible with the surroundings
19 and proposed use. Upon completion of construction, the certificate holder shall
20 dispose of all temporary structures not required for facility operation and all
21 timber, brush, refuse and flammable or combustible material resulting from
22 clearing of land and construction of the facility.
- 23
- 24 (112) OAR 345-027-0020(12): The certificate holder shall design, engineer and
25 construct the facility to avoid dangers to human safety presented by seismic
26 hazards affecting the site that are expected to result from all maximum probable
27 seismic events. As used in this rule “seismic hazard” includes ground shaking,
28 landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement
29 and subsidence.
- 30
- 31 (113) OAR 345-027-0020(13): The certificate holder shall notify the Office, the State
32 Building Codes Division and the Department of Geology and Mineral Industries
33 promptly if site investigations or trenching reveal that conditions in the
34 foundation rocks differ significantly from those described in the application for a
35 site certificate. After the Office receives the notice, the Council may require the
36 certificate holder to consult with the Department of Geology and Mineral
37 Industries and the Building Codes Division and to propose mitigation actions.
- 38
- 39 (114) OAR 345-027-0020(14): The certificate holder shall notify the Office, the State
40 Building Codes Division and the Department of Geology and Mineral Industries
41 promptly if shear zones, artesian aquifers, deformations or clastic dikes are found
42 at or in the vicinity of the site.
- 43
- 44 (115) OAR 345-027-0020(15): Before any transfer of ownership of the facility or
45 ownership of the site certificate holder, the certificate holder shall inform the

1 Office of the proposed new owners. The requirements of OAR 345-027-0100
2 apply to any transfer of ownership that requires a transfer of the site certificate.
3

4 (116) OAR 345-027-0020(16): If the Council finds that the certificate holder has
5 permanently ceased construction or operation of the facility without retiring the
6 facility according to a final retirement plan approved by the Council, as described
7 in OAR 345-027-0110, the Council shall notify the certificate holder and request
8 that the certificate holder submit a proposed final retirement plan to the Office
9 within a reasonable time not to exceed 90 days. If the certificate holder does not
10 submit a proposed final retirement plan by the specified date, the Council may
11 direct the Office to prepare a proposed a final retirement plan for the Council's
12 approval. Upon the Council's approval of the final retirement plan, the Council
13 may draw on the bond or letter of credit described in section (8) to restore the site
14 to a useful, non-hazardous condition according to the final retirement plan, in
15 addition to any penalties the Council may impose under OAR Chapter 345,
16 Division 29. If the amount of the bond or letter of credit is insufficient to pay the
17 actual cost of retirement, the certificate holder shall pay any additional cost
18 necessary to restore the site to a useful, non-hazardous condition. After
19 completion of site restoration, the Council shall issue an order to terminate the site
20 certificate if the Council finds that the facility has been retired according to the
21 approved final retirement plan.
22

23 (117) OAR 345-027-0023(4): If the energy facility or related or supporting facility is a
24 transmission line, the certificate holder shall restore the reception of radio and
25 television at residences and commercial establishments in the primary reception
26 area to the level present prior to operations of the transmission line, at no cost to
27 residents experiencing interference resulting from the transmission line.
28

29 (118) OAR 345-027-0023(5): If the facility includes any high voltage transmission line
30 under Council jurisdiction:

- 31
- 32 (a) The certificate holder shall design, construct and operate the transmission
33 line in accordance with the requirements of the National Electrical Safety
34 Code (American National Standards Institute, Section C2, 1997 Edition);
35 and
36
- 37 (b) The certificate holder shall develop and implement a program that
38 provides reasonable assurance that all fences, gates, cattle guards, trailers,
39 or other objects or structures of a permanent nature that could become
40 inadvertently charged with electricity are grounded or bonded throughout
41 the life of the line.
42

43 (119) OAR 345-027-0023(6): If the proposed energy facility is a pipeline or a
44 transmission line or has, as a related or supporting facility, a pipeline or
45 transmission line, the Council shall specify an approved corridor in the site
46 certificate and shall allow the certificate holder to construct the pipeline or

1 transmission line anywhere within the corridor, subject to the conditions of the
2 site certificate. If the applicant has analyzed more than one corridor in its
3 application for a site certificate, the Council may, subject to the Council's
4 standards, approve more than one corridor. Before beginning operation of the
5 facility, the certificate holder shall submit to the Office a legal description of the
6 permanent right-of-way where the applicant has built the pipeline or transmission
7 line within an approved corridor. The site of the pipeline or transmission line
8 subject to the site certificate is the area within the permanent right-of-way.
9

