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**AMENDED SITE CERTIFICATE  
FOR THE  
COLUMBIA ETHANOL PROJECT**

ISSUED BY

**OREGON ENERGY FACILITY SITING COUNCIL  
625 MARION STREET NE,  
SALEM OR 97301-3742**

503.378.4040  
503.373.7806 FAX

SEPTEMBER 2017

1  
2  
3 **TABLE OF CONTENTS**  
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5  
6

7 I. INTRODUCTION ..... 1  
8 II. SITE CERTIFICATION ..... 1  
9 III. DESCRIPTIONS..... 2  
10 A. THE FACILITY ..... 2  
11 B. RELATED OR SUPPORTING FACILITIES ..... 3  
12 C. LOCATION OF THE FACILITY ..... 4  
13 IV. SPECIFIC FACILITY CONDITIONS ..... 4  
14 A. GENERAL STANDARD OF REVIEW, OAR 345-022-0000 ..... 5  
15 B. ORGANIZATIONAL EXPERTISE, OAR 345-022-0010..... 5  
16 C. RETIREMENT AND FINANCIAL ASSURANCE, OAR 345-022-0050 ..... 6  
17 D. LAND USE, OAR 345-022-0030 ..... 9  
18 E. STRUCTURAL STANDARD, OAR 345-022-0020 ..... 9  
19 F. SOIL PROTECTION, OAR 345-022-0022 ..... 10  
20 G. PROTECTED AREAS, OAR 345-022-0040 ..... 10  
21 H. FISH AND WILDLIFE HABITAT, OAR 345-022-0060 ..... 10  
22 I. THREATENED AND ENDANGERED SPECIES, OAR 345-022-0070 ..... 11  
23 J. SCENIC RESOURCES, OAR 345-022-0080 ..... 11  
24 K. HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES, OAR 345-022-0090 ..... 11  
25 L. RECREATION, OAR 345-022-0100 ..... 12  
26 M. PUBLIC SERVICES, OAR 345-022-0110..... 12  
27 N. WASTE MINIMIZATION, OAR 345-022-0120..... 12  
28 V. OTHER APPLICABLE REGULATORY REQUIREMENTS ..... 12  
29 VI. CONDITIONS REQUIRED OR RECOMMENDED BY COUNCIL RULES ..... 12  
30 VII. GENERAL CONDITIONS ..... 14

31  
32  
33  
34  
35 Attachments: Facility Layout (As Approved September 2017)  
36

1 **AMENDED SITE CERTIFICATE**  
2 **FOR THE**  
3 **COLUMBIA ETHANOL PROJECT**  
4

5 **I. INTRODUCTION**

6 This Amended Site Certificate for the Columbia Ethanol Project (“CEP”) is issued and  
7 executed in the manner provided by ORS chapter 469, by and between the State of Oregon  
8 (“State”), acting by and through its Energy Facility Siting Council (“Council”), and Pacific  
9 Ethanol Columbia, LLC (“PEC” or “certificate holder”). This site certificate is a binding  
10 agreement between the State, acting by and through the Council, and the certificate holder.  
11

12 The findings of fact, reasoning and conclusions of law underlying the terms and  
13 conditions of this Amended Site Certificate are set forth in the: (1) Council's Final Order in the  
14 Matter of the Request for Amendment 1 of the Site Certificate for the Columbia Ethanol Project  
15 (“Final Order on Amendment 1”), which the Council granted on DATE; and (2) Council’s Final  
16 Order in the Matter of the Application for a Site Certificate for the Columbia Ethanol Project  
17 (“Final Order on the ASC”), which the Council granted on July 2, 2007, and which by this  
18 reference are incorporated herein.  
19

20 In interpreting this site certificate, any ambiguity shall be clarified by reference to the  
21 following, in order of priority: (1) this amended Site Certificate; (2) the Final Order on  
22 Amendment 1; (3), the Final Order on the ASC; and (4) the record of the proceedings that led to  
23 all Final Orders.  
24

25 The terms used in this amended site certificate shall have the same meaning set forth in  
26 ORS 469.300 and OAR 345-001-0010, except where otherwise stated or where the context  
27 clearly indicates otherwise.  
28

29 **II. SITE CERTIFICATION**

- 30 A. To the extent authorized by State law and subject to the conditions set forth herein, the  
31 State authorizes the certificate holder to construct, operate and retire an ethanol plant,  
32 together with certain related or supporting facilities, at the site in Morrow County,  
33 Oregon, as described in Section III of this Site Certificate. ORS 469.401(1).  
34
- 35 B. This site certificate shall be effective until it is terminated pursuant to OAR  
36 345-027-0110 or the rules in effect on the date that termination is sought or until the site  
37 certificate is revoked pursuant to ORS 469.440 and OAR 345-029-0100 or the statutes  
38 and rules in effect on the date that revocation is ordered. ORS 469.401(1).  
39
- 40 C. This Site Certificate does not address, and is not binding with respect to, matters that  
41 were not addressed in the Council's Final Order on the Application for a Site Certificate.  
42 These matters include, but are not limited to: building code compliance; wage, hour and  
43 other labor regulations; local government fees and charges; other design or operational  
44 issues that do not relate to siting the facility (ORS 469.401(4); and permits issued under

1 statutes and rules for which the decision on compliance has been delegated by the federal  
2 government to a state agency other than the Council. ORS 469.503(3).  
3

4 D. Both the State and the certificate holder shall abide by local ordinances and state law and  
5 the rules of the Council in effect on the date this site certificate is executed. In addition,  
6 upon a clear showing of a significant threat to the public health, safety or the environment  
7 that requires application of later-adopted laws or rules, the Council may require  
8 compliance with such later-adopted laws or rules. ORS 469.401(2).  
9

