Oregon Department of Energy

Energy Facility Siting Council Meeting

Columbia Gorge Discovery Center
5000 Discover Drive
The Dalles, OR

Nov. 21-22, 2019
Opening Items:

• Call to Order
• Roll Call
• 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

• 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
Announcements continued:

• If you would like to address the Council, please do not use the speaker phone feature, because it will create feedback

• 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

• Council Secretary Report
Agenda Item B (Information Item)

2020 EFSC Meeting Dates

November 21, 2019
Michiko Mata, Division Assistant
### 2020

**EFSC Proposed Meeting Dates**

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
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<tr>
<td>February</td>
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<td>October</td>
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<tr>
<td>November</td>
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<tr>
<td>December</td>
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</tr>
</tbody>
</table>

- Jan 23-24, 2020
- Feb 20-21, 2020*
- Mar 26-27, 2020*
- Apr 23-24, 2020
- May 21-22, 2020
- June 25-26, 2020
- July 23-24, 2020
- Aug 20-21, 2020
- Sept 24-25, 2020
- Oct 22-23, 2020
- Nov 19-20, 2020
- Dec 17-18, 2020
- Identify potential meeting dates 12 months in advance for planning
- Focusing on the first quarter meeting dates
- Communicating meeting locations to council once determined
Agenda Item C
(Action Item)

Annual Financial Assurance Review

November 21, 2019
Sisily Fleming, Fiscal Analyst
## 2020 Proposed Financial Institutions

<table>
<thead>
<tr>
<th>Financial Institution</th>
<th>Letter of Credit</th>
<th>Moody's</th>
<th>S &amp; P's</th>
<th>Fitch</th>
<th>A.M. Best</th>
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<tr>
<td>Bank of Nova Scotia (NY Agency)</td>
<td>Aa2</td>
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<td>AA-</td>
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<td>MUFG Union Bank, N.A.</td>
<td>A1</td>
<td>A</td>
<td>A</td>
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<tr>
<td>JP Morgan/Chase Bank, N.A.</td>
<td>Aa1 ↑</td>
<td>AA</td>
<td>↓</td>
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<td>Wells Fargo Bank, N.A.</td>
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<td>A+</td>
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<tr>
<td>Royal Bank of Scotland Connecticut Branch</td>
<td>BBB ↓ A ↑</td>
<td>A</td>
<td></td>
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<tr>
<td>Bank of America N.A.</td>
<td>Aa2 ↑ A+ A+ ↓</td>
<td>A+</td>
<td>A</td>
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<tr>
<td>CoBank</td>
<td>AA- A-</td>
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<tr>
<td>Bank of the West</td>
<td>A2 ↓ A ↑</td>
<td>A</td>
<td></td>
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<tr>
<td>Helaba (NY Branch of Landesbank Hessen-Thueringen GZ)</td>
<td>Aa3 A</td>
<td>A+</td>
<td></td>
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<tr>
<td>Natixis (NY Branch)</td>
<td>Aa3 A+ ↑ A+ ↑</td>
<td>A+</td>
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<td>Royal Bank of Canada (NY Branch)</td>
<td>Aa2 AA- ↑ AA</td>
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<tr>
<td>Barclay's Bank, PLC (NY Branch)</td>
<td>A2 A</td>
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<tr>
<td>Bond</td>
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</tr>
<tr>
<td>Federal Insurance Co</td>
<td>Aa3 AA</td>
<td>AA</td>
<td>↑ A++</td>
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<tr>
<td>Liberty Mutual Insurance Company</td>
<td>A2 A</td>
<td>BBB+</td>
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<td>A2 A</td>
<td>A-</td>
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<tr>
<td>Westchester Fire Insurance Co</td>
<td>Aa3 AA</td>
<td>AA</td>
<td>A++</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fidelity &amp; Deposit Co of MD</td>
<td>AA- B-</td>
<td></td>
<td>A+</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Public Hearing on Permanent Amendment Rulemaking

