Oregon Department of Energy

Energy Facility Siting Council Meeting
Boardman City Hall
200 City Center Circle
Boardman, OR

Sept. 21-22, 2017
Opening Items:

- Call to Order
- Roll Call
- Agenda Modifications
- Announcements
Announcements:

- For those attending in person:
  - Comment Registration Cards are available on the table
  - GovDelivery Sign Up Cards to receive project information by email are also on the table
- For those attending via teleconference, opportunity for public comment will occur at the end of today’s meeting. We will request that individuals interested in making a public comment identify themselves prior to the comment period.
- Those participating via the AT&T phone line, please mute your phone and if you receive a phone call, please hang up from this call and dial back in after finishing your other call.
- If you would like to address the Council, please do not use the speaker phone feature, because it will create feedback.
Announcements continued:

• For those signed onto the webinar, please do not broadcast your webcam
• Please silence your cell phones
• 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.
Agenda Item A

- Consent Calendar: Approval of Minutes
- Council Secretary Report
Agenda Item B
(Information Item)

Rulemaking Hearing:
Phase 1 – Updates to Carbon Dioxide Stds.

September 21, 2017

Presented by:
Jason Sierman, Energy Policy Analyst
Scope and Purpose

• Update the monetary offset rate for carbon dioxide (CO2) emissions and correct CO2 equivalency rates.

• Rules affected:
  • 345-024-0580, Monetary Offset Rate
  • 345-024-0620, Standard for Nongenerating Energy Facilities (that emit CO2)
Why Needed?

Need to update the monetary offset rate:

1) Offset rate has not been updated since 2007;
2) Monetary pathway was designed to achieve the same amount of offsets as other pathways, including the pathway for an applicant to acquire carbon offsets on its own;
3) Difference in the existing monetary offset rate and the actual cost of acquiring carbon offsets on the open market has diverged significantly;
4) Current offset rate is priced considerably below the cost per ton of CO2 equivalent offsets in other states and regions that have implemented CO2 trading programs, including California.
## Offset Rate Price History

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Spirit of CO₂ Statute and Standards

Monetary Offset Rate should approximate the price the Qualified Organization (The Climate Trust (TCT)) pays to acquire Offsets

ORS 469.503(2)(c)(C):

• “The applicant ... agrees to provide funds in an amount deemed sufficient to produce the reduction in greenhouse gas emissions necessary to meet the applicable carbon dioxide emissions standard...”

• “Any change to the monetary offset rate shall be based on empirical evidence of the cost of offsets...”

![Graph showing EFSC CO2 Offset Rate v. Cost of CO2 Offset Projects](graph)

- EFSC
- TCT Cumm. Avg.
- TCT - Port Westward - Phase 2
- TCT - Carty
- N.Amer. Annual Avg.
- Intl Annual Avg.
Why Needed?

Need to correct the CO2 equivalency weights:

1) A 2013 rulemaking amended the CO2 equivalency weights for *methane* and *nitrous oxide* under the Council's *standard for base load gas plants* and its *standard for non-base load power plants*;

2) That rulemaking did not amend the same CO2 equivalency weights under its *standard for nongenerating energy facilities* (that emit CO2);

3) *Proposed equivalency weights are exactly the same* as what is already specified under rules 345-024-0550 and 345-024-0590, which govern the same subject matter for base load gas plants and non-baselode power plants.
Proposed Rule Language

See Attachment A of today’s Staff report:

## Rulemaking Milestones

<table>
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<tr>
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<tr>
<td>Potential Earliest Effective Date of New Rules</td>
<td>September 28, 2017</td>
</tr>
</tbody>
</table>
Rulemaking Hearing

• All commenters must provide:
  – Name
  – Address
  – Affiliation (if applicable)

• Commenters in the room must complete a GREEN form.

• Commenters on the phone must state this information orally for the record.

• The presiding officer or any member of the agency or Council may question any witness making a statement at the hearing. The presiding officer may permit other persons to question witnesses.

• There shall be no add’l statement given by any witness unless requested or permitted by the presiding officer.