10 E For a permit, license or other approval addressed in and governed by this site certificate,  
11 the certificate holder shall comply with applicable state and federal laws adopted in the  
12 future to the extent that such compliance is required under the respective state agency  
13 statutes and rules. ORS 469.401(2).  
14

15 F. Subject to the conditions herein, this site certificate binds the State and all counties, cities  
16 and political subdivisions in this state as to the approval of the site and the construction,  
17 operation and retirement of the facility as to matters that are addressed in and governed  
18 by this site certificate. ORS 469.401(3).  
19

20 G. Each affected state agency, county, city and political subdivision in Oregon with  
21 authority to issue a permit, license or other approval addressed in or governed by this site  
22 certificate shall, upon submission of the proper application and payment of the proper  
23 fees, but without hearings or other proceedings, issue such permit, license or other  
24 approval subject only to conditions set forth in this site certificate. ORS 469.401(3).  
25

26 H. After issuance of this site certificate, each state agency or local government agency that  
27 issues a permit, license or other approval for the facility shall continue to exercise  
28 enforcement authority over such permit, license or other approval. ORS 469.401(3).  
29

30 I. After issuance of this amended site certificate, the Council shall have continuing  
31 authority over the site and may inspect, or direct the Department to inspect, or request  
32 another state agency or local government to inspect, the site at any time in order to assure  
33 that the facility is being operated consistently with the terms and conditions of this site  
34 certificate. ORS 469.430.  
35

### 36 **III. DESCRIPTIONS**

37

#### 38 **A. THE FACILITY**

39 The energy facility is an ethanol plant capable of producing 44 million gallons per year  
40 (MMgy) of ethanol located on a 25-acre parcel in the Boardman Industrial Park, Port of Morrow,  
41 Morrow County, Oregon. Major plant components consist of buildings, storage tanks and bins.  
42 By means of an existing rail loop, corn will be delivered to the site. In the processing building,  
43 ground corn will be mixed with water and enzymes to make a mash, and the mash will be cooked  
44 in a series of retention tanks to break the complex sugars down into fermentable sugars. The

1 processing building will house steel storage tanks for aqueous ammonia, enzymes, sulfuric acid,  
2 sodium hydroxide, and urea.

3  
4 In the fermentation building, yeast and additional enzymes will be added to the mash,  
5 producing a liquid containing 10 to 20% ethanol, by weight. The liquid will be piped to the  
6 distillation, drying and evaporation (DD&E) building where the solids (a by-product called  
7 distiller's wet grain that would be suitable for animal feed) will be separated and transported to a  
8 wet cake building for storage and ultimate trucking to local dairy or cattle operations for use as  
9 feed. The liquid ethanol will be moved to ethanol storage tanks pending shipment to market by  
10 barge, rail or truck.

11  
12 Additional plant components include grain storage bins, an administration building, a  
13 boiler building, a maintenance building, ethanol storage tanks, a diesel fuel storage tank, a  
14 gasoline tank, and a three-cell cooling tower system.

15  
16 **B. RELATED OR SUPPORTING FACILITIES**

17 The facility includes the following related or supporting facilities:

- 18  
19 **1. NATURAL GAS PIPELINE.** Natural gas for operation of the plant boilers will be  
20 provided by means of a 1,700-foot, 4-inch diameter carbon steel pipeline  
21 interconnecting with the existing Cascade Natural Gas system. The pipeline is  
22 installed underground along Columbia Lane on property owned by the Port of  
23 Morrow.  
24  
25 **2. ELECTRIC POWER SUPPLY LINE.** Electricity for operation of the energy facility  
26 will be provided by means of a 13.5-kV, 1,700-foot power supply line  
27 interconnecting with the existing Umatilla Electric Cooperative system. The  
28 power supply line is mounted on 40-foot wood poles spaced at about 300 feet and  
29 located along Columbia Lane on property owned by the Port of Morrow.  
30  
31 **3. ETHANOL PIPELINE.** PEC proposes to transport some of the ethanol produced at  
32 the energy facility by barge from an existing barge-loading facility operated by  
33 Tidewater, Inc. In order to move the ethanol to the barge-loading facility, PEC  
34 proposes to install a 2,500-foot, 8-inch diameter welded steel pipeline from the  
35 energy facility to the barge-loading facility. After leaving the production plant,  
36 the pipeline would be installed underground at a depth of at least 3½ feet until it  
37 crosses the right of way for the existing Union Pacific rail line. It will cross the  
38 rail line by underground bore. North of the rail line, the pipeline will be placed  
39 above ground on footings in order to avoid a potential archeological site. Its entire  
40 corridor is located on property owned by the Port of Morrow, and would require  
41 no new right-of-way. PEC would be responsible for construction of about 2,200  
42 feet of the pipeline (up to the high water line of the Columbia River). Tidewater,  
43 Inc., would be responsible for obtaining necessary permits and constructing the  
44 remaining 300 feet of the pipeline for connection with the barge-loading facility.  
45

1           **4.     Corn Oil Extraction System.** The corn oil extraction system utilizes a multi-  
2 phase process to the DWGS process. The multi-phase process includes tanks  
3 (reactors, heated, flash and evaporative), a trim heater, centrifuges, piping and a  
4 jib crane which would be used to separate and heat the by-product produced  
5 during ethanol production for oil extraction. The extracted oil is piped to two  
6 heated storage tanks located within the ethanol storage area to age for a day  
7 before shipping while the remaining solids are processed in the pre-existing  
8 evaporators.  
9

