

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

In the Matter of the Request for Amendment #8)
of the Site Certificate for Boardman Power Plant) **PROPOSED ORDER**

OREGON DEPARTMENT OF ENERGY

July 24, 2009

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5 **BOARDMAN POWER PLANT**
6 **SITE CERTIFICATE AMENDMENT #8**
7 **PROPOSED ORDER**
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10 **I. INTRODUCTION**
11

12 The Oregon Department of Energy (ODOE) recommends that the Energy Facility Siting
13 Council (“EFSC” or “Council”) issue this order in accordance with ORS 469.405 and OAR 345-
14 027-0070. This order addresses a request by Portland General Electric Company (PGE) to amend
15 its site certificate for the Boardman Power Plant. The Boardman Power Plant is a nominal 550-
16 megawatt coal fired electric generating facility located in rural Morrow County, southwest of the
17 City of Boardman.
18

19 In its request for amendment, PGE requests a change in the site boundary that will result
20 in a reduction in the size of the site. This amendment would not add any new land to the site, but
21 would remove a substantial portion of the original site from the site certificate.
22

23 The Council issued the site certificate for the Boardman plant on February 27, 1975. The
24 site certificate has been amended 7 times before, most recently on March 22, 1994. This
25 amendment, if granted, would be amendment #8.
26

27 The definitions in ORS 469.300 and OAR 345-001-0010 apply to terms used in this order
28 unless otherwise specified.
29

30 **II. PROCEDURAL HISTORY AND AMENDMENT PROCESS**
31

32 PGE submitted its request for amendment #8 to ODOE on May 4, 2009. PGE proposed
33 that EFSC review the amendment request using the process set forth in Section V.B of the site
34 certificate. Section V.B applies to an amendment that does not address a “danger to the public
35 health, safety or welfare”, as described in site certificate section V.A. Section V.B provides:
36

37 Where PGE and the Council staff agree that it is desirable to amend this site certificate
38 for reasons other than set forth in A. of this section either may file with the Council an
39 application for an amendment to the Site Certificate Agreement which application shall
40 state the necessity and reasons therefore. The Council may grant such application without
41 further proceedings.
42

43 This provision is unique to the Boardman Site Certificate. The Council reviews
44 amendment requests to its other energy facility site certificates by applying the rules at OAR
45 345-027-0050 through 0070. Although the site certificate would permit the Council to grant this
46 amendment without a public process, ODOE has followed the amendment rules in reviewing this
47 request. Pursuant to the rules ODOE issued public notice of the amendment request, specifying

1 a due date for comments from the public and from reviewing agencies. Pursuant to the
2 amendment rules, ODOE has also issued this proposed order and notice of the proposed order,
3 again specifying a date by which a person can comment or request a contested case. PGE has
4 consented to the use of the procedures under the current rules in processing its request for
5 amendment, and those procedures give the public more procedural opportunities than under the
6 site certificate. On June 18, 2009 ODOE issued notice of PGE's request for amendment #8 to the
7 Council's general mailing list and the list that ODOE maintains of people interested in the
8 Boardman Power Plant site certificate, including adjacent property owners. ODOE also
9 distributed the amendment request to its list of reviewing agencies as that term is defined at OAR
10 345-001-0010. In its notices to agencies and the public, ODOE requested comments by July 17,
11 2009.

12
13 ODOE received no comments on this amendment request from the public or from
14 reviewing agencies.

15
16 ODOE issued this proposed order on July 24, 2009. On the same day, ODOE issued
17 notice of the proposed order in accordance with OAR 345-027-0070 specifying a deadline of
18 August 24, 2009 for public comments and requests for a contested case proceeding.

19 20 **III. DESCRIPTION OF THE PROPOSED AMENDMENT**

21 22 **A. Description of the Boardman Power Plant and Current Site**

23
24 The Boardman Power Plant is a 550 megawatt coal fired electric generating plant. The
25 facility also includes a cooling reservoir, transmission lines, intake structure, road and rail
26 access, pipelines, a barge basin and dewatering flowage easement. These facilities are described
27 in detail at section II.B of the site certificate.

28
29 The site consists of 32 sections of land in Morrow County, shown as Figure 1 of the
30 current site certificate.

31 32 **B. Change to the Site Certificate proposed by PGE**

33
34 The only change proposed by PGE is a reduction in the site, from 32 sections to 5800
35 acres. The proposed new site boundary is described in full detail in the "Boardman Site
36 Certificate Land Description" which is included in the amendment request. The complete
37 description of the proposed site boundary is a full page in length and is not reproduced here. The
38 description does state that the site is a tract of land within Township 2 North Range 24 East and
39 Township 3 North Range 24 East, Willamette Meridian, Morrow County. The new description
40 would be incorporated in its entirety into the amended site certificate.

