

**ENERGY FACILITY SITING COUNCIL  
OF THE  
STATE OF OREGON**

**Site Certificate for the  
Obsidian Solar Center**

**ISSUE DATE  
February 25, 2022**

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## Table of Contents

<b>1.0 Introduction and Site Certification</b> .....	1
<b>2.0 Facility Location, Site Boundary and Micrositing Areas</b> .....	2
<b>3.0 Facility Description</b> .....	3
<b>4.0 Facility Development</b> .....	5
4.1 Construction.....	5
4.2 Operations and Maintenance .....	5
4.3 Retirement .....	6
<b>5.0 Site Certificate Conditions</b> .....	7
5.1 Condition Format .....	7
5.2 General (GEN) Conditions: Design, Construction and Operations.....	7
5.3 Pre-Construction (PRE) Conditions .....	20
5.4 Construction (CON) Conditions.....	26
5.5 Pre-Operational (PRO) Conditions .....	26
5.6 Operational (OPR) Conditions.....	27
5.7 Retirement (RET) Conditions .....	28
<b>6.0 Successors and Assigns</b> .....	29
<b>7.0 Severability and Construction</b> .....	29
<b>8.0 Execution</b> .....	29

### Attachment:

<b>Figure 1: Regional Location of Facility and Site Boundary</b> .....	1
<b>Figure 2: Facility Site Boundary, Disturbance and Avoidance Areas</b> .....	2
<b>Figure 3: Gen-Tie Transmission Line Disturbance Areas and Approved Corridor</b> .....	3

## 1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (EFSC or Council), and Obsidian Solar Center LLC (certificate holder), owned by Obsidian Renewables, LLC and Lindgren Development, Inc. (parent companies). Both the State and certificate holder must abide by local ordinances, state law, and the rules of the Council in effect on the date this site certificate is executed. However, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules (ORS 469.401(2)).

This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; 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)).

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

certificate holder and will refer the matter to the Attorney General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.

Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0110 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order, incorporated herein by this reference: 1) *Final Order on the Application for Site Certificate for the Obsidian Solar Center* issued on February 25, 2022 (hereafter, *Final Order on the ASC*) 2) the record of the proceedings that led to the Final Order on the ASC.

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

## **2.0 Facility Location, Site Boundary and Micrositing Areas**

The facility site is located in Lake County, Oregon off of Oil Dri Road (County Road 5-14G). The site is located in Township 26 south, Range 16 east, Sections 5, 8, 9, 15, 16, 17, 20, 21 and 22; Township 26 south, Range 15 east, Section 13; and Township 26 south, Range 15 east, Sections 13 and 24, and in Township 26 south, Range 16 east, Sections 18 and 19.

The site boundary is approximately 3,921 acres. The site boundary is equivalent to a micrositing area, where the certificate holder has authority to site facility components anywhere within. The site boundary also includes a 60-foot wide, 2-mile transmission line corridor; 1.5-miles of the transmission line corridor is located within an existing 60-foot county road (Connley Lane) right-of-way, to be authorized by Lake County prior to construction. Figure 3: *Gen-Tie Transmission Line Disturbance Areas and Approved Corridor*, details the transmission line corridor.

The regional location of the facility site boundary and transmission line corridor are presented in Attachment 1 Figure 1, *Regional Location of Facility and Site Boundary*.

### 3.0 Facility Description

The facility is a solar photovoltaic (PV) energy generation facility and related or supporting facilities<sup>1</sup> with an approved nominal generating capacity of up to 400 megawatts alternating current (MWac), described further below.

The energy facility is approved to include a maximum number of components, as presented in Table 1 below.

**Table 1: Maximum Solar PV Energy Components**

Component	PV Only	PV plus Storage (Dispersed)
3 MWac Block	160	
Modules	1,326,858	1,742,572
Module Rows (on trackers)	16,587 x 78 module rows	21,644 x 78 module rows
Posts	187,545	246,444
Inverters	160	
Transformers	160	

Panel height, at full tilt, is approved at 7-feet. Trackers will be nonspecular metal galvanized steel. Solar panels will be designed with anti-reflective coating.

Approved related or supporting facilities include are presented in Table 2 below.

**Table 2: Maximum Number and Dimensions of Solar PV Related or Supporting Facilities**

Component	PV plus Storage (Dispersed)
Direct current electrical system, above and belowground	Up to 2 million miles of cable; combiner boxes
34.5 kV ac electrical system	Inverters, step-up transformers and 160 home-run cables
Collector Substations, 1 acre each	4, with oil-containing step up transformers; equipment height = 10'
115 kV generation-tie transmission line	2 miles, double circuit consisting of: <ul style="list-style-type: none"> <li>• 37 single steel monopole structures up to 6 feet in diameter, spaced approximately 300 feet apart, and approximately 70 feet in height.</li> <li>• Concrete foundations up to 20 feet deep, which may have directional anchoring system structures.</li> </ul>
115/500 kV step-up substation, 3 acres	1 substation consisting of: <ul style="list-style-type: none"> <li>• up to 2 115 to 500 kV transformers, each containing 50,000 gallons of transformer oil</li> </ul>

<sup>1</sup> OAR 345-001-0010(21) and – (50).

**Table 2: Maximum Number and Dimensions of Solar PV Related or Supporting Facilities**

Component	PV plus Storage (Dispersed)
	<ul style="list-style-type: none"> <li>• one 115 kV input structure</li> <li>• two 115 kV circuit breakers</li> <li>• two 500 kV circuit breakers</li> <li>• 500 kV output structures</li> <li>• a control building for housing control and communication equipment</li> <li>• 65-100 foot interconnection structures</li> </ul>
Operations and Maintenance Building, 0.5 acre	2 O&M buildings, 50 x 50 x 14', consisting of: <ul style="list-style-type: none"> <li>• warehouse-like storage area</li> <li>• human machine interface system</li> <li>• restrooms and employee work areas</li> <li>• an exempt groundwater well</li> <li>• septic system</li> </ul>
Perimeter Fence	Approx. 18 miles, chain link
Battery Storage Enclosures	134 steel framed structures: <ul style="list-style-type: none"> <li>• approximately 50 feet wide, 67 feet long and up to 30 feet tall</li> </ul> Balance of Plant (BOP) consisting of: <ul style="list-style-type: none"> <li>• large polymer tanks on each side of the cell stack, pumps, piping (polyvinyl chloride), thermal controls, and power conversion hardware (single stage, bidirectional inverters).</li> <li>• Storage tanks with non-hazardous, water-based electrolyte/polymer.</li> <li>• Primary and secondary spill containment devices</li> <li>• Thermal system control of a heating, ventilation, air conditioning (HVAC) air-to-air and glycol-to-air (non-toxic) heat exchanger</li> </ul>
Batteries	<ul style="list-style-type: none"> <li>• outdoor rated</li> <li>• negatively grounded, ground fault detection and interruption capable of detecting ground faults in the dc current carrying conductors and components</li> <li>• intentionally grounded conductors, insulation monitoring,</li> <li>• dc and ac overvoltage protection and lightning protection,</li> <li>• humidity control</li> <li>• data acquisition and communication monitoring interface.</li> </ul>
Inverters	160
Redox Electrolyte Fluid	14,000 gallons per MW

**Table 2: Maximum Number and Dimensions of Solar PV Related or Supporting Facilities**

Component	PV plus Storage (Dispersed)
Supervisory Control and Data Acquisition System	Fiber optic cables installed above- and below ground with collection system
Perimeter roads	50 miles <ul style="list-style-type: none"> <li>• Built with materials designed to act as fire breaks, sized for emergency vehicle access in accordance with Oregon Fire Code.</li> <li>• Internal roads of 12 x 20' with at least a 30-foot noncombustible, defensible space clearance for fire prevention</li> </ul>

## 4.0 Facility Development

### 4.1 Construction

Construction of the facility is authorized to commence from February 25, 2022 through February 25, 2025. Upon commencement, peak construction will include up to 150 workers per day, up to 240 worker vehicle and 160 delivery vehicle trips per day.