10           **5.     Sugar Addition System and Change in ethanol feedstock to include, in**  
11 **addition to the previously approved corn feedstock, a blend of corn and**  
12 **granulated sugar.** The sugar addition system replaces 15 percent of the corn  
13 feedstock with granulated sugar. The sugar addition system includes a 100-ton  
14 stainless steel tank/bin, rotary feeder, screw conveyor, and dust collector which  
15 required an Air Contaminant Discharge Permit from the Oregon Department of  
16 Environmental Quality (DEQ). This permit was issued by DEQ in 2013.  
17

18                     Construction and operation of the sugar addition system was a result of a short-  
19 term Department of Agriculture initiative and that operation of the system  
20 concluded in 2013. The sugar addition system remains in place at the energy  
21 facility and could be used during future operations.  
22

23           **6.     CO<sub>2</sub> Capture Infrastructure.** A third-party (Kodiak Carbonics) installed, owns  
24 and operates a carbon dioxide (CO<sub>2</sub>) processing plant within the existing energy  
25 facility site boundary, under sub-lease agreement with CEP. The new processing  
26 plant is currently operating, and includes new interconnecting components  
27 installed to transfer the CO<sub>2</sub> rich gas stream from CEP's existing CO<sub>2</sub> scrubber to  
28 the CO<sub>2</sub> processing plant. The interconnecting components deliver up to 250 tons  
29 per day of raw gas to the processing facility and are estimated to require up to  
30 \$100,000 to disassemble and retire.  
31

32 **C.     LOCATION OF THE FACILITY**

33                     The facility is located on a 25-acre parcel of land in Section 2, Township 4 North, Range  
34 25 East, Morrow County, Oregon. This parcel comprises a portion of the Boardman Industrial  
35 Park owned and operated by the Port of Morrow.  
36

37 **IV.    SPECIFIC FACILITY CONDITIONS**

38                     The conditions listed in this section include conditions based on representations in the  
39 application for a site certificate and supporting record. The Council deems these representations  
40 to be binding commitments made by the certificate holder. These conditions are required under  
41 OAR 345-027-0020(10).  
42

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

1  
2 **A. GENERAL STANDARD OF REVIEW, OAR 345-022-0000**

3 [No conditions]  
4

5 **B. ORGANIZATIONAL EXPERTISE, OAR 345-022-0010**

6 (IV.B.1) The certificate holder shall report promptly to the Department any change in its  
7 corporate relationship with Pacific Ethanol, Inc. The certificate holder shall report  
8 promptly to the Department any change in its access to the resources, expertise  
9 and personnel of Pacific Ethanol, Inc., and Delta-T.

10  
11 (IV.B.2) If the certificate holder chooses a third-party contractor to operate the facility, the  
12 certificate holder shall submit to the Council the identity of the contractor so the  
13 Council may review the qualifications and capability of the contractor to meet the  
14 standards of OAR 345-0022-0010. If the Council finds that a new contractor  
15 meets these standards, the Council shall not require an amendment to the site  
16 certificate for the certificate holder to hire the contractor.

17  
18 (IV.B.3) Any matter of non-compliance under the site certificate shall be the responsibility  
19 of the certificate holder. Any notice of violation issued under the site certificate  
20 shall be issued to the certificate holder. Any civil penalties assessed under the site  
21 certificate shall be levied on the certificate holder.  
22

23 (IV.B.4) The certificate holder shall contractually require the EPC contractor and all  
24 independent contractors and subcontractors involved in the construction and  
25 operation of the facility to comply with all applicable laws and regulations and  
26 with the terms and conditions of the site certificate. Such contractual provision  
27 shall not operate to relieve the certificate holder of responsibility under the site  
28 certificate.  
29

30 (IV.B.5) The certificate holder shall obtain, or shall ensure that its contractors obtain,  
31 necessary state and local permits or approvals required for the construction,  
32 operation and retirement of the facility.  
33

34 (IV.B.6) Prior to construction of the PEC portion of the ethanol pipeline that will connect  
35 CEP to the Tidewater ethanol pipeline, the certificate holder shall demonstrate to  
36 the Energy Facility Siting Council (“Council”) that Tidewater, Inc., has obtained  
37 all necessary permits and approvals for construction of the ethanol pipeline from  
38 the Ordinary High Water (“OHW”) line of the Columbia River to its point of  
39 attachment with the barge-loading facility.  
40

41 (IV.B.7) Prior to commercial operation, the certificate holder shall provide the Council  
42 with documentation showing that DEQ has modified the Port of Morrow’s WPCF  
43 permit to include the wastewater discharge from the CEP.  
44

1 **C. RETIREMENT AND FINANCIAL ASSURANCE, OAR 345-022-0050**

2  
3 (IV.C.1) The certificate holder shall retire the facility if the certificate holder permanently  
4 ceases construction or operation of the facility. The certificate holder shall retire  
5 the facility according to a final retirement plan approved by the Council, as  
6 described in OAR 345-027-0110, and prepared pursuant to Condition (IV.C.2).  
7

8 (IV.C.2) Two years before closure of the energy facility, the certificate holder shall submit  
9 to the Department a proposed final retirement plan for the facility and site,  
10 pursuant to OAR 345-027-0110, including:

- 11 (a) A plan for retirement that provides for completion of retirement within  
12 two years after permanent cessation of operation of the energy facility and  
13 that protects the public health and safety and the environment;  
14 (b) A description of actions the certificate holder proposes to take to restore  
15 the site to a useful, non-hazardous condition suitable for industrial use;  
16 and  
17 (c) A detailed cost estimate, a comparison of that estimate with the dollar  
18 amount secured by a bond or letter of credit and any amount contained in a  
19 retirement fund, and a plan for assuring the availability of adequate funds  
20 for completion of retirement.  
21

22 (IV.C.3) The certificate holder shall prevent the development of any conditions on the site  
23 that would preclude restoration of the site to a useful, non-hazardous condition to  
24 the extent that prevention of such site conditions is within the control of the  
25 certificate holder.  
26

27 (IV.C.4) Within 30 days after execution of the first amended site certificate, the certificate  
28 holder shall submit to the State of Oregon, through the Council, a bond or letter of  
29 credit in the amount of \$295,172 (in Fourth Quarter 2016 dollars) naming the  
30 State of Oregon, acting by and through the Council, as beneficiary or payee.