41
42 In its amendment request, PGE explained that the original 32 section site was meant to
43 allow other thermal generating facilities. However, no other generating facilities were ever
44 constructed.

1 PGE has determined that the 5800 acre site is sufficient for all plant operations. PGE
2 proposes no other change to the plant, its operations, or any other aspect of the site certificate.
3 The land removed from the Boardman Site Certificate would be available for any other use.
4

5 PGE’s amendment request includes a redline version of the site certificate. The proposed
6 changes include a new Figure 2 to the site certificate, which shows a map of the new site
7 boundary and a land description of the new site. PGE also modified the language to include a
8 description of the changes made in Amendment 7, which removed certain “banked” plants from
9 the site certificate. No other changes to the site certificate were requested.
10

11 **IV. EFSC REVIEW CRITERIA FOR THIS AMENDMENT**

12 **A. Scope of Amendment Review**

13
14
15 In reviewing a request to change the site boundary the Council considers, for area added
16 to the site, whether the facility complies with Council standards. In this case, PGE is not
17 proposing to add new area and in fact is reducing the site. The only issue is the effect of the
18 reduction of the site. The Council considers whether the site reduction would affect any finding
19 made by the Council in an earlier order. OAR 345-027-0070(10(c))
20

21 **B. Effect of Amendment on Prior Findings of Compliance**

22
23 In its Final Order of February 27, 1975, the Council made findings of compliance with
24 the statutes and rules in effect at the time. Therefore, the Council reviews the request for
25 Amendment 8 for any impacts that the requested site reduction would have on those findings.
26

27 The 1975 Final Order describes the impacts of construction and operation of the
28 Boardman Coal-Fired power plant as well as “banked” generation facilities that were never
29 constructed¹. The Final Order describes the impacts on air quality, impacts on water quality
30 particularly as regards the Carty reservoir, impacts of the water pumping plant on the Columbia
31 River and make-up water pipeline from the river to Carty reservoir, impacts of a barge loading
32 facility to receive very large components including a nuclear reactor vessel, impacts of 32 miles
33 of new transmission line, possible use of the Carty reservoir for recreational purposes, and
34 location of the Oregon Trail and other potential archeological sites relative to the site.
35

36 The 1975 Final Order also recommends conditions of approval. These conditions relate
37 to monitoring the environmental and ecological effects of construction and operation of the
38 thermal plants, structural performance of hydraulic structures, performance of fish screening at
39 the water intake, and monitoring for groundwater quality and air quality.
40

41 The 1975 Final Order, at section IV, also describes land and water use characteristics, the
42 footprint of the plant and related facilities, and the visual impact of the plant. The 1975 Final
43 Order also discusses Need for Power, which is no longer under EFSC jurisdiction.
44

¹ Amendment 7, approved on March 24, 1994, removed the banked facilities from the site certificate.

1 The 1975 Final Order also discusses beneficial use of waste water and compatibility with
2 County planning regulations that were in effect at the time. Finally, at section VIII the 1975 Final
3 Order discusses the socio economic impact of construction of the permitted facilities.
4

5 The 1975 Final Order was reviewed and does contain any findings or conclusions that
6 rely on the extra acreage beyond what is needed for operation of the generating plant and related
7 and supporting reservoir and transmission lines. Therefore, ODOE recommends that the Council
8 find that the site reduction proposed in Request for Amendment 8 would not affect any findings
9 and conclusions in the Final Order approving the site certificate.
10

11 **C. ODOE Recommendation regarding amended site certificate**
12

13 ODOE recommends that the Council amend the site certificate as requested by PGE,
14 including the Boardman Site Boundary and Land Description included as Figure 2 of the Request
15 for Amendment #8.
16

17 **V. PROPOSED ORDER**

18 The Department recommends that the Council approve Amendment #8 and issue an
19 amended site certificate for the Boardman Power Plant subject to the terms and conditions set
20 forth above.
21

22 Issued this 24th day of July, 2009.
23

24 OREGON DEPARTMENT OF ENERGY
25

26
27 By: _____
28 Thomas M. Stoops
29 Siting Manager, Oregon Department of Energy
30

31 ***Notice of the Right to Appeal***
32 ***[Text to be added to Final Order]***
33