

**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**

**SITE PERMIT FOR  
[PROJECT NAME]**

**A LARGE WIND ENERGY CONVERSION SYSTEM**

**IN  
[COUNTY]**

**ISSUED TO  
[PERMITTEE]**

**PUC DOCKET NO. [Docket Number]**

In accordance with the requirements of Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854 this site permit is hereby issued to:

**[Permittee]**

The Permittee is authorized by this site permit to construct and operate a Large Wind Energy Conversion System of up to [number] megawatts consisting of up to [number] turbines. The Large Wind Energy Conversion System shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

This site permit shall expire [xx] years from the date of this approval.

Approved and adopted this \_\_\_\_ day of \_\_\_\_\_

BY ORDER OF THE COMMISSION

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Will Seuffert,  
Executive Secretary

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**ATTACHMENTS**

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedure for Permitted Energy Facilities

Attachment 3 – Site Permit Maps

SAMPLE PERMIT

## **1 SITE PERMIT**

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to [Permittee Name] (Permittee) pursuant to Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854. This site permit authorizes the Permittee to construct and operate a [Provide a description of the project as authorized by the Commission] ([Project Name, if applicable], henceforth known as Project). The Large Wind Energy Conversion System shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

### **1.1 Preemption**

Pursuant to Minn. Stat. § 216F.07, this site permit shall be the sole site approval required for the location, construction, and operation of the large wind energy conversion system and this site permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

## **2 PROJECT DESCRIPTION**

[Provide a description of the project as authorized by the Commission]

### **Example Language**

*The Project Name is an up to [number] MW nameplate capacity LWECS in [County], Minnesota. The LWECS will consist of up to [number of turbines, turbine size, and turbine manufacturer]. The Project also includes up to [number] alternate turbine locations that can be used should any of the primary turbine locations be determined to not be adequate for construction or operation.*

### **2.1 Associated Facilities**

[Provide a description of the project as authorized by the Commission]

### **Example Language**

*Associated facilities for the Project will include the following:*

- *Gravel access roads*
- *Underground electric collection lines*
- *Underground communication lines*
- *Up to [number] permanent meteorological towers*
- *Project substation facility*
- *Operations and maintenance facility*

- *Lighting mitigation system*
- *Electrical switchyard*
- *An [number] foot long [number] kV transmission line from the Project substation to the point-of-interconnect.*

*Temporary disturbance areas to allow for the construction of the Project may include crane paths, pull sites, access roads, and a laydown yard.*

## **2.2 Project Location**

The Project is located in the following:

County	Township Name	Township	Range	Section

## **2.3 Project Ownership**

At least 14 days prior to the pre-construction meeting, the Permittee shall file a description of its ownership structure, identifying, as applicable:

- (a) the owner(s) of the financial and governance interests of the Permittee;
- (b) the owner(s) of the majority financial and governance interests of the Permittee's owners; and
- (c) the Permittee's ultimate parent entity (meaning the entity which is not controlled by any other entity).

The Permittee shall notify the Commission of:

- (a) a change in the owner(s) of the majority\* financial or governance interests in the Permittee; or
- (b) a change in the owner(s) of the majority\* financial or governance interests of the Permittee's owners; or
- (c) a sale which changes the ultimate parent entity of the Permittee

\* When there are only co-equal 50/50 percent interests, any change shall be considered a change in majority interest.

Also, in the event of an ownership change, the new Permittee must provide the Commission with a certification that it has read, understands and is able to comply with the conditions of this permit.

### **3 DESIGNATED SITE**

The site designated by the Commission for the Project is depicted on the site maps attached to this permit. The Designated Site encompasses approximately [number] acres. Upon completion, the Project will occupy no more than [number] acres of land converted to wind turbines and associated facilities approved by this site permit. Within the Designated Site, the LWECS shall be located on lands for which the Permittee has obtained wind rights.

#### **3.1 Turbine Layout**

The site maps show the approximate location of wind turbines and associated facilities within the Designated Site and identify a layout that seeks to minimize the overall potential human and environmental impacts of the Project, as they were evaluated in the permitting process.

The Designated Site serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a turbine or associated facility shall be done in such a manner as to have human and environmental impacts that are comparable to those associated with the layouts on the maps attached to this site permit. The Permittee shall identify any modifications in the site plan pursuant to Section 10.3.

### **4 SETBACKS AND SITE LAYOUT RESTRICTIONS**

#### **4.1 Wind Access Buffer**

Wind turbines shall be placed no closer than five rotor diameters on the prevailing wind direction and three rotor diameters on the non-prevailing wind direction from the perimeter of properties where the Permittee does not hold the wind rights, unless otherwise approved by the Commission. This section does not apply to public roads and trails.

