

Oregon Department of **ENERGY**

Energy Facility Siting
Council Meeting

Virtual WebEx Meeting

December 16 & 17, 2021



Opening Items:

- Call to Order
- Roll Call
- Announcements

Announcements:

- Reminder that this meeting is being held in its entirety via teleconference and webinar.
- Reminder to Council and to anyone addressing the Council to please remember to state your full name clearly, and do not use the speakerphone feature, as it will create feedback.
- You may sign up for email notices by clicking the link on the agenda or the Council webpage.
- You are also welcome to access the online mapping tool and any documents by visiting our website.

Announcements continued:

- Please silence your cell phones
- Please use the “Raise Your Hand” feature in Webex to speak during the public comment period, or press *3 to raise your hand if you are participating by telephone.
- Energy Facility Council meetings shall be conducted in a respectful and courteous manner where everyone is allowed to state their positions at the appropriate times consistent with Council rules and procedures. Willful accusatory, offensive, insulting, threatening, insolent, or slanderous comments which disrupt the Council meeting are not acceptable. Pursuant to Oregon Administrative Rule 345-011-0080, any person who engages in unacceptable conduct which disrupts the meeting may be expelled.

WebEx Webinar Features

The image is a collage of three screenshots from a Zoom meeting interface, illustrating the steps to ask a question during a public meeting.

- Top Left Screenshot:** Shows the meeting title slide for the "Oregon Department of ENERGY Energy Facility Siting Council Meeting Special EFSC Meeting" on July 20, 2020. A red box highlights the "Participants" button in the bottom left corner of the Zoom window.
- Top Right Screenshot:** Shows the "Participants" list. The host is "Energy Siting" and the attendee is "Kellen Tardaewether". A red box highlights the "Raise Hand" icon (a hand with a speech bubble) next to the attendee's name.
- Bottom Center Screenshot:** Shows a video feed of a utility pole. A red box highlights the "Raise Hand" icon (a hand with a speech bubble) in the bottom right corner of the Zoom window.
- Bottom Right Screenshot:** Shows the "Q&A" section. A red box highlights the "Ask a Question" icon (a hand with a speech bubble) in the bottom right corner of the Zoom window.

Energy Facility Siting Council (EFSC) Review



- Consolidated review and oversight of most large-scale energy facilities and infrastructure in Oregon

- 7 Members of EFSC
 - Governor appointed, Senate confirmed – Volunteers from around the State

- ODOE's Siting Division is staff to EFSC



Agenda Item A (Information Item)

Stateline Wind Project – Public Hearing on Draft Proposed Order on Request for Amendment 6 of the Site Certificate

December 16, 2021

**Chase McVeigh-Walker, Senior Siting Analyst, ODOE
Vice Chair Kent Howe, Public Hearing Presiding Officer**

Overview of Hearing

1. Brief summary of the facility, amendment request and amendment review process (C. McVeigh-Walker)
2. Public Hearing Process Overview and Hearing Opening (K. Howe)
3. Close Hearing, Unless Extension Requested and Granted (K. Howe)

Facility Overview

Certificate Holder: FPL Energy Vansycle, LLC (Stateline 1&2) and FPL Energy Stateline II, Inc. (Vansycle II)

Parent Company: NextEra Energy Resources LLC.

Type of Facility: 222 MW (operational) wind facility made up of two units:
Stateline 1 & 2: 123 MW
Vansycle II: 99 MW

Facility Site/Site Boundary Location

Site Boundary

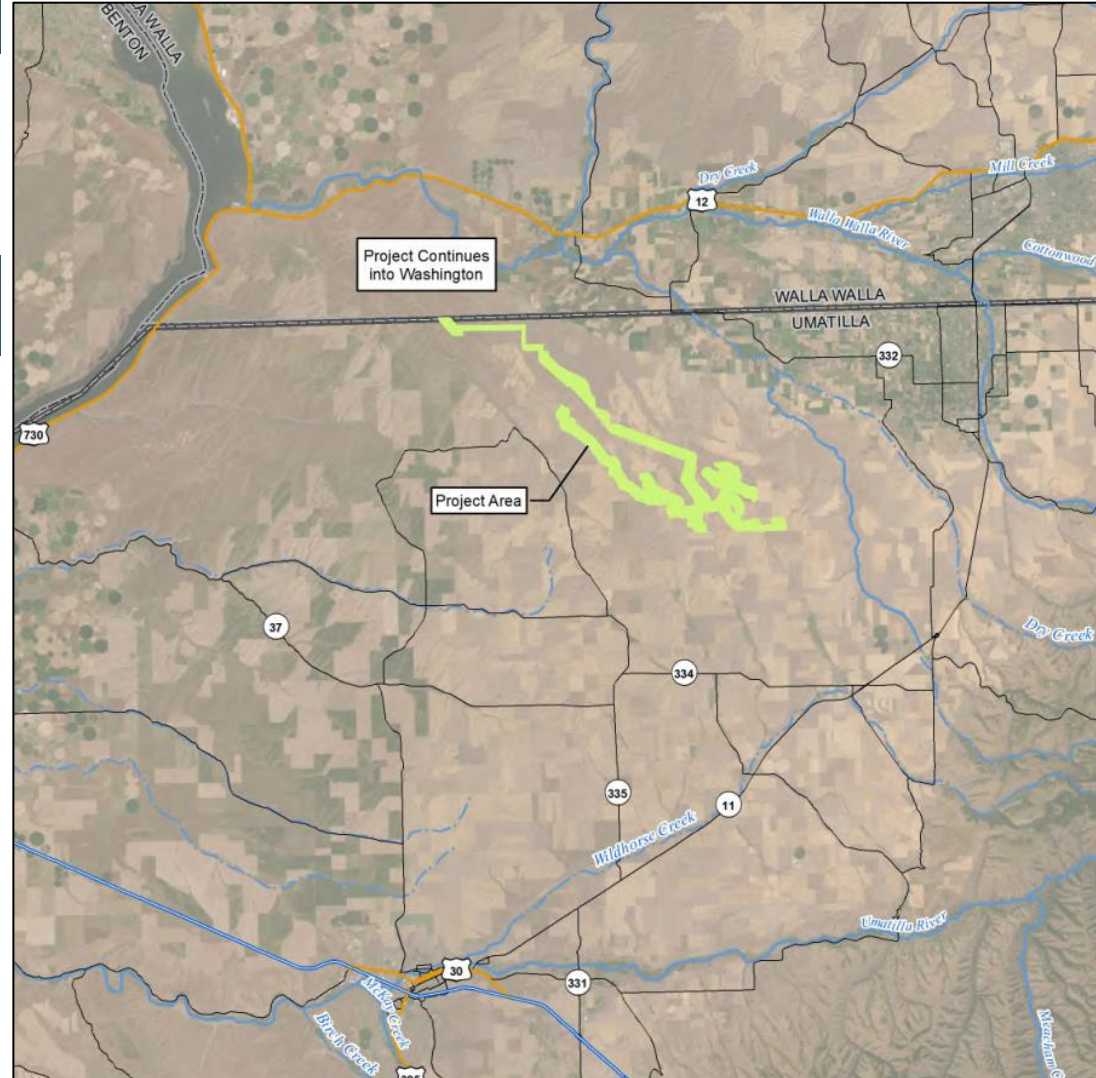
- Private land, within Umatilla County, near Helix

