

# **Exhibit E**

## **Permits for Construction and Operation**

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**Yellow Rosebush Energy Center  
August 2024**

**Prepared for  
Yellow Rosebush Energy Center, LLC**

**Prepared by**



**TETRA TECH**

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## Table of Contents

1.0	Introduction.....	1
2.0	Identification and Description of Required Permits – OAR 345-021-0010(1)(e)(A)(B).....	1
2.1	Federal Permits.....	1
2.2	State Permits Not Federally Delegated.....	3
2.3	State Permits Federally Delegated.....	7
2.4	Local Permits.....	8
3.0	Permit Applications Not Federally Delegated – OAR 345-021-0010(1)(e)(C)(i)(ii).....	10
4.0	Permit Applications Federally Delegated – OAR 345-021-0010(1)(e)(D).....	11
5.0	Third Party State or Local Permits – OAR 345-021-0010(1)(e)(E).....	11
6.0	Third Party Federal Permits – OAR 345-021-0010(1)(e)(F).....	14
7.0	Monitoring – OAR 345-021-0010(1)(e)(G).....	14
8.0	Submittal Requirements and Approval Standards.....	15
8.1	Submittal Requirements.....	15
8.2	Approval Standards.....	16

## List of Tables

Table E-1. Federal Permits.....	1
Table E-2. State Permits Not Federally Delegated.....	3
Table E-3. State Permits Federally Delegated.....	7
Table E-4. Local Permits.....	8
Table E-5. Potential Third-Party State or Local Permits.....	12
Table E-6. Submittal Requirements Matrix.....	15

## Acronyms and Abbreviations

Applicant	Yellow Rosebush Energy Center, LLC
ASC	Application for Site Certificate
BESS	battery energy storage system
BPA	Bonneville Power Administration
CFR	Code of Federal Regulations
EFSC	Oregon Energy Facility Siting Council
FAA	Federal Aviation Administration
Facility	Yellow Rosebush Energy Center
kV	kilovolt
LLC	limited liability company
NEPA	National Environmental Policy Act
NPDES	National Pollutant Discharge Elimination System
O&M	operations and maintenance
OAR	Oregon Administrative Rules
ODEQ	Oregon Department of Environmental Quality
ODOT	Oregon Department of Transportation
ORS	Oregon Revised Statutes
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
WCLUDO	Wasco County Land Use and Development Ordinance
WPCF	Water Pollution Control Facilities

## 1.0 Introduction

Yellow Rosebush Energy Center, LLC (Applicant) seeks to develop the Yellow Rosebush Energy Center (Facility), a solar energy generation facility, battery energy storage system, and related or supporting facilities in Wasco and Sherman counties, Oregon. This Exhibit E was prepared to meet the submittal requirements in Oregon Administrative Rules (OAR) 345-021-0010(1)(e).

## 2.0 Identification and Description of Required Permits – OAR 345-021-0010(1)(e)(A)(B)

*OAR 345-021-0010(1)(e) Information about permits needed for construction and operation of the facility, including:*

*(A) Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, mailing address, email address and telephone number of the agency or office responsible for each permit;*

*(B) A description of each permit, the reasons the permit is needed for construction or operation of the facility and the applicant’s analysis of whether the permit should or should not be included in and governed by the site certificate;*

### 2.1 Federal Permits

Table E-1 identifies and describes the federal permits potentially required for construction and operation of the Facility.

**Table E-1. Federal Permits**

Permit	Agency Name and Contact	Authority	Description
Record of Decision/ National Environmental Policy Act Compliance	Bonneville Power Administration (BPA)  Attn: Eric Taylor, Customer Manager PO Box 3621 Portland, OR 97208 (360) 619-6014 <a href="mailto:ektaylor@bpa.gov">ektaylor@bpa.gov</a>	National Environmental Policy Act (NEPA), Section 102 (42 United States Code [USC] § 4332); 40 Code of Federal Regulations [CFR] § 1500	Interconnection between BPA’s substation or switchyard to BPA’s transmission system is subject to review under NEPA. BPA will lead this process as a separate action from the solar facility site certificate process. This federal process is not within the jurisdiction of the Oregon Energy Facility Siting Council (EFSC) and therefore should not be included or governed by the site certificate.