• The presiding officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious, or immaterial matter. See OAR 137-001-0030
AFTERNOON BREAK

• 15 minute

Next:
4:30 p.m.
Agenda C – Structural and Geologic Rulemaking Hearing
Agenda Item C
(Information Item)

Rulemaking Hearing:
Structural, Geologic, and Seismic Updates

September 21, 2017

Presented by:
Jason Sierman, Energy Policy Analyst
Scope and Purpose

• Amend rules and rule provisions addressing structural, geologic, and seismic related issues and hazards.

• Rules affected:
  • 345-021-0010, Contents of an Application (Exhibit H)
  • 345-022-0020, Structural Standard
  • 345-027-0020, Mandatory Conditions in Site Certificates, and
  • 345-050-0060, Site Suitability [applicable to radioactive waste disposal facilities, or when carrying out cooperative agreements w/ an agency or federal government to clean up radioactive waste, uranium mine overburden or contaminated material pursuant to ORS 469.559(2)]
Why Needed?

1) Eliminate references to specific codes, which quickly become outdated;

2) Better describe the relationship and consultation requirements between the applicant (or certificate holder) and the Department of Geology and Mineral Industries (DOGAMI);

3) Focus application assessment on site- and facility-specific risks;

4) Add factors the applicant must consider in its assessments and explanations of how it will design, engineer, construct, and operate the facility to avoid dangers caused by structural, geologic, and seismic related issues and hazards (factors including but not limited to the environment, resiliency, rapid recovery, future climate conditions, etc.); and

5) Eliminate inefficient and unnecessary language
Proposed Rule Language

See Attachment A and B of today’s Staff report:

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Agenda Item D
(Information Item)

Rulemaking Update:
Amendment Processes

September 21, 2017

Presented by:
Jason Sierman, Energy Policy Analyst
Latest Council Direction

1) Include a third review process ("Type C") for requests for amendment (RFA) qualified for expedited review.

2) Require certificate holders to submit an Amendment Determination Request (ADR) for proposed additions of area to the site boundary. Give staff discretion to determine if an RFA is required. Council review upon certificate holder’s request.

3) Eliminate language requiring certificate holder to participate in a Pre-Amendment Conference prior to submitting a RFA to add area to site boundary.
4) Retain ability for certificate holder to submit an ADR to ask staff whether an RFA can be reviewed through the process with fewer steps ("Type B").

5) Eliminate any specific factors staff and the Council should consider when determining whether an addition of area to the site boundary requires an RFA, and strictly rely on the analysis of the “3 coulds” test under 345-027-0050.

6) Refine the factors staff and the Council consider when determining whether to review an RFA through the Type B review process rather than Type A.

7) Require the Preliminary RFA and all ADRs to be posted to the EFSC website.
Latest Staff Revisions

  - Written Comment Deadline: 5 p.m. PST on September 29, 2017.

- Excerpt of “Div. 27 Proposed Rules – Rev3” showing ADR process and Type C review process is available as Attachment A to today’s staff report.
Type C Review

• Can only be requested during construction.

• RFAs must be complete for staff to determine type C review.

• Staff has 3 days to consider criteria and determine whether to approve type C.

• If type C is denied, Certificate Holder (CH) may request Council review of staff’s determination.

• After type C approved, staff has 7 days to issue a draft temporary order (DTO) and recommend type A or type B review.

• 1st Council meeting after DTO issued, Council considers DTO and considers completion thru type A or B review.
Type C Review (cont.)

- Council temporarily grants an amended site certificate in a temporary order (TO) or denies an amended site certificate.

- Before implementing any change approved in a TO, CH must acknowledge and accept all terms and conditions.

- Review is completed through either type A or type B review with the TO replacing all references to the DPO in procedural steps.

- Actions taken by the CH under authority of the TO that are inconsistent with the final order are not violations so long as inconsistencies are remedied by the CH as directed by the Council in the FO.
Amendment Determination Request (ADR)

- ADR results in staff making a decision on whether a proposed change requires a RFA or whether RFA is type A or type B review
- When proposing to add area to the site boundary, certificate Holder (CH) must either submit a RFA or submit an ADR
- When proposing any other change, CH may submit an ADR
- After receiving ADR, ADR is posted to EFSC website
- After receiving ADR, staff issues written determination as promptly as possible (sends to CH, Council, and posts to web)
• Staff, Council, or the CH may refer determinations of whether a RFA is required to the Council.

• Only the CH may refer determinations of whether a RFA is reviewed thru type A or type B to the Council.