Site Certificate History

Site Certificate effective Sept. 14, 2001

Site Certificate Amended Five Times:

- May 2002
- June 2003
- June 2005
- March 2009
- May 2019



Stateline Wind Project
Request for Amendment 6

Vansycle II

Figure 1
Project Location

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- Project Boundary
- Interstate Highway
- Primary Highway
- Secondary Highway
- Secondary Road
- Stream
- Stream Intermittent
- State Boundary
- County Boundary



Requested Amendment Components

Proposed Wind Turbines Changes

- Replace blades and nacelles (repower) of 43 existing wind turbines
- Decommission and replace up to 4 existing wind turbines
- Construct and operate up to 2 wind turbines
 - Total not to exceed 45, 2.6 MW wind turbines (99 to 119 MW)
- Construct and operate 50 MW of battery energy storage
- Temporary and Permanent disturbance of up to 210.9 acres, and 12.1 acres respectively (temp. road improvements, laydown areas)

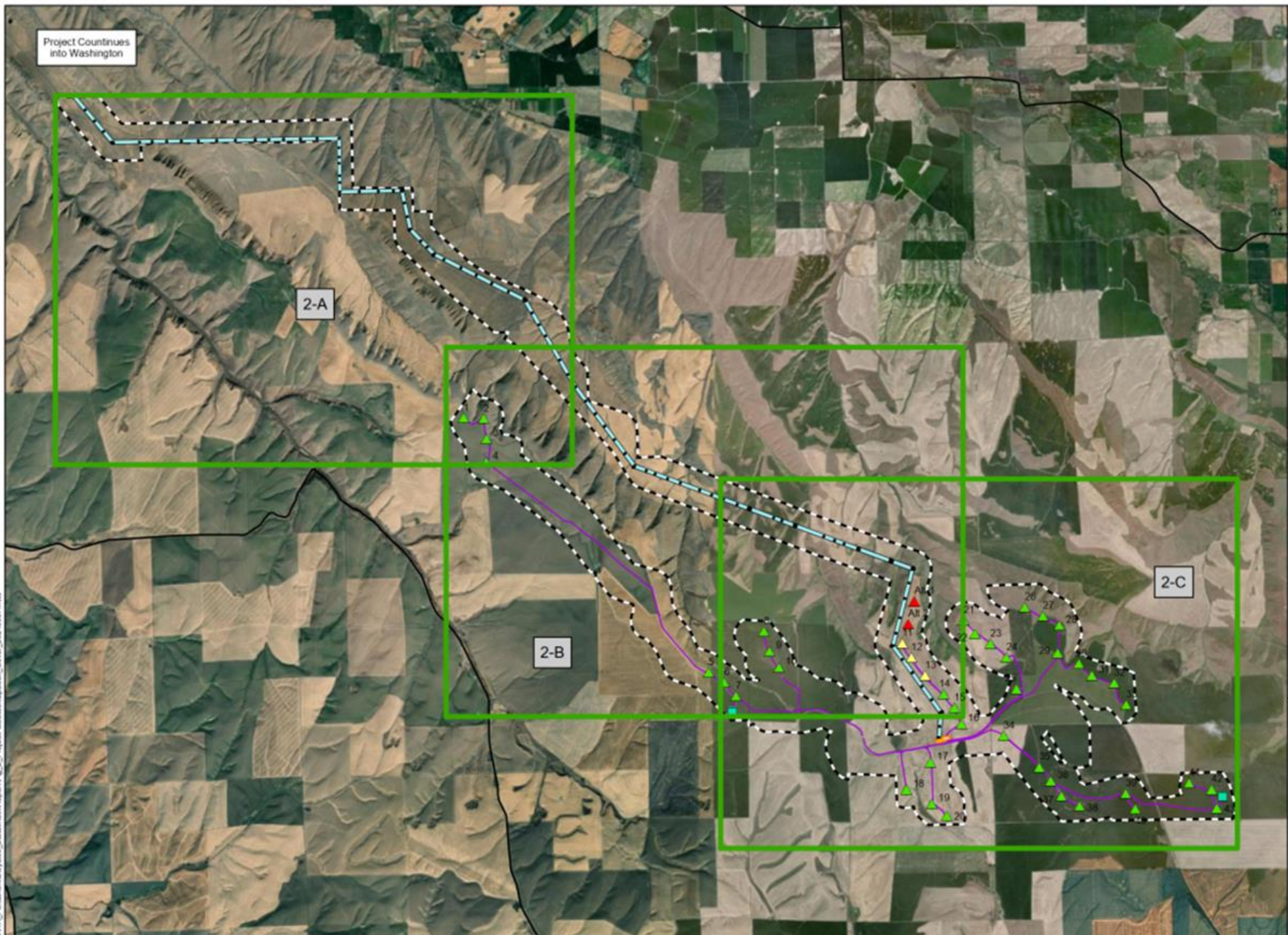
Stateline Wind Project
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Vansycle II

Figure 2
Project Facilities

UMATILLA COUNTY, OR AND
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- Map Grid
- Existing Turbines (Repower Only)
- Replaced Turbines - Option A (11, 12, 13)
- Additional Turbines - Option B (ALT-1 and ALT-2)
- Met Tower
- Collection Line
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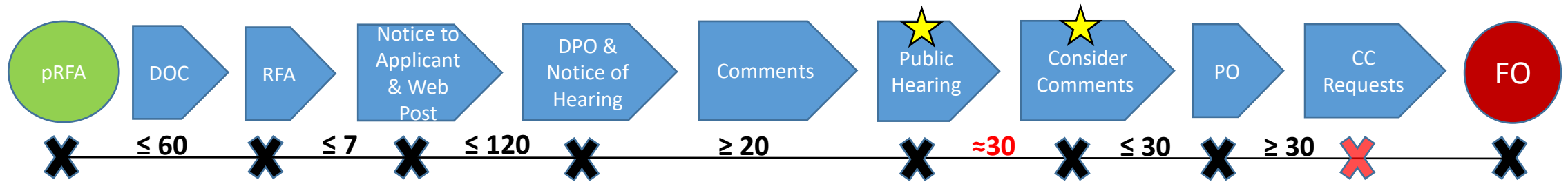
Project Continues
into Washington

2-A

2-B

2-C

Type A Amendment Review Process



Procedural Timeline

Milestone	Entity	Date
pRFA6 with Type B Review ADR Submittal	Certificate Holder	July 23, 2021
pRFA6 Public Notice Issued	ODOE	Aug. 5, 2021
Type A Review Determination	ODOE	Oct. 19, 2021
Complete RFA6 Filed	Certificate Holder	Nov. 19, 2021
Draft Proposed Order Issued (23-day comment period)	ODOE	Nov. 23, 2021
Draft Proposed Order Public Hearing	Council	Dec. 16, 2021
Council Review of the Draft Proposed Order	Council	Dec. 17, 2021
Proposed Order Issuance (within 30-days)	ODOE	TBD
Council Review of Contested Case Requests; Contested Case Proceeding or Proposed Order Review/Final Decision	Council	TBD

Next Steps

December 17, 2021:

- Council review of draft proposed order and comments received
- Council comments and input provided to ODOE

Within 30-days of Council's DPO review:

- ODOE issuance of proposed order, addressing substantive comments within EFSC jurisdiction
- ODOE issuance of public notice and notice of opportunity to request a contested case

Public Participation at DPO Phase

- The issuance of the DPO notice initiates the opportunity for public comment on the proposed facility;
- Notice opens comment period and provides details on public hearing;
- The public may submit comments by:
 - Mail, email, hand-delivery, or fax during the comment period;
 - Providing oral or written comments at the webinar/call-in DPO public hearing.