**Exhibit E: Permits for Construction and Operation**

<b>Permit</b>	<b>Agency Name and Contact</b>	<b>Authority</b>	<b>Description</b>
Clean Water Act, Section 404	U.S. Army Corps of Engineers, Portland District  Attn: Danielle Erb, Wasco County Project Manager PO Box 2946 Portland, OR 97208 (503) 808-4368 <a href="mailto:Danielle.H.Erb@usace.army.mil">Danielle.H.Erb@usace.army.mil</a>	Clean Water Act, Section 404 (33 USC § 1344); 33 CFR § 320, 323, 325-28, and 330	A Section 404 permit will be required if dredge or fill occurs in waters of the United States. The Facility is not anticipated to impact jurisdictional waters and/or wetlands of the United States. This federal process is not within the jurisdiction of EFSC and therefore should not be included in or governed by the site certificate.
Notice of Proposed Construction or Alteration (Form 7460-1)	Federal Aviation Administration (FAA)  Attn: Dan Shoemaker, Airspace Specialist Seattle Obstruction Evaluation Group 1601 Lind Avenue SW Renton, WA 98057 (425) 227-2791 <a href="mailto:Dan.shoemaker@faa.gov">Dan.shoemaker@faa.gov</a>	Federal Aviation Act of 1958 (14 USC § 44718); 14 CFR § 77	Proposed construction or alterations that may affect navigable airspace pertaining to potential glare from the Facility’s solar arrays, or for construction of structures within specified distances of runways or helipads, may be required to file this notice. No permit is issued by the FAA. This federal process is not within the jurisdiction of EFSC and therefore should not be included in or governed by the site certificate.
Supplemental Notice of Actual Construction or Alteration (Form 7460-2)	FAA  Attn: Dan Shoemaker, Airspace Specialist Seattle Obstruction Evaluation Group 1601 Lind Avenue SW Renton, WA 98057 (425) 227-2791 <a href="mailto:Dan.shoemaker@faa.gov">Dan.shoemaker@faa.gov</a>	Federal Aviation Act of 1958 (14 USC § 44718); 14 CFR § 77	If a Notice of Proposed Construction or Alteration with the FAA is required, then submission of the Supplemental Notice of Actual Construction or Alteration form must be filed within 5 days after construction reaches its greatest height as specified in the No Hazard Determination. This federal process is not within the jurisdiction of EFSC and therefore should not be included in or governed by the site certificate.
Incidental Take Permit or Eagle Take Permit	U.S. Fish and Wildlife Service (USFWS)  Attn: Jeffrey A Dillon, Endangered Species Division Manager 2600 SE 98 <sup>th</sup> Avenue, Suite 100 Portland, OR 970266 (503) 231-6179 <a href="mailto:Jeffrey.Dillon@fws.gov">Jeffrey.Dillon@fws.gov</a>	Section 7, 9, and 10 Consultation under the Endangered Species Act; Bald and Golden Eagle Protection Act	The Facility is not anticipated to impact federally listed species or protected eagles. However, if impacts to federally listed species or eagles are determined not to be avoidable based on the results of field surveys and ongoing coordination with USFWS, the Applicant will pursue an Incidental Take Permit or Eagle Take Permit with the USFWS as applicable. This federal process is not within the jurisdiction of EFSC and therefore should not be included in or governed by the site certificate.

## 2.2 State Permits Not Federally Delegated

Table E-2 identifies and describes the state permits not federally delegated that are potentially required for construction and operation of the Facility.

**Table E-2. State Permits Not Federally Delegated**

Permit	Agency Name and Contact	Authority	Description
Energy Facility Site Certificate	Oregon Department of Energy and EFSC  Attn: Kathleen Sloan, Senior Siting Analyst 550 Capitol Street NE Salem, OR 97301 (971) 701-4913 <a href="mailto:Kathleen.SLOAN@energy.oregon.gov">Kathleen.SLOAN@energy.oregon.gov</a>	Oregon Revised Statutes (ORS) 469.300 et seq.; Oregon Administrative Rules (OAR) Chapter 345, Divisions 1, 21-24	This site certificate is the subject of this Application for Site Certificate.
Airspace Review	Oregon Department of Aviation  Attn: Heather Peck, Project Manager 3040 25th Street, SE Salem, OR 97302 (503) 378-3168 <a href="mailto:Heather.Peck@odav.oregon.gov">Heather.Peck@odav.oregon.gov</a>	14 CFR § 77; ORS 836.530 and 836.535; OAR Chapter 738, Division 70	The Oregon Department of Aviation provides an airspace review and determination letter following review of Form 7460-1 for structures greater than 200 feet above ground surface or within the distances from airports listed in OAR 738-070-0110. No permit is issued by the Oregon Department of Aviation. The airspace review is useful in understanding the 7460-1 process but is outside Council jurisdiction. Therefore, this permit should not be included in and governed by the site certificate.
Removal/Fill Permit (including Individual Permit, General Removal-Fill Permit, and General Authorization)	Oregon Department of State Lands  Attn: Richard Fitzgerald, Aquatic Resource Coordinator 951 SW Simpson Avenue, Suite 104 Bend, OR 97702 (503) 910-4565 <a href="mailto:Richard.W.Fitzgerald@dsl.oregon.gov">Richard.W.Fitzgerald@dsl.oregon.gov</a>	Oregon Removal-Fill Law (ORS 196.795 - 196.990)  OAR Chapter 141, Divisions 85, 89, 90, 93, 100.	A person or utility is required to have a permit if an activity will involve filling or removing 50 cubic yards or more of material in a wetland or waterway. For sites within a state designated Essential Indigenous Anadromous Salmonid Habitat (ESH), State Scenic Waterway, or compensatory mitigation site, a permit is required for any amount of removal or fill. The Facility is not anticipated to impact jurisdictional waters and/or wetlands of the state. If this is proposed or needed, the Removal-Fill Permit should be included in and governed by the EFSC site certificate under ORS 469.401(3).

