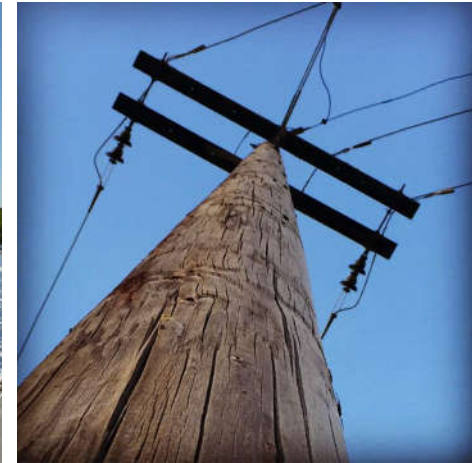


Oregon Department of **ENERGY**

Energy Facility Siting
Council Meeting

Virtual Meeting

January 22, 2021



OREGON
DEPARTMENT OF
ENERGY

Opening Items:

- Call to Order
- Roll Call
- Announcements



Announcements:

- Reminder that this meeting is being held in it's entirety via teleconference and webinar.
- Reminder to Council and to anyone addressing the Council to please remember to state your full name clearly, and no not use the speakerphone feature, as it will create feedback.
- You may sign up for email notices by clicking the link on the agenda or the Council webpage.
- You are also welcome to access the online mapping tool and any documents by visiting our website.



Announcements continued:

- Please silence your cell phones
- Please use the “Raise Your Hand” feature in Webex to speak during the public comment period, or press *3 if you are on the telephone to raise our hand.
- 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



2021 Legislative Session – EFSC Related Bills

| Bill # | Bill Summary |
|---------|---|
| HB 2063 | Standby Generator Facilities - Eliminates need to receive an exemption from EFSC for standby generation facilities. |
| HB 2064 | EFSC Quorum - Reduces EFSC quorum from 5 – 4. |
| HB 2691 | Avian Death Prevention at Wind Facilities - Directs ODOE to conduct study to identify techniques to increase visibility to birds of rotor blades on wind energy facilities and evaluate suitability of techniques for use in Oregon. |
| SB 353 | EFSC Study and Reporting - Requires ODOE to conduct study related to Energy Facility Siting Council and report findings to interim committees of Legislative Assembly by September 15, 2022. |
| HB 2556 | Property Owner Notification - Requires delivery of certain land use notices to property owners and to properties within wider geographic range. |

2021 Legislative Session – EFSC Related Bills Cont'd

| Bill # | Bill Summary |
|---|---|
| HB 2692 | Small Modular Reactor Exemptions - Exempts issuance of site certificate for small modular reactors from requirement that proposal by EFSC to issue site certificate for nuclear-fueled thermal power plant must be approved by voters. |
| HB 2332 | Nuclear Waste Repository Licensing Requirements - Repeals provisions requiring that before issuing site certificate for nuclear-fueled thermal power plant, EFSC must find that repository for disposal of waste produced by plant is licensed to operate by federal government. |
| HB 2831 | Radioactive Waste Disposal - Modifies definition of radioactive waste for purposes of regulation by ODOE. Requires EFSC to adopt standards and rules necessary to prevent disposal of radioactive waste in Oregon. Provides Director of ODOE and council additional authority for administration and enforcement of laws related to disposal of radioactive waste. |
|  SB 246 OREGON <small>DEPARTMENT OF</small> ENERGY | Same as HB 2831 |

2021 Legislative Session – EFSC Related Bills Cont'd

| Bill # | Bill Summary |
|--------|--|
| SB 360 | <p>Small Nuclear Reactors - Exempts small modular reactors from certain siting restrictions that apply to nuclear-fueled thermal power plants. Requires small modular reactors to be sited in city or county where electors of city or county have approved small modular reactors being located in city or county. Requires emergency planning zones for small modular reactors to be located in county where electors of county have approved small modular reactors being located in county. Requires proposed disposal of high-level radioactive waste by small modular reactor to comport with process approved or adopted by United States Nuclear Regulatory Commission.</p> |
| Other | 30 or so other bills with “relating to” clauses that could be amended to affect EFSC. |