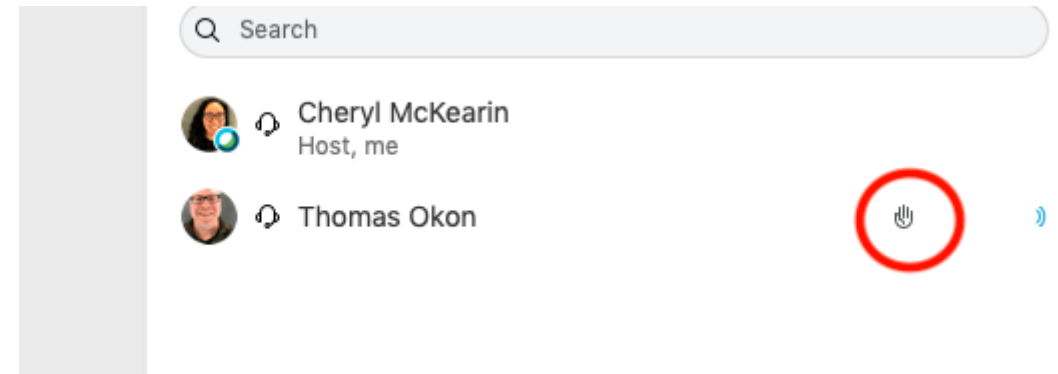
Public Participation at DPO Phase (cont'd)

- Persons commenting on DPO during the comment timeframe are eligible to be considered for party status in the contested case proceeding;
 - The Council will not accept comments on RFA6 or on the DPO after the close of the record on December 16, 2021;
- For consideration in the contested case, issues raised must be raised with sufficient specificity so that the Council, the Department, and the applicant understand the issue raised and are afforded an opportunity to respond to the issue;
- To raise an issue with sufficient specificity, a person must present facts that support the person's position on the issue.

Draft Proposed Order Public Hearing: Stateline Wind Project Request for Amendment 6

Phone Commenters: Press *3 to raise your hand to make comment, and *3 to lower your hand after you've made your comment.

Webinar Commenters: Open the Participant list, hover over your name and click on the "Raise Your Hand icon".



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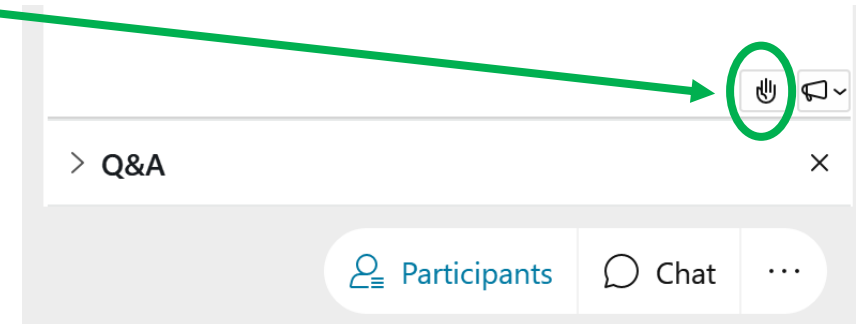
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Stateline Wind Project Request for Amendment 6 Draft Proposed Order Public Hearing

December 16, 2021

Presiding Officer – Kent Howe, Vice Chair of Energy Facility Siting Council



Stateline Wind Project RFA6: Public Hearing

Format for Public Testimony

- Each commenter (on webinar and on conference line) shall state their name, with spelling, and physical mail or email address for the record;
- Certificate holder will have opportunity to provide DPO comments and will have an opportunity to respond to comments last;
- Hearing is being recorded.

Stateline Wind Project RFA6: Public Hearing

A person who intends to raise any issue that may be the basis for a contested case must raise the issue:

- ➔ at the hearing or in a written comment submitted to the Department of Energy before the deadline stated in the notice of the public hearing (**Today**, December 16, 2021).
- ➔ with sufficient specificity to afford the Council, the Department of Energy and the certificate holder an adequate opportunity to respond, including a statement of facts that support the person's position on the issue.

OAR 345-027-0367(5)(a) and (b)

Consideration of Issues in a Contested Case

To raise an issue in a contested case proceeding, the issue must be:

- Within the jurisdiction of the Council;
- Raised in person or in writing before the deadline (close of tonight's hearing, December 16, 2021)
- Raised with sufficient specificity to afford the Council, the Department of Energy, and the certificate holder an adequate opportunity to respond to the issue.
- To raise an issue with sufficient specificity, a person must present facts, on the record of the hearing, that support the person's position on the issue.
- OAR 345-027-0367(5), OAR 345-027-0371(5)

Stateline Wind Project RFA6: Public Hearing

- Full name with spelling
- Name of organization or group if you are representing one
- Title if you are representing an organization or group
- Physical mail or email address if you wish to receive notice of the Proposed Order which includes a description of how to request to participate in the contested case

Please Note: If you do not wish to provide your mailing or email address in this format, you may email it to the Department at chase.mcveigh-walker@energy.oregon.gov or call the following number and provide the information, including spelling, in a voicemail: 503-934-1582.

Stateline Wind Project RFA6: Public Hearing

Close of the Public Hearing

Agenda Item B (Action Item & Information Item)

Consent Calendar

December 17, 2021

- October and November Council Meeting Minutes
- Council Secretary Report

Agenda Item C (Action Item)

HB 2064 Rulemaking Adoption of Permanent Rules

December 16-17, 2021

Christopher Clark, ODOE Siting Policy Analyst & EFSC Rules Coordinator

Overview

- Background
- Overview of Proposed Rules
- Report on Rulemaking Hearing and Public Comments
- Consideration of Permanent Rules

Background

- The Energy Facility Siting Council (EFSC) consists of seven members appointed by the Governor and subject to confirmation by the Senate. ORS 469.450.
- A quorum must be present at a meeting for the Council to conduct business. When a quorum is not available, the Council may meet, but may not take formal action on any matter. ORS 469.460.
- HB 2064 changes the quorum requirement from “five members” to “a majority” of Council members, effective Jan. 1, 2022.

