



Oregon

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To: Energy Facility Siting Council

From: Kathleen Sloan, Senior Siting Analyst

Date: November 3, 2023

Subject: Agenda Item E (Information/Action Item): Council Review of Proposed Order on Request for Site Certificate Amendment 1 and possible approval as Final Order for the November 17, 2023 EFSC Meeting.

Attachments: Attachment 1: Proposed Order on Request for Site Certificate with attachments (in redline track changes)

STAFF RECOMMENDATION

The Oregon Department of Energy's (Department) Proposed Order on Request for Amendment 1 of the Obsidian Solar Center Site Certificate recommends the Energy Facility Siting Council (EFSC or Council) approve the requested site certificate amendment and grant issuance of a first amended site certificate, subject to compliance with existing, recommended amended and new site certificate conditions.

FACILITY OVERVIEW

Approved 400 megawatt (MW) solar photovoltaic (PV) energy generation facility located within an approximately 3,921 acres (6.1 sq. miles) site boundary. Not yet constructed.

PROPOSED IN AMENDMENT REQUEST

Amend the site boundary to include an additional 169 acres; site generation step-up (GSU) substation in alternative location; increase the length and voltage of 115 kilovolt (kV) transmission line from 2 to 3.2 miles and from 115 to 138 kV; increase the voltage of the electrical collection system from 34.5 to 138 kV; change structure type and height for aboveground collector system for 2.3 miles.

PROCEDURAL HISTORY

February 25, 2022 – Council approved the site certificate for Obsidian Solar Center.

April 12, 2023 – Obsidian Solar Center, LLC submitted preliminary Request for Amendment 1 of the Obsidian Solar Center Site Certificate (RFA1) to the Department.

July 28, 2023 – Following 2 months of review and coordination with state, tribal and local governments on the changes proposed in the amendment request, and changes in fact or law¹, the Department determined RFA1 to be complete.

August 1, 2023 – The Department issued its Draft Proposed Order (DPO) on Amendment 1 and issued a Public Notice on the DPO, opening a public comment period on the complete RFA1 and the DPO.

August 24, 2023 – The Council held a hybrid (in-person/remote) public hearing where interested individuals had the opportunity to provide written or oral testimony on the DPO and RFA1. Council also had the opportunity to comment on the DPO at the public hearing. The certificate holder was provided the opportunity to provide comments and respond to any comments received. The record closed at the close of the public hearing.

Prior to the close of the record on the DPO, the Department received one written public comment. Additional comments were received from the certificate holder and members of Council at the August 24, 2023 public hearing. No members of the public commented on the DPO during the public comment period or during the public hearing. Comments received are included in Attachment C of the Proposed Order.

September 22, 2023 – During its regularly schedule meeting, the Council received a staff presentation on the DPO, issues raised in comments received on the DPO where Council members Condon and Beier provided additional comments and requested changes in a Proposed Order, specific to the Wildfire Prevention and Risk Mitigation Standard.

September 26, 2023 – The Department issued its Proposed Order, which included the Council-requested changes. These were the only material change made by the Department in the Proposed Order from the Draft Proposed Order. The Department also issued a Public Notice on the Proposed Order and Opportunity to Request a Contested Case.

October 27, 2023 – Deadline to request a contested case. No requests were received.

STAFF EVALUATION OF AMENDMENT REQUEST AND SUMMARY OF CHANGES MADE IN PROPOSED ORDER

As noted above, based on Council comments made during the September 22, 2023 review of the DPO, specific to landowner notification and emergency responder coordination in the event of a wildfire, the Department made changes to the findings in the Proposed Order (See redline changes to Proposed Order, Section N.III, *Wildfire Prevention and Risk Mitigation Standard, Plan Updates* on Page 95) and additional requirements in the Draft Amended Wildfire Mitigation Plan (See below for redline changes to Attachment X: Amended Draft Wildfire Mitigation Plan, Section 4.0, Page 5):

4.0 Emergency Response Measures: Construction and Operation

Prior to construction of the proposed facility, the certificate holder shall contact Lake County Sheriff's Office Annex in Silver Lake and notify them of the facility location, including access roads used, the facility size, estimated staffing on-site daily, and any potential service needs from the Sheriff's Office.

During all phases of the facility, the certificate holder will work directly with local emergency responders to compile and maintain a current list of adjacent landowners/property owners with contact information. The final Wildfire Mitigation Plan will identify the best notification procedures of adjacent landowners/property owners to provide to local and regional emergency services for emergency notifications, in the event of an ignition or fire at the facility.

During construction, the certificate holder will retain emergency medical technicians on site and will arrange for medical transport during medical emergencies that occur at the Facility. Patients with minor injuries will be treated on site or transported by vehicle to La Pine Community Health Center in the community of Christmas Valley. Patients with moderate injuries will be transported by vehicle to St. Charles Medical Center in Bend. For severe injuries, the certificate holder may use the services of the Air Ambulance to transport patients to Bend.

No additional substantive or material changes were made by the Department in the Proposed Order from the Draft Proposed Order.

COUNCIL OPTIONS

1. Adopt the Proposed Order as the Final Order approving RFA1 as proposed by staff and issue an amended site certificate.
2. Adopt the Proposed Order as the Final Order, with modifications, approving RFA1 and issue an amended site certificate.
3. Deny RFA1 and provide reasons why the Certificate Holder has failed to show through a preponderance of evidence that they meet all applicable standards.

STAFF RECOMMENDATION

The Department recommends that the Council find, based on a preponderance of the evidence on the record, that the Certificate Holder has met all applicable standards associated with RFA1 and that the Council adopt the Proposed Order as the Final Order as proposed and issue an amended site certificate.