Construction-related activities include:

- Clearing, grubbing and earthwork – equipment will include bulldozers, graders, backhoe and haul trucks
- Foundation and base preparation for systems – equipment will include backhoes, loaders, tractor trailers, cranes
- Support installation – equipment will include pneumatic impact pile drivers
- Solar array and transmission line installation – equipment will include backhoes, loaders, tractor trailers and cranes

Grading and ground disturbance is limited to 60 acres per phase. Disturbance areas are authorized within the perimeter fenceline, with avoidance areas delineated consistent with Figure 2: *Facility Site Boundary, Disturbance and Avoidance Areas* (see Attachments).

### 4.2 Operations and Maintenance

Operation and maintenance (O&M) activities include:

- routine inspection of transformers and battery storage system
- mowing and spraying within the perimeter fenceline
- routine inspection for revegetation, erosion control and site stabilization
- periodic washing of solar PV panels



- Recycling, to the maximum extent feasible, and replacement of nonfunctional or damaged panels
- Recycling and disposal of battery redox fluid and non-hazardous electrolyte fluid at a permitted facility

The facility is expected to employ 6 to 10 maintenance personnel.

#### 4.3 Retirement

Retirement of the facility must adhere to the requirement under OAR 345-027-0110 and OAR 345-025-0006(9). The description provided below is intended to address OAR 345-025-0006(3)(a), but is not intended to conflict with the previously mentioned rule requirements.

Restoring of the site will involve site mobilization, electric disconnect/dismantling work, aboveground structure removal, foundation removal, road and site restoration, and on and offsite hauling and disposal. Equipment necessary for decommissioning will be mobilized onsite; electrical components will be disconnected (combiner boxes, battery systems); aboveground equipment and associated foundations will be dismantled (racking, posts, inverters/transformer units, O&M buildings, transmission and overhead collector lines, collector and step-up substations, fencing, gates) and removed and hauled offsite for disposal. Transformers and other collector/step-up substation equipment will be removed to be reused elsewhere or recycled as scrap metal. Underground cable and electrical collection lines will be removed up to 3 feet below ground. Transmission structure foundations may be removed up to 5 feet below ground. Internal and perimeter facility roads will be restored, including removal of gravel-surface material, decompaction and revegetation. Groundwater wells will be abandoned in accordance with applicable Oregon laws and regulations. Site revegetation activities include re-seeding of the areas impacted by permanent facility components and temporarily impacted during decommissioning activities.

## 5.0 Site Certificate Conditions

### 5.1 Condition Format

The conditions in Sections 5.2 through 5.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.).<sup>2</sup> The table below presents a “key” for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

### 5.2 General (GEN) Conditions: Design, Construction and Operations

Condition Number	General (GEN) Conditions
<b><i>STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]</i></b>	
GEN-GS-01	<p>The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate.</p> <ol style="list-style-type: none"> <li>a. Construction of the facility shall commence within three years after the date of Council action [February 25, 2025]. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification of the construction commencement date and that it has met the construction commencement deadline.</li> <li>b. Construction of all facility components shall be completed within three years after construction commencement identified in (a.) of this condition. Within 7 days of construction completion, the certificate holder shall provide the Department written verification that it has met the construction completion deadline.</li> </ol>

<sup>2</sup> The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

Condition Number	General (GEN) Conditions
	[Final Order on ASC, General Standard Condition 1; Mandatory Condition OAR 345-025-0006(4)]
GEN-GS-02	<p>The certificate holder shall design, construct, operate, and retire the facility:</p> <ol style="list-style-type: none"> <li>a. Substantially as described in the site certificate;</li> <li>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</li> <li>c. In compliance with all applicable permit requirements of other state agencies.</li> </ol> <p>[Final Order on ASC, General Standard Condition 3; Mandatory Condition OAR 345-025-0006(3)]</p>
GEN-GS-03	<p>If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions.</p> <p>[Final Order on ASC, General Standard Condition 5; Mandatory Condition OAR 345-025-0006(6)]</p>
GEN-GS-04	<p>Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the Department of the proposed new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership that requires a transfer of the site certificate.</p> <p>[Final Order on ASC, General Standard Condition 7; Mandatory Condition OAR 345-025-0006(15)]</p>
GEN-GS-05	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> <li>a. Design, construct and operate the transmission line in accordance with the requirements of the National Electrical Safety Code as approved by the American National Standards Institute; and</li> <li>b. The certificate holder shall develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line.</li> </ol> <p>[Final Order on ASC, General Standard Condition 8; Site Specific Condition OAR 345-025-0010(4)]</p>
GEN-GS-06	<p>The certificate holder is authorized to construct a 115-kV transmission line anywhere within the approved corridor, subject to the conditions of the site certificate. The approved corridor extends approximately 2 miles from Area A to Area D. From east to west, the first 0.5-mile corridor extends 60 feet in width within a private property transmission easement, and the remaining 1.5-mile corridor extending 60 feet in width within the exiting road right-of-way of Connley Lane, as further described in ASC Exhibits B and C and as presented in Figure 3 of the site certificate.</p>

Condition Number	General (GEN) Conditions
	[Final Order on ASC, General Standard Condition 9; Site Specific Condition OAR 345-025-0010(5)]
<b>STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]</b>	
GEN-OE-01	<p>During construction and operation of the facility, the certificate holder shall report to the Department, within 21 days, any change of the parent companies, Obsidian Renewables, LLC and Lindgren Development, Inc., such as changes within the Board of Directors, President or Chief Executive Office, where the certificate holder considers such change to impact the certificate holder’s access to the resources or expertise of the parent companies.</p> <p>[Final Order on ASC, Organizational Expertise Condition 1]</p>
GEN-OE-02	<p>During design, construction, operation, and retirement of the facility, the certificate holder shall contractually require all contractors and subcontractors to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. The contractual obligation shall be required of each contractor and subcontractor prior to that firm working on the facility. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.</p> <p>[Final Order on ASC, Organizational Expertise Condition 3]</p>
GEN-OE-03	<p>Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder.</p> <p>[Final Order on ASC, Organizational Expertise Condition 4]</p>
GEN-OE-04	<p>In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the Department.</p> <p>[Final Order on ASC, Organizational Expertise Condition 5]</p>
<b>STANDARD: Structural Standard (SS) [OAR 345-022-0020]</b>	
GEN-SS-01	<p>The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction.</p> <p>[Final Order on ASC, Structural Standard Condition 2, Mandatory Condition OAR 345-025-0006(12)]</p>

Condition Number	General (GEN) Conditions
GEN-SS-02	<p>The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.</p> <p>[Final Order on ASC, Structural Standard Condition 3; Mandatory Condition OAR 345-025-0006(13)]</p>
GEN-SS-03	<p>The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.</p> <p>[Final Order on ASC, Structural Standard Condition 4; Mandatory Condition OAR 345-025-0006(14)]</p>
<b>STANDARD: Soil Protection (SP) [OAR 345-022-0022]</b>	
GEN-SP-01	<ul style="list-style-type: none"> <li>a. Prior to obtaining the DEQ-issued NPDES 1200-C permit, the certificate holder shall: <ul style="list-style-type: none"> <li>i. Evaluate the results of the preconstruction Geotechnical Investigation to develop appropriate, site-specific erosion and dust control measures, to be reflected in the Erosion and Sediment Control Plan (ESCP).</li> <li>ii. to the Department that all revegetation protocols identified in the ESCP are consistent with the requirements and success criteria in the RNWCP and DAMP, and that the protocols address dust abatement, erosion and sediment control, noxious and invasive weeds and are inclusive of a successional seed mix and sequence. Any changes in the protocols, based on adaptive management during construction, must be determined by the Department, in consultation with ODFW, ODEQ Demonstrate or third-party consultant, to be appropriate to meet the revegetation, dust and erosion control requirements in the ESCP, DAMP and RNWCP.</li> </ul> </li> <li>b. Prior to construction of the facility, the certificate holder shall provide a copy to the Department of its DEQ-issued NPDES 1200-C permit, including final ESCP and associated drawings (as provided in Attachment I-1 of the Final Order on the ASC).</li> <li>c. Prior to construction of the facility, the certificate holder shall submit to the Department a construction schedule that considers site-specific soil factors and demonstrates that site preparation and disturbance activities are scheduled to occur in a manner that allows for predisturbance site preparation (e.g. seeding)</li> </ul>