Proposed Rule

- Consistent with the current law, OAR 345-011-0005(1) provides:

“Five members of the Council constitute a quorum. The Council may meet to discuss any matter in the absence of a quorum but shall take no formal action on any matter unless a quorum is present.”
- The proposed rule would change the word “five” to “four” because four is a majority of the statutory seven-member body.
- No fiscal or economic impacts, or costs of compliance are expected.

Report on Hearing & Public Comments

- No comments were provided at the Hearing on November 18.
- X written comments were provided before the close of the public comment period on December 10.
- Staff recommends Council adopt Permanent Rules.

NOTE: THIS SLIDE WILL BE UPDATED BEFORE THE COUNCIL MEETING

Council Deliberation

Approve

Adopt Proposed Rules as
presented in NOPR

Modify

Adopt Proposed Rules
with changes based on
Public Comment

Reissue

Reject Proposed Rules
and issue revised NOPR

Agenda Item D (Action Item)

Trojan ISFSI Rulemaking Adoption of Permanent Rules

December 16-17, 2021

Christopher Clark, ODOE Siting Policy Analyst & EFSC Rules Coordinator

Overview

- Background
- Overview of Proposed Rules
- Report on Rulemaking Hearing and Public Comments
- Consideration of Permanent Rules

Trojan Nuclear Power Plant



Photo: Oregon Historical Society

- Trojan was an 1,130-MW Nuclear Power Plant located in Columbia County, Oregon that operated from 1976 to 1993.
- The site certificate for Trojan was executed by Governor Tom McCall in 1971. PGE is the certificate holder.
- As part of the power plant decommissioning, all spent nuclear fuel from the plant was transferred to an Independent Spent Fuel Storage Installation (ISFSI)

ISFSI License Renewal

- NRC issued renewed operating license issued to PGE in 2019
- No major alterations or repairs proposed as part of renewal
- Revised Safety Analysis Report (SAR) establishes new Aging Management Programs for the MPCs, concrete casks, transfer cask, and transfer station. These programs will be implemented in 2022.
- The renewed license expires on March 31, 2059

Staff Evaluation

- Staff reviewed the license renewal application, the revised Safety Analysis Report, and the documentation of NRC's evaluation.
- License renewal did not result in reductions to commitments or programs described in staff's previous evaluations
- Rulemaking is needed to ensure consistency with renewed license and current federal regulations.

Proposed Rule Amendments

- Clarifying applicability of OAR 345-026-0300 to 345-026-0390 to the ISFSI and consolidating where possible.
- Removing references to the 2002 Staff Evaluation and previous versions of SAR.
- Updating or replacing references to federal regulations where appropriate.
- Aligning criteria for when prior approval is required with NRC regulations.
- Replacing the Structural Inspection Program with new Aging Management Programs.
- Clarifying rules in OAR 345-070.

Report on Hearing & Public Comments

- No comments were provided at the Hearing on November 18.
- X written comments were provided before the close of the public comment period on December 10.
 - Portland General Electric Company
- Staff recommends Council adopt Permanent Rules.

NOTE: THIS SLIDE WILL BE UPDATED BEFORE THE COUNCIL MEETING

Council Deliberation

Approve

Adopt Proposed Rules as
presented in NOPR

Modify

Adopt Proposed Rules
with changes based on
Public Comment

Reissue

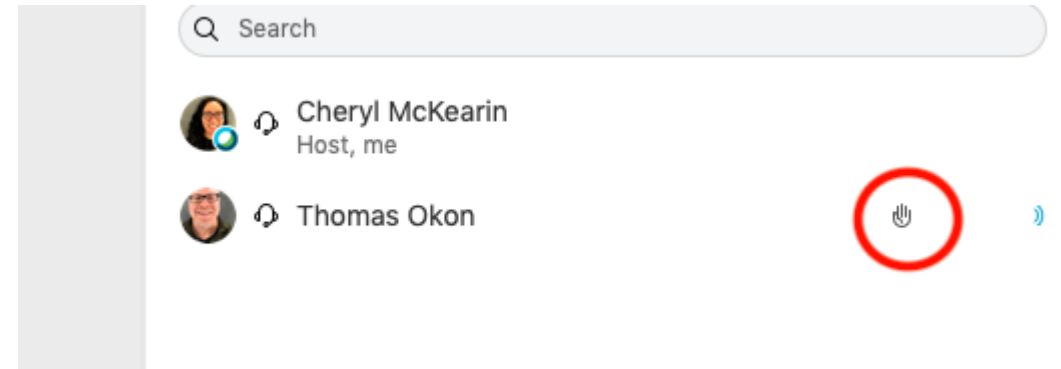
Reject Proposed Rules
and issue revised NOPR

Agenda Item E

PUBLIC COMMENT

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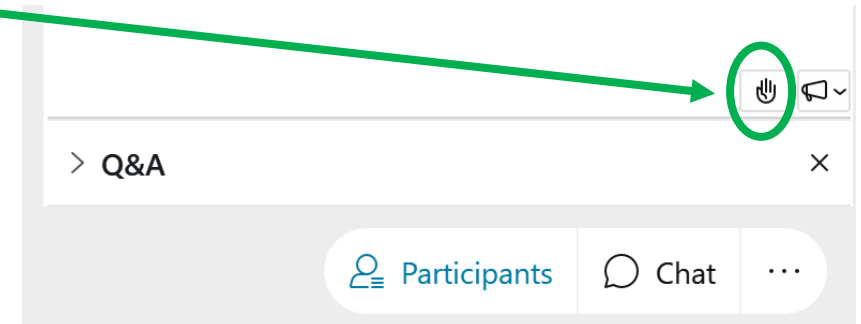
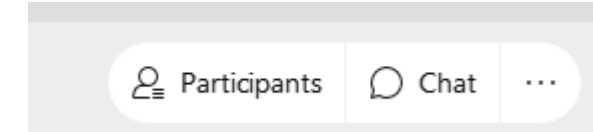
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BREAK

Agenda Item F (Action Item)