**Exhibit E: Permits for Construction and Operation**

Permit	Agency Name and Contact	Authority	Description
<p>General Water Pollution Control Facilities Permit (WPCF), WPCF-1700-B</p>	<p>Oregon Department of Environmental Quality (ODEQ), Eastern Region                       Attn: Patty Isaak, Permit Coordinator for Eastern Region                      800 SE Emigrant Avenue, Suite 330                      Pendleton, OR 97801                      (541) 276-4605  <a href="mailto:Patty.Isaak@deq.oregon.gov">Patty.Isaak@deq.oregon.gov</a></p>	<p>ORS 468B; OAR Chapter 340, Division 45</p>	<p>If solar panel washing is determined to be needed, the Applicant or a third-party contractor who will conduct the solar panel washing activities may seek coverage under the WPCF-1700-B permit from ODEQ following completion of construction and before initiating any washing activities. Therefore, this permit should not be included in and governed by the site certificate.</p>
<p>General Water Pollution Control Facilities Permit, WPCF-1000, Gravel Mining and Batch Plant</p>	<p>ODEQ, Eastern Region                       Attn: Patty Isaak, Permit Coordinator for Eastern Region                      800 SE Emigrant Avenue, Suite 330                      Pendleton, OR 97801                      (541) 276-4605  <a href="mailto:Patty.Isaak@deq.oregon.gov">Patty.Isaak@deq.oregon.gov</a></p>	<p>OAR Chapter 340, Division 45</p>	<p>A WPCF-1000 authorizes the permittee to operate a wastewater collection, treatment, control, and disposal system for sand, gravel, and other nonmetallic mineral quarrying and mining operations, including asphalt-mix batch plants, concrete batch plants, and other related activities. If a temporary batch plant is needed for Facility construction, the Applicant's third-party contractor will obtain a WPCF-1000 permit from the ODEQ, which would therefore not be included in and governed by the site certificate.</p>
<p>Oversize Load Movement Permit/Load Registration</p>	<p>Oregon Department of Transportation (ODOT)                       Attn: Gary Farnsworth, Region 4 Manager                      Region 4 Headquarters                      63055 N Highway 97                      Bend, OR 97701                      (541) 388-6071  <a href="mailto:Gary.C.FARNSWORTH@odot.oregon.gov">Gary.C.FARNSWORTH@odot.oregon.gov</a></p>	<p>ORS 818.030; OAR Chapter 734, Division 82</p>	<p>Authorization for oversized loads. Movement of construction cranes and other equipment and materials may require this permit. If needed, the Applicant's third-party contractor will obtain this permit and load registration from ODOT and therefore this permit should not be included in and governed by the site certificate.</p>