Agenda Item B (Hearing)

Radioactive Materials Enforcement Rulemaking Rulemaking Hearing

January 22, 2021

Christopher M. Clark, Siting Policy Analyst & Rules Coordinator



Rulemaking Background

- In May 2020, EFSC initiated review of the administrative rules related to the enforcement of laws and rules governing in the transport and disposal of radioactive materials and wastes.
- Objective is to protect public health and safety, and the environment by:
 - Incentivizing preventative measures
 - Ensure that radioactive materials or wastes are not improperly transported or disposed of in Oregon, and
 - Require appropriate mitigation or penalties when a violation does occur.
- Rulemaking is in addition to a potential legislative concept for the 2021 legislative session.



Overview of Proposed Rules

- Specifies that formal enforcement proceedings related to the transport and disposal of radioactive materials or wastes, including contested case proceedings, would be conducted under the authority of the Director of the Oregon Department of Energy.
- Establishes new procedural requirements for the conduct of enforcement proceedings related to the transport and disposal of radioactive materials or wastes, including issuance of a Pre-Enforcement Notice and Notice of Enforcement Action in place of a Notice of Violation.
- Expands the Director's ability to require a responsible party to provide additional information in a responsible to a Pre-Enforcement Notice.
- Establishes new classifications for violations involving the transport or disposal of radioactive materials or wastes.
- Makes a civil penalty available for all violations involving the transport or disposal of radioactive materials or wastes and establishes a new methodology for civil penalty calculation.



Rulemaking Timeline

| Permanent Rulemaking Steps | Projected Completion Date |
|---|--------------------------------------|
| Council initiates permanent rulemaking process | May 21, 2020 |
| Staff convenes RAC and develops draft proposed rules | June – November 2020 |
| Council considers proposed rules and authorization of Notice of Proposed Rulemaking | December 18, 2020 |
| Staff issues Notice of Proposed Rulemaking | December 21, 2020 January 4, 2021 |
| Council conducts rulemaking hearing | January 22, 2021 |
| Last day to submit written comments | February 10, 2021 |
| Council considers public comments and testimony and adoption of permanent rules | TBD |



Conduct of Hearing

- If you wish to provide oral comments:
 - Please “raise your hand” using the Webex Application at this time.
 - When your name is called, state your name and the name of any organization you represent for the record.
 - Summarize any written material and email it to the address below.
 - The Council will not respond to questions or comments during the hearing.
- Written comments must be received on February 10 by **5:00 pm** to be considered. Email all written comments or materials to:
efsc.rulemaking@oregon.gov



Rulemaking Hearing



Agenda Item C (Action Item)

