



# Oregon

Kate Brown, Governor



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February 12, 2018

Mr. Dennis Winn  
Klamath Energy, LLC  
4940 Hwy 97 S.  
Klamath Falls, OR 97603

*Sent via email: [Dennis.winn@Avangrid.com](mailto:Dennis.winn@Avangrid.com), [Darren.cavanaugh@Avangrid.com](mailto:Darren.cavanaugh@Avangrid.com)*

RE: Amendment Determination Request Pursuant to OAR 345-027-0057

Mr. Winn,

On January 23, 2018 the Oregon Department of Energy (ODOE or the Department) received an Amendment Determination Request (ADR) pursuant to OAR 345-027-0057 from Klamath Energy, LLC (certificate holder) for the Klamath Cogeneration Project (facility) requesting to install new fire suppression systems and replace the existing Electronic Fire Alarm Control and Notification System. The ADR explains that existing fire suppression systems which are required under the Fifth Restated and Amended Site Certificate (IV.A.(16)) would remain in place so as to maintain compliance with the site certificate conditions. As part of the same ADR, Klamath Energy also requested similar changes to the Klamath Generation Peakers facility; the Department will issue a separate determination letter for the KGP facility request.

Under OAR 345-027-0057 a certificate holder may submit an amendment determination request in writing to the Department for a determination regarding whether a proposed change requires a site certificate amendment. The rule requires that the change request include a description of the proposed change, any maps or geospatial layers representing the effects and/or location of the proposed change(s), the certificate holder's evaluation of the requested determination(s) under OAR 345-027-0057(1),(2), and (3), and any additional information that the certificate holder believes will assist the Department's evaluation.

In accordance with OAR 345-027-0057, the Department reviewed Klamath Energy, LLC's amendment determination request. As presented in Attachment 1, the Department determined that the request: 1) includes all information required by OAR 345-027-0057(4), and 2) the requested addition of the proposed fire suppression systems and replacement of the

Electronic Fire Alarm Control and Notification System would not require a site certificate amendment for the reasons provided in Attachment 1.

OAR 345-027-0057(6) requires that after issuing its determination, the Department must provide the determination and ADR to Council, post the determination to the ODOE website, and at the next Council meeting, inform Council of the ADR and determination during the consent calendar agenda item.

Additionally, OAR 345-027-0057(6) also allows that at the request of a Council member, or the certificate holder, the Department must refer its determination to the Council for concurrence, modification, or rejection. Should such a request be made by a Councilmember or the certificate holder, the determination would be presented before EFSC at an upcoming Council meeting.

If there are any questions please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean E. Mole". The signature is written in a cursive style with a horizontal line underneath.

Sean E. Mole, Siting Operations Analyst  
Oregon Department of Energy  
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**Attachment 1: ODOE Amendment Determination Request Evaluation and Determination**

**Cc(via email distribution)**

Oregon Energy Facility Siting Council  
Todd Cornett, Oregon Department of Energy  
Maxwell Woods, Oregon Department of Energy  
Duane Kilsdonk, Oregon Department of Energy  
Jesse Ratcliffe, Oregon Department of Justice

**Attachment 1: Oregon Department of Energy  
Amendment Determination Request Evaluation and Determination**

**Proposed Facility Modifications**

The certificate holder describes in its ADR that it plans on making the following upgrades at the KCP facility:

- Install Novec 1230 Clean Agent Suppression System in the main plant control room, server room, and digital control room. The existing firewater sprinkler systems in these areas will remain in place and operational.
- Replace the existing FM-200 system with Novec 1230 Clean Agent Suppression System in each Combustion Turbine electrical package.
- Replace of FM-200 system with Vitaulic Vortex Hybrid Water Mist Suppression for the two large gas turbine enclosures.
- Install STAT-X aerosol special hazard suppression system in the UPS Charger and battery rooms. The existing firewater sprinkler systems in these areas will remain in place and operational.

The existing automatic packaged CO<sub>2</sub> fire suppression system for Combustion Turbine bearing tunnel areas will remain in place and operational.

