



# Oregon

Kate Brown, Governor



550 Capitol St. NE  
Salem, OR 97301  
Phone: 503-378-4040  
Toll Free: 1-800-221-8035  
FAX: 503-373-7806  
[www.oregon.gov/energy](http://www.oregon.gov/energy)

**To:** Energy Facility Siting Council

**From:** Chase McVeigh-Walker, Senior Siting Analyst

**Date:** November 6, 2020

**Subject:** Agenda Item C (Action Item):  
Carty Generating Station, Request for Amendment 2 –  
Council Review of Proposed Order for the November 19-20 EFSC Meeting

**Attachments:** Attachment 1: Draft Proposed Order on Request for Amendment 2  
(via hyperlink: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/CGS.aspx>)  
Attachment 2: Draft Proposed Order Comments

---

## STAFF RECOMMENDATION

The Department recommends Council review the Proposed Order, to be provided to Council in a supplemental Council packet materials, and DPO comments, as provided in Attachment 2 of this order, at the November 19-20, 2020 Council meeting and take action to either approve or modify the Proposed Order as the Final Order and issue an amended site certificate.

At the November 19, 2020 Council meeting, the Department will present to Council a summary of the changes proposed in Request for Amendment 2 (RFA2) of the site certificate, the draft proposed order (DPO), comments received on the DPO, and the Department's proposed order. Please note that the proposed order will be provided to Council electronically, prior to the November 19-20 Council meeting. The DPO is attached to this staff report as Attachment 1 (via hyperlink), and all comments received on the record of the Draft Proposed Order are included as Attachment 2 to this staff report.

## BACKGROUND

The Carty Generating Station (facility) is an operational natural gas-fueled combined-cycle unit capable of generating 450 megawatts (MW) and 50 MWs of approved not yet constructed solar photovoltaic energy generation components. The site boundary encompasses approximately 1,581 acres in Morrow County.

## PROPOSED FACILITY MODIFICATIONS

The certificate holder, Portland General Electric (certificate holder or PGE), submitted a complete RFA2 on October 2, 2020.

The amendment request seeks Council’s approval to:

- 1) Amend the site boundary to both remove approximately 378 acres of agricultural land from the existing site boundary, and also increase the site boundary by approximately 3,414 acres to incorporate existing facilities currently authorized under the Boardman Coal Plant site certificate, based on the planned decommissioning of the Boardman Coal Plant;
- 2) Amend the site certificate to incorporate shared infrastructure and existing facilities (shared by the Boardman Coal Plant and Carty Generating Station);
- 3) Construct new infrastructure at the Carty Generating Station, including a new sewer line, septic tank, septic drain field, a backup water pipeline, potable water line, a wastewater pipeline, a 7.2 kilovolt (kV) powerline, a substation and associated distribution lines, an office and warehouse, and a new security guard station; and
- 4) Modify Schedule A, Condition 6 of the existing Oregon Department of Environmental Quality (ODEQ) Water Pollution Control Facility (WPCF) permit to add turbine rinse water as an allowed discharge to Carty Reservoir.

**PROCEDURAL HISTORY SUMMARY**

On October 2, 2020, the Department issued its DPO recommending that Council approve RFA2. On the same day, the Department also issued a notice of a public comment period on the amendment request and DPO. The comment period extended 30-days from October 2, 2020 through November 2, 2020. On the record of the DPO, the Department received comments from three reviewing agencies and the Special Advisory Group (Oregon Department of Aviation, State Historic Preservation Office, Morrow County Board of Commissioners, and the Confederated Tribes of the Umatilla Indian Reservation), one public comment, and the certificate holder.

As of the issuance of this staff report, the Department is consulting with select reviewing agencies on issues raised in their DPO comments. The Department intends to submit a supplemental staff report providing a summary of the comments received by the Department, and any suggested changes to be made to the recommended findings of fact and conditions from the DPO to the proposed order. A summary of the comments received on the record of the DPO can be found below in Table 1: *DPO Comment Summary*:

**Table 1: DPO Comment Summary**

<b>Commenter Name</b>	<b>Agency/Entity/Public</b>	<b>Date(s) Received</b>	<b>Issue/Topic</b>
Nathan Baker, Erin Saylor, and Amelia Reiver Schlusser	Public (Friends of the Columbia River Gorge, Columbia Riverkeeper, and the Green Energy Institute at Lewis & Clark Law School)	11/02/2020	Procedural issues re: completeness, Air Contaminant Discharge Permit