**Exhibit E: Permits for Construction and Operation**

Permit	Agency Name and Contact	Authority	Description
Access Management Permit	ODOT  Attn: Gary Farnsworth, Region 4 Manager Region 4 Headquarters 63055 N Highway 97 Bend, OR 97701 (541) 388-6071 <a href="mailto:Gary.C.FARNSWORTH@odot.oregon.gov">Gary.C.FARNSWORTH@odot.oregon.gov</a>	OAR Chapter 734, Division 51	Access from Oregon state highways will require an access permit, which may be issued by the local ODOT District Offices. If needed, the Applicant's third-party contractor will obtain this permit directly from ODOT and therefore this permit should not be included in and governed by the site certificate.
Permit to Occupy or Perform Operations Upon a State Highway	ODOT  Attn: Gary Farnsworth, Region 4 Manager Region 4 Headquarters 63055 N Highway 97 Bend, OR 97701 (541) 388-6071 <a href="mailto:Gary.C.FARNSWORTH@odot.oregon.gov">Gary.C.FARNSWORTH@odot.oregon.gov</a>	OAR Chapter 734, Division 55	Utility installations within the right-of-way of a state highway in Oregon require a permit issued by the ODOT. If needed, the Applicant's third-party contractor will obtain this permit directly from ODOT and therefore this permit should not be included in and governed by the site certificate.
Water Right Permit or Water Use Authorization	Oregon Water Resources Department, Water Rights Section, District 3  Attn: Robert Wood, Watermaster 2705 E 2 <sup>nd</sup> Street The Dalles, OR 97058 (541) 506-2652 <a href="mailto:Robert.L.Wood@water.oregon.gov">Robert.L.Wood@water.oregon.gov</a>	ORS 537; OAR 690 Divisions 310, 340, and 410	If water for construction is not available from permitted sources, the Applicant's third-party contractor will obtain the necessary water right permit or use authorization directly from the Oregon Water Resources Department. It is outside the jurisdiction of EFSC and should not be included in and governed by the site certificate.
Archaeological Excavation Permit	Oregon Parks and Recreation Department, State Historic Preservation Office  Attn: John Pouley, State Archaeologist 725 Summer Street NE, Suite C Salem, OR 97301 (503) 480-9164 <a href="mailto:John.Pouley@opr.oregon.gov">John.Pouley@opr.oregon.gov</a>	ORS Chapter 97, 358, and 390; OAR Chapter 736, Division 51	Ground-disturbing activity that may affect a known or unknown archaeological resource on public or private lands requires a permit issued by the Oregon Parks and Recreation Department. If needed, the Applicant will obtain it from the State Historic Preservation Office and therefore this permit should not be included in and governed by the site certificate.

**Exhibit E: Permits for Construction and Operation**

Permit	Agency Name and Contact	Authority	Description
Building Permit	<p>Oregon Department of Consumer &amp; Business Services, Building Codes Division</p> <p>Attn: Pendleton Permit Technician Chrys Wernlund Katherine Denight 800 SE Emigrant Ave. Suite 360 Pendleton, OR 97801 541-276-7814 <a href="mailto:building.department@dcbs.oregon.gov">building.department@dcbs.oregon.gov</a></p>	<p>OAR 734, Division 51; Chapter 918, Divisions 309 &amp; 780; Oregon Structural Specialty Code</p>	<p>A building permit is required prior to beginning construction of the Facility. Sherman County does not have its own building department, so building permits are issued by the Oregon State Building Codes Agency. A building permit will be obtained by the third-party contractor prior to construction of each component for which a building permit would be required; therefore, this permit should not be included in or governed by the site certificate.</p>

### 2.3 State Permits Federally Delegated

Table E-3 identifies and describes the state permits federally delegated that are required for construction and operation of the Facility.

**Table E-3. State Permits Federally Delegated**

Permit	Agency Name and Contact	Authority	Description
National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit 1200-C	ODEQ, Eastern Region  Attn: Patty Isaak, Permit Coordinator for Eastern Region 800 SE Emigrant Avenue, Suite 330 Pendleton, OR 97801 (541) 276-4605 <a href="mailto:Patty.Isaak@deq.oregon.gov">Patty.Isaak@deq.oregon.gov</a>	Clean Water Act, Section 402 (33 USC § 1342); 40 CFR § 122; ORS 468 and 468B; OAR Chapter 340, Division 45	The NPDES permit is required for construction activities that will disturb one or more acres of land. The Applicant will obtain this permit directly from ODEQ as it is outside the jurisdiction of EFSC and should not be included in or governed by the site certificate.
NPDES Stormwater Discharge Permit 1200-A	ODEQ, Eastern Region  Attn: Patty Isaak, Permit Coordinator for Eastern Region 800 SE Emigrant Avenue, Suite 330 Pendleton, OR 97801 (541) 276-4605 <a href="mailto:Patty.Isaak@deq.oregon.gov">Patty.Isaak@deq.oregon.gov</a>	Clean Water Act, Section 402 (33 USC § 1342); 40 CFR § 122; ORS 468 and 468B; OAR Chapter 340, Division 45	The NPDES 1200-A permit is required for concrete and asphalt mix batch plants which discharge stormwater to surface water. If needed, the Applicant will obtain this permit directly from ODEQ as it is outside the jurisdiction of EFSC and should not be included in or governed by the site certificate.
401 Water Quality Certification	ODEQ, Eastern Region  Attn: Jeff Brittain, Program Coordinator 400 E Scenic Drive, Suite 307 The Dalles, OR 97058 (503) 229-5395 <a href="mailto:Jeffrey.BRITTAIN@deq.oregon.gov">Jeffrey.BRITTAIN@deq.oregon.gov</a>	Clean Water Act, Section 401 (33 USC § 1341); OAR Chapter 340, Division 48	Water quality certification is required for projects that are processed under the U.S. Army Corps of Engineers Section 404 Nationwide Permits. The Facility is not anticipated to impact jurisdictional waters and/or wetlands of the United States. The Applicant will obtain this permit, if needed, directly from ODEQ as it is outside the jurisdiction of EFSC and should not be included in or governed by the site certificate.

