



ENERGY FACILITY SITING COUNCIL

Energy Facility Siting Council Meeting Notice and Agenda

Oregon Department of Energy
Meitner Conference Room
550 Capitol Street NE
Salem, OR

Friday, June 29, 2018 – 8:30 a.m.

Please Note: Every effort will be made to consider items as they are indicated. However, the Council agenda and the order of agenda items are subject to change.

A. Consent Calendar (Information and Action Items) – Approval of minutes; Council Secretary Report and other routine Council business.

B. [9:00 a.m.] Rulemaking: Phase 2 Updates to Carbon Dioxide (CO₂) Standards – Rulemaking Hearing – (Action Item) – Jason Sierman, Rulemaking Coordinator. The hearing will begin after the Council receives an overview on this rulemaking project from staff. The purpose of the hearing is for the Council and staff to receive input on the proposed rule changes. **Unless extended by the Council, the comment deadline is 10:30 a.m.** This rulemaking project proposes to update the Council’s CO₂ emissions standards based on current natural gas-fired energy facility technology. The CO₂ emissions standards apply to base load gas plants, non-base load power plants, and certain non-generating energy facilities.

C. Rulemaking: Compliance – Scoping and Appointment of a Rulemaking Advisory Committee (Action Item) – Jason Sierman, Rulemaking Coordinator. Staff recommends initiating this rulemaking project to (1) evaluate, in terms of effectiveness and efficiency, the Council’s rules that relate to how the Council ensures compliance with all applicable rules, all applicable laws, and the terms, requirements, and conditions written into site certificates and final orders; and (2) potentially draft proposed rule changes to increase the effectiveness and efficiency of the Council’s compliance activities. The Council will be asked to define the scope for this project, define the purpose and scope of a RAC, and consider appointing a group of persons and entities with diverse interests to participate on a RAC to provide input to help inform staff’s evaluation. Staff will provide the Council with a diverse list of persons and entities interested in participating as a RAC member. The Council is not limited to the list provided by staff.

D. Rulemaking: Single Solar PV Facility Definition and Specific Standards – Scoping and Appointment of a Rulemaking Advisory Committee (Action Item) – Jason Sierman, Rulemaking Coordinator. Staff recommends initiating this rulemaking project to: 1) Evaluate whether multiple non-EFSC jurisdictional solar PV facilities could aggregate in a way that the aggregate is functionally the size of an EFSC jurisdictional solar PV facility; 2) If it’s determined that multiple non-EFSC jurisdictional solar PV facilities

could functionally aggregate to the size of an EFSC jurisdictional solar PV facility, to develop new rules that identify objective criteria for determining the circumstances of when multiple non-EFSC jurisdictional solar PV facilities functionally aggregate to the size of an EFSC jurisdictional solar PV facility; and 3) Evaluate whether or not specific standards should be developed for the siting of solar PV facilities, and if so, to develop such standards. The Council will be asked to define the purpose and scope for this rulemaking project, define the purpose and scope of a RAC, and consider appointing a group of persons and entities with diverse interests to participate on a RAC to provide input to help inform staff's evaluation. Staff will provide the Council with a diverse list of persons and entities interested in participating as a RAC member. The Council is not limited to the list provided by staff.

E. 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.

Break

F. Wheatridge Wind Energy Facility Request for Amendment 2 – Certificate Holder Referral to Council of Department's Type A Amendment Review Process Determination (Action Item) – Sarah Esterson, Senior Siting Analyst. The Council will consider the certificate holder's referral of the Department's June 14, 2018 determination that the "Type A" amendment review process is appropriate for Request for Amendment 2, which includes a request for approval to construct and operate larger wind turbines and add two battery storage systems. The Council will allow the certificate holder and members of the public an opportunity to provide oral comment limited to the certificate holder's "Type B" review amendment determination request and the Department's "Type A" review determination. The Council will not accept general public comment on the facility during its deliberation. The Council may concur, modify or reject staff's June 12, 2018 determination.

Break

G. [WORKING LUNCH] The Climate Trust Board of Directors Appointment (Action Item) – Todd Cornett, Assistant Director/Council Secretary. The Council will consider applicants for an appointment to The Climate Trust Board of Directors.

H. Financial Assurance: Pre-approved Institutions (Action Item) – Sisily Fleming, Fiscal Analyst. The Council will be presented with three potential new financial institutions that could be added to the pre-approved list of financial institutions that can be used to meet the Retirement and Financial Assurance standard (OAR 345-022-0050) for issuance of bonds or letters of credit.

I. Golden Hills Wind Project Request for Amendment 5 – Certificate Holder Referral to Council of Department's Type A Amendment Review Process Determination (Action Item) – Sarah Esterson, Senior Siting Analyst. The Council will consider the certificate holder's referral of the Department's June 1, 2018 determination that the "Type A" amendment review process is appropriate for Request for Amendment 5, which includes a request for approval to construct and operate larger wind turbines and meteorological towers, and changes in design of temporary access roads (increasing width from 40 feet to 100 feet), and amend an existing site certificate condition. The Council will allow the certificate holder and members of the public an opportunity to provide oral comment limited to the certificate holder's "Type B" review amendment determination request and the Department's "Type A" review

determination. The Council will not accept general public comment on the facility during its deliberation. The Council may concur, modify or reject staff's June 1, 2018 determination.

J. Rulemaking: Updates to CO2 Standards – Council Deliberation on the Approval of Final Rule Language (Action Item) – Jason Sierman, Rulemaking Coordinator. After considering all the comments received on the record for this rulemaking (i.e. before the 10:30 a.m. comment deadline at the close of the hearing that occurred as Agenda Item B), the Council will deliberate and decide whether to approve final rule language or provide additional direction to staff. This rulemaking project proposes to update the Council's CO2 emissions standards based on current natural gas-fired energy facility technology. The CO2 emissions standards apply to base load gas plants, non-base load power plants, and certain non-generating energy facilities.

K. 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

Anticipated Future Energy Facility Siting Council Meetings: No meeting in July; Aug. 23-24, 2018; Sept. 27-28, 2018; Oct. 25-26, 2018; Nov. 15-16, 2018; Dec. 13-14, 2018. Locations to be determined.

To participate by teleconference please call toll-free: 1-877-873-8017 and enter code 799345.

To register for the meeting's webinar:

<https://connect9.uc.att.com/service32/meet/?ExEventID=8799345>

To prepare in advance for the conference (for all devices):

<https://connect9.uc.att.com/service32/Prepare/>

Meeting Materials associated with the agenda items are available at:

<http://www.oregon.gov/energy/facilities-safety/facilities/Pages/Council-Meetings.aspx>

Requests to the Council to Address an Issue:

Pursuant to Oregon Administrative Rule 345-011-0035, the public may ask the Council formally to address relevant issues within the Council's jurisdiction at future meetings. Please be sure to include information about why the issue should be on the agenda. Your request must be in writing and received at least 14 days before the Council meeting.

To ask the Council to address an issue, call or write:

EFSC Secretary

Energy Siting Division/ODOE

550 Capitol St. NE

Salem, OR 97301-3737

Toll-Free (in Oregon): 1-800-221-8035

Phone: 503-378-8328

<http://www.oregon.gov/energy/facilities-safety/facilities>

Americans with Disabilities Act: The Oregon Department of Energy will make reasonable accommodations upon request. Please contact us at least 72 hours before the meeting. Call Esther Kooistra at 503-378-3895; Fax 503-373-7806, or toll free in Oregon at 800-221-8035. TTY users should call the Oregon Relay Service at 711.