Condition Number	General (GEN) Conditions
	<p>within the appropriate season and with sufficient time to allow for increased success during construction and upon site restoration.</p> <p>d. Prior to construction of the facility, the certificate holder shall develop a phased site preparation and disturbance plan that limits overall site disturbance to 60 acres or less within any disturbance timeframe. Subsequent disturbance may not commence until the previous phase of disturbed area has been adequately stabilized with vegetation, erosion, or other stabilization materials, as determined by the onsite monitor per sub(e) of this condition, in consultation with the Department. The phased plan shall consider peak farming activity schedules (e.g. harvest, deliveries, etc.) of adjacent landowners, based on documented landowner consultation. The phased site preparation and disturbance plan must be prepared by an engineer, soil scientist or individual with similar technical qualifications and reviewed and approved by the Department in consultation with the Oregon Department of Agriculture (soil/vegetation specialist) or other third-party specialist.</p> <p>e. During construction of the facility, the certificate holder shall obtain a monitor with relevant experience during all construction activities to monitor the requirements of the 1200-C, RNWCP and DAMP. The monitor shall maintain daily field logs, to be made available upon request by the Department, documenting compliance with the phased site preparation and disturbance plan, the success of predisturbance seeding, 1200-C, RNWCP and DAMP requirements. Daily field logs shall clearly identify any necessary corrective actions. All corrective actions must be reported to and timely implemented by the certificate holder.</p> <p>f. During construction of the facility, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C.</p> <p>g. The certificate holder must provide copies of completed Erosion and Sediment Control Inspection Forms (forms) for Department review during construction inspections and, if requested by the Department based on continuous erosion and dust issues and corrective actions at the site, must provide form copies to the Department within 7-days of inspections, in electronic format, to allow the Department, in consultation with Oregon Department of Environmental Quality and Lake County Public Works Department, the ability to recommend additional site controls</p> <p>[Final Order on ASC, Soil Protection Condition 1]</p>
GEN-SP-02	<p>a. Prior to construction of the facility, the certificate holder must submit to the Department an updated a Spill Management Plan for Construction (i.e. materials</p>

Condition Number	General (GEN) Conditions
	<p>inventory). The Spill Management Plan shall contain the measures discussed in the ASC for managing and disposing of hazardous materials. The certificate holder must construct the facility in compliance with the plan.</p> <p>b. Prior to operation of the facility, the certificate holder must submit to the Department an updated Spill Management Plan for Operation (i.e. materials inventory). The certificate holder must operate the facility in compliance with the Department-approved plan.</p> <p>[Final Order on ASC, Soil Protection Condition 2]</p>
<b>STANDARD: Land Use (LU) [OAR 345-022-0030]</b>	
GEN-LU-1	<p>The certificate holder shall:</p> <p>a. Prior to construction of the facility, provide to the Department a list of all State and federal permits or approval necessary for construction or operation of the facility. Certificate holder shall consider ASC Exhibit E in identifying necessary permits.</p> <p>b. At least 90-day following construction commencement, provide evidence of all State and federal permits or approval identified per sub(a) of this condition.</p> <p>[Final Order on ASC, Land Use Condition 5]</p>
<b>STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]</b>	
GEN-RF-01	<p>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.</p> <p>[Final Order on ASC, Retirement and Financial Assurance Condition 1; Mandatory Condition OAR 345-025-0006(7)]</p>
<b>STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]</b>	
GEN-FW-01	<p>The certificate holder shall:</p> <p>a. Prior to construction of the facility, the certificate holder shall finalize and submit the Revegetation and Noxious Weed Control Plan, based upon the draft plan provided in Attachment P-3 of the Final Order on the ASC, for review and approval by the Department, in consultation with ODFW and Lake County Weed Control Supervisor, including consideration of whether cheatgrass and Russian thistle should be addressed in the RNCWP. The scope of finalizing the plan shall, at a minimum, include the following:</p> <ol style="list-style-type: none"> <li>1. Final assessment of temporary habitat impacts (in acres), based on habitat quality of habitat subtype, and final facility design, presented in tabular format.</li> <li>2. Survey and sampling protocol for evaluating the success criteria against paired monitoring and reference sites determined to represent a statistically</li> </ol>

Condition Number	General (GEN) Conditions
	<p>significant number of sites based on pre-disturbance habitat quality and diversity of habitat temporarily impacted.</p> <ol style="list-style-type: none"> <li>3. Approval of appropriate revegetation seed mix from ODFW.</li> <li>4. Confirmation of revegetation and noxious weed monitoring frequency, to occur annually for the first 5-years following construction, unless otherwise agreed to by the Department in consultation with ODFW, Lake County or the Cooperative Weed Management Area</li> <li>5. Assurance that the success criteria for vegetation cover is based upon desirable, native vegetation.</li> </ol> <p>b. During construction and operation of the facility, the certificate holder shall implement the requirements of the plan; monitor and report results of revegetation activities to the Department, as required by the plan.</p> <p>[Final Order on ASC, Fish and Wildlife Condition 1]</p>
GEN-FW-02	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> <li>a. Prior to construction of the facility, the certificate holder shall finalize and submit a Habitat Mitigation Plan, based upon Option 3 of the draft plan provided in Attachment P-1 of the Final Order on the ASC, for review and approval by the Department, in consultation with ODFW.</li> </ol> <p>HMP Option 3 is the only mitigation that may be utilized without amendment of the HMP due to insufficient evidence available to demonstrate that Options 1 and 2 meet the requirements of OAR 345-022-0060.</p> <p>In the finalization of the plan, the Department may request reporting requirements including specific information, frequency and format. Components of the plan to be finalized shall include, at a minimum, a final assessment of permanent habitat impacts (in acres) based on habitat quality of habitat subtype, and final facility design, presented in tabular format.</p> <ol style="list-style-type: none"> <li>b. During construction and operation of the facility, the certificate holder shall implement the requirements of the plan as approved under sub(a) of this condition.</li> </ol> <p>[Final Order on ASC, Fish and Wildlife Condition 2]</p>
GEN-FW-03	<p>Prior to and during construction of the facility, the certificate holder shall provide, and keep records documenting completion of, environmental awareness training for all facility personnel and on-site contractors. The training program shall discuss State Sensitive Species and all other environmental issues related to the facility, including information about pygmy rabbit identification information and reporting procedures.</p> <p>[Final Order on ASC, Fish and Wildlife Condition 3]</p>