• Staff and the Council may consider the following factors when determining type A or type B review:
  - Complexity of the change
  - Anticipated level of interest from public and reviewing agencies
  - Likelihood of significant adverse impact
  - Type and amount of mitigation, if any.
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<table>
<thead>
<tr>
<th>Milestone</th>
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<tbody>
<tr>
<td>Publication of Division 27 Proposed Rules - Rev3</td>
<td>September 8, 2017</td>
</tr>
<tr>
<td>EFSC Information Item (Update)</td>
<td>September 21, 2017</td>
</tr>
<tr>
<td>Written Comment Deadline</td>
<td>5 p.m. PST, 9/29/17</td>
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<tr>
<td>EFSC Deliberation and Decision</td>
<td>October 19-20, 2017</td>
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<td>November 2, 2017</td>
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</tbody>
</table>
Agenda Item E (Information Item)

The Climate Trust: Annual Financial Audit Report

September 21, 2017

Presented by:
Todd Cornett, Council Secretary
Public Comment

This time is reserved for the public to address the Council regarding any item within the Council’s jurisdiction that is not otherwise closed for comment.
Adjourn

Meeting will reconvene on Friday, September 22, 2017 at 8:30 a.m. at:

Boardman City Hall
200 City Center Circle
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September 22, 2017

Presented by:
Jason Sierman, Energy Policy Analyst
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- **Current Rate**
- **Max. New Rate**
Spirit of CO₂ Statute and Standards

Monetary Offset Rate should approximate the price the Qualified Organization (The Climate Trust (TCT)) pays to acquire Offsets

ORS 469.503(2)(c)(C):

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Proposed Rule Language

See Attachment A of today’s Staff report:

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After considering all comments received, the Council may:

1) **Adopt** the proposed rule amendments, as presented by staff, as permanent rule language.

2) **Adopt** the proposed rule amendments as permanent rule language with Council directed revisions that are within the noticed scope of the rulemaking.

3) **Not adopt** permanent rule language at this time and extend the comment period on the proposed rule language.

4) **Not adopt** permanent rule language at this time, direct staff to make revisions that are either within or outside the noticed scope of the rulemaking, and re-notice the revised proposed rule language and extend the comment period.
Agenda Item G
(Action Item)

Rulemaking Deliberation & Decision
Structural, Geologic, and Seismic
Updates

September 22, 2017

Presented by:
Jason Sierman, Energy Policy Analyst
Scope and Purpose

• Amend rules and rule provisions addressing structural, geologic, and seismic related issues and hazards.

• Rules affected:
  • 345-021-0010, Contents of an Application (Exhibit H)
  • 345-022-0020, Structural Standard
  • 345-027-0020, Mandatory Conditions in Site Certificates, and
  • 345-050-0060, Site Suitability [applicable to radioactive waste disposal facilities, or when carrying out cooperative agreements w/ an agency or federal government to clean up radioactive waste, uranium mine overburden or contaminated material pursuant to ORS 469.559(2)]
Why Needed?

1) Eliminate references to specific codes, which quickly become outdated;
2) Better describe the relationship and consultation requirements between the applicant (or certificate holder) and the Department of Geology and Mineral Industries (DOGAMI);
3) Focus application assessment on site- and facility-specific risks;
4) Add factors the applicant must consider in its assessments and explanations of how it will design, engineer, construct, and operate the facility to avoid dangers caused by structural, geologic, and seismic related issues and hazards (factors including but not limited to the environment, resiliency, rapid recovery, future climate conditions, etc.); and
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Proposed Rule Language

See Attachment A and B of today’s Staff report:

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4) **Not adopt** permanent rule language at this time, direct staff to make revisions that are either within or outside the noticed scope of the rulemaking, and re-notice the revised proposed rule language and extend the comment period.
Agenda Item H
(Action Item)

Rulemaking
Wind-Specific Public Health and Safety

September 22, 2017

Presented by:
Jason Sierman, Energy Policy Analyst
Council Decisions

1) Define the purpose and scope for this rulemaking project;

2) Define the purpose and scope for a Rulemaking Advisory Committee (RAC) to provide input on this rulemaking project; and

3) Appoint a RAC for this rulemaking project.
Scope and Purpose of Rulemaking

• Address how the Council applies its Public Health and Safety Standards for Wind Energy Facilities to the potential risk of aircraft striking wind turbines, wind turbine blades, and wind turbine towers.