- 31 (a) The certificate holder shall adjust the amount of the bond or letter of credit  
32 to present value annually, using the U.S. Gross Domestic Product Implicit  
33 Price Deflator, Chain-Weight, as published in the Oregon Department of  
34 Administrative Services' "Oregon Economic and Revenue Forecast," or  
35 by any successor agency ("Index"). If at any time the Index is no longer  
36 published, the Council shall select a comparable calculation to adjust  
37 Fourth Quarter 2016 dollars to present value.  
38 (b) The form of bond or letter of credit shall be subject to prior approval by  
39 the Council.  
40 (c) The issuer of the bond or letter of credit shall be subject to prior approval  
41 by the Council.  
42 (d) The certificate holder shall describe the status of the bond or letter of  
43 credit in the annual report submitted to the Council under Condition  
44 (VI.B.6).



1 (e) The bond or letter of credit shall not be subject to revocation or reduction  
2 before retirement of the facility. (Amendment 1, Scenario 2)  
3

4 (IV.C.5) If the certificate holder elects to use a bond to meet the requirements of Condition  
5 (IV.C.4), the certificate holder shall ensure that the surety is obligated to comply  
6 with the requirements of applicable statutes, Council rules and this site certificate  
7 when the surety exercises any legal or contractual right it may have to assume  
8 construction, operation or retirement of the energy facility. The certificate holder  
9 shall also ensure that the surety is obligated to notify the Council that it is  
10 exercising such rights and to obtain any Council approvals required by applicable  
11 statutes, Council rules and this site certificate before the surety commences any  
12 activity to complete construction or to operate or retire the energy facility.  
13

14 (IV.C.6) Not later than ten years after the date of commercial operation of the energy  
15 facility, and each ten years thereafter during the life of the energy facility, the  
16 certificate holder shall complete an independent Phase I Environmental Site  
17 Assessment of the energy facility site. Within 30 days after its completion, the  
18 certificate holder shall deliver the Phase I Environmental Site Assessment report  
19 to the Department.  
20

21 (IV.C.7) In the event that any Phase I Environmental Site Assessment identifies improper  
22 handling or storage of hazardous substances or improper record keeping  
23 procedures, the certificate holder shall correct such deficiencies within six months  
24 after completion of the corresponding Phase I Environmental Site Assessment. It  
25 shall promptly report its corrective actions to the Department. The Council shall  
26 determine whether the corrective actions are sufficient.  
27

28 (IV.C.8) The certificate holder shall report to the Department any release of hazardous  
29 substances, pursuant to DEQ regulations, within one working day after the  
30 discovery of such release. This obligation shall be in addition to any other  
31 reporting requirements applicable to such a release.  
32

33 (IV.C.9) If the certificate holder has not remedied a release consistent with applicable  
34 Oregon Department of Environmental Quality standards or if the certificate holder  
35 fails to correct deficiencies identified in the course of a Phase I Environmental  
36 Site Assessment within six months after the date of the release or the date of  
37 completion of the Phase I Environmental Site Assessment, the certificate holder  
38 shall submit to the Council for its approval an independently prepared estimate of  
39 the additional cost of remediation or correction within such six-month period.

40 (a) Upon approval of an estimate by the Council, the certificate holder shall  
41 increase the amount of its bond or letter of credit by the amount of the  
42 estimate.

43 (b) In no event, however, shall the certificate holder be relieved of its  
44 obligation to exercise all due diligence in remedying a release of

1 hazardous substances or correcting deficiencies identified in the course of  
2 a Phase I Environmental Site Assessment.

3  
4 (IV.C.10) All funds received by the certificate holder from the salvage of equipment and  
5 buildings shall be committed to the restoration of the energy facility site to the  
6 extent necessary to fund the approved site restoration and remediation.  
7

8 (IV.C.11) The certificate holder shall pay the actual cost to restore the site to a useful, non-  
9 hazardous condition at the time of retirement, notwithstanding the Council's  
10 approval in the site certificate of an estimated amount required to restore the site.  
11

12 (IV.C.12) If the Council finds that the certificate holder has permanently ceased  
13 construction or operation of the facility without retiring the facility according to a  
14 final retirement plan approved by the Council, as described in OAR 345-027-0110  
15 and prepared pursuant to Condition (IV.C.2), the Council shall notify the  
16 certificate holder and request that the certificate holder submit a proposed final  
17 retirement plan to the Department within a reasonable time not to exceed 90 days.  
18 (a) If the certificate holder does not submit a proposed final retirement plan  
19 by the specified date, the Council may direct the Department to prepare a  
20 proposed a final retirement plan for the Council's approval.  
21 (b) Upon the Council's approval of the final retirement plan, the Council may  
22 draw on the bond or letter of credit described in Condition (IV.C.4) to  
23 restore the site to a useful, non-hazardous condition according to the final  
24 retirement plan, in addition to any penalties the Council may impose under  
25 OAR Chapter 345, Division 29.  
26 (c) If the amount of the bond or letter of credit is insufficient to pay the actual  
27 cost of retirement, the certificate holder shall pay any additional cost  
28 necessary to restore the site to a useful, non-hazardous condition.  
29 (d) After completion of site restoration, the Council shall issue an order to  
30 terminate the site certificate if the Council finds that the facility has been  
31 retired according to the approved final retirement plan.  
32

33 (IV.C.13) (1) The certificate holder shall maintain a bond or letter of credit in an amount  
34 of \$295,000 (in 4th Quarter 2016 dollars) naming the State of Oregon, acting by  
35 and through the Council, as beneficiary or payee.  
36 (a) The certificate holder shall adjust the amount of the bond or letter of credit  
37 to present value annually, using the U.S. Gross Domestic Product Implicit  
38 Price Deflator, Chain-Weight, as published in the Oregon Department of  
39 Administrative Services' "Oregon Economic and Revenue Forecast," or  
40 by any successor agency ("Index"). If at any time the Index is no longer  
41 published, the Council shall select a comparable calculation to adjust  
42 Fourth Quarter 2016 dollars to present value.  
43 (b) The form of bond or letter of credit shall be subject to prior approval by  
44 the Council.