West End Solar pASC Request for Consultant

December 17, 2021

Sarah Esterson, Senior Policy Advisor, ODOE

Overview

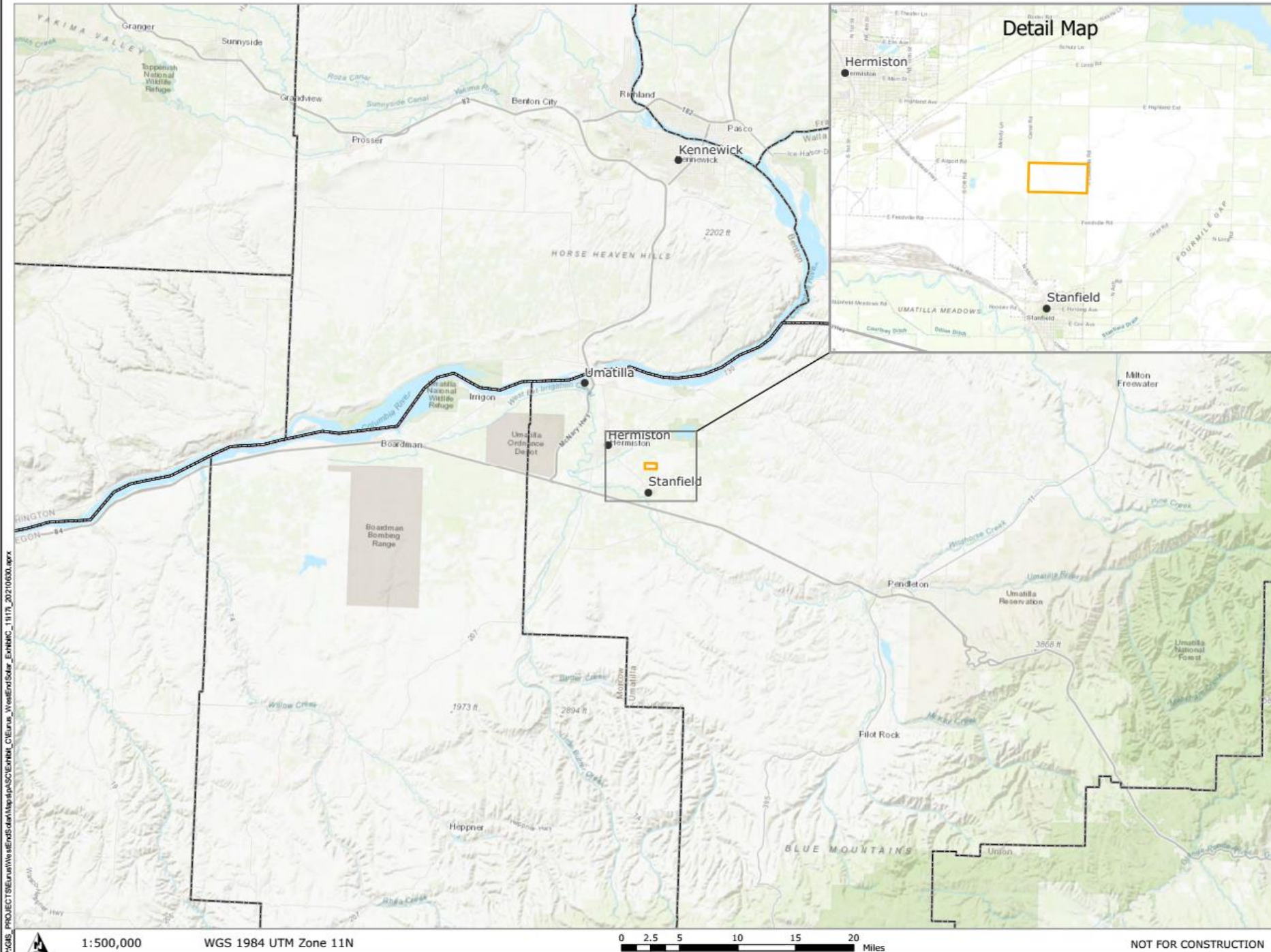
- Consultant support requested for:
 - ❖ Short-term tasks on West End Solar Energy Project
 - ❖ Technical assistance/Draft Proposed Order drafting (January - April)

Council Authority

469.470(6): Perform such other and further acts as may be necessary, proper or desirable to carry out effectively the duties, powers and responsibilities of the Council...

West End Solar Energy Project

- Proposed Facility:
 - 50 megawatt solar photovoltaic energy facility
 - Up to 70 megawatt energy storage system
- Site boundary of approximately 324 acres of Exclusive Farm Use land
 - Thereof, 238 acres of high value farmland under ORS 195.300(10)(f) due to location within Columbia Valley American Viticulture Area (AVA)
- Location: Umatilla County, approximately 2 miles southeast of the City of Hermiston
- Applicant: EE West End Solar LLC (applicant), a subsidiary of Eurus Energy America Corporation



P:\GIS_PROJECTS\Eurus\WestEndSolar\Map\ASCE\ENR\ENR_C1\Umatilla_WestEndSolar_EnrMap_C1_11171_20210601.aprx



1:500,000

WGS 1984 UTM Zone 11N

0 2.5 5 10 15 20 Miles

NOT FOR CONSTRUCTION

Detail Map

Hermiston







Stanfield

West End Solar Project

Figure C1 Vicinity Map

UMATILLA COUNTY, OR

-  Proposed Site Boundary
-  City/Town
-  County Boundary
-  State Boundary



Reference Map



Council Deliberation

Approve

Authorize request

Modify

Authorize request, with
changes

Deny

Reject request based on
reasons

Agenda Item G (Action Item)

Annual Election of Council Officers

December 17, 2021

Todd Cornett, Council Secretary

OAR 345-011-0010(1)

The Council shall annually elect a chair and a vice-chair. The chair and vice-chair shall serve for one year or until their successors are elected. A member may serve successive full terms as chair or vicechair. The chair or vice-chair may be removed by a unanimous vote of the other Council members

Council Deliberation

Agenda Item H (Action Item)