#### **4.2 Residences**

Wind turbines shall be located no closer than 1,000 feet from residences existing at the time of this site permit issuance.

#### **4.3 Noise**

Wind turbines shall be located such that the Project will comply with the noise standards established in Minnesota Rules Chapter 7030. Turbine operation shall be modified, or turbines



shall be removed from service if necessary to comply with these noise standards. The Permittee shall be required to comply with this condition with respect to all residences and other receptors existing at the time of this site permit issuance, but not with respect to such receptors built after construction of the turbines.

#### **4.4 Roads**

Wind turbines and meteorological towers shall be located no closer than 250 feet from the edge of the nearest public road right-of-way.

#### **4.5 Public Lands**

Wind turbines and associated facilities shall not be located in publicly owned lands that have been designated for recreational or conservation purposes, including, but not limited to, Waterfowl Production Areas, State Wildlife Management Areas, Scientific and Natural Areas or county parks, except in the event that the public entity owning those lands enters into a land lease and easement with the Permittee.

#### **4.6 Wetlands**

Wind turbines and associated facilities shall not be located in public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR), United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act.

#### **4.7 Native Prairie**

Wind turbines and associated facilities shall not be located in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, or in areas enrolled in the Native Prairie Bank Program unless addressed in a Prairie Protection and Management Plan. Construction activities, as defined in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a Prairie Protection and Management Plan.

The Permittee shall prepare a Prairie Protection and Management Plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Designated Site. The Permittee shall file with the Commission the Prairie Protection and Management Plan 30 days prior to submitting the site plan required by Section 10.3 of this site permit. The Prairie Protection and Management Plan shall address steps that will be taken to avoid impacts to native prairie and mitigate unavoidable impacts to native prairie by

restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission. The Permittee shall comply with the most recently filed Prairie Protection and Management Plan.

#### **4.8 Sand and Gravel Operations**

Wind turbines and associated facilities shall not be located within active sand and gravel operations, unless otherwise negotiated with the landowner.

#### **4.9 Wind Turbines**

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to [number] meters ([number] feet) above grade measured at hub height. The wind turbine specifications in the table below were provided in the Permittee's [Date and Title of Site Permit Application].

*[Note: List of design features is for example only. Actual features may differ from project to project]*

Design Feature	Turbine	
	[Turbine Model 1]	[Turbine Model 2]
Capacity (MW)		
Total Height (m)		
Hub Height (m)		
Rotor Diameter (m)		
Cut-in Wind Speed (m/s)		
Rated Capacity Wind Speed (m/s)		
Cut-out Wind Speed (m/s)		
Maximum Sustained Wind Speed (m/s)		
Wind Swept Area (m <sup>2</sup> )		
Rotor Speed (rpm)		

#### **4.10 Turbine Spacing**

Wind turbines shall be constructed within the Designated Site. The wind turbines shall be spaced no closer than five rotor diameters on the prevailing wind direction and three rotor diameters in the non-prevailing wind direction from one another. If required, up to 20 percent of the wind turbines may be sited closer than the above spacing, but the Permittee shall minimize the need to site the turbines closer.

#### **4.11 Meteorological Towers**

Permanent towers for meteorological equipment shall be free standing. Permanent meteorological towers shall be located no less than 250 feet from the edge of the nearest public road right-of-way and the Designated Site boundary, or in compliance with the county ordinance regulating meteorological towers, whichever is more restrictive.

Meteorological towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the meteorological towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the meteorological monitoring equipment.

#### **4.12 Aviation**

The Permittee shall not place wind turbines or associated facilities in a location that could create an obstruction to navigable airspace of private and public airports (as defined in Minn. R. 8800.0100, subp. 24(a) and 24(b)) in Minnesota, adjacent states, or provinces. The Permittee shall apply the minimum obstruction clearance for private airports pursuant to Minn. R. 8800.1900, subp. 5. Setbacks or other limitations shall be followed in accordance with the Minnesota Department of Transportation (MnDOT), Department of Aviation, and the FAA. At least 14 days prior to the pre-construction meeting, the Permittee shall notify owners of all known airports within six miles of the project of the anticipated construction start date. The Permittee shall file with the Commission an affidavit of its notification to airports at least 14 days prior to the pre-construction meeting.

#### **4.13 Footprint Minimization**

The Permittee shall design and construct the Project to minimize the amount of land that is impacted. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers, and monitoring systems shall, to the greatest extent feasible, be mounted on the foundations used for wind turbines or inside the wind turbines unless otherwise negotiated with the affected landowner.

### **5 GENERAL CONDITIONS**

The Permittee shall comply with the following conditions during construction and operation of the LWECS over the life of this site permit.