1 (c) The issuer of the bond or letter of credit shall be subject to prior approval  
2 by the Council.

3 (d) The certificate holder shall describe the status of the bond or letter of  
4 credit in the annual report submitted to the Council under Condition  
5 (VI.B.6).

6 (e) The bond or letter of credit shall not be subject to revocation or reduction  
7 before retirement of the facility.

8 (2) The certificate holder may not amend or terminate the agreement between the  
9 Port of Morrow and the certificate holder without either (1) prior consent of the  
10 Council, or (2) submission to the Department of a bond or letter of credit in the  
11 amount of \$852,000 (in 4<sup>th</sup> Quarter 2016 dollars) and adjusted consistent with  
12 IV.C.13(1)(a-e).

13 (3) The certificate holder shall provide evidence to the Department on an annual  
14 basis, through reporting under Condition IV.B.6, of active property coverage  
15 under its commercial business insurance from high loss-catastrophic events,  
16 including but not limited to, onsite fire or explosion.

17 (Amendment 1, Scenario 2)

18  
19 **D. LAND USE, OAR 345-022-0030**

20 [No conditions]

21  
22 **E. STRUCTURAL STANDARD, OAR 345-022-0020**

23 (IV.E.1) The certificate holder shall design, engineer and construct the facility to avoid  
24 dangers to human safety presented by seismic hazards affecting the site that are  
25 expected to result from all maximum probable seismic events. As used in this  
26 condition, “seismic hazard” includes ground shaking, landslide, liquefaction,  
27 lateral spreading, tsunami inundation, near field effects, hanging wall effects, fault  
28 rupture, fault displacement, and subsidence.

29  
30 (IV.E.2) The certificate holder shall notify the Department, the State Building Codes  
31 Division and DOGAMI promptly if site investigations or trenching reveal that  
32 conditions in the foundation rocks differ significantly from those described in the  
33 application for a site certificate. After the Department receives the notice, the  
34 Council may require the certificate holder to consult with the Department of  
35 Geology and Mineral Industries and the Building Codes Division and to propose  
36 mitigation actions.

37  
38 (IV.E.3) The certificate holder shall notify the Department, the State Building Codes  
39 Division and the Department of Geology and Mineral Industries promptly if shear  
40 zones, artesian aquifers, deformations, or clastic dikes are found or suspected at or  
41 in the vicinity of the site.

42  
43 (IV.E.4) The certificate holder shall design, engineer and construct the facility to avoid  
44 dangers to human safety presented by non-seismic or aseismic hazards affecting

1 the site. As used in this condition, “non-seismic or aseismic hazards” includes  
2 settlement, landslides, groundwater, flooding, and erosion.  
3

4 **F. SOIL PROTECTION, OAR 345-022-0022**

5 (IV.F.1) Throughout construction of the facility and post-construction restoration, the  
6 certificate holder shall use temporary erosion and sediment control measures,  
7 such as a bioswale system, sediment barrier fence, ditch checks, catch basin inlet  
8 protection, and construction site entrance and exit treatments.  
9

10 (IV.F.2) Throughout construction of the facility and post-construction restoration, the  
11 certificate holder shall install permanent erosion control measures, as necessary.  
12

13 (IV.F.3) Upon completion of construction of in an area, the certificate holder shall vegetate  
14 temporarily disturbed areas to limit soil exposure to wind and water erosion.  
15

16 (IV.F.4) Before beginning operation of the facility, the certificate holder shall obtain a  
17 NPDES Storm Water Discharge General Permit #1200-Z (for industrial activities)  
18 from the Oregon Department of Environmental Quality.  
19

20 (IV.F.5) Upon completion of retirement of the facility, the certificate holder shall vegetate  
21 temporarily disturbed areas to limit soil exposure to wind and water erosion.  
22

23 (IV.F.6) During construction, operation and retirement of the facility, the certificate holder  
24 shall implement a Spill Prevention Control and Countermeasure Plan (“SPCC”),  
25 an Emergency Action Plan, a Hazardous Waste Emergency  
26 Response/Contingency Plan, and a Hazardous Materials Management Plan.  
27

28 **G. PROTECTED AREAS, OAR 345-022-0040**

29 [No conditions]  
30

31 **H. FISH AND WILDLIFE HABITAT, OAR 345-022-0060**

32 (IV.H.1) After completion of construction of the facility, the certificate holder shall restore  
33 areas subject to temporary disturbance to pre-construction conditions using a seed  
34 mix approved by ODFW and the Morrow County Soil and Water Conservation  
35 District.  
36

37 (IV.H.2) The certificate holder shall implement the habitat mitigation plan submitted on  
38 March 30, 2007 and shown as Attachment A to this Order.  
39

40 (IV.H.3) During construction of the facility, the certificate holder shall implement the  
41 following measures:

- 42 (a) Design the facility components to be the minimum size needed for operations;  
43 (b) Use best management practices to prevent loss of topsoil during construction;  
44 and  
45 (c) Control noxious weeds in areas disturbed by construction activities.