Condition Number	General (GEN) Conditions
GEN-FW-04	During construction, operation, and retirement of the facility, the certificate holder shall impose and enforce a speed limit of 15 miles per hour within the site boundary. [Final Order on ASC, Fish and Wildlife Condition 4]
GEN-FW-05	During trenching and backfilling activities necessary for construction or operation of the facility, the certificate holder shall ensure that contractors or facility personnel responsible for the work avoid leaving trenches open overnight, as practicable. Where trenches remain open overnight, the trenches shall include wildlife escape ramps approximately every 90 meters with slopes of less than 45 degrees. Trenches shall be inspected, and any wildlife found removed prior to backfilling. [Final Order on ASC, Fish and Wildlife Condition 5]
GEN-FW-06	The certificate holder shall: <ul style="list-style-type: none"> <li>a. Prior to construction or any subsequent year of construction of the facility, the certificate holder shall hire a qualified biologist to conduct a ground survey for non-raptor migratory bird nests, based on a protocol to be submitted to the Department for review and approval in consultation with ODFW. Nest surveys for non-raptor species shall be conducted within 50 feet of all disturbance areas, including the transmission line and access roads.</li> <li>b. During construction of the facility, if the biologist detects active migratory bird nests during bird nest surveys, the certificate holder shall ensure that construction activities adhere to 30-foot disturbance buffers around the nests until the nest has been abandoned/depredated or the eggs hatch and young have fledged.</li> </ul> [Final Order on ASC, Fish and Wildlife Condition 6]
GEN-FW-07	The certificate holder shall: <ul style="list-style-type: none"> <li>a. Prior to any year of construction of the facility, the certificate holder shall hire a qualified biologist to conduct a pre-construction survey for raptor nests, based on a protocol to be submitted to the Department for review and approval in consultation with ODFW. Pre-construction raptor nest surveys shall extend 0.5 miles of proposed disturbance areas, to the extent the certificate holder has legal access. Raptor nest surveys shall be conducted no more than two weeks prior to the start of construction activities. If the biologist detects active raptor nests, the certificate holder shall implement and maintain disturbance buffers around the nests in which construction activities are prohibited until the nest has been abandoned/depredated or the eggs hatch and young have fledged.</li> <li>b. Prior to construction, the certificate holder shall develop a construction plan that demonstrates construction activities within 0.25 of a mile from previously identified active nest sites, except for golden eagle nest sites which should apply a 0.50-mile buffer distance, are scheduled to avoid the sensitive nesting and breeding season. Previously identified nest sites are those identified during surveys per sub(a) of this condition.</li> </ul>

Condition Number	General (GEN) Conditions																		
	<p>c. During construction of the facility, the certificate holder shall ensure that construction work maintains a 0.25-mile buffer distance from all raptor nests, except for golden eagle (<i>Aquila chrysaetos</i>) 0.5 miles) and red-tailed hawk (300 to 500 feet) during the sensitive nesting and breeding season presented in the table below. In cases where smaller buffers or restricted work authorizations might be appropriate, the certificate holder shall coordinate with the Department and ODFW or the USFWS to decrease buffer sizes and/or to allow restricted construction activities. Facility vehicles shall be permitted within buffers on paved public roads. Most light traffic by rubber-tired vehicles shall be permitted to pass through the buffer on existing unpaved access roads, if needed, and as determined by the on-site environmental monitor.</p> <table border="1" data-bbox="386 747 1438 1056"> <thead> <tr> <th>Status Sensitive/Raptor Species</th> <th>Buffer Size (Radius Around Nest Site):</th> <th>Sensitive Nesting and Breeding Season</th> </tr> </thead> <tbody> <tr> <td>Western burrowing owl</td> <td>0.25 mile</td> <td>April 1 to August 15</td> </tr> <tr> <td>Ferruginous hawk</td> <td>0.25 mile</td> <td>March 15 to August 15</td> </tr> <tr> <td>Swainsons hawk</td> <td>0.25 mile</td> <td>April 1 to August 15</td> </tr> <tr> <td>Red-tailed hawk</td> <td>500 feet</td> <td>March 1 to August 31</td> </tr> <tr> <td>Golden eagle</td> <td>0.50 mile</td> <td>Feb 1 – August 31</td> </tr> </tbody> </table> <p>[Final Order on ASC, Fish and Wildlife Condition 7]</p>	Status Sensitive/Raptor Species	Buffer Size (Radius Around Nest Site):	Sensitive Nesting and Breeding Season	Western burrowing owl	0.25 mile	April 1 to August 15	Ferruginous hawk	0.25 mile	March 15 to August 15	Swainsons hawk	0.25 mile	April 1 to August 15	Red-tailed hawk	500 feet	March 1 to August 31	Golden eagle	0.50 mile	Feb 1 – August 31
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GEN-FW-08	<p>During design and construction of the facility, the certificate holder shall ensure that aboveground transmission line and aboveground portions of the electrical collection system adhere to the current APLIC guidelines for minimizing avian electrocution risks.</p> <p>[Final Order on ASC, Fish and Wildlife Condition 8]</p>																		
GEN-FW-09	<p>The certificate holder shall:</p> <p>a. No more than 3-years prior to construction of the facility, conduct pygmy rabbit (<i>Brachylagus idahoensis</i>) surveys within the portion of the site boundary inside the perimeter fence, based on the final design of the facility, using the same protocol approved for the pygmy rabbit surveys conducted as part of ASC Exhibit P (Attachment P-1 Section 2.3).. Pygmy rabbit surveys shall also document presence of white-tailed jack rabbits (<i>Lepus townsendii</i>). Pygmy rabbit survey reports shall be submitted to the Department for review, in consultation with ODFW.</p> <p>b. From January 15 through June 15 (pygmy rabbit breeding period), implement a 3-meter (10 foot) buffer area using flagging or constraint maps around burrow complexes identified during preconstruction surveys per subpart(a) of this condition or identified incidentally during construction, unless otherwise approved by the Department in consultation with ODFW.</p>																		

Condition Number	General (GEN) Conditions
	<p>c. During design and prior to construction of the facility, the certificate holder shall develop constraint maps clearing delineating avoidance areas for any previously identified complex (ASC Exhibit P Figure P-1 and pre-construction survey maps) within or in close proximity to the site boundary. Disturbance and facility components shall not occur or be located within identified complexes.</p> <p>[Final Order on ASC, Fish and Wildlife Condition 9]</p>
GEN-FW-10	<p>Prior to any year of construction where vegetation clearing activities would occur, the certificate holder shall implement the following measures to minimize use at the site by, and impacts to, ground nesting birds:</p> <p>a. Schedule vegetation clearing activities, including removal of trees, shrubs, and tall grasses to stubs, to occur between September 1 and March 31 for shrubs and trees shorter than 15 feet, and September 1 to January 15 for trees over 15 feet tall, to the extent practicable.</p> <p>b. The certificate holder shall remove vegetation slash material offsite to an approved location or chipping slash in place prior to March 31 to the extent practicable.</p> <p>[Final Order on ASC, Fish and Wildlife Condition 10]</p>
<b>STANDARD: Scenic Resources (SR) [OAR 345-022-0080]</b>	
GEN-SR-01	<p>The certificate holder shall ensure that facility design, construction and operation adheres to the following requirements:</p> <p>a. Use earth-tone colors on battery storage enclosures and other buildings to match or complement the predominant colors of surrounding vegetation, or use steel for the enclosure siding that produces a brown rusty patina when weathered.</p> <p>b. Facility lighting must be shielded and directed downward and be the minimum necessary for construction, operation, safety, and security. Lighting for operation, safety, and security must be on-demand or motion-activated and/or use timers to minimize light exposure.</p> <p>[Final Order on ASC, Scenic Resources Condition 1]</p>
<b>STANDARD: Historic, Cultural and Archeological Resources (HC) [OAR 345-022-0090]</b>	
GEN-HC-01	<p>The certificate holder shall:</p> <p>a. Prior to and during construction, and operation of the facility implement the Archeological Testing and Excavation Methodologies Plan (Attachment S-1 to Final Order on ASC) and the Cultural Mitigation and Monitoring Plan (Attachment S-2 to the Final Order on ASC).</p> <p>b. During construction and operation of the facility, the certificate holder shall implement and adhere to the requirements of the Inadvertent Discovery Plan, as provided in Attachment S-2 of the Final Order on ASC and the Cultural Mitigation and Monitoring Plan, as provided in Attachment S-3 of the Final Order on ASC.</p>