Annual Rulemaking Update

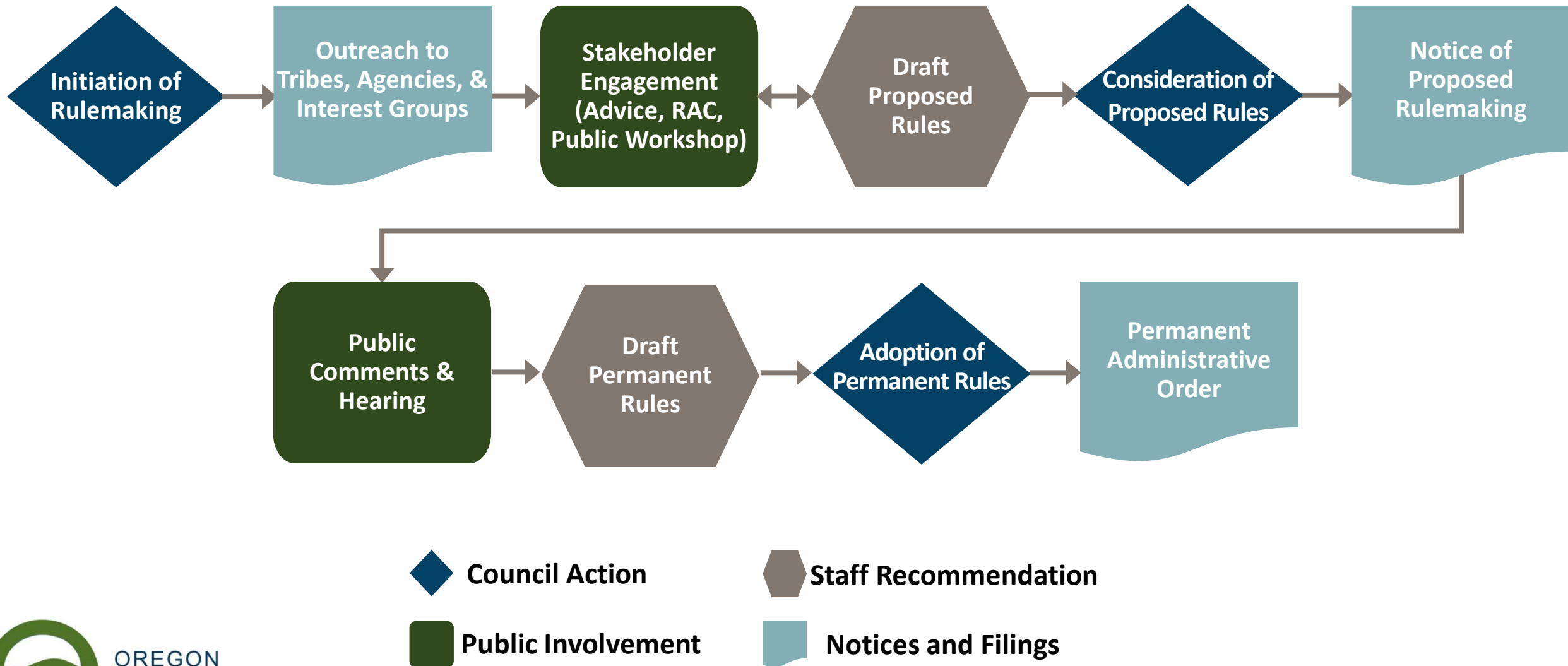
December 17, 2021

Christopher M. Clark, Siting Policy Analyst & Rules Coordinator

Overview

- Overview of the Rulemaking Process
- Review of 2021 Rulemaking Activity
- Proposed 2022-2024 Rulemaking Schedule
- Public Comment
- Council Deliberation

Overview of Rulemaking Process



2021 Rulemaking Activity

ID	Title	Status/Next Steps
R195-029	Radioactive Materials Enforcement	Permanent Rules Adopted
R191	Trojan ISFSI Compliance	Formal Comment Period
R218	HB 2064 – EFSC Quorum	Formal Comment Period
R184	Protected Areas, Scenic Resources, Recreation	Draft Proposed Rules
R215	Wildfire Prevention and Response	Public Engagement – Workshops
R195-050	Radioactive Waste Materials	Public Engagement – RAC
R211	Application Process Review – Phase 1	Public Engagement – Scoping

Application Process Review

- Phase 1: Reorganize rules in divisions 015 to 026 to create clear separation of procedural and substantive provisions in rules and simplify procedures for review where practicable.
- Phase 2: Review application information and procedural requirements currently located in division 020 and 021 to ensure that requirements align with what is needed to demonstrate compliance with the Council's standards.
- Phase 3: Evaluate standards and substantive requirements to determine if requirements should be adjusted for different types of energy facilities, including facilities which generate energy from renewable resources.

Proposed Projects for 2022

ID	Subject Matter	Method for Obtaining Advice
R217 (REV)	HB 2021 & 2022 Carbon Monetary Offset Rate Update	RAC
R202	Research Reactors	Request for Advice
R185 (REV)	Exemptions & Standby Generators	RAC
R194	Historic, Cultural and Archaeological Resources	Public Workshop
R204	2022 Amendment Rulemaking	RAC
R212	Application Process Review – Phase 2 (NEW)	RAC

Potential 2022 Rulemaking Schedule

ID	Short Title	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22
R191	Trojan ISFSI Compliance	PERM												
R218	HB 2064 - EFSC Quorum	PERM												
R215	Wildfire Prevention & Response	DRAFT			NOPR		PERM							
R184	Protected Areas, Scenic, Recreation	DRAFT				NOPR		PERM						
R195	Radioactive Waste Materials	DRAFT					NOPR		PERM					
R211	Application Process Review – Phase 1	SCOPING			DRAFT				NOPR		PERM			
R217	2022 Carbon Offset Rate Update		SCO	DRAFT		NOPR		PERM						
R202	Research Reactors		SCOPING		DRAFT		NOPR		PERM					
R185	Exemptions from Site Certificate				SCO	DRAFT		NOPR		PERM				
R194	Hist., Cult., and Arch. Resources				SCOPING			DRAFT			NOPR		PERM	
R204	2022 Amendment Rulemaking					SCOPING			DRAFT				NOPR	
R212	Application Process Review – Phase 2							SCOPING			DRAFT			
R214	Contested Cases													SCO

Proposed Projects for 2023

Project ID	Subject Matter	Method for Obtaining Advice
R183	General Compliance	RAC
R214	Contested Cases	RAC
R213	Application Process Review – Phase 3	RAC
R221 (NEW)	Financial Assurance and Retirement	RAC

Proposed Projects for 2024+

Project ID	Subject Matter	Method for Obtaining Advice
R193	Noise Standard	RAC
R201	Geospatial Resources	RAC
R216	Natural Hazards Mitigation (NEW)	RAC
R205	Mandatory Conditions in Site Certificates	RAC

Application Process Review Scoping Survey

- What changes could make the siting review process more efficient? How can time and administrative costs associated with the siting review process be reduced without adversely impacting public participation or the protection of important resources?
- How can existing opportunities for public participation in the siting review process be enhanced? How can the Council and its staff better engage with underserved populations and communities that may be affected by energy facility siting decisions?
- What changes to the Council's standards and application requirements could be made to more appropriately evaluate and address the impacts of wind and solar energy development? How can the Council better support an equitable and sustainable transition to clean energy?

Pending 5-Year Reviews

Project ID	Project Name	Due Date
R183	Solar Photovoltaic Power Generation Facilities	Complete by 6/20/2025
R207	Safe Public Meetings and Hearings	Complete by 10/23/2025
R195	Radioactive Materials Enforcement	Complete by 2/26/2026

Public Comments on Rulemaking Schedule

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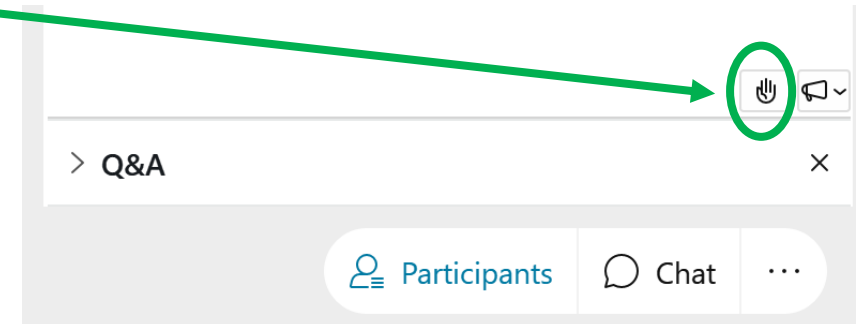
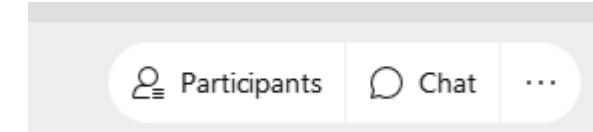
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Council Decision on Proposed Rulemaking Prioritization

Approve

Approve rulemaking schedule and authorize preliminary work on projects as proposed.

Reprioritize

Modify or reprioritize one or more rulemaking projects

Add or Remove

Add or remove one or more projects from the rulemaking schedule.