#### **5.1 Site Permit Distribution**

Within 30 days of issuance of this site permit, the Permittee shall provide all affected landowners with a copy of this site permit and the complaint procedures. An affected landowner is any landowner or designee that is within or adjacent to the permitted site. In no case shall a landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall also provide a copy of this site permit and the complaint procedures to the applicable regional development commissions, county environmental offices, and city and township clerks. The Permittee shall file with the Commission an affidavit of its site permit and complaint procedures distribution within 30 days of issuance of this site permit.

## **5.2 Access to Property**

The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of the Minnesota Department of Commerce (Commerce) or Commission staff.

## **5.3 Construction and Operation Practices**

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Project unless this site permit establishes a different requirement in which case this site permit shall prevail.

### **5.3.1 Field Representative**

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this site permit during construction of the Project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

### **5.3.2 Site Manager**

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this site permit during the commercial operation and decommissioning phases of the Project. This person shall be accessible by telephone or other means during normal business hours for the life of this site permit.

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission within 14 days prior to the pre-operation meeting. The Permittee shall provide the site manager's contact information to landowners within or adjacent to the Project Boundary, local government units and other interested persons at least 14 days prior to the pre-operation meeting. The Permittee may change the site manager at any time upon notice to the Commission, landowners within or adjacent to the Project Boundary, local government units, and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its site manager's contact information at least 14 days prior to the pre-operation meeting and upon changes to the site manager.

### **5.3.3 Employee Training - Site Permit Terms and Conditions**

The Permittee shall train and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the LWECS of the terms and conditions of this site permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

### **5.3.4 Independent Third-Party Monitoring**

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Department of Commerce. The scope of work shall be developed in consultation with and approved by the Department of Commerce. This third-party monitor will report directly to and will be under the control of the Department of Commerce with costs borne by the Permittee. Commerce staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed with the Commission in accordance with scope of work approved by the Department of Commerce.

### **5.3.5 Public Services and Public Utilities**

During Project construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these shall be temporary, and the Permittee shall restore service promptly. Where any impacts to utilities have the potential to occur the Permittee shall work with both landowners and local entities to

determine the most appropriate mitigation measures if not already considered as part of this site permit.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

#### **5.3.6 Topsoil Protection**

The Permittee shall implement measures to protect and segregate topsoil from subsoil on all lands utilized for Project construction unless otherwise negotiated with the affected landowner.

#### **5.3.7 Soil Compaction**

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as feasible. The Permittee shall use soil decompaction measures on all lands utilized for Project construction and travelled on by heavy equipment (*e.g.*, cranes and heavy trucks), even when soil compaction minimization measures are used.

#### **5.3.8 Soil Erosion and Sediment Control**

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency Construction Stormwater Program. If construction of the Project disturbs more than one acre of land or is sited in an area designated by the Minnesota Pollution Control Agency (MPCA) as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan that describes methods to control erosion and runoff.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the facilities shall be returned to pre-construction conditions.

### **5.3.9 Wetlands and Water Resources**

The Permittee shall construct in wetland areas during frozen ground conditions, to the extent feasible, to minimize impacts. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. The Permittee shall contain and manage soil excavated from the wetlands and riparian areas in accordance with all applicable wetland permits. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. The Permittee shall meet USACE, DNR, Minnesota Board of Water and Soil Resources, and local government wetland and water resource requirements.

### **5.3.10 Vegetation Removal**

The Permittee shall disturb or clear vegetation within the Designated Site only to the extent necessary to assure the safe construction, operation, and maintenance of the Project. The Permittee shall minimize the number of trees removed within the Designated Site specifically preserving to the maximum extent practicable windbreaks, shelterbelts, and living snow fences.

### **5.3.11 Application of Pesticides**

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commerce or Commission staff.

### **5.3.12 Invasive Species**

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Project construction activities. The Permittee

shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

#### **5.3.13 Noxious Weeds**

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil, the Permittee shall select site-appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

#### **5.3.14 Public Roads**

Where practical, the Permittee shall use existing roadways for activities associated with the Project and shall use all-weather roads to transport cement, turbines, towers, assembled nacelles, and all other heavy components. At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission a Public Road Use Report that:

- (a) includes a map that identifies which roads will be used for the Project;
- (b) identifies who has jurisdiction over the roads;
- (c) indicates whether inspections of the roads are required prior to Project construction; and
- (d) provides the status of Public Road Use Agreements or Public Road Development Agreements.

The Permittee must obtain and file with the Commission Public Road Use Agreements or Public Road Development Agreements before Project construction may begin. The Public Road Use Agreements or Public Road Development Agreements shall include: (1) written authorizations from governmental entities that have jurisdiction over roads used for the Project, and (2) maintenance and repair plans that may be required based on damages from Project construction.