• Rules affected:
  • 345-024-0010, Public Health and Safety Standards for Wind Energy Facilities
OAR 345-024-0010
Public Health and Safety Standards for Wind Energy Facilities

To issue a site certificate for a proposed wind energy facility, the Council must find that the applicant:

(1) Can design, construct and operate the facility to exclude members of the public from close proximity to the turbine blades and electrical equipment.

(2) Can design, construct and operate the facility to preclude structural failure of the tower or blades that could endanger the public safety and to have adequate safety devices and testing procedures designed to warn of impending failure and to minimize the consequences of such failure.
Why Needed?

Need to consider if and how the following factors the Council considered in deciding its Final Order on the Saddle Butte Wind Park should be written into rule:

1) Evidence of a pre-existing airspace approved for high-speed, low altitude flights in close proximity to proposed locations of wind turbines;
2) Average speed of flights occurring within the airspace;
3) Experience level of the aircrew flying within the airspace;
4) Number of areas of focus and responsibilities of aircrew flying within the airspace; and
5) Impacts of any existing turbines on the airspace.
Scope and Purpose of RAC

• Receive individual input from a diverse set of people with diverse interests.

• Receive input on how proposed rule language should be drafted in order to meet the purpose of the rulemaking projects.

• Not intended to seek agreement or consensus from all participants.

• Scope of Rulemaking:
  • 345-024-0010, Public Health and Safety Standards for Wind Energy Facilities
### Appointment of Potential RAC Members

<table>
<thead>
<tr>
<th>Members of the Public Community</th>
<th>Local/State/Regional Government</th>
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<tbody>
<tr>
<td>1 Irene Gilbert</td>
<td>11 U.S. Navy – Region Northwest</td>
</tr>
<tr>
<td>2 Steve and Janice Puntenney</td>
<td>12 Morrow County</td>
</tr>
<tr>
<td><strong>NGO/Non-Profit</strong></td>
<td>13 Umatilla County</td>
</tr>
<tr>
<td>3 Friends of the Grande Ronde Valley</td>
<td>14 Gilliam County</td>
</tr>
<tr>
<td>4 Columbia Riverkeeper</td>
<td>15 Association of Oregon Counties</td>
</tr>
<tr>
<td>5 Renewable NW</td>
<td>16 Oregon Dept. of Aviation</td>
</tr>
<tr>
<td>6 Community Renewable Energy Association (CREA)</td>
<td>17 Port of Morrow</td>
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<tr>
<td><strong>Private Industry/Investor Owned Utilities</strong></td>
<td><strong>Consumer Owned Utilities</strong></td>
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<td>7 Avangrid Renewables</td>
<td>18 Umatilla Electric Cooperative</td>
</tr>
<tr>
<td>8 Caithness Corp.</td>
<td>19 Columbia Basin Electric Cooperative</td>
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<tr>
<td>9 PacifiCorp</td>
<td>20 Oregon Municipal Electric Utilities Association</td>
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<tr>
<td>10 Portland General Electric</td>
<td>21 Oregon Peoples Utility District Association</td>
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<tr>
<td></td>
<td>22 Oregon Rural Electric Cooperative Association</td>
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<tr>
<td>EFSC Approval and Appointment of a Rulemaking Advisory Committee (RAC)</td>
<td>September 22, 2017</td>
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<tr>
<td>Convene RAC Meeting #1</td>
<td>October / November</td>
</tr>
<tr>
<td>Convene RAC Meeting #2 (if necessary)</td>
<td>November / December</td>
</tr>
<tr>
<td>EFSC Authorization to Issue Official Public Notice</td>
<td>December / January</td>
</tr>
<tr>
<td>Public Notice Issued</td>
<td>TBD</td>
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<tr>
<td>EFSC Rulemaking Hearing</td>
<td>TBD</td>
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Council Deliberation and Decision

Purpose and Scope of Rulemaking
1) Approve the purpose and scope for this rulemaking project
2) Change the purpose and scope for this rulemaking project

Purpose and Scope of RAC
1) Approve the purpose and scope for a RAC
2) Change the purpose and scope for a RAC