November 21, 2019
Christopher M. Clark, Rules Coordinator
Overview

• Procedural History
• Summary of Proposed Rules
• Rulemaking Schedule
• Conduct of Hearing
Procedural History

- **Aug. 1, 2019**: Supreme Court of Oregon releases decision finding:
  - **One procedural error**: Rules approved through Orders EFSC 4-2017 and EFSC 5-2017 held invalid because council failed to substantially comply with ORS 183.335(3)(d); and
  - **One substantive error**: Judicial review provision in OAR 345-027-0068(3)(e)(E), 345-027-0072(3)(d), and 345-027-0072(5) exceeded Council’s statutory authority.
- **Aug. 22, 2019**: Council adopts temporary rules and initiates permanent rulemaking.
- **Oct. 25, 2019**: Council approves proposed rules and files notice of proposed rulemaking with Secretary of State.
Summary of Proposed Rules

• **Amend** affected rules in OAR 345-015 and 345-025 to re-adopt changes made by October 2017 rulemaking.
  • Amend OAR 345-015-0014; 345-015-0016; 345-015-0080; 345-015-0230; and 345-027-0371 to establish separate procedural requirements for contested case notices and public notices on a proposed order.

• **Repeal** all OAR 345-027 rules adopted or amended by October 2017 rulemaking.

• **Permanently adopt** temporary rules in OAR 345-027, and:
  • Amend OAR 345-027-0110(4) and 345-027-0220(3) to reduce the number of paper copies required for a request for termination or request for approval to construct, operate and retire a gas storage testing pipeline.
  • Amend OAR 345-027-0110; 345-027-0360(1)(f); 345-027-0367; 345-027-0368; 345-07-0371; 345-027-0372; 345-027-0400 to adopt language that better aligns property owner notification requirements with local government practice.
  • Amend OAR 345-027-0375(3) to clarify that Council must apply applicable laws and Council standards in effect on the date amended site certificate is executed (not issued).
Summary of Proposed Rules

• Additional changes for clarity and consistency.
  • Use of “must” and “may not” in place of “shall” and “shall not”
  • Consistent labeling of section and paragraphs
  • Formatting and punctuation of lists
  • Elimination of (s) construction.
# Rulemaking Schedule

<table>
<thead>
<tr>
<th>Permanent Rulemaking Steps</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council approves temporary rules and initiates permanent rulemaking process.</td>
<td>Aug. 22, 2019</td>
</tr>
<tr>
<td>Staff solicits written advice from stakeholders</td>
<td>Aug. 28 – Sept. 27, 2019</td>
</tr>
<tr>
<td>Staff drafts proposed new or amended rules and identifies any rules for proposed repeal</td>
<td>Oct. 10, 2019</td>
</tr>
<tr>
<td>Staff prepares Notice of Proposed Rulemaking</td>
<td>Oct. 10, 2019</td>
</tr>
<tr>
<td>Council authorizes staff to issue Notice</td>
<td>Oct. 25, 2019</td>
</tr>
<tr>
<td>Staff issues Notice</td>
<td>Oct. 25, 2019</td>
</tr>
<tr>
<td>Public Comment Period</td>
<td>Oct. 25 – Nov. 27, 2019</td>
</tr>
<tr>
<td><strong>Rulemaking Hearing</strong></td>
<td>Nov. 21, 2019</td>
</tr>
<tr>
<td>Staff prepares draft final rules for Council</td>
<td>Nov. 27, 2019 – Dec. 5, 2019</td>
</tr>
<tr>
<td>Council considers public comments and testimony and adopts, amends, or repeals permanent rules</td>
<td>Dec. 20, 2019</td>
</tr>
<tr>
<td>Staff submits permanent rule filing to Secretary of State</td>
<td>Dec. 23, 2019</td>
</tr>
<tr>
<td>Permanent rules are effective</td>
<td>Jan. 1, 2020</td>
</tr>
<tr>
<td>Last date temporary rules could be effective</td>
<td>Feb. 18, 2020</td>
</tr>
<tr>
<td>Staff convenes RAC to evaluate effectiveness of the amendment rules</td>
<td>Jan. 1, 2022</td>
</tr>
</tbody>
</table>
Conduct of Hearing