Condition Number	General (GEN) Conditions
	[Final Order on ASC, Historic, Cultural and Archeological Condition 1]
GEN-HC-02	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> <li>a. Prior to and during construction, and during operation, conduct field testing, excavation and removal of archaeological, historical, prehistoric, and anthropological materials within archaeological sites or objects under ORS 358.920 and ORS 390.235 in compliance with the SHPO Archaeological Permits AP2816, AP2817, AP2818, and AP2819, Attachment S-4 of the Final Order on ASC.</li> <li>b. Administratively renew or extend SHPO Archaeological Permits with SHPO for any work governed by the permits to be consistent with the construction commencement date (Feb 25, 2025) and construction completion (3 years following commencement), as stated in General Standard Condition 1. Provide copies of any renewed or extended SHPO Archaeological Permits to the Department.</li> </ol> <p>[Final Order on ASC, Historic, Cultural and Archeological Condition 2]</p>
<b>STANDARD: Public Services (PS) [OAR 345-022-0100]</b>	
GEN-PS-01	<ol style="list-style-type: none"> <li>a. Prior to construction of the facility, the certificate holder shall submit to the Department for review and approval in consultation with Lake County Planning and County Road Department, a Construction Traffic Management Plan that includes, at a minimum, the best management practices, County road use agreement, and traffic sign coordination provided in Attachment U-2 of the Final Order on the ASC;</li> <li>b. During construction of the facility, the certificate holder shall implement the Construction Traffic Management Plan, as approved by the Department in consultation with Lake County.</li> </ol> <p>[Final Order on ASC, Public Services Condition 3]</p>
GEN-PS-02	<ol style="list-style-type: none"> <li>a. Prior to construction of the facility, the certificate holder shall submit a Final Construction Fire Protection and Emergency Response Plan to the Department, consistent with the components included in the draft plan provided in Attachment U-3 of the Final Order on the ASC, for review and approval. Plan finalization shall include documentation of coordination with local fire protection and emergency services; qualifications and contact information for the onsite emergency medical technician; and executed agreement, or similar conveyance, for onsite emergency transport service. The plan shall also include an updated Emergency and Fire contact list.</li> <li>b. Prior to operation of the facility, the certificate holder shall submit an Operational Fire Protection and Emergency Response Plan to the Department, consistent with the components included in the draft plan provided in Attachment U-3 of the Final Order on the ASC). The plan shall also include an updated Emergency and Fire contact list.</li> </ol>

Condition Number	General (GEN) Conditions
	[Final Order on ASC, Public Services Condition 4]
<b>STANDARD: Waste Minimization (WM) [OAR 345-022-0120]</b>	
GEN-WM-01	<p data-bbox="358 380 1435 485">During construction, operation, and retirement of the facility, the certificate holder shall develop and implement a Solid Waste Management Plan that includes at a minimum the following measures:</p> <ol data-bbox="358 495 1458 835" style="list-style-type: none"> <li>a. Measures for recycling steel and other metal scrap;</li> <li>b. Measures for reusing or recycling wood waste;</li> <li>c. Measures for recycling packaging wastes such as paper and cardboard;</li> <li>d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler;</li> <li>e. Segregating hazardous wastes such as oil, oily rags and oil-absorbent materials, mercury containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of such materials.</li> </ol> <p data-bbox="358 846 1052 877">[Final Order on ASC, Waste Minimization Condition 1]</p>
<b>STANDARD: Noise Control Regulations (NC) [OAR 340-035-0035]</b>	
GEN-NC-01	<ol data-bbox="358 934 1463 1822" style="list-style-type: none"> <li>a. Prior to construction, the certificate holder shall establish a noise complaint response system to address noise complaints during construction and make it available at the construction manager’s office. The Certificate holder shall submit a copy of noise complaint response system to the Department. Records of noise complaints during construction must be made available to the Department upon request. The noise complaint response system shall include, but not be limited to: <ol data-bbox="407 1205 1458 1661" style="list-style-type: none"> <li>i. Locate stationary engine-powered construction equipment as far from nearby noise sensitive properties as possible.</li> <li>ii. Shut off idling equipment.</li> <li>iii. Consideration of reschedule construction activities to avoid periods of noise annoyance identified in the complaint.</li> <li>iv. Notify nearby residents before extremely noisy work occurs.</li> <li>v. Locate stationary engine-powered construction equipment as far from nearby noise sensitive properties as possible.</li> <li>vi. Restrict the installation of solar module support posts using the pneumatic pile driver to weekdays and Saturdays, during daytime hours of 7:00 am to 5:00 pm, and notify the residences near the site prior to performing the work.</li> </ol> </li> <li>b. During construction, all engine powered equipment must have mufflers installed according to the manufacturer's specifications, and all equipment must comply with pertinent equipment noise standards of the U.S. Environmental Protection Agency.</li> </ol> <p data-bbox="358 1829 967 1856">[Final Order on ASC, Noise Control Condition 1]</p>

Condition Number	General (GEN) Conditions
<b>STANDARD: Water Rights (WR) [ORS 537, 540 and 690]</b>	
GEN-WR-01	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> <li>a. Following installation of any onsite groundwater well, but prior to water withdrawal for facility water use, install a totalizing flowmeter or dedicated measuring tubes for tracking of daily water use, which use is not to exceed 5,000 gallons per day among all wells on the property.</li> <li>b. During construction and operation, maintain totalizing flowmeters or dedicated measuring tubes.</li> <li>c. Within 30 days after well completion for each new exempt well under ORS 537.545, the certificate holder shall follow the recording requirements under OAR 690-190-0100. If the certificate holder is not the landowner, the certificate holder shall facilitate the landowner submission of required materials to Oregon Water Resources Department. The certificate holder shall submit to the Department a copy of the file submitted to Oregon Water Resources Department.</li> </ol> <p>[Final Order on ASC, Water Rights Condition 2]</p>

5.3 Pre-Construction (PRE) Conditions

Condition Number	Preconstruction (PRE) Conditions
<b>STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]</b>	
PRE-GS-01	<p>Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, 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 the transmission line associated with the energy facility, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and 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 a transmission line occurs during the certificate holder’s negotiations to acquire construction rights on another part of the site.</p> <p>[Final Order on ASC, General Standard Condition 4; Mandatory Condition OAR 345-025-0006(5)]</p>
PRE-GS-02	<p>At least 90 days prior to beginning construction of the facility (unless otherwise agreed to by the Department), the certificate holder shall submit to the Department a compliance plan documenting and demonstrating actions completed or to be completed to satisfy the requirements of all site certificate terms and conditions and applicable statutes and rules. The plan shall be provided to the Department for review and compliance determination for each requirement. The Department may request additional information or evaluation deemed necessary to demonstrate compliance.</p> <p>[Final Order on ASC, General Standard Condition 10; OAR 345-026-0048]</p>
<b>STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]</b>	
PRE-OE-01	<p>Before beginning construction of the facility, the certificate holder shall notify the Department of the identity and qualifications of the major design, engineering and construction contractor(s). The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the Department any changes of major contractors.</p> <p>[Final Order on ASC, Organizational Expertise Condition 2]</p>
<b>STANDARD: Structural Standard (SS) [OAR 345-022-0020]</b>	
PRE-SS-01	<p>At least 60-days prior to construction of the facility, the certificate holder shall:</p> <ol style="list-style-type: none"> <li>1. Conduct a site-specific geotechnical investigation in accordance with the 2014 version of the Oregon State Board of Geologist Examiners Guideline for</li> </ol>