1  
2 **I. THREATENED AND ENDANGERED SPECIES, OAR 345-022-0070**

3 [No conditions]  
4

5 **J. SCENIC RESOURCES, OAR 345-022-0080**

6 [No conditions]  
7

8 **K. HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES, OAR 345-022-0090**

9 (IV.K.1) Before beginning construction of the proposed related or supporting ethanol  
10 pipeline, the certificate holder shall conduct additional investigation to better  
11 define the vertical and horizontal extent of the archaeological resources in the  
12 vicinity of the proposed ethanol pipeline in consultation with the Oregon Historic  
13 Preservation Office (“SHPO”) and the Confederated Tribes of the Umatilla Indian  
14 Reservation. The investigation shall include protocols and procedures for  
15 protection of known cultural sites, including the identification of sites in the field  
16 and on project construction maps, and for accidental discovery of additional sites.  
17

18 (IV.K.2) During construction of the facility, the certificate holder shall ensure that a  
19 qualified person instructs construction personnel in the identification of  
20 archaeological and cultural resources, and ensure that archaeological construction  
21 monitors are present to prevent accidental impacts to known cultural resources or  
22 to any newly discovered resources.  
23

24 (IV.K.3) During construction of the facility, in the event any archaeological or cultural  
25 resources are discovered, the certificate holder shall cease all ground-disturbing  
26 activities in the immediate area until a qualified archaeologist can evaluate the  
27 significance of the find. If the archaeologist determines that the resources are  
28 significant, the certificate holder shall make recommendations to the Council for  
29 mitigation in consultation with the State Historic Preservation Office (“SHPO”),  
30 the Department, the Confederated Tribes of the Umatilla Indian Reservation, and  
31 other appropriate parties. Mitigation measures shall include avoidance or data  
32 recovery. The certificate holder shall not restart work in the affected area until it  
33 has demonstrated to the Department that it has complied with the archaeological  
34 permit requirements administered by SHPO.  
35

36 (IV.K.4) The location of the ethanol pipeline will be moved as shown on Figure C-2 rev. 2,  
37 dated 2/15/07. The boundary between the certificate holder’s portion and  
38 Tidewater’s portion is as shown on this figure.  
39

40 (IV.K.5) The pipeline may be constructed underground between the ethanol production  
41 plant and the existing loop track. The pipeline will cross the loop track by  
42 horizontal bore. On the north side of the existing loop track, the pipeline will be  
43 placed above ground on footings designed substantially as shown in the Norwest  
44 Engineering Drawing provided to the Oregon Department of Energy and dated  
45 2/21/07.

1  
2 (IV.K.6) The certificate holder shall ensure that a qualified archeological monitor is on site  
3 during excavation of the trench and subsequent boring of the pipeline.  
4

5 **L. RECREATION, OAR 345-022-0100**  
6 [No conditions]  
7

8 **M. PUBLIC SERVICES, OAR 345-022-0110**  
9 [No conditions]  
10

11 **N. WASTE MINIMIZATION, OAR 345-022-0120**  
12 [No conditions]  
13

14 **V. OTHER APPLICABLE REGULATORY REQUIREMENTS**  
15

16 **A. REQUIREMENTS UNDER COUNCIL JURISDICTION**  
17

18 **1. NOISE CONTROL REGULATIONS, OAR 340-035-0035**  
19 [No conditions]  
20

21 **2. REMOVAL-FILL LAW**  
22 [No conditions]  
23

24 **3. PUBLIC HEALTH AND SAFETY**

25 (V.A.1) The certificate holder shall consult with the Oregon Public Utility Commission  
26 staff to ensure that its designs and specifications for the electrical transmission  
27 line and natural gas pipeline are consistent with applicable codes and standards.  
28

29 (V.A.2) With respect to the related or supporting natural gas pipeline, the certificate  
30 holder shall design, construct and operate the pipeline in accordance with the  
31 requirements of the U.S. Department of Transportation as set forth in Title 49,  
32 Code of Federal Regulations, Part 192 and the certificate holder shall develop and  
33 implement a program using the best available practical technology to monitor the  
34 proposed pipeline to ensure protection of public health and safety.  
35

36 **VI. CONDITIONS REQUIRED OR RECOMMENDED BY COUNCIL RULES**

37 This section lists conditions specifically required by OAR 345-027-0020 (Mandatory  
38 Conditions in Site Certificates), OAR 345-027-0028 (Monitoring Conditions), and OAR Chapter  
39 345, Division 26 (Construction and Operation Rules for Facilities). These conditions should be  
40 read together with the specific facility conditions included in Sections IV and V to ensure  
41 compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect  
42 the public health and safety. The certificate holder shall comply with all site certificate  
43 conditions.  
44

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

5  
6 **A. MANDATORY CONDITIONS IN SITE CERTIFICATES**

7  
8 (VI.A.1) The Council shall not change the conditions of the site certificate except as  
9 provided for in OAR 345, Division 27.

10  
11 (VI.A.2) The certificate holder shall submit a legal description of the site to the Department  
12 of Energy within 90 days after beginning operation of the facility. The legal  
13 description required by this rule means a description of metes and bounds or a  
14 description of the site by reference to a map and geographic data that clearly and  
15 specifically identifies the outer boundaries that contain all parts of the facility.

16  
17 (VI.A.3) The certificate holder shall design, construct, operate, and retire the facility:  
18 (a) Substantially as described in the site certificate;  
19 (b) In compliance with the requirements of ORS Chapter 469, applicable  
20 Council rules, and applicable state and local laws, rules and ordinances in  
21 effect at the time the site certificate is issued; and  
22 (c) In compliance with all applicable permit requirements of other state  
23 agencies.