• If you wish to provide oral comments:
  • Fill out a registration card before the hearing adjourns
  • When your name is called come forward and state your name for the record. If you represent an organization, state the name of the organization.
  • Summarize any written material and provide a copy to the Hearing Officer.
  • The Council will not respond to questions or comments during the hearing.
• Written comments must be received by November 27, 2019 at 5 p.m. to be considered.
PUBLIC COMMENT
Agenda Item E
(Information Item)

Application Process Overview

November 22, 2019
Todd Cornett, Council Secretary
Maxwell Woods, Senior Policy Advisor
Application Review Process

1. Notice of Intent
2. Application for Site Certificate
3. Draft Proposed Order
4. Proposed Order
5. Contested Case
6. Final Order
7. Oregon Supreme Court
Application Review Process

1. Notice of Intent (#1 - Notice of Intent)

Contents:
- Applicant and Participating Persons
- Project Description
- Project Location
- Transmission or Pipeline
- **Adjacent Property Owners Name and Addresses**
- Maps
- Non-Generating Facility Need
- **Choice of Land Use Standards (EFSC or Local Jurisdictional)**
- **Significant Environmental Impacts**
- Adverse Impacts of Construction and Operation
- Water Use
- Carbon Dioxide
- Applicable Oregon Administrative Rules and Local Land Use Requirements
- Schedule to Submit an Application
- Consultation with State Commission on Indian Services
Application Review Process

1. Notice of Intent (#1 - Notice of Intent)

Process Steps:
• Submitted by Applicant
• Posted to website
• Newspaper Notice
• Public Notice with Comment Deadline to:
  o Property Owners
  o Gov Delivery
• Reviewing Agency Memo with Comment Deadline
  o State Agencies
  o Local Governments
  o Tribal Governments
• Optional Public Information Meeting (in vicinity of project)
• Expiration of NOI – 2 Years
Application Review Process

1. Notice of Intent (#2 - Project Order)

**Description:** Identifies the applicable standards, statutes, rules, ordinances that must be addressed by the applicant for the specific proposal.

**Deadline:** Staff must issue within 140 days of receipt of NOI

**Updates:** Can be updated at any time prior to issuance of Final Order
Application Review Process

1. Notice of Intent
2. Application for Site Certificate
3. Draft Proposed Order
4. Proposed Order
5. Contested Case
6. Final Order
7. Oregon Supreme Court
2. Application for Site Certificate

**Contents:**
- Applicant and Participating Persons
- Proposed Facility Description
- Proposed Facility Location
- Organizational Expertise
- Permits Required
- **Adjacent Property Owners**
- Materials Analysis
- Geologic and Soil Stability
- Soil Conditions
- Wetlands and other Jurisdictional Waters
- Land Use
- Protected Areas
- Financial Capability
- Non-Generating Facility Need
- Water Use
- **Fish and Wildlife Habitat**
- **Threatened and Endangered Species**
- Scenic Resources
- **Historic, Cultural and Archaeological Resources**
- Recreation Opportunities
- Waste Minimization
- Site Restoration
- Noise
- Carbon Dioxide Emissions
- Other
Application Review Process

2. Application for Site Certificate

Application Overview

• Evidence based process

• Applicant representations

• Not a “form-based” application

• Information adequate for the Council to make findings or impose conditions on all standards
Application Review Process

2. Application for Site Certificate (Preliminary)

Process Steps:
• Submitted by applicant
• Posted to website
• Reviewing Agency memo with comment deadline
  o state agencies
  o local governments
  o tribal governments
• 60 day deadline to determine complete or incomplete
  o request for additional information
  o deadline to submit
Application Review Process