Appoint a RAC
1) Appoint a RAC composed of the entities and people presented by staff.
2) Appoint a RAC w/ minor changes to the entities and people presented by staff.
3) Appoint a RAC w/ major changes to the entities and people presented by staff.
4) Not appoint a RAC
MORNING BREAK

- 15 minutes

Next:
10:30 a.m.
Agenda I – Mist Underground Natural Gas Storage Facility, Temporary Order on Amendment 12, Requests for Contested Case
Agenda Item I
(Action Item)

Mist Underground Natural Gas Storage Facility:
Temporary Order on Amendment 12,
Requests for Contested Case

September 22, 2017

Presented by:
Maxwell Wood, Senior Policy Advisor
Presentation Overview

- Overview of Expedited Review
- Certificate Holder/Facility Background
- Site Certificate History
- Request for Amendment 12 Component
- Council Review/Action on Proposed Order
Certificate Holder: NW Natural Gas Company

Type of Facility: Natural gas storage

Location: Columbia County

Status: Operating; North Mist Expansion Project is under construction
## Request for Expedited Review: Process Overview

### Key Differences in Standard versus Expedited Amendment Timelines and Process

<table>
<thead>
<tr>
<th>Review Phase</th>
<th>Standard Amendment (OAR 345-027-0070)</th>
<th>Expedited Amendment (OAR 345-027-0080)</th>
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</thead>
<tbody>
<tr>
<td>ODOE issues notice to public and reviewing agencies of RFA</td>
<td>15 days after submittal of RFA</td>
<td>7 days after Chair grants expedited amendment</td>
</tr>
<tr>
<td>Public and agency comment period on RFA</td>
<td>Not specified</td>
<td>Up to 21 days</td>
</tr>
<tr>
<td>ODOE issues Proposed Order</td>
<td>Not more than 60 days after the notice of the RFA</td>
<td>Not more than 60 days after the Chair grants expedited review</td>
</tr>
<tr>
<td>Comment and requests for contested case period on Proposed Order/Temp Order</td>
<td>Concurrent comment and contested case request period, at least 30 days</td>
<td>Separate comment and contested case request period.</td>
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Request for Amendment 12

New Limited Water Use License

• Existing but not previously approved water diversion point

• No change in overall water use quantity or source (Beaver Slough)

No other changes included in RFA 12
## Procedural History: Amendment 12

<table>
<thead>
<tr>
<th>Action</th>
<th>Department/Certificate Holder</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Chair Determination on Expedited Review (Expedited Review Granted)</td>
<td>Chair Beyeler</td>
<td>Aug 4, 2017</td>
</tr>
<tr>
<td>Public Notice on Request for Amendment 3 Issued</td>
<td>Department</td>
<td>Aug 4, 2017</td>
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<tr>
<td>Public Notice/Proposed Order Issued</td>
<td>Department</td>
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<tr>
<td>Council Review of Proposed Order</td>
<td>Council</td>
<td>Aug 18, 2017</td>
</tr>
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<td>Council Issuance of Temporary Order</td>
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<td>Aug 18, 2017</td>
</tr>
<tr>
<td><strong>Council Review/Action on Request for Contested Case</strong></td>
<td>Council</td>
<td>Sept 22, 2017</td>
</tr>
<tr>
<td>Council Decision on Final Order</td>
<td>Council</td>
<td>TBD</td>
</tr>
</tbody>
</table>
Council Scope of Review

Per OAR 345-027-0070(7):

- To determine that an issue justifies a contested case proceeding under section (8), the Council must find that the request raises a significant issue of fact or law that may affect the Council’s determination that the facility, with the change proposed by the amendment, meets an applicable standard...If the Council does not have jurisdiction over the issue raised in the request, the Council must deny the request.
Requests for Contested Case

• Temporary Order approved by Council Aug 18; deadline to request contested case extended through Sept 5, 2017

• Two requests received
  • Messrs. Tracy Farwell and Ed Averill on behalf of NW Climate Methane Task Force;
  • Mr. Mike Unger on behalf of Engineers for a Sustainable Future
Requests for Contested Case

Issue: “The EFSC standard being used for analyzing the carbon footprint of a Natural Gas nongenerating facility ignores the essential importance of the Natural Gas as a high-impact greenhouse gas.”