2021-2023 Rulemaking Prioritization

January 22, 2021

Christopher M. Clark, Siting Policy Analyst & Rules Coordinator

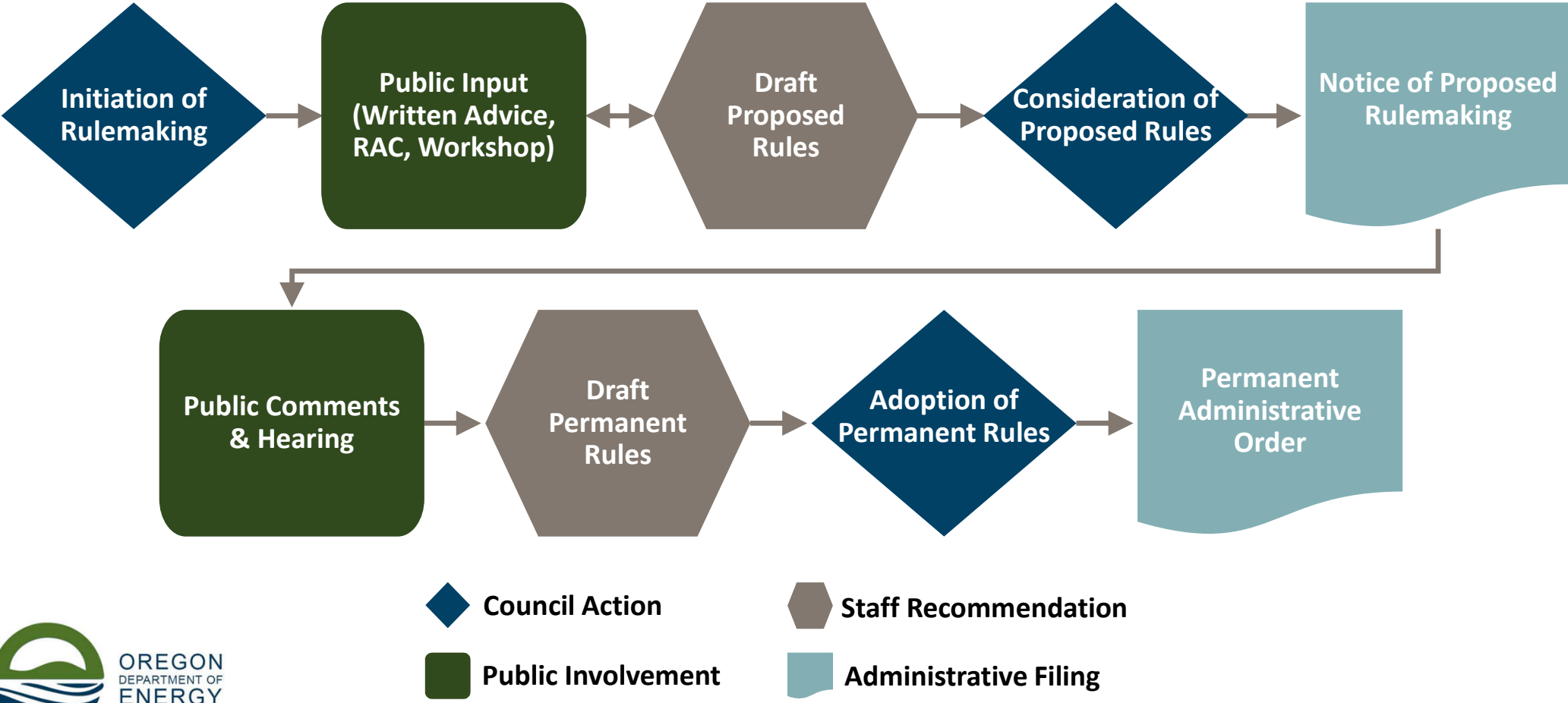


Overview

- Overview of Rulemaking Schedule
- 2020 Rulemaking Activity
- New Rulemaking Projects
- Proposed 2021-2023 Rulemaking Schedule
- Public Comment
- Council Deliberation



Overview of Rulemaking Process



2020 Rulemaking Activity

- Completed Rulemakings
 - Solar PV Facilities
 - 2019 Site Certificate Amendments
 - 2020 Carbon Offset Rate Update
 - Clarification of Standard for Contested Case in Type A Amendment Review
 - Safe Public Meetings and Hearings
- Current Rulemaking Activities
 - Protected Areas, Recreation, and Scenic Resources
 - Radioactive Materials Enforcement

New Rulemaking Projects

- Application Process Review Phases
- Wildfire Prevention and Response
- 2022 Carbon Monetary Offset Rate Update
- Contested Cases
- Natural Hazards Mitigation

Application Process Review

- Phase 1: Reorganize rules in divisions 015 to 026 to create clear separation of procedural and substantive provisions in rules and simplify procedures for review where practicable.
- Phase 2: Review application information and procedural requirements currently located in division 020 and 021 to ensure that requirements align with what is needed to demonstrate compliance with the Council's standards.
- Phase 3: Evaluate standards and substantive requirements to determine if requirements should be adjusted for different types of energy facilities, including facilities which generate energy from renewable resources.