2. Application for Site Certificate (Complete)

Process Steps:
- Submitted by applicant
- Posted to website
- Newspaper notice
- Public notice (not a Comment Period):
  - property owners
  - Gov Delivery
- Notice to reviewing agencies with comment deadline
  - state agencies
  - local governments
  - tribal governments
- Optional public information meeting (in vicinity of the project)
Application Review Process

1. Notice of Intent
2. Application for Site Certificate
3. Draft Proposed Order
4. Proposed Order
5. Contested Case
6. Final Order
7. Oregon Supreme Court
Application Review Process

3. Draft Proposed Order

**Description**: Staff’s initial evaluation of the application against all applicable standards, including recommended:

- Findings of facts
- Conclusions of law
- Conditions of approval
Application Review Process

3. Draft Proposed Order

Process Steps:
• Issued by staff
• Posted to website
• Newspaper notice
• Notice and comment period
  o property owners
  o reviewing agencies
  o Gov Delivery

• Public hearing
  • In vicinity of project
  • In front of council if possible
• Applicants response to comments
• Council review of the DPO
Application Review Process

1. Notice of Intent
2. Application for Site Certificate
3. Draft Proposed Order
4. Proposed Order
5. Contested Case
6. Final Order
7. Oregon Supreme Court
Application Review Process

4. Proposed Order

Description: Staff’s secondary evaluation of the application against all applicable standards, taking into consideration:

• Public comments
• Applicant’s response to public comments
• Council comments
Application Review Process

4. Proposed Order

Process Steps:
• Issued by staff
• Posted to website
• Proposed Order notice
  o property owners
  o reviewing agencies
  o Gov Delivery
• Notice of opportunity to request participation in a contested case
  o Persons who commented during draft proposed order
Application Review Process

1. Notice of Intent
2. Application for Site Certificate
3. Draft Proposed Order
4. Proposed Order
5. Contested Case
6. Final Order
7. Oregon Supreme Court
Application Review Process

5. Contested Case

Description: Independent Third Party Evaluation of Specific Issues

- Appointed hearing officer
- Issues
  - raised during DPO
  - determined by hearing officer to meet the requirements
- Parties
  - those established by hearing officer
  - applicant
  - Staff with DOJ
Application Review Process

5. Contested Case

Process Steps:
• Contested case notice with deadline to request party status
• No requests concludes CC
• Hearing officer order on requests. All denials concludes CC.
• Potential interlocutory appeal
• Pre-hearing conference
• Written direct testimony

• Written rebuttal testimony
• Requests for cross examination
• Oral cross-examination hearing
• Written closing arguments
• Hearing officer proposed contested case order
• Written exceptions to proposed contested case order
• Written responses to exceptions
• Council hearing on proposed contested case order and exceptions
Application Review Process

1. Notice of Intent
2. Application for Site Certificate
3. Draft Proposed Order
4. Proposed Order
5. Contested Case
6. Final Order
7. Oregon Supreme Court
Application Review Process

6. Final Order

**Description:** Council’s evaluation of the application against all applicable standards, taking into consideration:

- Proposed Order
- Hearing Officer Contested Case Order
- Council May Adopt, Modify and Adopt, or Reject
- Issues Site Certificate if Adopted
Application Review Process

6. Final Order

Process Steps:

• Evaluated and voted on by council
  o statutory deadlines
• Posted to website
• Decision is served to contested case parties
  o option to request rehearing
  o act on any rehearing requests
• Courtesy notice of council final decision
  o GovDelivery
Application Review Process

1. Notice of Intent
2. Application for Site Certificate
3. Draft Proposed Order
4. Proposed Order
5. Contested Case
6. Final Order
7. Oregon Supreme Court
Application Review Process

7. Oregon Supreme Court

Process Steps:

• 60 Day Deadline to Submit Appeal to Oregon Supreme Court

• 6 Month Deadline for Supreme Court to Render a Decision
Application Review Process