24  
25 **B. OTHER CONDITIONS BY RULE**

26  
27 (VI.B.1) With respect to the related or supporting natural gas pipeline, the certificate  
28 holder shall submit to the Department copies of all incident reports involving the  
29 pipeline required under 49 CFR §191.15.

30  
31 (VI.B.2) Before beginning operation of the facility, the certificate holder shall submit to  
32 the Department a legal description of the permanent right-of-way where the  
33 applicant has built a pipeline or transmission line within an approved corridor.  
34 The site of the pipeline or transmission line subject to the site certificate is the  
35 area within the permanent right-of-way.

36  
37 (VI.B.3) If the certificate holder becomes aware of a significant environmental change or  
38 impact attributable to the facility, the certificate holder shall, as soon as possible,  
39 submit a written report to the Department describing the impact on the facility and  
40 any affected site certificate conditions.

41  
42 (VI.B.4) Within 30 days after the effective date of the site certificate, the certificate holder  
43 shall implement a plan that verifies compliance with all site certificate terms and  
44 conditions and applicable statutes and rules and shall submit a copy of the plan to

1 the Department. The certificate holder shall document the compliance plan and  
2 maintain it for inspection by the Department or the Council.

3  
4 (VI.B.5) Within 30 days after the effective date of the site certificate, and every six months  
5 thereafter during construction of the facility and related or supporting facilities,  
6 the certificate holder shall submit a semi-annual construction progress report to  
7 the Department. In each construction progress report, the certificate holder shall  
8 describe any significant changes to major milestones for construction. When the  
9 reporting date coincides, the certificate holder may include the construction  
10 progress report within the annual report described in Condition (VI.B.6) below.

11  
12 (VI.B.6) By April 30 of each year after beginning construction, the certificate holder shall  
13 submit an annual report to the Department addressing the subjects listed in OAR  
14 345-026-0080(2). The Council Secretary and the certificate holder may, by  
15 mutual agreement, change the reporting date.

16  
17 (VI.B.7) To the extent that information required by OAR 345-026-0080(2) is contained in  
18 reports the certificate holder submits to other state, federal or local agencies, the  
19 certificate holder may submit excerpts from such other reports to satisfy this  
20 condition. The Council reserves the right to request full copies of such excerpted  
21 reports.

22  
23 (VI.B.8) The certificate holder and the Department shall exchange copies of all  
24 correspondence or summaries of correspondence related to compliance with  
25 statutes, rules and local ordinances on which the Council determined compliance,  
26 except for material withheld from public disclosure under state or federal law or  
27 under Council rules. The certificate holder may submit abstracts of reports in  
28 place of full reports; however, the certificate holder shall provide full copies of  
29 abstracted reports and any summarized correspondence at the request of the  
30 Department.

31  
32 (VI.B.9) The certificate holder shall notify the Department within 72 hours of any  
33 occurrence involving the facility if:  
34 (a) There is an attempt by anyone to interfere with its safe operation;  
35 (b) A natural event such as an earthquake, flood, tsunami or tornado, or a  
36 human-caused event such as a fire or explosion, affects or threatens to  
37 affect the public health and safety or the environment; or,  
38 (c) There is any fatal injury at the facility.

39  
40 **VII. GENERAL CONDITIONS**

41  
42 (VII.1) The general arrangement of the Columbia Ethanol Project shall be substantially as  
43 shown in the ASC and as described in Request for Amendment 1.  
44




- 1 (VII.2) The certificate holder shall ensure that related or supporting facilities are
- 2 constructed in the corridors described in the ASC and in the manner described in
- 3 the ASC.
- 4
- 5 (VII.3) Before any transfer of ownership of the facility or ownership of the site certificate
- 6 holder, the certificate holder shall inform the Department of the proposed new
- 7 owners. The requirements of OAR 345-027-0100 shall apply to any transfer of
- 8 ownership that requires a transfer of the site certificate.
- 9
- 10 (VII.4) If any provision of this site certificate is declared by a court to be illegal or in
- 11 conflict with any law, the validity of the remaining terms and conditions shall not
- 12 be affected, and the rights and obligations of the parties shall be construed and
- 13 enforced as if the site certificate did not contain the particular provision held to be
- 14 invalid. In the event of a conflict between the conditions contained in the site
- 15 certificate and the Council's order, the conditions contained in this site certificate
- 16 shall control.
- 17
- 18 (VII.5) The laws of the State of Oregon shall govern this site certificate.
- 19
- 20 (VII.6) Any litigation or arbitration arising out of this agreement shall be conducted in an
- 21 appropriate forum in Oregon.
- 22
- 23

24 **IN WITNESS WHEREOF**, this Site Certificate has been executed by the State of Oregon,  
 25 acting by and through its Energy Facility Siting Council, and by Pacific Ethanol Columbia, LLC.