Condition Number	Preconstruction (PRE) Conditions
	<p>Preparing Engineering Geologic Reports, or newer guidelines if available. The investigation report shall be submitted to DOGAMI and the Department, for review. The geotechnical investigation will include the following:</p> <ol style="list-style-type: none"> <li>a. Borings sufficient to develop seismic site classification(s) to facilitate engineering studies and site design;</li> <li>b. Foundation-specific investigations appropriate for the structures and their accompanying loads; and</li> <li>c. As recommended by licensed project engineers, soil and rock laboratory tests, such as soil and rock classification and strength testing, electrical resistance, corrosivity, scanning electron microscopy, soil collapsibility, and other parameters.</li> </ol> <p>2. The certificate holder's final facility engineering must include geotechnical engineering design for foundations (substations, O&amp;M buildings, inverter/transformer pads, battery systems), including seismic design that incorporates detailed site-specific conditions, based on the results of the site-specific investigation report described in this condition.</p> <p>[Final Order on ASC, Structural Standard Condition 1]</p>
<b>STANDARD: Land Use (LU) [OAR 345-022-0030]</b>	
PRE-LU-01	<p>Prior to construction of the facility, the certificate holder shall:</p> <ol style="list-style-type: none"> <li>a. Submit a conditional use and zoning permit application along with the proper filing fees to Lake County Planning Department for issuance pursuant to ORS 469.401(3); and</li> <li>b. Obtain all other necessary local permits, including building permits and onsite sewage treatment system permits.</li> </ol> <p>[Final Order on ASC, Land Use Condition 1]</p>
PRE-LU-02	<p>Prior to construction of the facility, the certificate holder shall demonstrate to the Department and Lake County Planning Department through mapping or other engineering drawing that the final facility layout complies with the following county yard setback and vision clearance area requirements:</p> <ol style="list-style-type: none"> <li>a. 50-foot minimum sideyard setback distance from permanent foundations (inverter/transformer units, collector/step-up substations, O&amp;M buildings, battery storage enclosures) to adjacent non-participating property boundaries.</li> <li>b. 20-foot minimum front and rear yard setback distance from permanent foundations (inverter/transformer units, collector/step-up substations, O&amp;M buildings, battery storage enclosures) to adjacent non-participating property boundaries.</li> <li>c. 45-foot minimum setback from the centerline of any county or other public or street right-of-way to permanent foundations (inverter/transformer units, collector/step-up substations, O&amp;M buildings, battery storage enclosures).</li> <li>d. 20-foot minimum triangular vision clearance area at access road driveways</li> </ol>



Condition Number	Preconstruction (PRE) Conditions
	<p>constructed by the facility that provide access to a public roadway.</p> <p>e. 2.5-foot height restriction on planting, fence, wall, structure, or temporary or permanent obstruction, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height eight (8) feet above grade.</p> <p>[Final Order on ASC, Land Use Condition 2]</p>
PRE-LU-03	<p>Prior to construction of the facility, the certificate holder shall provide a map presenting facility site boundary, access roads and road approaches; county roads; and, the County’s mapped Goal 5 Big Game Winter Range habitat overlay. If the certificate holder constructs new facility access roads or road approaches from County Road 5-12 A onto the site, certificate holder shall demonstrate to the Department and Lake County Planning Department how the length of the road or road approach complies with LCZO Section 18.05(D)(3)(c).</p> <p>[Final Order on ASC, Land Use Condition 3]</p>
PRE-LU-04	<p>Prior to construction of the facility, the certificate holder shall sign and record in the county deed records a document binding the certificate holder owner, and any certificate holder owner successors in interest, prohibiting them from pursuing a claim for relief of cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).</p> <p>[Final Order on ASC, Land Use Condition 6]</p>
<b>STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]</b>	
PRE-RF-01	<p>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 in a form and amount satisfactory to the Council 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 facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility.</p> <p>[Final Order on ASC, Retirement and Financial Assurance Condition 4; Mandatory Condition OAR 345-025-0006(8)]</p>
PRE-RF-02	<p>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 naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The total bond or letter of credit amount for the facility is \$28.8 million dollars (Q3 2018 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition:</p> <p>a. The certificate holder may adjust the amount of the bond or letter of credit based on the design configuration of the facility by applying the unit costs, general costs and ODOE applied contingencies as illustrated in Table 4 of the Final Order on the ASC. Any revision to the restoration costs should be adjusted</p>

Condition Number	Preconstruction (PRE) Conditions
	<p>to the date of issuance as described in (b) and subject to review and approval by the Council.</p> <p>b. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation:</p> <ul style="list-style-type: none"> <li>i. Adjust the amount of the bond or letter of credit (expressed in Q3 2018 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services’ “Oregon Economic and Revenue Forecast” or by any successor agency and using the third quarter 2018 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust third quarter 2018 dollars to present value.</li> <li>ii. Round the result total to the nearest \$1,000 to determine the financial assurance amount.</li> </ul> <p>c. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council, based on the Council’s pre-approved financial institution list.</p> <p>d. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.</p> <p>[Final Order on ASC, Retirement and Financial Assurance Condition 5]</p>
<b>STANDARD: Public Services (PS) [OAR 345-022-0100]</b>	
PRE-PS-01	<p>Prior to construction of the facility, the certificate holder shall:</p> <ul style="list-style-type: none"> <li>a. Place a roadside sign along North Oil Dri Road and at facility entrance, including the contact information (cell number) for an onsite representative for dust complaints.</li> <li>b. Finalize the Dust Abatement and Management Control Plan included as Attachment U-4 to the Final Order on the ASC, in consultation with Lake County Planning and Road Departments, the Oregon Department of Environmental Quality and the Department. Consultation, at a minimum, shall include: <ul style="list-style-type: none"> <li>i. Submission of the draft DAMP, with a cover letter/description of the construction schedule, activities and final facility design, to the above referenced state and local government representatives, with a request for review and comment within 45 days. The draft DAMP shall include reasonable available control measures including application of binders/dust suppressants (e.g., Earth Bind, ligano sulfonate) on highly trafficked roads. The DAMP shall also include a description of conditions that would warrant application of additional water or suppressants and</li> </ul> </li> </ul>

Condition Number	Preconstruction (PRE) Conditions
	<p>shall provide evidence that the certificate holder/contractor has reasonable access to additional suppressants/water controls for facility construction.</p> <ul style="list-style-type: none"> <li>ii. Within 60 days of submission or as otherwise feasible, meet with the Department to evaluate comments and finalize the DAMP. Receive written confirmation from the Department that the DAMP may be finalized.</li> <li>iii. Provide copies of the final DAMP and construction schedule to all property owners of record within 500 feet of the boundary of the property for which the site boundary is located.</li> </ul> <p>[Final Order on ASC, Public Services Condition 1]</p>
<b>STANDARD: Noise Control Regulations (NC) [OAR 340-035-0035]</b>	
PRE-NC-01	<p>Prior to construction of the facility, the certificate holder shall:</p> <ul style="list-style-type: none"> <li>a. Submit to the Department a noise summary report presenting the sound power levels (in dBA) of noise generating equipment including solar array inverters and transformers, substation transformers, and battery system inverters and cooling systems, as applicable to final design. The sound power levels shall be supported by equipment manufacturer specifications and noise data. The certificate holder shall provide, in tabular format, a comparison of the sound power levels used in ASC Exhibit X for noise generating equipment and sound power levels validated by manufacturer specifications.</li> <li>b. If the sound power levels used in ASC Exhibit X to evaluate compliance with DEQ’s noise rules are lower than sound power levels of final equipment selected, the certificate holder shall provide an updated noise analysis to demonstrate compliance with the ambient degradation standard and maximum allowable threshold. The ambient noise level utilized in ASC Exhibit X may be used for the updated noise analysis, if required.</li> </ul> <p>[Final Order on ASC, Noise Control Condition 2]</p>
<b>STANDARD: Water Rights (WR) [ORS 537, 540 and 690]</b>	
PRE-WR-01	<p>Prior to construction of the facility, certificate holder shall submit to the Department the following information related to its water service provider for construction related water use:</p> <ul style="list-style-type: none"> <li>a. Name of water provider, water permit or water right number or copy of, and letter from provider confirming water availability to meet construction water demand;</li> <li>b. Confirmation from water provider that water can be used at the facility site given any applicable restrictions of the water right or permit;</li> <li>c. If sufficient water is not available from local service provider(s) to meet facility construction water needs, certificate holder shall confirm whether it needs to amend the site certificate to incorporate a water permit/right under Council</li> </ul>

Condition Number	Preconstruction (PRE) Conditions
	<p>jurisdiction or provide evidence that its third party contractor has obtained a water right or permit for water use at the site.</p> <p>[Final Order on ASC, Water Rights Condition 1]</p>

5.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
<b>STANDARD: Public Services (PS) [OAR 345-022-0100]</b>	
CON-PS-01	<p>During construction of the facility, certificate holder shall:</p> <ol style="list-style-type: none"> <li>Implement the requirements of the Dust Abatement and Management Control Plan, as finalized per sub(b) of the condition.</li> <li>Report to the Department, as soon as possible, any reported dust nuisance complaints received by the onsite representative, including date, time, complainant name and measures implemented to resolve the issue, or explanation if measures not implemented [OAR 345-025-0006(6)].</li> </ol> <p>[Final Order on ASC, Public Services Condition 2]</p>