**Table 1: DPO Comment Summary**

Commenter Name	Agency/Entity/Public	Date(s) Received	Issue/Topic
Lenna Cope	Certificate Holder (Portland General Electric)	11/02/2020	See comment letter (multiple issues/topics)
Teara Farrow Ferman	Confederated Tribes of the Umatilla Indian Reservation	10/27/2020, 11/04/2020*	Cultural Monitoring
Melissa Lindsay, Don Russell, and John Doherty	Morrow County Board of Commissioners	10/28/2020	Local permits
Seth Thompson	Oregon Department of Aviation	10/30/2020	Airspace analysis
John Pouley	State Historic Preservation Office	11/03/2020	Preconstruction surveys
*The Department received two comment letters from the CTUIR, however, the latter of the two letters is provided in Attachment 2 of this staff report, as it represents revisions made to the first letter.			

This amendment request is being processed under Council’s Type B review process, and therefore does not include a public hearing on the draft proposed order nor an opportunity to request a contested case proceeding on the proposed order.

**STAFF EVALUATION OF AMENDMENT REQUEST AND SUMMARY OF DRAFT PROPOSED ORDER**

The DPO addresses each of the Council Standards and recommends that the Council find that the facility, with proposed changes, would comply with, or, based on compliance with existing and recommended amended site certificate conditions would comply with each of the Council standards.

As presented in the DPO, the Department recommends that Council rely on its previous reasoning and analysis and recommends reliance on previously imposed site certificate conditions in its evaluation of the ability of the facility, with proposed changes, to maintain compliance for the following standards:

- Division 23 Standards
- Protected Areas
- Scenic Resources
- Recreation

The DPO includes new analysis and new recommended findings, not previously relied upon by Council, or recommended amended conditions for the following standards:

- **General Standard of Review** (Recommended Amended Conditions): Staff recommends Council amend Site Certificate Conditions 4.1 and 4.2 to establish specific construction commencement and completion dates for components authorized in RFA2 (pg. 19 of the DPO)
- **Organizational Expertise** (Recommended New Findings)
- **Structural Standard** (Recommended Amended Conditions):
  - Staff recommends Council amend Site Certificate Conditions 6.7, 6.10, and 6.11 to remain consistent with the Mandatory condition language, based on the October 2017 rule change (pg.'s 25-26 of the DPO)
  - Staff recommends Council amend Site Certificate Condition 5.4 to specify that the requirements of the condition should not apply to the components of RFA2 (pg.'s 26-27 of the DPO)
- **Soil Protection** (Recommended New Findings)
- **Land Use** (Recommended New Findings)
- **Retirement and Financial Assurance** (Recommended Amended Condition):
  - Staff recommends Council amend Site Certificate Condition 15.1 to adjust the decommissioning cost estimate to include components authorized in RFA2 (pg. 52 of the DPO)
- **Fish and Wildlife Habitat** (Recommended Amended Conditions and the new Condition):
  - Staff recommends Council amend Site Certificate Condition 10.2 to require the certificate holder to provide a habitat assessment of the habitat mitigation area for the facility with proposed changes (pg. 55 of DPO)
  - Staff recommends Council amend Site Certificate Condition 10.5 to eliminate the reference to implement a fire control plan at the HMA (pg. 56 of DPO)
  - Staff recommends Council adopt new Site Certificate Condition 10.40 to require the certificate holder to maintain the Carty reservoir at an annual average of 665 mean sea level (pg. 58 of the DPO)
- **Threatened and Endangered Species** (Recommended New Findings)
- **Historic, Cultural, and Archaeological Resources** (Recommended New Findings)
- **Public Services** (Recommended New Findings)
- **Waste Minimization** (Recommended New Findings)
- **Siting Standards for Transmission Lines** (Recommended New Findings)
- **Noise Control Regulations** (Recommended New Findings)
- **Water Pollution Control Facility Permit** (Recommended Amended Condition):
  - Staff recommends Council amend Site Certificate Condition 10.28 to specify the requirements that would apply to components authorized in RFA2 (pg.'s 75-76 of the DPO)
- **Water Rights** (Recommended New Findings)
- **Removal-Fill** (Recommended New Findings)

**RECOMMENDED COUNCIL ACTION**

The Department recommends Council review the Proposed Order, to be provided to Council in a supplemental Council packet materials, and DPO comments, as provided in Attachment 2 of this order, at the November 19-20, 2020 Council meeting and take action to either approve or modify the Proposed Order as the Final Order and issue an amended site certificate.

**ATTACHMENTS:**

- Attachment 1: Draft Proposed Order on Request for Amendment 2  
(via hyperlink: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/CGS.aspx>)
- Attachment 2: DPO Comments