Department’s Analysis:

• The request does not question specific Council finding or evaluation in Temporary Order on Amendment 12

• Amendment 12 is solely concerned with a limited water use license; carbon dioxide standard does not apply
Requests for Contested Case

Issue 2: “We note there is no notice narrowing the scope of issues allowed for a contested case at this time, so rejecting our request on the basis of its not addressing allowed residual issues at the close of the review process would be seriously objectionable.”

Department’s Analysis:
• Requests for contested case must be on the Temporary Order
Council Decision on Contested Case

• Option 1: Grant contested case proceeding
• Option 2: Deny contested case proceeding, amend temporary order and issue final order
• Option 3: Deny contested case proceeding, substantively amend temporary order, re-issue temporary order for public review
• Option 4: Deny contested case proceeding; issue combined final order on Amendment 12
Agenda Item J
(Action Item)

Columbia Ethanol Project:
Proposed Order on Amendment 1

September 22, 2017

Presented by:
Sarah Esterson, Senior Siting Analyst
Presentation Overview

- Certificate Holder/Facility Background
- Site Certificate History
- Request for Amendment 1 Components
- Council Review/Action on Proposed Order
Facility Background

Certificate Holder: Pacific Ethanol Columbia, LLC

Type of Facility: Ethanol

Location: Morrow County

Status: Operating
## Site Certificate History

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Site Certificate</td>
<td>August 2007</td>
</tr>
<tr>
<td>Site Certificate Amendment 1</td>
<td>Under Review</td>
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</tbody>
</table>
# Procedural History: Amendment 1

<table>
<thead>
<tr>
<th>Action</th>
<th>Department/Certificate Holder</th>
<th>Date</th>
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<tbody>
<tr>
<td>Request for Amendment 1</td>
<td>Certificate Holder</td>
<td>May 4, 2016</td>
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<tr>
<td>Public Notice on Amendment 1 Issued</td>
<td>Department</td>
<td>May 13, 2016</td>
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<tr>
<td>Public Notice/Proposed Order Issued</td>
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<td>Aug 8, 2017</td>
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<tr>
<td><strong>Council Review of Proposed Order</strong></td>
<td><strong>Council</strong></td>
<td><strong>Sept 22, 2017</strong></td>
</tr>
<tr>
<td>Council Decision on Final Order</td>
<td>Council</td>
<td>TBD</td>
</tr>
</tbody>
</table>
Request for Amendment 1

Components:

• Corn oil extraction system
• Sugar addition system
• Change in ethanol feedstock to include blend of corn and granulated sugar
• Carbon Dioxide capture infrastructure
• Increase in annual ethanol production
• Amend Conditions IV.C.2 and IV.C.4
Council’s Review of the Proposed Order on Amendment 1
Council Scope of Review

• Whether the amendment would affect any finding made by the Council in an earlier order; and

• Whether the amount of the bond or letter of credit required under OAR 345-022-0050 is adequate

OAR 345-027-0070(10) (c) and (d)
Staff’s Recommendation on Proposed Order

• Council Interpretation of Retirement and Financial Assurance Standard
  • “Useful non-hazardous condition”

• Amend Proposed Order to:
  • Confirm Council’s Interpretation of the Retirement and Financial Assurance std.
  • Address CTUIR Comments
  • Update Attachment C (Executed Agreement)

• Issue Final Order and Grant Amendment of Site Certificate
Potentially Impacted Council Standards

OAR Chapter 345, Division 22 and 24

Soil Protection
• Potential impacts from cooling tower drift

Recreation and Public Services
• Potential traffic related impacts
Council Standards Not Impacted

• General Standard of Review
• Organizational Expertise
• Structural Standard
• Soil Protection
• Land Use
• Protected Areas
• Fish and Wildlife Habitat

• Threatened and Endangered Species
• Scenic Resources
• Historic, Cultural, and Archaeological Resources
• Recreation
• Public Services
• Waste Minimization
• Other Applicable Requirements
  • Removal Fill Law
  • Noise Control Regulation
  • Water Rights

OAR Chapter 345, Division 22 and 24
Review of Council Standards

Retirement and Financial Assurance (OAR 345-022-0050)

• Certificate Holder requests interpretation of standard – reasoning:
  • Previous Council findings on restoring site to useful, non-hazardous condition are ambiguous
  • Supported by Port Industrial zone purpose (MCZO Section 3.073)
  • Executed Agreement with Port of Morrow
  • New and Amended Condition supports on-going compliance
Review of Council Standards