#### **5.3.15 Turbine Access Roads**

The Permittee shall construct the fewest number of turbine access roads necessary to safely and efficiently operate the Project and satisfy landowner requests. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Access roads shall not be constructed across streams and drainage ditches without required permits and approvals. When access roads are constructed across streams,



drainage ways, or drainage ditches, the access roads shall be designed and constructed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.

Any access roads that are constructed across streams or drainage ditches shall be designed and constructed in a manner that maintains existing fish passage. Access roads that are constructed across grassed waterways that provide drainage for surface waters that are ephemeral in nature, are not required to maintain or provide fish passage. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

The Permittee shall provide the local soil and water conservation district and participating landowners an opportunity to review and comment on access road plans in order to minimize the potential to pond and divert water creating gully erosion or the potential to cause damage or failure to existing conservation practices, such as terraces, sediment control basins or diversions prior to finalization and installation. The Permittee shall file documentation of turbine access road coordination at least 14 days prior to the pre-construction meeting.

#### **5.3.16 Private Roads**

The Permittee shall promptly repair private roads or lanes damaged during Project construction and operation unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

#### **5.3.17 Archaeological and Historic Resources**

The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize Project impacts on the resource consistent with SHPO and State Archaeologist requirements.

Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State

Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

#### **5.3.18 Interference**

At least 14 days prior to the pre-construction meeting, the Permittee shall submit to the Commission an Interference Assessment of television and radio signal reception, microwave signal patterns, and telecommunications in the Project area. The Interference Assessment shall be designed to provide data that can be used in the future to determine whether the turbines and associated facilities are the cause of disruption or interference of television or radio reception, microwave patterns, or telecommunications in the event residents should complain about such disruption or interference after the turbines are placed in operation. The Permittee shall be responsible for alleviating any disruption or interference of these services caused by the turbines or any associated facilities.

The Permittee shall not operate the Project in a manner that causes microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications Commission (FCC) regulations or other law. In the event the Project causes such interference, the Permittee shall take timely measures necessary to correct the problem. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

#### **5.3.19 Livestock Protection**

The Permittee shall take precautions to protect livestock during all phases of the Project's life.

#### **5.3.20 Fences**

The Permittee shall promptly replace or repair all fences and gates removed or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner. When the Permittee installs a gate where electric fences are present, the Permittee shall provide for continuity in the electric fence circuit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

#### **5.3.21 Drainage Tiles**

The Permittee shall avoid, promptly repair, or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

#### **5.3.22 Equipment Storage**

The Permittee shall locate temporary equipment staging areas only on lands where it has received permission from the landowner. Temporary equipment staging areas shall not be located in wetlands or native prairie as defined in Sections 4.6 and 4.7. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

#### **5.3.23 Restoration**

The Permittee shall restore the areas affected by construction of the Project to the condition that existed immediately before construction began to the greatest extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project. Within 60 days after completion of all restoration activities, the Permittee shall file with the Commission a Notice of Restoration Completion.

#### **5.3.24 Cleanup**

The Permittee shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

#### **5.3.25 Pollution and Hazardous Waste**

The Permittee shall take all appropriate precautions to protect against pollution of the environment. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction and restoration of the Project.

#### **5.3.26 Damages**

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damage sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

#### **5.3.27 Public Safety**

The Permittee shall provide educational materials to landowners within and adjacent to the Designated Site and, upon request, to interested persons about the Project and any restrictions or dangers associated with the Project. The Permittee shall also implement any necessary safety measures such as placing warning signs and gates for traffic control or restricting public access. The Permittee shall file with the Commission an affidavit of its public safety notifications at least 14 days before the pre-construction meeting.

The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of the construction of the Project.

#### **5.3.28 Turbine Identification**

The Permittee shall mark all turbines and towers with a clearly visible identification number and the name of the Project.

#### **5.3.29 Federal Aviation Administration Lighting**

The Permittee shall mark turbines and towers as required by the FAA. There shall be no lights on turbines or towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment. The Permittee shall install and employ an FAA-approved lighting mitigation system, such as an aircraft detection lighting system (ADLS), light intensity dimming solution (LIDS), or other FAA-approved mitigation method. The Permittee shall describe the lighting mitigation system used for the Project in the Site Plan.

### **5.4 Communication Cables**

The Permittee shall place all communication and supervisory control and data acquisition cables underground and within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

### **5.5 Electrical Collector and Feeder Lines**

The Permittee shall bury underground collector lines that carry electrical power from each individual transformer associated with a wind turbine to an internal Project interconnection point. The Permittee shall place collector lines within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

The Permittee may use overhead or underground feeder lines to carry power from an internal project interconnection point to the project substation or interconnection point on the

electrical grid. The Permittee shall place overhead and underground feeder lines that parallel public roads within the public right-of-way or on private land immediately adjacent to the road. The Permittee shall obtain approval from the landowner or government unit responsible for the affected right-of-way.