<b>Permit</b>	<b>Agency Name and Contact</b>	<b>Authority</b>	<b>Description</b>
Air Contaminant Discharge Permit	<p>ODEQ, Eastern Region</p> <p>Attn: Erik Shafer, Eastern Region Air Quality Permit Coordinator 800 SE Emigrant Avenue, Suite 330 Pendleton, OR 97801 (503) 688-0493 <a href="mailto:erik.shafer@deq.oregon.gov">erik.shafer@deq.oregon.gov</a></p>	OAR Chapter 340, Division 216	<p>Each mobile concrete batch plant used will require an associated Air Contaminant Discharge Permit. Depending on the anticipated volume of concrete to be made by each plant, either a Basic or General Air Contaminant Discharge Permit would be required. If a stationary or portable concrete manufacturing plant is required for Facility construction, the Applicant or its third-party contractor will obtain the appropriate permit from ODEQ for concrete batch plants used during construction. This permit is outside the jurisdiction of EFSC and should not be included in and governed by the site certificate.</p>

**2.4 Local Permits**

Table E-4 identifies and describes the local permits required for construction and operation of the Facility.

**Table E-4. Local Permits**

<b>Permit</b>	<b>Agency Name and Contact</b>	<b>Authority</b>	<b>Description</b>
Conditional Use Permit (CUP), Zoning Permit, Goal 5 Comprehensive Plan Amendment	<p>Wasco County Planning Department</p> <p>Attn: Kelly Howsley Glover, Planning Director 2705 East 2<sup>nd</sup> Street The Dalles, OR 97058 (541) 506-2560 <a href="mailto:kellyg@co.wasco.or.us">kellyg@co.wasco.or.us</a></p>	<p>Wasco County Land Use and Development Ordinance (WCLUDO) Section 3.210, Exclusive Farm Use Zone; WCLUDO Chapter 5, Conditional Use Review; WCLUDO Chapter 19, Standards for Non-Commercial Energy Facilities, Commercial Energy Facilities &amp; Related Uses; WCLUDO Chapter 20, Site Plan Review</p>	<p>The Applicant elects to obtain an EFSC determination under ORS Chapter 469.504(1)(b). Under ORS 469.401(3), following issuance of the site certificate, the County, upon the Applicant’s submission or the proper application and fee, shall issue the permits addressed in the site certificate, subject only to the conditions set forth in the site certificate and without hearings or other proceedings. This permit should be included in and governed by the site certificate.</p>

