



Oregon

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To: Oregon Energy Facility Siting Council

From: Sarah Esterson, Senior Siting Analyst

Date: November 30, 2018

Subject: Agenda Item B (Action Item) – Wheatridge Wind Energy Facility – Council Review of Proposed Order on Request for Amendment 2 for the December 14, 2018 EFSC Meeting

Attachments: Attachment 1: Proposed Order on Request for Amendment 2 (red-line version)

Background

The Oregon Energy Facility Siting Council (Council) issued a site certificate for the Wheatridge Wind Energy Facility (facility) on April 28, 2017, authorizing construction and operation of a wind-energy generation facility with a generation capacity up to 500 megawatts (MW). The facility has not yet been constructed. The facility site boundary includes approximately 13,097 acres of privately owned land within Morrow and Umatilla counties. The Council previously approved amendments to the site certificate in July 2017 and November 2018.

Wheatridge Wind Energy, LLC (certificate holder) submitted a complete Request for Amendment 2 (amendment request or RFA2) of the Wheatridge Wind Energy Facility site certificate on September 17, 2018. The amendment request is being processed under Type A review. The amendment request seeks Council approval for construction and operation of additional related or supporting facilities, including two proposed battery storage systems and its interconnection facilities (e.g. control house, protective device and power transformer). The proposed battery storage systems and its interconnection facilities would be located at two separate locations, one each within Morrow and Umatilla counties, adjacent to previously approved but not yet constructed substation and operation and maintenance building sites. The Department's proposed order recommends that the Council approve the amendment request, subject to the existing, recommended new and amended site certificate conditions.

On September 21, 2018, the Oregon Department of Energy (Department) issued public notice of a public comment period on the amendment request and draft proposed order, and of a public hearing on the draft proposed order held on October 25, 2018 at Boardman City Hall in

Boardman, Oregon. The comment period on the amendment request and draft proposed order extended from September 21, 2018 through the close of the October 25, 2018 public hearing, representing a 34-day comment period.

During the draft proposed order comment period, the Department received 9 comments from: Oregon Department of Fish and Wildlife (written comments); the certificate holder (written comments and oral testimony); Umatilla County Planning Department (written comments); Morrow County Board of Commissioners (written comments and oral testimony); Ms. Irene Gilbert, as an individual and on behalf of Friends of the Grande Ronde Valley (written comments and oral testimony); and Mr. Chris Rauch, private citizen (oral testimony). On November 1, 2018, following consideration of the above-referenced comments, the Department issued the Proposed Order on Request for Amendment 2, along with a Notice of Opportunity to Request a Contested Case and Notice of Proposed Order. The Notice of Proposed Order was distributed to all persons on the Council's general mailing list, to the special mailing list established for the facility, to an updated list of property owners supplied by the certificate holder, and to a list of reviewing agencies as defined in OAR 345-001-0010(52). The Notice of Opportunity to Request a Contested Case was distributed electronically, where email addresses were received, and via certified mail to the individuals that commented in person or in writing on the record of the draft proposed order public hearing.

The deadline for submitting requests for a contested case proceeding on the proposed order is December 3, 2018. If any requests are received, the Department will provide such requests and an analysis of the requests in a supplemental staff report to Council prior to the December 14, 2018 Council meeting.

The proposed order was issued in red-line version to demonstrate the changes that occurred between the draft proposed order and proposed order, including substantive changes in response to issues raised in received comments, related to an applicable Council standard and the amendment request. The red-lined proposed order is included in the Council packet; notification of the availability of the proposed order was provided to Council on November 1, 2018 via Govdelivery. This memo is intended to assist the Council in its review of the proposed order.

Summary of Proposed Order

Pursuant to OAR 345-027-0071(1), the proposed order addresses each of the Council standards, and comments received on the record of the draft proposed order, and recommends that Council find that the facility, with proposed changes, would comply with, or based on compliance with existing and recommended new and amended site certificate conditions, would comply with each of the Council standards.

As presented in the proposed order, there were no comments received on the record of the draft proposed order that resulted in changes in recommended findings or conditions between the draft proposed order to the proposed order for the following standards:

- General Standard of Review
- Structural Standard
- Soil Protection
- Protected Areas
- Retirement and Financial Assurance
- Fish and Wildlife Habitat
- Scenic Resources
- Historic, Cultural and Archeological Resources
- Recreation
- Waste Minimization
- Public Health and Safety Standards for Wind Energy Facilities
- Cumulative Effects Standard for Wind Energy Facilities
- Siting Standards for Transmission Lines
- Removal-Fill Law
- Water Rights

Based on comments received on the record of the draft proposed order, the Department incorporated additional reasoning and analysis, and in some instances recommended new or amended conditions, for the following standards:

- **Organizational Expertise (Recommended New Findings):**
 - In response to comments from Ms. Gilbert, the Department amended findings. Ms. Gilbert's comments suggested that specific hazards of the proposed battery storage systems such as risk from fire, explosion, release of toxic compounds, and thermal runaway needed to be addressed and specific conditions, including temperature and gas monitoring, needed to be imposed in response to such hazards. The recommended new findings describe the certificate holder's representations related to its Battery Management System that would monitor potential fire hazards from over charging, over current or over temperature; and would autonomously stop operation in the event of overcurrent or out of specification voltage. The recommended findings also describe and make reference to the previously imposed Public Services Condition 13 which requires that, during operations, the certificate holder develop and implement a Department-approved Emergency Management Plan.
 - In response to comments provided by Council following their review of the draft proposed order, the Department deleted an erroneous reference to a recommended amended Public Services condition.
- **Land Use (Recommended New Findings and Condition):** In response to comments provided by Council following their review of the draft proposed order, the Department amended findings and recommended a new condition that applies to the proposed battery storage systems to be located within Umatilla County. The recommended new

condition would require that the certificate holder, prior to construction, submit to the county a third-party technical report, along with its building and zoning permit application, to allow the county the opportunity to comprehensively understand battery storage and fire suppression system design and hazards. This condition was recommended in the draft proposed order, but was specific to the proposed battery storage system to be located within Morrow County – the condition as recommended was intended to apply to the proposed battery storage systems regardless of their location.

- **Threatened and Endangered Species (Recommended New Findings and Amended Condition):** In response to comments from the certificate holder, the Department amended a condition to allow flexibility in the area specified in the condition for the pre-construction survey area for Lawrence’s Milkvetch. Flexibility would be allowed based on agency review by the Department in consultation with Oregon Department of Agriculture.
- **Public Services (Recommended New Findings and Amended Condition):**
 - In response to comments from Morrow County Planning Director and Morrow County Board of Commissioners (as the Special Advisory Group), the Department amended findings to support amending Public Services Condition 4 – incorporating Section 5.010 Transportation of Solid Waste of Morrow County’s Solid Waste Management Ordinance – into the condition requiring that the certificate holder implement a Department-approved Operational Waste Management Plan.
 - In response to comments provided by Council following their review of the draft proposed order, the Department deleted an erroneous reference to a recommended amended Public Services condition.
- **Noise Control Regulation (Recommended Administrative Changes):** Based on comments received from Ms. Gilbert, the Department included administrative changes to incorporate the regulatory language of OAR 340-025-0035(I)(b)(iii); address comments related to the noise analysis, and provide reference to and include the noise contour map as an attachment to the proposed order.

Staff Recommendations

The Department recommends Council adopt the proposed order as the final order and grant an amended site certificate.

Attachments

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