**Monthly Siting Report:**

- Monthly updates of changes in project status and new projects.
- Current numbers signed up to receive.
- Available on Website at https://www.oregon.gov/energy/facilities-safety/facilities/Pages/EFSC-Project-Updates.aspx
Request for Amendment Review Process – Type A

1. Notice of Intent
2. Draft Proposed Order
3. Proposed Order
4. Potential Contested Case
5. Final Order
6. Oregon Supreme Court
Request for Amendment Review Process – Type B

1. Notice of Intent
2. Draft Proposed Order
3. Proposed Order
4. Potential Contested Case
5. Final Order
5. Oregon Supreme Court
Agenda Item F
(Information Item)

Langenburg Technologies Overview

November 22, 2019
Richard Barnes
Chief Operation Officer, Naer, Inc.
Highlights of Langenburg History

- 1969 – First water treatment plant built for private company
- 1970 – Development of stable hydrogen based fuel from waste water
- 1984 – Langenburg Research US created
- 1994 – Langenburg Headquarter in Oregon established
- 2007 – Langenburg Technologies LLC created
- 2012 – First operational turbine utilizing LT Ultra-Blu™
- 2017 – Development of LT 300 MW Boardman project
Presenters

- John Scalone  -- Director - NAER Inc./Langenburg
- Rick Barnes  -- Project Manager - NAER Inc./Langenburg
- Tom Schlosser  -- Chief Technical Officer (CTO) - Langenburg
Purpose of the Project

Zero Carbon Footprint Power Plant to Provide the City of Umatilla & Bonneville Power Authority with 300 MW’s of Clean Zero Emission Power

- 100% Renewable & Green Energy
- Zero emissions, Zero CO₂
- Utilizing Langenburg Technologies proprietary generation and water/fuel processing technology to provide the City of Umatilla & Bonneville power grid with by processing industrial waste water into LT Ultra-Blu™ Carbon Free Synthetic Fuel and clean water.
Project Location

Port of Morrow Industrial Park
79585 Rippee Road
Boardman, Oregon 97818

(Site of Existing 30 MW Natural Gas Fired Peaking Plant)
Power Plant Layout (Artist Conception)
Plant Layout (Artist Conception)
Plant – Floor Plan
Langenburg Turbine Generator Equipment Layout

LT 50 MW Turbine & Generator Example (max. dimensions)
Water/Fuel Processing Equipment

LT 10 MGPD Water Processing Equipment Layout

Example (Front View/Right Side view)
Feedstock for the Plant

- Industrial Waste Water from the City of Boardman via the retention ponds adjacent to the power plant site.
- Site storm water drains
- Site rainwater drains
- Water supply is sufficient to provide fuel to the plant 24/7, 365 days per year
Feed Stock Requirements

- Daily amount of Waste Water required for fuel production for the power plant: 100,000 gal
- Max. Daily amount of Waste Water that can be processed by the facility: 10,000,000 gal/d
- Max amount of clean industrial water produced: 9,900,000 gal/d
- Maximum Power Consumption of water/fuel processing equipment: 250 kW (no external power consumption)
- Daily fuel consumption of LT required for the power plant: 80,000 gal/d
Grid Interconnect Locations

Three Locations:

1. Umatilla Electric Cooperative Tumbleweed Substation
2. BPA Boardman Substation
3. BPA Morrow Flats Substation

*Interconnection of turbine units stepwise at 50-150 MW*
Grid Interconnect Locations Map

- UEC Tumbleweed Substation
- BPA Boardman Sub-station
- BPA Morrow Flats Substation
- Plant Site
Project Benefits

Power Production

- 300 MW’s of Zero Emissions, Zero CO₂ Power.
- No Hydrocarbon Emissions
- No Waste Discharge from the site