30 ENERGY FACILITY SITING COUNCIL

31

32

33 By:   
 34 Barry Beyeler, Chair  
 35 Oregon Energy Facility Siting Council


36

37 Date: OCTOBER 16, 2017

PACIFIC ETHANOL COLUMBIA, LLC

31

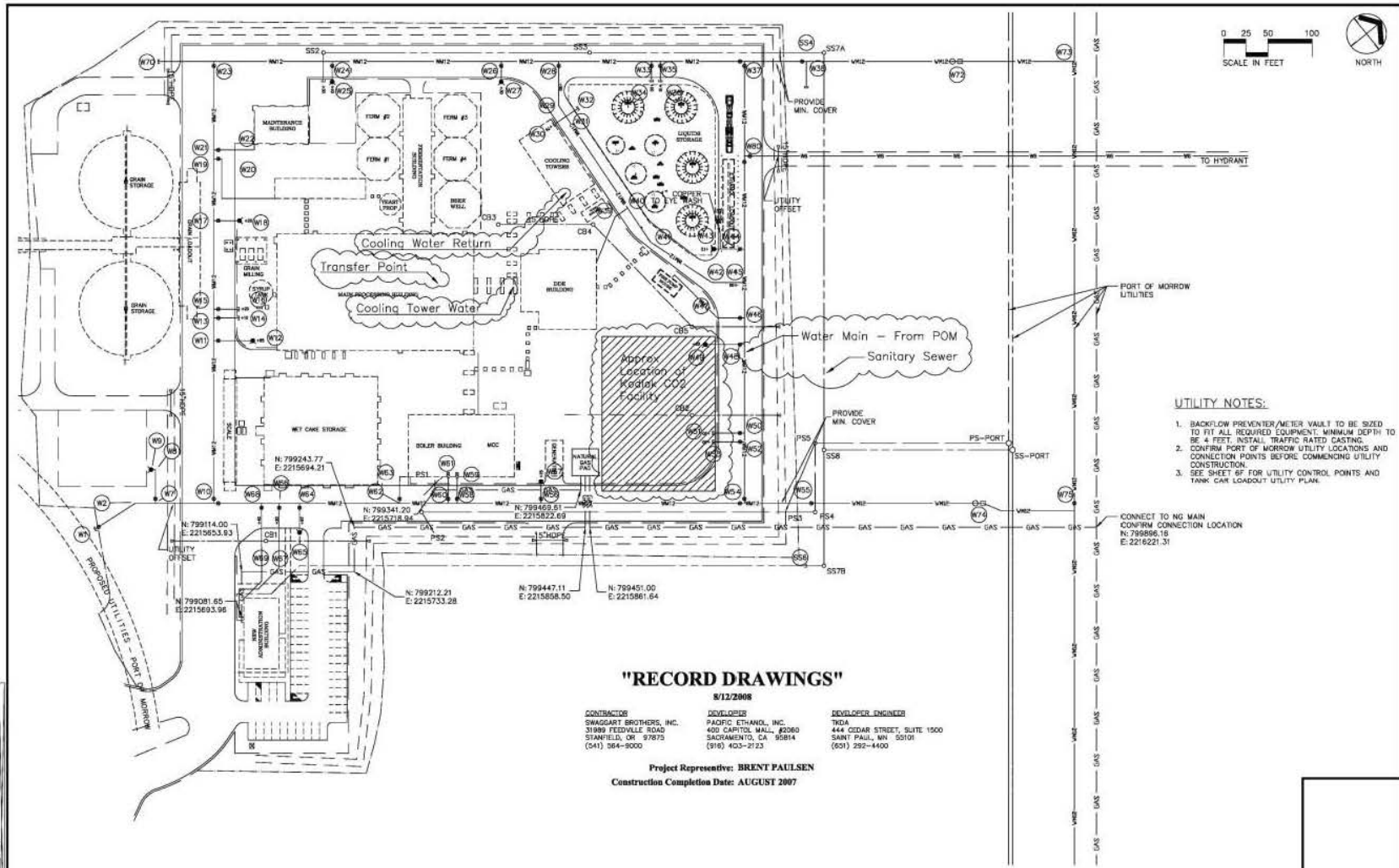
32

33 By:   
 34 Print: BYRON T. MCCREEDY

36

37 Date: 11/22/17

**Attachment: Facility Layout (As Approved September 2017)**



- UTILITY NOTES:**
1. BACKFLOW PREVENTER/METER VAULT TO BE SIZED TO FIT ALL REQUIRED EQUIPMENT. MINIMUM DEPTH TO BE 4 FEET. INSTALL TRAFFIC RATED CASTING.
  2. CONFIRM PORT OF MORROW UTILITY LOCATIONS AND CONNECTION POINTS BEFORE COMMENCING UTILITY CONSTRUCTION.
  3. SEE SHEET #67 FOR UTILITY CONTROL POINTS AND TANK CAR LOADOUT UTILITY PLAN.
- CONNECT TO NG MAIN  
CONFIRM CONNECTION LOCATION  
N: 799896.18  
E: 2216221.31

**"RECORD DRAWINGS"**  
8/12/2008

CONTRACTOR: SWAGGART BROTHERS, INC.  
3898 FEEVILLE ROAD  
STANFIELD, OR 97875  
(541) 364-9000

DEVELOPER: PACIFIC ETHANOL, INC.  
400 CAPITOL MALL, #080  
SACRAMENTO, CA 95814  
(916) 403-2723

DEVELOPER ENGINEER: TKDA  
444 CEDAR STREET, SUITE 1500  
SAINT PAUL, MN 55101  
(651) 292-4100

Project Representative: BRENT PAULSEN  
Construction Completion Date: AUGUST 2007

NO.	DATE	BY	DESCRIPTION OF REVISIONS
1	8/12/08	PSG	RECORD DRAWING

**TKDA**  
ENGINEERS-ARCHITECTS-PLANNERS  
444 Cedar Street, Suite 1500  
Saint Paul, MN 55101-2143  
(651) 292-4100  
Fax: (651) 292-0983  
www.tkda.com

DESIGNED: MCP  
DRAWN: PS2  
CHECKED: VTM

ONE IS ONE INCH OR ORIGINAL DRAWING.  
IF NOT ONE INCH ON THIS DRAWING  
STATE SCALES ACCORDINGLY.

**Pacific Ethanol, Inc.**  
400 Capital Mall  
Sacramento, CA 95814  
Phone: (916) 403-2723  
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www.peinc.com

**PEI - COLUMBIA  
UTILITY PLAN**

PROJECT NO.: 13360.006  
DRAWING NO.: 6