The Permittee shall locate feeder lines in such a manner as to minimize interference with agricultural operations including but not limited to existing drainage patterns, drain tile, future tiling plans, and ditches. The Permittee shall place safety shields on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the Site Plan pursuant to Section 10.3.

## **5.6 Other Requirements**

### **5.6.1 Safety Codes and Design Requirements**

The Permittee shall design the LWECs and associated facilities to meet or exceed all relevant local and state codes, Institute of Electrical and Electronics Engineers, Inc. standards, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. The Permittee shall keep records of compliance with this section and provide them upon the request of Commerce or Commission staff.

### **5.6.2 Other Permits and Regulations**

The Permittee shall comply with all applicable state statutes and rules. The Permittee shall obtain all required permits for the Project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Project. The Other Permits and Regulations Submittal shall also include the permitting agency name; the name of the permit, authorization, or approval being sought; contact person and contact information for the permitting agency or authority; brief description of why the permit, authorization, or approval is needed; application submittal date; and the date the permit, authorization, or approval was issued or is anticipated to be issued.

The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such and an updated Other Permits and Regulations Submittal prior to commencing Project construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals upon the request of Commerce or Commission staff.

## **6 SPECIAL CONDITIONS**

The special conditions shall take precedence over other conditions of this permit should there be a conflict.

[Add Special Conditions in accordance with the record of the docket]

## **7 SURVEYS AND REPORTING**

### **7.1 Biological and Natural Resource Inventories**

The Permittee, in consultation with the Commission, Commerce, and the DNR, shall design and conduct pre-construction desktop and field inventories of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the Designated Site and assess the presence of state- or federally-listed or threatened species. The Permittee shall file with the Commission the results of the inventories at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this site permit. The Permittee shall file with the Commission any biological surveys or studies conducted on this Project, including those not required under this site permit.

### **7.2 Shadow Flicker**

The Permittee shall file with the Commission a Shadow Flicker Modeling Report at least 14 days prior to the pre-construction meeting. The Shadow Flicker Modeling Report shall contain:

- (a) the predicted number of hours of shadow flicker at each existing residence in-place at the time of this site permit issuance that have the potential to be subject to shadow flicker;
- (b) whether modeled residences are participating landowners;
- (c) a description of the specific model used, and any modeling assumptions made; and
- (d) a description of the Permittee's efforts to avoid, minimize and mitigate shadow flicker exposure.

If the Shadow Flicker Modeling Report predicts 30 hours or more of shadow flicker per year at any residence in-place at the time of this site permit issuance, the Permittee shall file with the Commission a Shadow Flicker Management Plan at least 14 days prior to the pre-operation meeting. The Shadow Flicker Management Plan shall contain a description of the Permittee's:

- (a) efforts to avoid, minimize and mitigate shadow flicker exposure, which may include providing screening or turbine curtailment; and
- (b) communication and new agreements with landowners that are predicted to experience 30 hours or more of shadow flicker per year.

The Commission may require the Permittee to install shadow flicker monitoring at any time during the life of this site permit.

### **7.3 Wake Loss Studies**

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the pre-construction micro-siting analysis leading to the final turbine locations and an estimate of total Project wake losses. As part of the Annual Project Energy Production Report required under Section 10.8 of this site permit the Permittee shall file with the Commission any operational wake loss studies conducted on the Project during the calendar year preceding the report.

### **7.4 Noise Studies**

In consultation with Commerce staff, the Permittee shall develop a post-construction noise monitoring protocol (Noise Monitoring Protocol) that is consistent with Commerce's Large Wind Energy Conversion Systems Noise Monitoring Protocol and Report guidance. The Permittee shall file the Noise Monitoring Protocol with the Commission at least 14 days prior to the pre-construction meeting.

The Permittee shall conduct a noise study according to the Noise Monitoring Protocol and file a Post-Construction Noise Monitoring Report with the Commission within 18 months of commencing commercial operation.

### **7.5 Avian and Bat Protection**

#### **7.5.1 Operational Phase Fatality Monitoring**

The Permittee shall utilize a qualified third party to conduct a minimum of [number] full years of avian and bat fatality monitoring commencing with Project operation. Monitoring activities and results will be coordinated directly with the DNR, the U.S. Fish and Wildlife Service (USFWS), the Department of Commerce, and the Commission. Detailed monitoring protocols, agency coordination, and any avoidance and minimization measures will be detailed in the Avian and Bat Protection Plan (ABPP).