BREAK

Agenda Item I (Information Item)

Stateline Wind Project – Council Review of Draft Proposed Order and Public Comments on RFA6

December 17, 2021

Chase McVeigh-Walker, Senior Siting Analyst, ODOE

Kate Sloan, Senior Siting Analyst, ODOE

Presentation Overview

- Facility Overview and Site Certificate History
- Request for Amendment 6 (RFA6) Procedural History
- Changes Proposed in RFA6
- Comments on RFA6/Draft Proposed Order

Facility Overview

Certificate Holder: FPL Energy Vansycle, LLC (Stateline 1&2) and FPL Energy Stateline II, Inc. (Vansycle II)

Parent Company: NextEra Energy Resources LLC.

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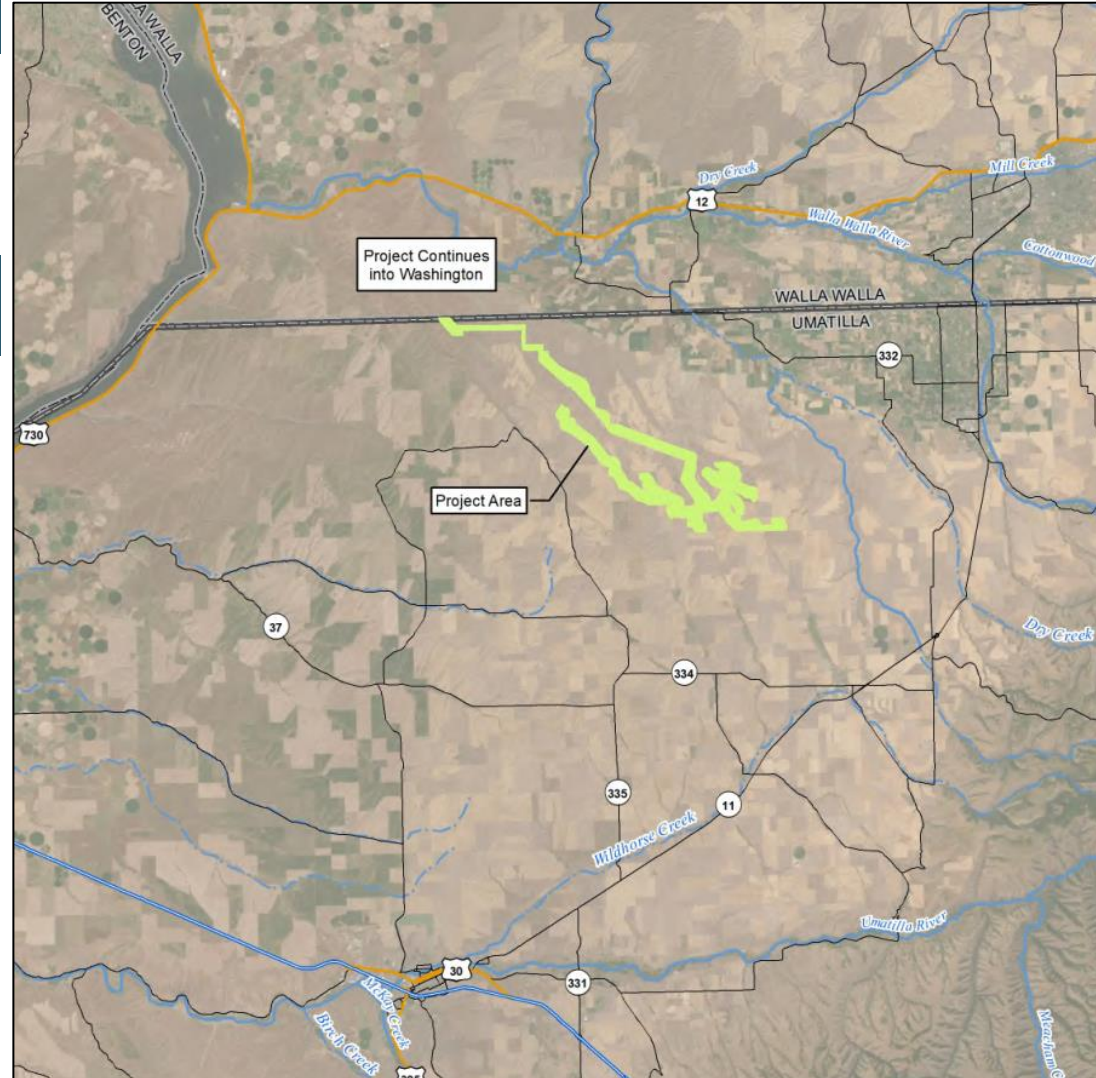
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Stateline Wind Project
Request for Amendment 6

Vansycle II

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RFA6 Procedural History

Requirement	Responsible Party	Date
Complete RFA6 Received	Certificate Holder	Nov. 19, 2021
Draft Proposed Order Issued	ODOE	Nov. 23, 2021
Comment Period (23-days)	ODOE	Nov. 23– Dec. 16, 2021
Public Hearing	EFSC	Dec. 16, 2021
Council Review of Draft Proposed Order	EFSC	Dec. 17, 2021
Proposed Order/Public Notice and Notice of Contested Case Issued	ODOE	TBD
Contested Case Proceeding	EFSC	TBD
Final Order/Amended Site Certificate	EFSC	TBD