**Exhibit E: Permits for Construction and Operation**

<b>Permit</b>	<b>Agency Name and Contact</b>	<b>Authority</b>	<b>Description</b>
Building Permit	Wasco County Building Codes Services Department  Attn: Mark VanVoast, Building Official 2705 East 2 <sup>nd</sup> Street The Dalles, OR 97058 (541) 506-2650 <a href="mailto:BuildingCodes@co.wasco.or.us">BuildingCodes@co.wasco.or.us</a>	OAR 734, Division 51; Chapter 918, Divisions 309 & 780; Oregon Structural Specialty Code	A building permit is required for review and approval from Wasco County prior to commencement of construction of energy facilities. These are applied for and issued by the Wasco County Building Codes Services Department. A building permit will be obtained by the construction contractor prior to construction of each component for which a building permit would be required; therefore, this permit should not be included in or governed by the site certificate.
Site Evaluation Application & New Construction Permit (Septic)	North Central Public Health District Onsite Wastewater Program 419 E 7th St, The Dalles, OR 97058 (541) 506-2600 <a href="mailto:publichealth@ncphd.org">publichealth@ncphd.org</a>	ORS 454 and 468B; OAR Chapter 340, Division 71 (340-071-0120(1) allows DEQ to delegate authority to local governmental units)	Facilities with an on-site sewage disposal system must obtain a Site Evaluation & New Construction Permit before construction. The Facility will have a daily sewage flow of fewer than 2,500 gallons and the Applicant's third-party contractor will obtain the permit from North Central Public Health District and Wasco County for the operations and maintenance (O&M) building. Therefore, this permit should not be included in and governed by the site certificate.
Road Approach Permit	Wasco County Public Works Department  Attn: Arthur Smith, Director 2705 East 2 <sup>nd</sup> Street The Dalles, OR 97058 (541) 506-2645 <a href="mailto:ArthurS@co.wasco.or.us">ArthurS@co.wasco.or.us</a>	OAR Chapter 734, Division 51; ORS 374.305 to 374.325; WCLUDO Chapter 19 Energy Facilities	New driveways and increases or changes of use for existing driveways which access a public road shall obtain a Road Approach Permit from Wasco County Public Works or the Oregon Department of Transportation. This permit will be obtained by the construction contractor prior to construction. Therefore, this permit should not be included in or governed by the site certificate.
Utility Permit	Wasco County Public Works Department  Attn: Arthur Smith, Director Wasco County Public Works 2705 East 2 <sup>nd</sup> Street The Dalles, OR 97058 (541) 506-2645 <a href="mailto:ArthurS@co.wasco.or.us">ArthurS@co.wasco.or.us</a>	WCLUDO Chapter 19 Energy Facilities	If required to enter into a Road Use Agreement with the County, the Applicant is required to obtain a utility permit for utility installation and approach permits. This permit will be obtained by the construction contractor prior to construction. Therefore, this permit should not be included in or governed by the site certificate.

<b>Permit</b>	<b>Agency Name and Contact</b>	<b>Authority</b>	<b>Description</b>
Road Approach Permit	Sherman County Road Department  Attn: Mark Coles, Road Master  Sherman County Road Department PO Box 365 Moro, OR 97039 (541) 565-3271 No email listed	OAR Chapter 734, Division 51; ORS 374.305 to 374.325; Sherman County Zoning Ordinance Section 3.1, Exclusive Farm Use Zone; Section 11.2, Zoning or Other Land Development Permit or Approval	As applicable, new driveways and increases or changes of use for existing driveways which access a public road will obtain a Road Approach Permit from Sherman County Public Works or the Oregon Department of Transportation. This permit will be obtained by the construction contractor prior to construction. Therefore, this permit should not be included in or governed by the site certificate.  This permit will be acquired only if the alternate point of interconnection to BPA's existing Buckley Substation is chosen.

### **3.0 Permit Applications Not Federally Delegated – OAR 345-021-0010(1)(e)(C)(i)(ii)**

*OAR 345-021-0010(1)(e)(C) For any state or local government agency permits, licenses or certificates that are proposed to be included in and governed by the site certificate, evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules and standards applicable to the permit. The applicant may show this evidence:*

*(i) In Exhibit J for permits related to wetlands; or*

**Response:** The Facility has been microsited such that no impacts to wetlands and waters of the state or the U.S. are anticipated. Therefore, no permits related to wetlands are required. Please see Exhibit J for further details, in accordance with OAR 345-021-0010(1)(e)(C)(i).

*(ii) In Exhibit O for permits related to water rights;*

**Response:** Water for construction and operation, including periodic solar panel washing, will be obtained from an existing municipal water source with valid water rights and trucked to the site, likely the City of Maupin. If needed, the Applicant will use existing exempt wells, or construct one or more exempt wells, as allowed under ORS 537.545. Please see Exhibit O for further details.

## 4.0 Permit Applications Federally Delegated – OAR 345-021-0010(1)(e)(D)

*OAR 345-021-0010(1)(e)(D) For federally-delegated permit applications, evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision;*

**Response:** The U.S. Environmental Protection Agency has delegated authority to the ODEQ to issue NPDES stormwater discharge permits for construction and operations activities. The Applicant understands that their third-party contractor will obtain an NPDES 1200-C permit prior to the start of construction via the ODEQ's Your DEQ Online platform.<sup>1</sup> The Erosion and Sediment Control Plan (ESCP) that will be the basis for the ODEQ NPDES 1200-C Storm Water permit has been provided as Attachment I-1 to Exhibit I. The Applicant anticipates that this permit will be pursued during preconstruction and that confirmation of permit receipt and a permit decision from ODEQ will be received prior to the start of construction.