5.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
<b>STANDARD: Land Use (LU) [OAR 345-022-0030]</b>	
PRO-LU-01	<p>Prior to operation of the facility, the certificate holder shall:</p> <ol style="list-style-type: none"> <li>Provide a copy to the Department of the Strategic Investment Program Agreement as executed by Lake County and certificate holder. The SIP agreement shall demonstrate, at a minimum, annual Community Service Fees of \$2,000 per megawatt alternating current (MWac), based on nameplate installed capacity.</li> <li>Provide a one-time contribution to the North Lake County School District Foundation based on \$10,000 per MWac capacity, based on final design of the facility constructed by the construction completion deadline defined in General Standard Condition 1.</li> </ol> <p>[Final Order on ASC, Land Use Condition 7]</p>
<b>STANDARD: Siting Standards for Transmission Lines (TL) [OAR 345-024-0090]</b>	
PRO-TL-01	<p>Prior to operation of the facility, the certificate holder shall provide landowners within 500 feet of the site boundary a map of the 115-kV transmission line and inform landowners of possible health and safety risks from induced currents caused by electric and magnetic fields.</p> <p>[Final Order on ASC, Siting Standards for Transmission Lines Condition 1]</p>

5.6 Operational (OPR) Conditions

Condition Number	Operational (OPR) Conditions
<b>STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]</b>	
OPR-GS-01	The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility. [Final Order on ASC, General Standard Condition 2; Mandatory Condition OAR 345-025-0006(2)]
OPR-GS-01	Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. [Final Order on ASC, General Standard Condition 6; Mandatory Condition OAR 345-025-0006(11)]
<b>STANDARD: Land Use (LU) [OAR 345-022-0030]</b>	
OPR-LU-01	During facility operation, the certificate holder shall include in the annual report the condition of the perimeter fence and identify whether any repairs were completed within the reporting year, or if scheduled for following reporting year. [Final Order on ASC, Land Use Condition 4]
<b>STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]</b>	
OPR-FW-01	During operation, the certificate holder shall implement the post-construction bird and bat mortality monitoring as established in the Wildlife Monitoring Plan provided in Attachment P-2 of the Final Order on the ASC. [Final Order on ASC, Fish and Wildlife Habitat Condition 11]

5.7 Retirement (RET) Conditions

Condition Number	Retirement (RET) Conditions
<b>STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]</b>	
RET-RF-01	<p>The certificate holder shall retire the facility if the certificate holder permanently ceases construction or operation of the facility. The certificate holder shall retire the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, nonhazardous condition at the time of retirement, notwithstanding the Council’s approval in the site certificate of an estimated amount required to restore the site.</p> <p>[Final Order on ASC, Retirement and Financial Assurance Condition 2; Mandatory Condition OAR 345-025-0006(9)]</p>
RET-RF-02	<p>If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the Department to prepare a proposed final retirement plan for the Council’s approval.</p> <p>Upon the Council’s approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-025-0006(8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council shall issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan.</p> <p>[Final Order on ASC, Retirement and Financial Assurance Condition 3; Mandatory Condition OAR 345-025-0006(16)]</p>

## 6.0 Successors and Assigns

To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0400.

## 7.0 Severability and Construction

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

## 8.0 Execution

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

**IN WITNESS THEREOF**, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Obsidian Solar Center LLC (certificate holder).