#### **7.5.2 Avian and Bat Protection Plan**

The Permittee shall review and update the Avian and Bat Protection Plan (ABPP) that was submitted as part of its Site Permit Application. The ABPP must address steps that will be taken to identify and mitigate impacts to avian and bat species during the construction and operation phases of the Project. The ABPP shall also include formal and incidental post-construction fatality monitoring, training, wildlife handling, documentation (*e.g.*, photographs), and reporting protocols for each phase of the Project. The Permittee shall file the updated ABPP with the Commission, and provide electronic copies to Commerce, DNR, and FWS, at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed ABPP.

The Permittee shall, by the 15th of March following each complete or partial calendar year of operation, file with the Commission an annual report detailing the findings of its annual audit of ABPP practices. The annual report shall include summarized and raw data of bird and bat fatalities and injuries and shall include bird and bat fatality estimates for the project using agreed upon estimators from the prior calendar year. The annual report shall also identify any deficiencies or recommended changes in the operation of the Project or in the ABPP to reduce avian and bat fatalities and shall provide a schedule for implementing the corrective or modified actions. The Permittee shall provide a copy of the report to the Department of Commerce, the DNR, and the USFWS at the time of filing with the Commission.

### **7.5.3 Quarterly Avian and Bat Incident Reports**

The Permittee shall file quarterly Avian and Bat Incident Reports with the Commission, and provide electronic copies to Commerce, DNR, and the FWS. The quarterly Avian and Bat Incident Reports are due by the 15th of January, April, July, and October commencing the day following commercial operation and terminating upon the expiration of this site permit. The Avian and Bat Incident Reports must include:

- (a) identification of dead or injured avian and bat species;
- (b) the location of the find, including identifying the nearest turbine;
- (c) the date of the find;
- (d) the potential cause of the death or injury; and
- (e) steps taken to avoid future occurrences.

### **7.5.4 Immediate Avian and Bat Incident Notification**



The Permittee shall file an Immediate Avian and Bat Incident Notification with the Commission, and provide an electronic copy to Commerce, the USFWS, and the DNR within 24 hours of the discovery of any of the following:

- a. five or more dead or injured birds or bats at a single turbine during a single survey, or twenty or more dead or injured birds or bats across the entire facility during a single survey (potential mass casualty event).
- b. one or more dead or injured state threatened, endangered, or species of special concern;
- c. one or more dead or injured federally listed species, including species proposed for listing; or
- d. one or more dead or injured bald or golden eagle.

Within seven days of filing the Immediate Avian and Bat Incident Notification, the Permittee shall file an Avian and Bat Incident Report with the Commission, and provide electronic copies to Commerce, DNR, and the FWS. The Avian and Bat Incident Report must include identification of dead or injured avian and bat species, including pictures; the location of the find, including identifying the nearest turbine; the date of the find; the potential cause of the death or injury; a detailed log of agencies and individuals contacted; and steps taken to avoid future occurrences.

#### **7.5.5 Turbine Operational Curtailment**

The Permittee shall lock or feather up to the manufacturer's standard cut-in speed all Project turbines from one-half hour before sunset to one-half hour after sunrise from April 1 to October 31. All turbines at the facility must be equipped with operational software that can allow for adjustment of turbine cut-in speeds.

### **8 AUTHORITY TO CONSTRUCT LWECS**

#### **8.1 Wind Rights**

At least 14 days prior to the pre-construction meeting, the Permittee shall demonstrate that it has obtained the wind rights and any other rights necessary to construct and operate the Project within the Designated Site authorized by this site permit. Nothing in this site permit shall be construed to preclude any other person from seeking a permit to construct a wind energy conversion system within the Designated Site covered by this permit if the Permittee does not hold exclusive wind rights for such areas.

#### **8.2 Power Purchase Agreement**

In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project at the time this site permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This site permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within two years of the issuance of this site permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this site permit should be amended or revoked. No amendment or revocation of this site permit may be undertaken except in accordance with Minn. R. 7854.1300.

### **8.3 Failure to Commence Construction**

If the Permittee has not commenced construction of the Project within two years after issuance of this site permit, the Permittee shall file a Failure to Construct Report and the Commission shall consider amendment or revocation of this site permit in accordance with Minn. R. 7854.1300.

## **9 COMPLAINT PROCEDURES**

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints. The complaint procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this site permit.

Upon request, the Permittee shall assist Commerce or Commission staff with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

## **10 COMPLIANCE REQUIREMENTS**

Failure to timely and properly make compliance filings required by this site permit is a failure to comply with the conditions of this site permit. Compliance filings must be electronically filed with the Commission.

### **10.1 Pre-Construction Meeting**

Prior to the start of any construction, the Permittee shall participate in a pre-construction meeting with Commerce and Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission, a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the anticipated construction start date.