**Site Certificate Amendment Applicability**

OAR 345-027-0050(4) contains the criteria used by ODOE and EFSC to determine when a proposed modification requires a site certificate amendment. The rule states:

*OAR 345-027-0050: ...[A]n amendment to a site certificate is required to:*

*OAR 345-027-0050(4): Design, construct or operate a facility in a manner different from the description in the site certificate if the proposed change:*

*(a) Could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource protected by Council standards;*

*(b) Could impair the certificate holder's ability to comply with a site certificate condition; or*

*(c) Could require a new condition or a change to a condition in the site certificate*

An amendment determination request assessment affirming any of the above criteria would necessitate that a site certificate amendment is required to make the requested changes. If the amendment determination request assessment affirms that none of the above criteria would be met, the proposed change can be completed without an amendment of the site certificate.

**Evaluation under OAR 345-027-0050(4)(a)**

A site certificate amendment is required pursuant to OAR 345-027-0050(4)(a) if the proposed change could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource protected by Council standards. In order to demonstrate compliance with Council's Standards (Division 22 and Division 24), the certificate holder prepared and provided a compliance evaluation of the determinations being requested for the proposed facility modifications, the amendment determination request. OAR 345-027-0050(4)(c) directs the certificate holder to submit in writing the evaluation to the Department.

**Public Service [OAR 345-022-0110]**

The Department determined that the only proposed EFSC standard that could be affected by the requested changes is the Public Services standard. The Department evaluated the proposed fire suppression system additions and upgrades to determine whether the potential impacts to the provision of police and fire protection would impact the certificate holder's ability to comply with the Council's Public Services standard. The Department considers the impacts to Public Service resulting from the certificate holder's proposal to be unlikely given that there are no proposed alterations to existing components as articulated in the current Site Certificate (IV.A.1(16)). Additionally, the proposed changes are intended to improve and increase fire safety and protection and therefore reduce the risk of fires requiring the services of local fire protection providers.

**Evaluation Under OAR 345-027-0050(4)(b)**

The second factor under OAR 345-027-0050(4) would require a site certificate amendment if the proposed change "could impair the certificate holder's ability to comply with a site certificate condition." Based on the evaluation provided under OAR 345-027-0050(4)(a), the proposed fire suppression system project would not be likely to impact the certificate holder's ability to comply with a site certificate condition.

Site certificate condition IV.A.1(16) states: *The Energy Facility shall include a fire protection system substantially similar to that described in the ASC, page B-9, which is in Appendix B to this Restated and Amended Site Certificate.* In turn, the referenced fire protection system, as stated in ASC, Page B-9, includes:

*A fire water loop system will be provided for the energy facility site that consists of fire hydrants, building sprinkler systems, the cooling tower sprinkler system, the turbine*

generator lube oil sprinkler systems, and hose stations. The source of fire water will be from a dedicated portion of the raw water storage tank or, as a back up, from tie-ins to the Collins fire water pressure loop. A packaged CO2 fire suppression system will be provided as part of the CT fire protection system. The control room will be protected using an automatic water sprinkler system.

As noted in this assessment, the requested changes do not affect the existing fire protection system, described in condition IV.A.1(16). Rather, the changes would add additional and updated fire safety systems. The change would not affect the certificate holder's ability to comply with an existing site certificate condition.

#### **Evaluation Under OAR 345-027-0050(4)(c)**

The final factor under OAR 345-027-0050(4) would require a site certificate amendment if the proposed change "could require a new condition or a change to a condition in the site certificate." Based on the evaluation provided under OAR 345-027-0050(4)(a), the proposed changes would not be likely to result in any new adverse impacts not previously evaluated by EFSC. The proposed changes are intended to improve and increase fire safety and protection and therefore reduce the risk of fires requiring the services of local fire protection providers. Therefore the Department does not consider new site certificate conditions necessary to satisfy an applicable rule, EFSC standard, or statute.

#### **Determination**

The Department finds that the proposed fire suppression system project would not cause a significant adverse impact to a resource protected by EFSC standards, and does not substantially impair Klamath Energy, LLC's ability to comply with site certificate conditions. Compliance with applicable EFSC Standards, state and local laws, rules, and ordinances are not expected to be affected by the requested change. In accordance with the requirements of OAR 345-027-0055(2), the certificate holder shall include a description of the modifications and the written evaluation in the Facility Modification Report as required by OAR 345-026-0080. ODOE will also document the change in an order associated with the next site certificate amendment. Finally, as noted in the cover letter, OAR 345-027-0057(6) requires that at the request of an Energy Facility Siting Council member, the Department's determination must be referred to the Council for concurrence, modification, or rejection. The Department will provide its determination to EFSC, informing Council of their rights under the rule. Should a Council

member request to review the determination, the determination would go before EFSC at an upcoming Council meeting.