Retirement and Financial Assurance (OAR 345-022-0050)

• Tasks and Actions Necessary to Restore Site
  • Scenario 1: Removal of above-ground infrastructure to slab-grade
  • Scenario 2: Removal of hazardous/non-hazardous materials; clean/lock-out equipment; above-ground infrastructure remains in place; facility transferred to Port of Morrow

• Estimated Cost of Site Restoration
  • Existing: $800,000 (2nd Qtr 2007 dollars)
  • Scenario 1: $295,000 (4th Qtr 2016 dollars)
  • Scenario 2: $852,000 (4th Qtr 2016 dollars)
Comments on Proposed Order

• Confederated Tribes of Umatilla Indian Reservation
  • Insufficient information for OAR 345-022-0090
  • Potential impacts to burial grounds near previously identified site

• Department’s Analysis
  • No ground-disturbing activity outside of site boundary
  • No ground-disturbing on or near previously identified site
## Council Decision on Proposed Order

<table>
<thead>
<tr>
<th>Option 1</th>
<th>Option 2</th>
<th>Option 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Approve Proposed Order and Issue Final Order</td>
<td>• Amend Proposed Order and Issue Final Order</td>
<td>• Deny Proposed Order and Deny Issuance of Temporary Order</td>
</tr>
</tbody>
</table>
Who/What/Why

• Who is this material for?
  • Citizenry of Oregon

• What does the material contain?
  • Description of the EFSC siting process
  • Critical points for public involvement

• Why did we develop this material?
  • To increase meaningful public interaction
• HB 2105, 2013 task force resulted in the creation of an annual work plan which include goals to increase public participation.
• 2017-2018 Annual work plan delivered to council June 23, 2017, called out the creation of this guide.
• The guide fulfills High Levels Goals 2 & 5 of the work plan;
  • Increase and enhance the public’s understanding, participation and trust in the state energy siting process
  • Systematically evaluate underlying business processes to achieve highest possible efficiency.
Document Highlights

• Ease of use, reference
• High-level call-outs
  • See page 4, What do we mean by a “Standards based process”
• Place-holder for Site Certificate Amendment process
• The guide does not, and is not intended to provide legal advice.
Future Plan

- Publicly available via the Oregon Department of Energy website.

- Revisit and revise in 6 months, and annually thereafter
  - Any significant changes to process will be updated as needed.

- We encourage any public comments regarding the usefulness of this document, and how it can be improved to increase that usefulness.
AFTERNOON BREAK

• 15 minute

Next:
12:30 a.m.
Agenda L – Montague Wind Power Facility: Pre-Construction Update
Agenda Item L
(Information Item)

Montague Wind Power Facility:
Pre-Construction Update

September 22, 2017

Presented by:
Sarah Esterson, Senior Siting Analyst
Presentation Overview

• Facility Overview

• Pre-Construction Wildlife Survey Updates

• Finalization of Mitigation Plans
  • Habitat Mitigation Plan
  • Revegetation Plan
  • Wildlife Monitoring and Mitigation Plan
Facility Background

- **Certificate Holder:** Montague Wind Power Facility, LLC
- **Parent Company of Certificate Holder:** Avangrid Renewables, LLC, the U.S. division of Iberdrola, S.A
- **Type of Facility:** 404 MW, wind
- **Location:** Gilliam County
- **Status:** Construction commenced on Sept. 11, 2017
Pre-Construction Wildlife Survey Results

- Raptor Nest: 24 nests detected
- Avian Use: 16 species detected
- Rare Plants: none detected
- Washington Ground Squirrel and Burrowing Owl: active burrows detected and avoided; no burrowing owls detected
Finalization of Mitigation Plans

- Habitat Mitigation Plan
  - Removed actions for habitat subtype no longer impacted

- Revegetation Plan
  - Reference site, topsoil management, pre-reveg agency consultation, reporting

- Wildlife Monitoring and Mitigation Plan
  - Minor updates to fatality monitoring, and raptor nest survey protocol
Questions/Comments
Public Comment

This time is reserved for the public to address the Council regarding any item within the Council’s jurisdiction that is not otherwise closed for comment.
Next Council Meeting:

- October 19-20, 2017
- Portland, OR