## **10.2 Pre-Operation Meeting**

At least 14 days prior to commercial operation of the Project, the Permittee shall participate in a pre-operation meeting with Commerce and Commission staff to coordinate field monitoring of operation activities for the Project. Within 14 days following the pre-operation meeting, the Permittee shall file with the Commission, a summary of the topics reviewed and discussed and a list of attendees.

## **10.3 Site Plan**

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide the Department of Commerce, and the counties where the Project will be constructed with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of all turbines and other structures to be constructed including all electrical equipment, collector and feeder lines, pollution control equipment, fencing, roads, and other associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Designated Site boundary and turbine layout in relation to that approved by this site permit. The Permittee shall document, through GIS mapping, compliance with the setbacks and site layout restrictions required by this permit, including compliance with the noise standards pursuant to Minnesota Rules Chapter 7030. The Permittee shall notify affected landowners and city and township clerks that the site plan is on file with the Commission and the counties where the Project will be constructed. The Permittee shall file with the Commission an affidavit of its notification to landowners and city and township clerks.

The Permittee may submit a site plan and engineering drawings for only a portion of the Project if the Permittee intends to commence construction on certain parts of the Project before completing the site plan and engineering drawings for other parts of the Project.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) or until the Commission staff has notified the Permittee in writing that it has completed its review of the pre-construction documents and determined that the planned construction is consistent with this site permit.

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction is not consistent with this site permit, the Permittee may submit additional and/or revised documentation but may not commence construction until the Commission has notified the Permittee in writing that it has determined that the planned construction is consistent with this site permit.

If the Permittee intends to make any significant changes in its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission, the Department of Commerce, and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this site permit.

If previously unidentified human or environmental conditions are discovered during construction that by law or pursuant to conditions outlined in this site permit would preclude the use of that site as a turbine location, the Permittee shall have the right to relocate the turbine. Under these circumstances, the Permittee shall notify the Commission, the Department of Commerce, the MPCA, the DNR, the county, city and township clerks, and the affected landowners of any turbines that are to be relocated and provide the previously unidentified environmental conditions and how the movement of the turbine mitigates the human or environmental impact at least five days before implementing the changes. No changes shall be made that would be in violation of any terms of this site permit.

#### **10.4 Status Reports**

The Permittee shall file with the Commission monthly Construction Status Reports beginning with the pre-construction meeting and until completion of restoration. Construction Status Reports shall describe construction activities and progress, activities undertaken in compliance with this site permit, and shall include text and photographs.

If the Permittee does not commence construction of the Project within six months of this site permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every three months beginning with the issuance of this site permit until the pre-construction meeting. The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process, if applicable.

#### **10.5 Labor Statistic Reporting**

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

- (a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers; and
- (b) provide an account of:
  - i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7;
  - ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and
  - iii. the total gross hours worked or total full-time equivalent workers.

The Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

#### **10.6 Prevailing Wage**

The Permittee, its contractors, and subcontractors shall pay no less than the prevailing wage rate as defined in Minn. Stat. § 177.42 and shall be subject to the requirements and enforcement provisions under Minn. Stat. §§ 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45. The Permittee shall keep records of contractor and subcontractor pay and provide them at the request of Commerce or Commission staff.

#### **10.7 In-Service Date**

At least three days before the Project is to be placed into service, the Permittee shall notify the Commission of the date on which the Project will be placed into service and the date on which construction was completed.

#### **10.8 As-Builts**

Within 90 days after completion of construction, the Permittee shall submit copies of all final as-built plans and specifications developed during the Project.

#### **10.9 GPS Data**

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (*e.g.*, ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the Project.

#### **10.10 Project Energy Production**

The Permittee shall, by February 1st following each complete or partial year of Project operation, file a report with the Commission on the monthly energy production of the Project including:

- a. the installed nameplate capacity of the permitted Project;
- b. the total monthly energy generated by the Project in MW hours;
- c. the monthly capacity factor of the Project;
- d. yearly energy production and capacity factor for the Project;
- e. the operational status of the Project and any major curtailments, outages, major repairs, or turbine performance improvements occurring in the previous year; and
- f. any other information reasonably requested by the Commission.

The Permittee shall file this information in a format recommended by the Department of Commerce. This information shall be considered public and must be filed electronically.

#### **10.11 Wind Resource Use**

The Permittee shall, by February 1st following each complete or partial calendar year of operation, file with the Commission the average monthly and average annual wind speed collected at one permanent meteorological tower during the preceding year or partial year of operation with the Project Energy Production Report. This information shall be considered public and must be filed electronically.