Industrial Waste Water processing into clean water and hydrogen based fuel

- All waste water, waste oil will be processed onsite for fuel and clean water
- No storm water run off, will be processed for clean water and fuel
- FERC/PURPA Qualified facility considered a Bottoming Cycle Power Plant
Langenburg Water/Fuel Treatment Technology
Water/Fuel Process Flow Diagram

- Wastewater
- Purified water
- Industrial, agricultural & natural-sourced effluent
- Separation, extraction, dissolution & gasification
- Plasma
- Conversion & stabilization
- Synthetic fuel
- Reserve storage
- Air
- Modified Gas Turbine
- Electric Generator
- Electric power
What is LT Ultra-Blu™

- LT Ultra-Blu™ is a unique proprietary water soluble non-toxic hydrogen based liquid fuel, that is very stable and non-flammable at room temperature. For combustion to occur the fuel must be placed under pressure with an ignition source applied.

- LT Ultra-Blu™ is carbon free, and emits no emissions. The only by-product of its combustion is water vapor.
What is LT Ultra-Blu™

- LT Ultra-Blu™ is a sustainable fuel with a high energy density far beyond any current liquid or gaseous fuels such as Natural Gas or Diesel.
- LT Ultra-Blu™ is non-corrosive and non-toxic.
- LT Ultra-Blu™ is not a hydrocarbon fuel product.
# Fuel Energy Density Comparison

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<tr>
<th>Fuel</th>
<th>BTUs/ Gallon</th>
<th>Ratio to LT Fuel</th>
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<tbody>
<tr>
<td>LT Ultra-Blu™</td>
<td>1,400,000</td>
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<tr>
<td>Fuel Oil no.6</td>
<td>153,600</td>
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<td>Fuel Oil no.2</td>
<td>139,400</td>
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<td>Diesel Fuel</td>
<td>129,500</td>
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<td>Jet fuel A</td>
<td>128,100</td>
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<td>Biodiesel (B20)</td>
<td>127,500</td>
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<tr>
<td>LNG / NATURAL GAS</td>
<td>82,644</td>
<td>18.7</td>
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<tr>
<td>CNG (@3600psi)</td>
<td>41,000</td>
<td>34.1</td>
</tr>
<tr>
<td>Hydrogen (@10kpsi)</td>
<td>16,000</td>
<td>87.5</td>
</tr>
</tbody>
</table>
Project Schedule

- Power plant construction upon receipt of the Land Use Permit

12 – 14 months
Project Contact

Rick Barnes – Project Manager – NAER Inc./Langenburg

Rbarnes@naer-inc.com

Mobile: 760-271-2161
THANK YOU!
Agenda Item G
(Information Item)

Oregon Department of Fish and Wildlife
Fish and Wildlife Habitat Mitigation Policy Overview

November 22, 2019
Jon Germond, ODFW Habitat Resources Program Manager
Sarah Reif, ODFW Energy Coordinator
Agenda Item H

PUBLIC COMMENT
Agenda Item I
(Action Item)

Port Westward Generating Project
Review of the Proposed Order on
Request for Amendment 11

November 22, 2019
Christopher M. Clark, Policy Analyst
Presentation Overview

- Certificate holder, facility, and facility location
- Requested Amendments
- Procedural history
- Summary of Proposed Order
Port Westward Generating Project

- **Certificate Holder:** Portland General Electric Company
- **Type of Facility:** 650 MW natural gas-fired power plant comprised of one 411 MW base load combined cycle generating plant, one 220 MW non-base load generating plant, and related or supporting facilities
- **Facility Location:** Port Westward Industrial Park; Columbia County
- **Status:** Operating
Requested Amendments

• Request for Amendment 11 seeks authorization to:
  • Construct and operate a 4-6 MW Battery Energy Storage System (BESS) within the existing energy facility site boundary.
  • Make administrative corrections to the facility description.
  • Allow use of secondary spill containment options that do not require installation of permanent pavement.
  • Modify revegetation success criteria and move revegetation conditions from site certificate to a Revegetation and Noxious Weed Control Plan.
  • Modify a condition related to wetland buffers.
  • Remove a condition related to bald eagles.