## 5.0 Third Party State or Local Permits – OAR 345-021-0010(1)(e)(E)

*OAR 345-021-0010(1)(e)(E) If the applicant relies on a state or local government permit or approval issued to a third party, identification of any such third-party permit and for each:*

*(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit;*

**Response:** As outlined above, the Applicant or its contractors will obtain the permits as needed for construction and operation. The third-party permits listed in Table E-5 are routine and common permits in Oregon and are not dependent on a unique resource or location. During construction and operation, the Applicant will select similarly qualified contractors with experience constructing renewable energy facilities and a reasonable likelihood of securing the required permits.

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<sup>1</sup> <https://ordeq-edms-public.govonlinesaas.com/pub/login?web=1>; note that due to the online system limitations, consultants cannot submit permit applications on behalf of the third party.

**Table E-5. Potential Third-Party State or Local Permits**

<b>Permit Name</b>	<b>Facility Phase</b>	<b>Description</b>
ODEQ General WPCF Permit, WPCF-1700-B	Construction and Operation	A WPCF-1700-B permit will be required for solar panel washing activities.
ODEQ General WPCF Permit, WPCF-1000, Gravel Mining and Batch Plant	Construction	If a temporary batch plant is required for Facility construction, a WPCF-1000 permit will be obtained to manage wastewater and stormwater from the temporary concrete batch plant.
Oregon Water Resources Department, Water Right Permit, or Water Use Authorization	Construction and Operation	If water for construction is not available from permitted sources, a water right permit or use authorization directly from the Oregon Water Resources Department will be required.
ODOT Oversize Load Movement Permit/Load Registration	Construction	An oversize load movement permit/load registration will be required for transporting large or overweight equipment to the site over state roads.
ODOT Access Management Permit	Construction	An access permit will be required for access usage of Oregon state highways.
ODOT Permit to Occupy or Perform Operations Upon a State Highway	Construction	A permit to occupy or perform operations will be required for utility installations within the right-of-way of a state highway.
ODEQ – Oregon Department of Environmental Quality; ODOT – Oregon Department of Transportation; WPCF – Water Pollution Control Facilities		

*(ii) Evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit;*

**Response:** As indicated above, for each permit identified, the Applicant has worked with contractors familiar with constructing or operating renewable energy facilities, and who are knowledgeable of the requirements for applications and activities under such permits. The Applicant will select the same, or similar, contractors who have the necessary experience to likely obtain the necessary permits.

*(iii) An assessment of the impact of the proposed facility on any permits that a third party has obtained and on which the applicant relies to comply with any applicable Council standard;*

**Response:** The Applicant has experience working in various permitting regimes across the United States and has worked with experienced solar power contractors for projects such as the Mark Center Solar Project (Ohio), Defiance County Solar Project (Ohio), Atlanta Farms Solar Project (Ohio), Calhoun County Solar Project (Michigan), Wythe County Solar Project (Virginia), Madison Fields Solar Project (Ohio), Brazoria West Solar Project (Texas), Brazoria County Solar Project (Texas), Wood County Solar Project (Wisconsin), Richland County Solar Project (Wisconsin), Westmoreland County Solar Project (Virginia), Greensville County Solar Project (Virginia), and TWE Myrtle Solar Project (Virginia). All of these projects have either reached commercial operation between 2019 and 2023 or are scheduled to come online in 2024 or 2025. The contractors utilized had experience constructing renewable energy facilities, including obtaining building permits and



sewage disposal permits in relevant jurisdictions. The Applicant would hire a contractor of similar caliber and experience for the Facility.

The Applicant may rely on its third-party contractors to obtain some required permits. Additional permits that may be obtained either by the contractor or other designated third party are indicated in Tables E-2 and E-4.

In order to identify all potentially required permits, the Applicant assumes that the contractor may utilize an onsite temporary concrete batch plant rather than existing nearby concrete suppliers; however, the contractor may utilize nearby suppliers and not use onsite batch plants. If an onsite concrete batch plant is used, such infrastructure may be operated by either the contractor or a third-party contractor. The contractor would be required to obtain all necessary permits.