#### **10.12 Emergency Response**

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The Permittee shall file the ERP, along with any comments from emergency responders to the Commission at least 14 days prior to the pre-construction meeting and a revised ERP, if any, at least 14 days prior to the pre-operation meeting. At least 14 days prior to the pre-operation meeting the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the Project. The Permittee shall obtain and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

#### **10.13 Extraordinary Events**

Within 24 hours of discovery of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to fires, tower collapse, thrown blade, acts of sabotage, collector or feeder line failure, and injured worker or

private person. The Permittee shall, within 30 days of the occurrence, file a report with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

## **11 DECOMMISSIONING, RESTORATION, AND ABANDONMENT**

### **11.1 Decommissioning Plan**

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as part of the [Identify Decommissioning Plan, *e.g.*, Appendix XX to the Site Permit Application]. The Permittee shall file an updated Decommissioning Plan, incorporating comments and information from the permitting process and any updates associated with the final construction plans, with the Commission 14 days before the pre-construction meeting. The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date.

The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration of the project in accordance with the requirements of Minn. R. 7854.0500, subp. 13. The Decommissioning Plan shall provide an itemized breakdown of costs to decommissioning all project components, which shall include labor and equipment. The plan shall identify cost estimates for the removal of turbines, turbine foundations, underground collection cables, access roads, crane pads, substations, and other project components. The plan may also include anticipated costs for the replacement of turbines or repowering the Project by upgrading equipment.

The Permittee shall also submit the Decommissioning Plan to the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the Project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

### **11.2 Final Site Restoration**

Upon expiration of this site permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all turbines, towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment in accordance with the most recently filed and accepted Decommissioning Plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural

production or may retain restored prairie vegetation, or other land uses as agreed to between the landowner and the Permittee. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be filed with the Commission prior to commencing restoration activities. The Permittee shall restore the site in accordance with the requirements of this condition and file a Notification of Final Restoration Completion to the Commission within 18 months of termination of operation of the Project.

### **11.3 Abandoned Turbines**

The Permittee shall notify the Commission of any turbines that are abandoned prior to termination of operation of the Project. Equipment shall be considered abandoned after one year without energy production and shall be decommissioned and the land shall be restored pursuant to sections 11.1 and 11.2, unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the equipment to service.

## **12 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE**

### **12.1 Final Designated Site Boundaries**

After completion of construction, the Commission shall determine the need to adjust the final boundaries of the Designated Site required for this Project in accordance with Minn. R. 7854.1300, subp. 1.

### **12.2 Expansion of Designated Site Boundaries**

No expansion of the Designated Site boundaries described in this site permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundaries of the Designated Site for the Project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

### **12.3 Periodic Review**

The Commission shall initiate a review of this site permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this site permit. No modification may be made except in accordance with applicable statutes and rules.

### **12.4 Modification of Conditions**



After notice and opportunity for hearing, this site permit may be modified or amended for cause, including but not limited to the following:

- a. violation of any condition in this site permit;
- b. endangerment of human health or the environment by operation of the Project; or
- c. existence of other grounds established by rule.

#### **12.5 More Stringent Rules**

The issuance of this site permit does not prevent the future adoption by the Commission of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

#### **12.6 Right of Entry**

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- a. to enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations;
- b. to bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations;
- c. to sample and monitor upon the facilities easement of the property; or
- d. to examine and copy any documents pertaining to compliance with the conditions of this site permit.

#### **12.7 Proprietary Information**

Certain information required to be filed with the Commission under this site permit may constitute trade secret information or other type of proprietary information under the Data Practices Act or other law. The Permittee must satisfy requirements of applicable law to obtain the protection afforded by the law.

### **13 SITE PERMIT AMENDMENT**

This site permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this site permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may

amend the conditions after affording the Permittee and interested persons such process as is required under Minn. R. 7854.1300.

#### **14 TRANSFER OF SITE PERMIT**

The Permittee may request at any time that the Commission transfer this site permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

- (a) the name and description of the transferee;
- (b) the reasons for the transfer;
- (c) a description of the facilities affected; and
- (d) the proposed effective date of the transfer.

The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Project and all conditions of this site permit.

The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 5.3.2, and either a current version with eDocket reference, or a revised version of the following:

- (a) complaint procedures, as described in Section 9 and Attachment 1;
- (b) ERP, as described in Section 10.11; and
- (c) decommissioning plan, as described in Section 11.1.

The Commission may authorize transfer of the site permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. R. 7854.1400.

#### **15 REVOCATION OR SUSPENSION OF SITE PERMIT**

The Commission may initiate action to revoke or suspend this site permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7854.1300, to revoke or suspend this site permit.

#### **16 EXPIRATION DATE**

This site permit shall expire 30 years after the date this site permit was approved and adopted.