• Request for Amendment 11 does not proposed to change the site boundary, or the design and layout of existing facilities.
Requested Amendments
Requested Amendments
## Procedural History

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Responsible Party</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Preliminary Request for Amendment 11</td>
<td>Certificate Holder</td>
<td>April 23, 2019</td>
</tr>
<tr>
<td>Complete Request for Amendment 11</td>
<td>Certificate Holder</td>
<td>July 12, 2019</td>
</tr>
<tr>
<td>Draft Proposed Order Issued</td>
<td>ODOE</td>
<td>August 29, 2019</td>
</tr>
<tr>
<td>Comment Period (28 days)</td>
<td>ODOE</td>
<td>August 29 – September 26, 2019</td>
</tr>
<tr>
<td>Public Hearing (Today)</td>
<td>EFSC</td>
<td>September 26, 2019</td>
</tr>
<tr>
<td>Council Review of Draft Proposed Order</td>
<td>EFSC</td>
<td>September 27, 2019</td>
</tr>
<tr>
<td>Proposed Order and Notice of Contested Case Issued</td>
<td>ODOE</td>
<td>October 3, 2019</td>
</tr>
<tr>
<td><strong>Final Order/Amended Site Certificate</strong></td>
<td>EFSC</td>
<td><strong>November 22, 2019</strong></td>
</tr>
</tbody>
</table>
Summary of Proposed Order

• Comments incorporated from:
  • Columbia County (Special Advisory Group)
  • Oregon Department of Fish and Wildlife

• Scope of Council’s Review:
  • Does the facility, with the proposed change, comply with the applicable laws or Council standards that protect a resource or interest that could be affected by the proposed change?
  • Is the amount of the bond or letter of credit adequate?

• Staff recommendation
  • Staff recommends Council find the facility, with the proposed changes, would comply with applicable laws and standards based on compliance with existing and proposed conditions.
Agenda Item J
(Action Item)

Wheatridge Wind Energy Facility
Request for Amendment 4

November 22, 2019
Maxwell Woods, Senior Policy Advisor
Sarah Esterson, Senior Siting Analyst
Agenda Item K  
(Action Item)

Perennial Wind Chaser Station  
Request for Amendment 1

November 22, 2019  
Katie Clifford, Senior Siting Analyst
2020-2022 Rulemaking Schedule Update

November 22, 2019
Christopher M. Clark, Rules Coordinator
Rulemaking Basics

• A “rule” is any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency.* * *” OAR 183.310(9),

• An agency must adopt rules to:
  • Meet a statutory requirement
  • Interpret broad statutory authority delegated by the legislature
  • Amend, suspend or repeal existing rules
What is Council’s rulemaking authority?

- **ORS 469.470(2):** The Energy Facility Siting Council shall * * * adopt standards and rules to perform the functions vested by law in the council including the adoption of standards and rules for the siting of energy facilities pursuant to ORS 469.501, and implementation of the energy policy of the State of Oregon set forth in ORS 469.010 and 469.310.

- Other specific authority found in ORS 469.480; 469.503; 469.556; 469.605; 469.607; 469.613.
Public involvement in the rulemaking process  
(ORS 183.333(1))

• Statute encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule.