~~ENERGY FACILITY SITING COUNCIL~~

~~By: \_\_\_\_\_~~

~~Marcia L. Grail, Chair~~

~~Date: \_\_\_\_\_~~

~~Obsidian Solar Center LLC~~

~~By: \_\_\_\_\_~~

~~Authorized Representative~~

~~Date: \_\_\_\_\_~~

~~By: \_\_\_\_\_~~

~~Date: \_\_\_\_\_~~



## **ATTACHMENT 1: FIGURES**

**Figure 1: Regional Location of Facility and Site Boundary**

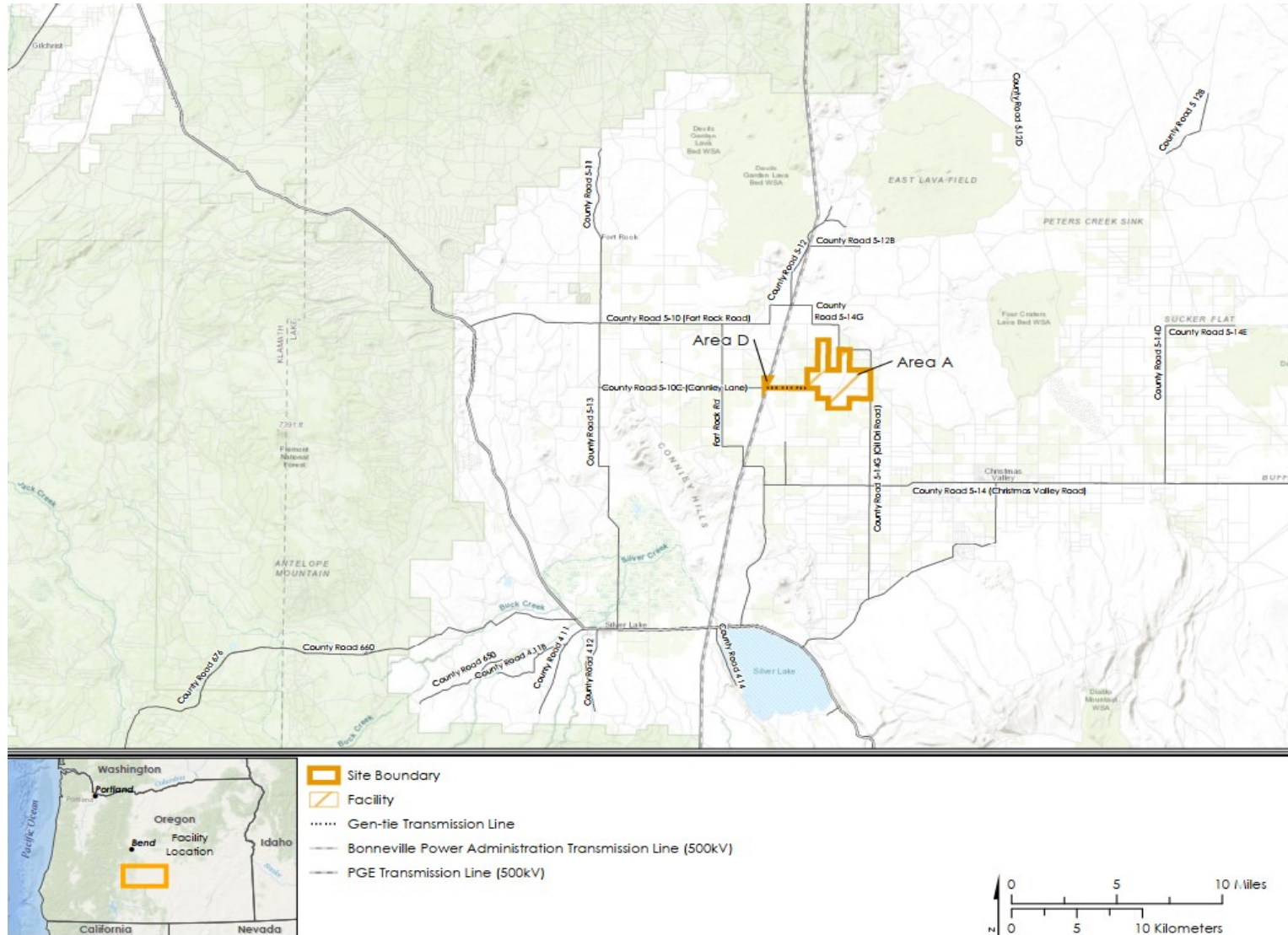
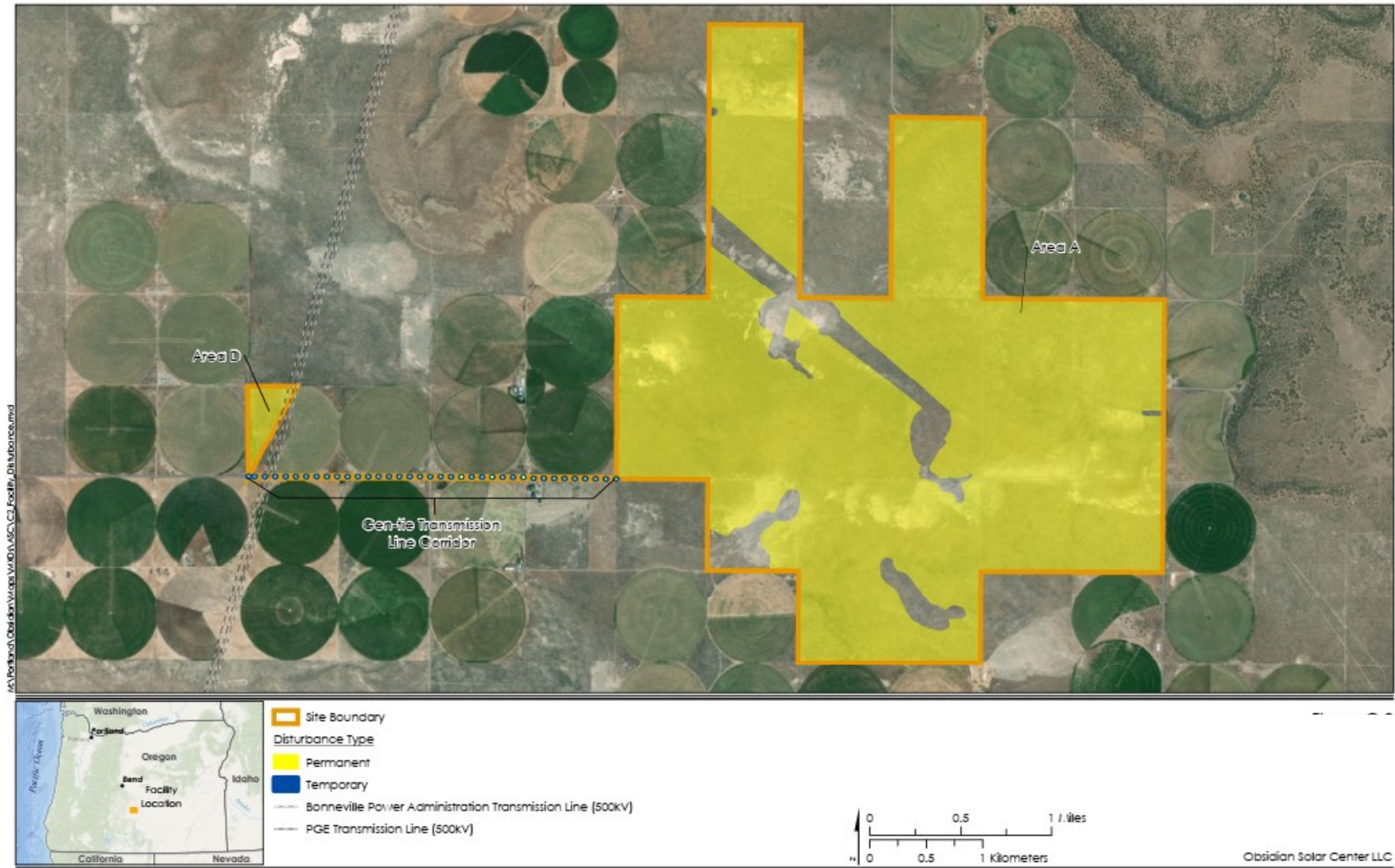
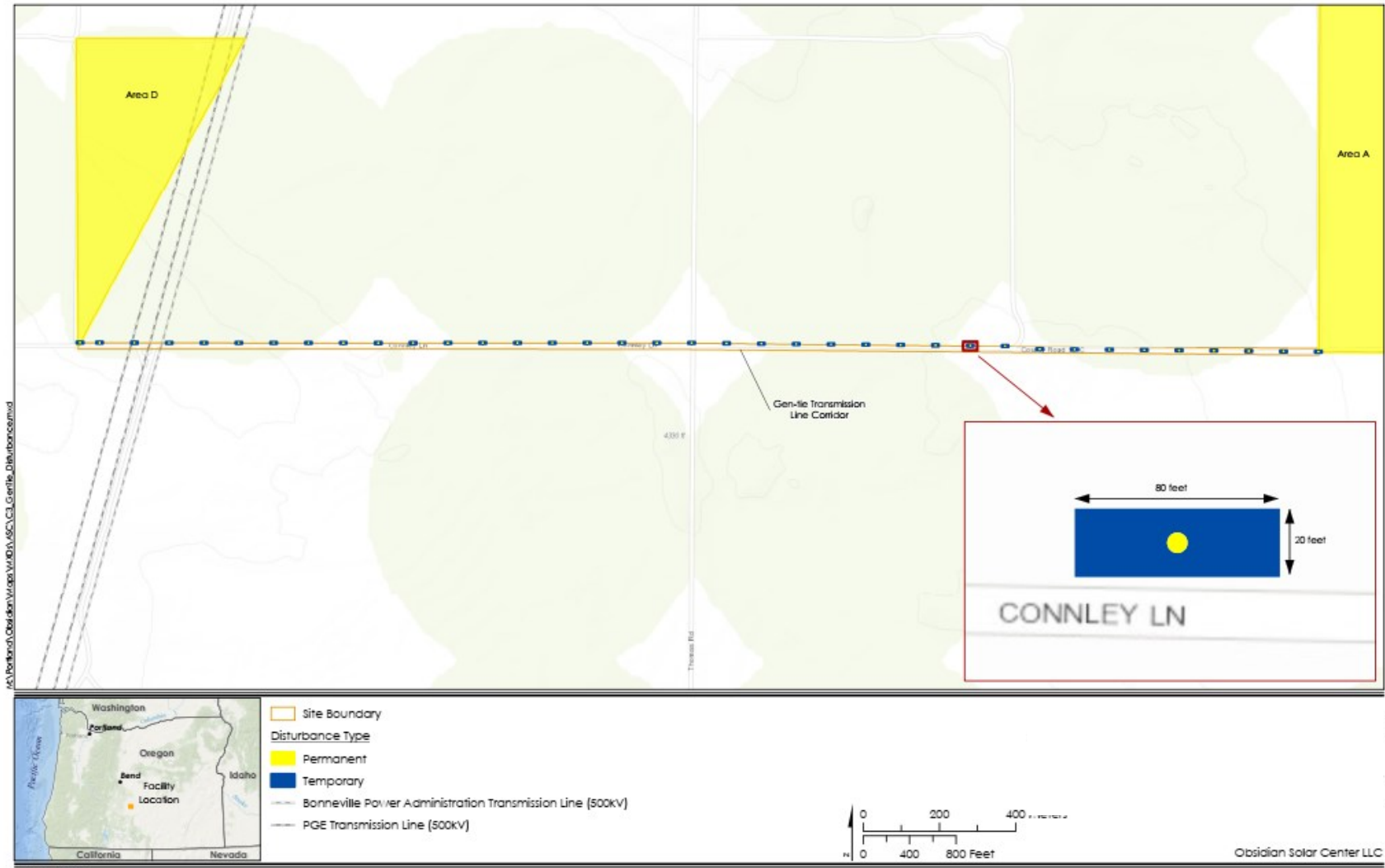


Figure 2: Facility Site Boundary, Disturbance and Avoidance Areas



Sources: Esri 2019

**Figure 3: Gen-Tie Transmission Line Disturbance Areas and Approved Corridor**



Sources: Ertl 2019