The Certificate Holder understands that mobile concrete batch plant sites may be covered by the Facility's NPDES 1200-C permit, and that a NPDES 1200-A permit (obtained from ODEQ; both federally delegated state permits to be acquired by the Applicant) would be required for each mobile batch plant if the infrastructure were to discharge stormwater from a point source to surface water or to a conveyance system that discharges to surface water. This would warrant the need for a Stormwater Discharge Permit issued through ODEQ. In addition, a General Water Pollution Control Permit WPCF-1000 would be required for the management of wastewater collection, treatment, control, and disposal for any concrete batch plants. This is a common permit for the construction of renewable energy facilities, which require concrete footings, pads, and other infrastructure. Both the NPDES 1200-A and the WPCF permits would be issued by the ODEQ. Additionally, ODEQ would also issue the WPCF-1700-B permit for solar panel washing activities during construction and operations.

The Certificate Holder understands that an Oversize Load Movement Permit from the Oregon Department of Transportation (ODOT) will be required for the movement of cranes and construction materials to the Facility, and an Access Management Permit from ODOT if the Facility requires access usage of Oregon state highways. In addition, a septic Site Evaluation and New Construction Permit from North Central Public Health District would be required for facilities with a daily flow of fewer than 2,500 gallons of sewage, and a Water Right Permit or Water Use Authorization would be required if water is derived from an existing or newly constructed onsite well. The contractors would be responsible for acquiring these permits prior to construction.

Additional permits that may be obtained either by the contractor or other designated third party include State Electrical Permits, a Wasco County Conditional Use/Zoning Permit, Wasco County Building Permits, Wasco County Road Approach Permits, and Wasco County Utility Permits.

## 6.0 Third Party Federal Permits – OAR 345-021-0010(1)(e)(F)

*OAR 345-021-0010(1)(e)(F) If the applicant relies on a federally-delegated permit issued to a third party, identification of any such third-party permit and for each:*

- (i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit;*
- (ii) Evidence that the responsible agency has received a permit application;*
- (iii) The estimated the date when the responsible agency will complete its review and issue a permit decision; and*

**Response:** If a stationary or portable concrete manufacturing plant is required for Facility construction, the Applicant may direct its third-party contractor to obtain a Basic Air Contaminant Discharge Permit (Clean Air Act [42 USC Section 7401 et seq.]; 40 CFR Parts 50, 51, and 52; ORS Chapters 468 and 468A; OAR Chapter 340, Division 216) to authorize the temporary establishment of concrete batch plants at the Facility. This permit typically is required for the construction of renewable energy facilities in Oregon to provide a source of concrete in the vicinity of the construction activities. A contractor familiar with constructing renewable energy facilities will have experience obtaining this permit from ODEQ.

## 7.0 Monitoring – OAR 345-021-0010(1)(e)(G)

*OAR 345-021-0010(1)(e)(G) The applicant's proposed monitoring program, if any, for compliance with permit conditions.*

To the extent that monitoring may be required for any permit conditions, monitoring programs are discussed in the specific exhibit to which the permits pertain. For example, monitoring for compliance with removal-fill permit conditions is discussed in Exhibit J.

## 8.0 Submittal Requirements and Approval Standards

### 8.1 Submittal Requirements

**Table E-6. Submittal Requirements Matrix**

Requirement	Location
OAR 345-021-0010(1)(e) Information about permits related to the siting of the facility, including:	-
(A) Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, mailing address, email address and telephone number of the agency or office responsible for each permit.	Section 2.0
(B) A description of each permit, the reasons the permit is needed for construction or operation of the facility and the applicant's analysis of whether the permit should or should not be included in and governed by the site certificate.	Section 2.0
(C) For any state or local government agency permits, licenses or certificates that are proposed to be included in and governed by the site certificate, evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules and standards applicable to the permit. The applicant may show this evidence:	-
(i) In Exhibit J for permits related to wetlands.	Section 3.0
(ii) In Exhibit O for permits related to water rights.	Section 3.0
(D) For federally-delegated permit applications, evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision.	Section 4.0
(E) If the applicant relies on a state or local government permit or approval issued to a third party, identification of any such third party permit and for each:	-
(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.	Section 5.0
(ii) Evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit.	Section 5.0
(iii) An assessment of the impact of the proposed facility on any permits that a third party has obtained and on which the applicant relies to comply with any applicable Council standard.	N/A
(F) If the applicant relies on a federally-delegated permit issued to a third party, identification of any such third-party permit and for each:	-
(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.	Section 6.0
(ii) Evidence that the responsible agency has received a permit application.	Section 6.0
(iii) The estimated the date when the responsible agency will complete its review and issue a permit decision.	Section 6.0

<b>Requirement</b>	<b>Location</b>
(G) The applicant's proposed monitoring program, if any, for compliance with permit conditions.	Section 7.0

## **8.2 Approval Standards**

OAR 345 Division 22 does not provide an approval standard specific to Exhibit E.