• Public input may be obtained by:
  • Appointing a rules advisory committee that represents the interests of persons likely to be affected by the rule, or use
  • Any other means of obtaining public views (i.e. Requests for written advice, workshops, etc.)
Council approves rulemaking project → Public Input Notice RAC Workshop → Staff drafts proposed rule language → Council authorizes Notice of Proposed Rulemaking → Staff files Notice with Secretary of State → Council adopts final rules → Hearing Officer Report & Response to Testimony → Rulemaking Hearing → Public comment period → Staff files final rules with Secretary of State
## Status of 2019 rulemaking priorities

<table>
<thead>
<tr>
<th>Project ID</th>
<th>Subject Matter</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>Statutory Minor Corrections</td>
<td>Complete.</td>
</tr>
<tr>
<td>R183</td>
<td>Single Solar PV Facilities</td>
<td>In progress.</td>
</tr>
<tr>
<td>R191</td>
<td>Trojan ISFSI Compliance (NEW)</td>
<td>In progress.</td>
</tr>
<tr>
<td>R192</td>
<td>Administrative Housekeeping</td>
<td>Complete.</td>
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<tr>
<td>R182</td>
<td>General Compliance</td>
<td>On hold.</td>
</tr>
<tr>
<td>R184</td>
<td>Scenic Resources, Protected Areas, &amp; Property Owner Notification</td>
<td>Partially Complete.</td>
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<tr>
<td>R185</td>
<td>Exemptions from Site Certificate</td>
<td>On hold.</td>
</tr>
<tr>
<td>R193</td>
<td>Noise Standard</td>
<td>On hold.</td>
</tr>
<tr>
<td>R194</td>
<td>Historic, Cultural and Archaeological Resources</td>
<td>On hold.</td>
</tr>
<tr>
<td>R196*</td>
<td>Amendments 2019</td>
<td>In Progress.</td>
</tr>
</tbody>
</table>

*Added after approval of 2019 Rulemaking Schedule
# Recommended 2020 Rulemaking Priorities

<table>
<thead>
<tr>
<th>Time Frame</th>
<th>Project ID</th>
<th>Subject Matter</th>
<th>Method for Obtaining Advice</th>
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</thead>
<tbody>
<tr>
<td>In Progress</td>
<td>R183</td>
<td>Solar PV Facilities</td>
<td>RAC</td>
</tr>
<tr>
<td></td>
<td>R191</td>
<td>Trojan ISFSI Compliance (NEW)</td>
<td>Request for Written Advice</td>
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<tr>
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<td>R196</td>
<td>Amendments 2019</td>
<td>Request for Written Advice</td>
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<tr>
<td>2020</td>
<td>R184</td>
<td>Protected Areas, Recreation, &amp; Scenic Resources</td>
<td>RAC</td>
</tr>
<tr>
<td></td>
<td>R183</td>
<td>General Compliance</td>
<td>RAC</td>
</tr>
<tr>
<td></td>
<td>R201</td>
<td>Geospatial Resources (NEW)</td>
<td>RAC</td>
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<tr>
<td></td>
<td>R202</td>
<td>Research Reactors (NEW)</td>
<td>Request for Written Advice</td>
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<tr>
<td></td>
<td>R203</td>
<td>Carbon Offset Rate Update (NEW)</td>
<td>Fiscal Advisory Committee</td>
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<tr>
<td>2020-2021</td>
<td>R185</td>
<td>Exemptions from Site Certificate</td>
<td>RAC</td>
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<tr>
<td></td>
<td>R193</td>
<td>Noise Standard</td>
<td>RAC</td>
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<tr>
<td></td>
<td>R194</td>
<td>Historic, Cultural and Archaeological Resources</td>
<td>RAC or Public Workshop</td>
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<tr>
<td></td>
<td>R195</td>
<td>Radioactive Waste Materials</td>
<td>RAC</td>
</tr>
<tr>
<td>2021-2022</td>
<td>R204</td>
<td>2022 Amendment Rulemaking (NEW)</td>
<td>RAC</td>
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<td></td>
<td>R205</td>
<td>Mandatory Conditions in Site Certificates (NEW)</td>
<td>RAC</td>
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<tr>
<td>2022 or Later</td>
<td>TBD</td>
<td>Application Process Review</td>
<td>RAC</td>
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</tbody>
</table>
Blue Marmot Solar Energy Facility: Notice of Intent Extension Request

November 22, 2019
Maxwell Woods, Senior Policy Advisor
Adjourn