Requested Amendment Components

Proposed Wind Turbines Changes

- Replace blades and nacelles (repower) of 43 existing wind turbines
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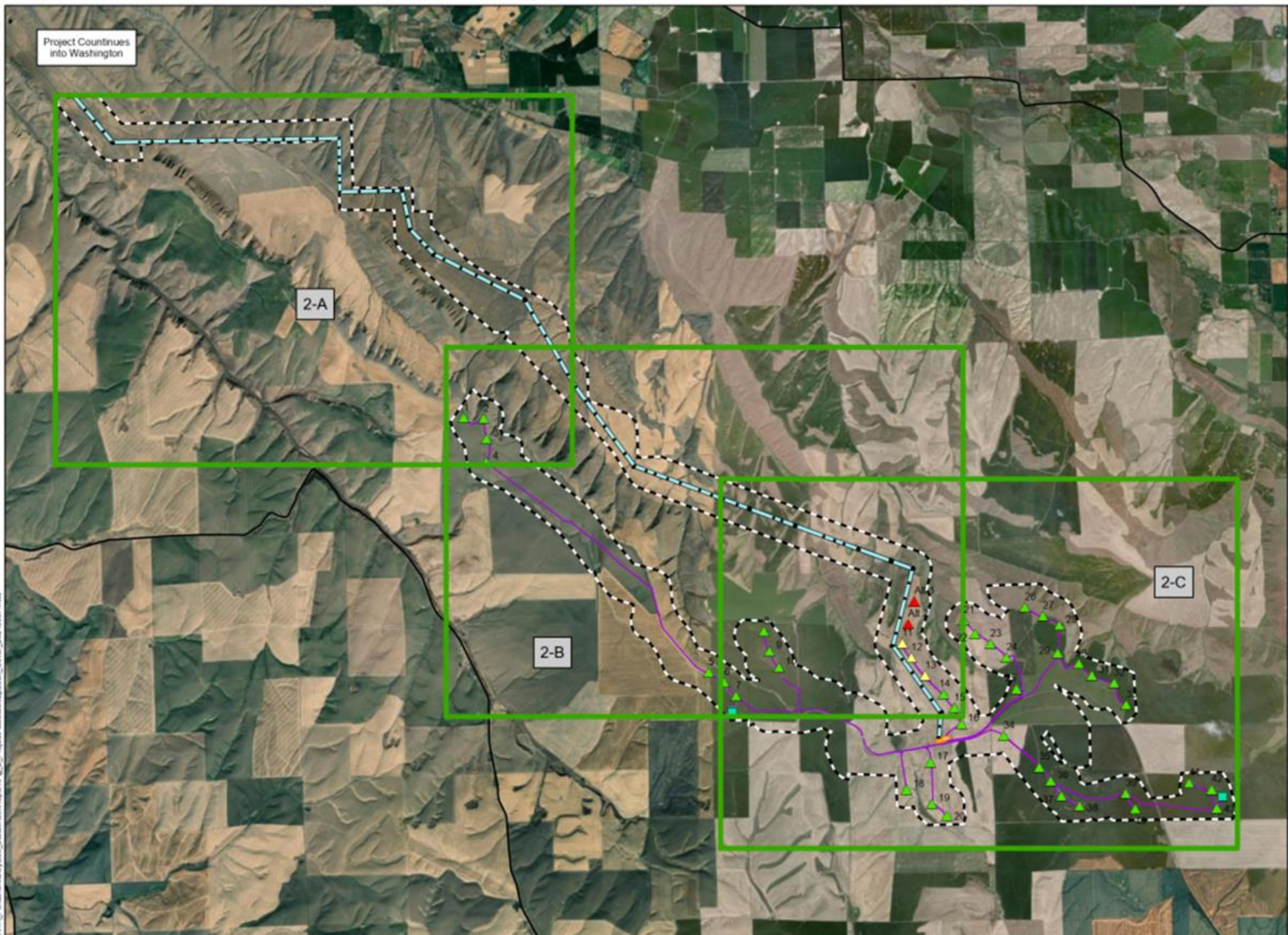
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- Secondary Road



Project Continues
into Washington

2-A

2-B

2-C

Council Scope of Review for Draft Proposed Order on Amendment Requests

Pursuant to OAR 345-027-0371, Council shall:

- Review draft proposed order
 - Evaluate compliance with applicable standards, laws that could be impacted by change
- Consider all comments received
- Provide comments to staff for consideration in the proposed order

DPO Comment Summary

COMMENT PERIOD IS STILL OPEN – 1 comment received to date

NOTE: THIS SLIDE WILL BE UPDATED BEFORE THE COUNCIL MEETING

Review of Draft Proposed Order

Standards where there were no new impacts or where no new/amended conditions were recommended:

- Section III.F. Protected Areas (DPO pg. 61-67)
- Section III.I. Threatened and Endangered Species (DPO pg. 83-84)
- Section III.J. Scenic Resources (DPO pg. 84-86)
- Section III.L. Recreation (DPO pg. 92-94)
- Section III.N. Waste Minimization (DPO pg. 104-106)
- Section III.P.1. Public Health and Safety Standards for Wind Energy Facilities (DPO pg. 106-110)
- Section III.O. Division 23 Standards (DPO pg. 106)
- Section III.9.2. Cumulative Effects Standard for Wind Energy Facilities (DPO pg. 111-114)
- Section III.Q.1. Noise Control Regulations (DPO pg. 116-119)
- Section III.Q.2. Removal-Fill (DPO pg. 119-121)
- Section III.Q.3. Water Rights (DPO pg. 121-123)

Review of Draft Proposed Order

Recommended Amended/New Conditions

Section III.A. General Standard of Review (DPO p. 16-20)

- To update the existing wind turbine dimensions of Condition 137, the Department recommended amending Condition 137 to reflect the dimensions proposed in RFA6.
- Administrative amendments to Conditions 138 and 139

Section III.B. Organizational Expertise (DPO p. 20-25)

- To minimize potential health and safety impacts during onsite handling and transport of battery and battery waste during proposed battery storage system the Department Recommended Condition 149, requiring the certificate holder to demonstrate compliance with applicable federal regulations and manufacturer recommendations related to the transport and handling of battery related waste.
- Recommended Condition 150: Identify, obtain, and provide (to the Department) copies of federal, state and local permits, including any third-party permits related to facility siting.

Review of Draft Proposed Order

Recommended Amended/New Conditions

Section III.C. Structural Standard (DPO p. 25-31)

- Utilization of third party consultant for evaluation of 2018 foundation assessment report prepared by Barr Engineering resulted in the Department Recommendation to Amended Conditions 140 and 141: remove the specificity and reference to the protocols related to wind turbine foundation inspections.

Section III.D. Soil Protection (DPO p. 20-25)

- The soil compaction minimization measures provided by the certificate holder were recommended to be conditioned as Recommended Condition 151: Adherence to the soil minimization measures, as provided in RFA6 by the certificate holder.
- Recommended Condition 152: Incorporation of specific criteria/metrics into the Revegetation Plan.

Review of Draft Proposed Order

Recommended Amended/New Conditions

Section III.E. Land Use (DPO p. 39-59)

- Based on review of the applicable substantive criteria from the Umatilla County Development Ordinance (UCDO) and the Umatilla County Comprehensive Plan (UCCP), the Department recommended adoption of four conditions, and an amendment to one existing condition:
 - Recommended Condition 153: Requirement of Amended CUP
 - Recommended Condition 154: Health and Safety plans to be provided to County
 - Recommended Condition 155: 2-mile setback applicability; Final maps and plans
 - Recommended Amended Condition 142: Provide Evidence of road setback compliance
 - Recommended Condition 156: avoidance of negative impacts to existing Agricultural opportunities and properties

Review of Draft Proposed Order

Recommended Amended/New Conditions

Section III.G. Retirement and Financial Assurance (DPO p. 67-78)

- Recommended Amended Condition 109: Removal of annual inflation requirement.
- Recommended Condition 157: RFA6 facility modifications Bond or letter of credit submittal to the Department prior to construction.

Section III.B Fish and Wildlife Habitat (DPO p. 78-82)

- Recommended Condition 158: Submittal of a Noxious Weed Control Plan prior to construction.
- Recommended changes to WMMP (fatality study); Revegetation Plan (pre-disturbance evaluation)

Review of Draft Proposed Order

Recommended Amended/New Conditions

Section III.K. Historic, Cultural, and Archaeological Resources (DPO p. 86-92)

- Recommended Amended Condition 159: Cultural resource monitor for ground disturbing activities within 30 meters of the one identified archeological resource
- Administrative Amendments to Condition 143

Section III.M Public Services (DPO p. 94-104)

- Recommended Condition 160: Require an agreement or similar conveyance with a water service provider to ensure adequate access to water

Recommended Modifications in Proposed Order

1. Administrative conversion, edits and corrections; procedural history updates
2. Address comments received
3. Amend Attachment B to include comment letter from Haley-Aldrich

Council Deliberation

Adjourn