10 (120) OAR 345-027-0028: The following general monitoring conditions apply:

- 11
- 12 (a) The certificate holder shall consult with affected state agencies, local
13 governments and tribes and shall develop specific monitoring programs
14 for impacts to resources protected by the standards of divisions 22 and 24
15 of this chapter and resources addressed by applicable statutes,
16 administrative rules and local ordinances. The certificate holder must
17 submit the monitoring programs to the Office of Energy and receive
18 Office approval before beginning construction or, as appropriate,
19 operation of the facility.
20
- 21 (b) The certificate holder shall implement the approved monitoring programs
22 described in section (a) and monitoring programs required by permitting
23 agencies and local governments.
24
- 25 (c) For each monitoring program described in sections (a) and (b), the
26 certificate holder shall have quality assurance measures approved by the
27 Office before beginning construction or, as appropriate, before beginning
28 commercial operation.
29
- 30 (d) If the certificate holder becomes aware of a significant environmental
31 change or impact attributable to the facility, the certificate holder shall, as
32 soon as possible, submit a written report to the Office describing the
33 impact on the facility and any affected site certificate conditions.
34

35 (121) OAR 345-026-0048: Following receipt of the site certificate, the certificate holder
36 shall implement a plan that verifies compliance with all site certificate terms and
37 conditions and applicable statutes and rules. As a part of the compliance plan, to
38 verify compliance with the requirement to begin construction by the date
39 specified in the site certificate, the certificate holder shall report promptly to the
40 Office of Energy when construction begins. Construction is defined in OAR 345-
41 001-0010. In reporting the beginning of construction, the certificate holder shall
42 describe all work on the site performed before beginning construction, including
43 work performed before the Council issued the site certificate, and shall state the
44 cost of that work. For the purpose of this exhibit, "work on the site" means any
45 work within a site or corridor, other than surveying, exploration or other activities
46 to define or characterize the site or corridor. The certificate holder shall document

1 the compliance plan and maintain it for inspection by the Department or the
2 Council.

3
4 (122) OAR 345-026-0080: The certificate holder shall report according to the following
5 requirements:

6
7 (a) General reporting obligation for non-nuclear facilities under construction
8 or operating:

- 9 (i) Within six months after beginning construction, and every six
10 months thereafter during construction of the energy facility and
11 related or supporting facilities, the certificate holder shall submit a
12 semiannual construction progress report to the Council. In each
13 construction progress report, the certificate holder shall describe
14 any significant changes to major milestones for construction. The
15 certificate holder shall include such information related to
16 construction as specified in the site certificate. When the reporting
17 date coincides, the certificate holder may include the construction
18 progress report within the annual report described in this rule;
- 19 (ii) The certificate holder shall, within 120 days after the end of each
20 calendar year after beginning construction, submit an annual report
21 to the Council addressing the subjects listed in this rule. The
22 Council secretary and the certificate holder may, by mutual
23 agreement, change the reporting date.
- 24 (iii) To the extent that information required by this rule is contained in
25 reports the certificate holder submits to other state, federal or local
26 agencies, the certificate holder may submit excerpts from such
27 other reports to satisfy this rule. The Council reserves the right to
28 request full copies of such excerpted reports.

29
30 (b) In the annual report, the certificate holder shall include the following
31 information for the calendar year preceding the date of the report:

- 32 (i) Facility Status: An overview of site conditions, the status of
33 facilities under construction, and a summary of the operating
34 experience of facilities that are in operation. In this section of the
35 annual report, the certificate holder shall describe any unusual
36 events, such as earthquakes, extraordinary windstorms, major
37 accidents or the like that occurred during the year and that had a
38 significant adverse impact on the facility;
- 39 (ii) Reliability and Efficiency of Power Production: For electric power
40 plants,
41 (A) The plant availability and capacity factors for the reporting
42 year. If equipment failures or plant breakdowns had a
43 significant impact on those factors, the certificate holder
44 shall describe them and its plans to minimize or eliminate
45 their recurrence;

- (B) The efficiency with which the power plant converts fuel into electric energy. If the fuel chargeable to power heat rate was evaluated when the facility was sited, the certificate holder shall calculate efficiency using the same formula and assumptions, but using actual data; and
- (C) The facility's annual hours of operation by fuel type and, every five years after beginning operation, a summary of the annual hours of operation by fuel type as described in OAR 345-024-0590(5);

