

DIVISION 1
GENERAL PROVISIONS

ENERGY GENERATION AREAS

345-001-0200

Creation of an Energy Generation Area

(1) The Council shall define the boundaries of an energy generation area by rule when:

(a) The Council finds that a geographical area exists within which the effects of development of two or more small generating plants, as defined in OAR 345-001-0210, are likely to accumulate so the small generating plants have effects of a magnitude similar to a single generating plant with an average electric generating capacity of 35 megawatts or more;

(b) The Council finds that creation of an energy generation area is in the public interest; and

(c) The Council finds that energy resource, environmental, social, economic, public health or safety justification exists to create the energy generation area.

(2) In defining the boundaries of an energy generation area, the Council shall consider:

(a) The location of geothermal, solar or wind resources;

(b) The effect of energy facility development on wildlife or wildlife habitat;

(c) Natural geographical features; and

(d) Political and treaty boundaries.

345-001-0210

Effect of an Energy Generation Area

(1) For the purpose of this rule:

(a) "Energy resource" means geothermal, solar or wind power;

(b) "Small generating plant" means one or more electric power generating devices that:

(A) Have a combined nominal electric generating capacity of more than 3 megawatts and a combined average electric generating capacity of less than 35 megawatts;

(B) Are connected to a common switching station or are constructed maintained or operated as a contiguous group of devices; and

(C) Are owned by a single person or entity or subsidiaries of a single entity;

(c) "Accumulated effects" means the effects of a proposed small generating plant or proposed expansion to a small generating plant combined with the

effects of all existing small generating plants using the same energy resource within the energy generation area. "Accumulated effects" includes the effects of all related or supporting facilities;

(d) Expansion of a small generating plant includes any enlargement of the site and any increase in the small generating plant's nominal electric generating capacity;

(e) Construction of a small generating plant includes the creation of a small generating plant by constructing one or more new electric power generating devices or otherwise adding to the nominal electric generating capacity of one or more existing electric power generating devices that have a combined nominal electric generating capacity of 3 megawatts or less.

(2) For the designated energy resource within an energy generation area created under OAR 345-001-0200:

(a) Except as described in subsection (b), any person who intends to construct or expand a small generating plant shall submit a request for exemption to the Office of Energy, as described in OAR 345-015-0360(6);

(b) If the expansion of a small generating plant would create an electric power generating plant with an average electric generating capacity of 35 megawatts or more, a person shall not expand the small generating plant unless the Council has granted a site certificate or an amendment to an existing site certificate.

(3) Upon consideration of a request for exemption described in section (2), if the Council finds that the accumulated effects have a magnitude similar to a single generating plant with an average electric generating capacity of 35 megawatts or more, a person shall not construct or expand the small generating plant as proposed unless the Council has granted a site certificate or an amendment to an existing site certificate. In making a finding about accumulated effects, the Council shall consider factors including, but not limited to, the following:

(a) The nominal electric generating capacity of the proposed small generating plant or proposed expansion to a small generating plant;

(b) The location of the proposed small generating plant or proposed expansion to a small generating plant relative to existing small generating plants and energy facilities using the same energy resource;

(c) Significant potential adverse environmental impacts of the proposed small generating plant or proposed expansion to a small generating plant, including the impacts of related or supporting facilities;

(d) Significant adverse environmental impacts of all existing small generating plants using the same energy resource within the energy generation area, including the impacts of all related or supporting facilities;

(e) The contribution of the proposed small generating plant or proposed expansion to a small generating plant toward maintaining reliable energy delivery to an area in the state; and

(f) Significant public benefits of the proposed small generating plant or proposed expansion to a small generating plant.

345-001-0220

Energy Generation Areas

The Council may designate geothermal, solar or wind energy generation areas by rule.