- (iii) Status of Surety Information: Documentation demonstrating that bonds or letters of credit as described in the site certificate are in full force and effect and will remain in full force and effect for the term of the next reporting period;
- (iv) Industry Trends: A discussion of any significant industry trends that may affect the operations of the facility;
- (v) Monitoring Report: A list and description of all significant monitoring and mitigation activities performed during the previous year in accordance with site certificate terms and conditions, a summary of the results of those activities, and a discussion of any significant changes to any monitoring or mitigation program, including the reason for any such changes;
- (vi) Compliance Report: A description of all instances of noncompliance with a site certificate condition. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate;
- (vii) Facility Modification Report: A summary of changes to the facility that the certificate holder has determined do not require a site certificate amendment in accordance with OAR 345-027-0050; and
- (viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of operation of the carbon dioxide emitting equipment as described in OAR 345-024-0630(4).

(123) OAR 345-026-0100: The certificate holder shall promptly notify the Office of Energy of any changes in major milestones for construction, decommissioning, operation or retirement schedules. Major milestones are those identified by the certificate holder in its construction, retirement or decommissioning plan.

(124) OAR 345-026-0105: The certificate holder and the Office of Energy shall exchange copies of all correspondence or summaries of correspondence related to compliance with statutes, rules and local ordinances on which the Council determined compliance, except for material withheld from public disclosure under state or federal law or under Council rules. The certificate holder may submit abstracts of reports in place of full reports; however, the certificate holder shall

1 provide full copies of abstracted reports and any summarized correspondence at
2 the request of the Office of Energy.

3
4 (125) OAR 345-026-0170: The certificate holder shall notify the Office of Energy
5 within 72 hours of any occurrence involving the facility if:

6
7 (a) There is an attempt by anyone to interfere with its safe operation;

8
9 (b) A natural event such as an earthquake, flood, tsunami or tornado, or a
10 human-caused event such as a fire or explosion affects or threatens to
11 affect the public health and safety or the environment; or

12
13 (c) There is any fatal injury at the facility.
14

15 **VI. SUCCESSORS AND ASSIGNS**

16
17 To transfer this site certificate, or any portion thereof, or to assign or dispose of it in any
18 other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0100.
19

20 **VII. SEVERABILITY AND CONSTRUCTION**

21
22 If any provision of this agreement and certificate is declared by a court to be illegal or in
23 conflict with any law, the validity of the remaining terms and conditions shall not be affected,
24 and the rights and obligations of the parties shall be construed and enforced as if the agreement
25 and certificate did not contain the particular provision held to be invalid. In the event of a
26 conflict between the conditions contained in this site certificate and the Council's final order, the
27 conditions contained in this site certificate shall control.
28

29 **VIII. GOVERNING LAW AND FORUM**

30
31 This site certificate shall be governed by the laws of the State of Oregon. Any litigation
32 or arbitration arising out of this agreement shall be conducted in an appropriate forum in Oregon.
33

34 **IX. EXECUTION**

35
36 This site certificate may be executed in counterparts and will become effective upon
37 receipt by the Oregon Department of Energy of a facsimile transmission of the signature page of
38 this site certificate with the signatures of the Chair of the Energy Facility Siting Council and the
39 notarized signature of the person duly authorized to sign on behalf of Orion Sherman County
40 Wind Farm LLC. Such facsimile signature pages shall be replaced as soon as reasonably
41 possible, but no longer than 30 days after receipt by the Oregon Department of Energy of the
42 facsimile signature pages, with signature pages containing original signatures of the authorized
43 signers.
44

1 **IN WITNESS WHEREOF**, this site certificate has been executed by the State of Oregon, acting
2 by and through its Energy Facility Siting Council, and by Orion Sherman County Wind Farm
3 LLC.

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ENERGY FACILITY SITING COUNCIL

ORION SHERMAN COUNTY WIND FARM LLC

By: _____
Hans Neukomm, Chair

By: _____
Print: _____

Date: _____

Date: _____

STATE OF _____)
County of _____)

) ss.

I, _____, certify that I am duly authorized to sign this site certificate on behalf of Orion Sherman County Wind Farm LLC.

Dated this _____ day of _____, 2006

Subscribed and sworn to before me this _____ day of _____, 2006

Notary Public for _____

My commission expires: _____