2021-2023 Rulemaking Schedule

| Project ID | Subject Matter | Method for Obtaining Advice |
|-------------|--|-----------------------------|
| 2021 | | |
| R211 | Application Process Review – Phase 1 (NEW) | RAC |
| R191 | Trojan ISFSI Compliance | Request for Advice |
| R202 | Research Reactors | Request for Advice |
| R215 | Wildfire Prevention and Response (NEW) | RAC |
| R185 | Exemptions from Site Certificate | RAC |

2021-2023 Rulemaking Schedule

| Project ID | Subject Matter | Method for Obtaining Advice |
|-------------|---|-----------------------------|
| 2022 | | |
| R212 | Application Process Review – Phase 2 (NEW) | RAC |
| R204 | 2022 Amendment Rulemaking | RAC |
| R194 | Historic, Cultural and Archaeological Resources | Public Workshop |
| R183 | General Compliance | RAC |
| R217 | 2022 Carbon Monetary Offset Rate Update (NEW) | Fiscal Advisory Committee |

2021-2023 Rulemaking Schedule

| Project ID | Subject Matter | Method for Obtaining Advice |
|-------------|--|-----------------------------|
| 2023 | | |
| R214 | Contested Cases (NEW) | RAC |
| R213 | Application Process Review – Phase 3 (NEW) | RAC |
| R193 | Noise Standard | RAC |
| R201 | Geospatial Resources | RAC |
| R216 | Natural Hazards Mitigation (NEW) | RAC |
| R205 | Mandatory Conditions in Site Certificates | RAC |

Pending 5-Year Reviews

| Project ID | Project Name | Due Date |
|------------|--|---------------------------|
| R183 | Solar Photovoltaic Power Generation Facilities | Complete by 6/20/2025 |
| R207 | Safe Public Meetings and Hearings | Complete by 10/23/2025 |

Public Comments on Rulemaking Schedule



Council Decision on Proposed Rulemaking Prioritization

Approve

Approve rulemaking schedule and authorize preliminary work on projects as proposed.

Reprioritize

Modify or reprioritize one or more rulemaking projects

Remove

Remove one or more projects from the rulemaking schedule.

Agenda Item D (Action Item)

Annual Financial Assurance Update

January 22, 2021

Sisily Fleming, Fiscal Analyst



2021 Proposed Financial Institutions

| Letter of Credit |
|---|
| Bank of America N.A. |
| Bank of Nova Scotia (NY Agency) |
| Bank of the West |
| Barclay's Bank, PLC (NY Branch) |
| Citibank |
| CoBank |
| Helaba (NY Branch of Landesbank Hessen-Thueringen GZ) |
| JP Morgan/Chase Bank, N.A. |
| MUFG Bank, N.A. |
| Natixis (NY Branch) |
| Royal Bank of Canada (NY Branch) |
| Royal Bank of Scotland Connecticut Branch |
| US Bank |
| Wells Fargo Bank, N.A. |

| Bond |
|--|
| Federal Insurance Co |
| Fidelity & Deposit Co of MD |
| Hanover Insurance Group |
| Liberty Mutual Insurance Company |
| SAFECO Insurance Co of America |
| Traveler's Casualty & Surety Co of America |
| Westchester Fire Insurance Co |

Agenda Item E

PUBLIC COMMENT

Phone Commenters: Press *3 to raise your hand to make comment, and *3 to lower your hand after you've made your comment.

Webinar Commenters: Open the Participant list, hover over your name and click on the "Raise Your Hand icon".



How to Raise Your Hand in Webex:

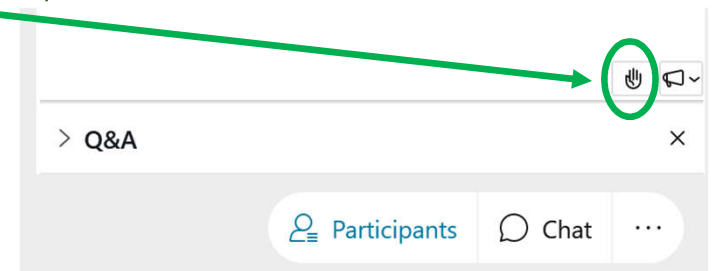
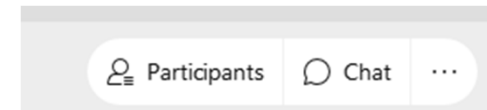
Webinar Participants

The bottom right of the main window is a set of icons:

Click on “Participants”

The bottom right of the participant window is a hand icon, click on the hand:

Clicking on it again will lower your hand.



Phone Participants

Press *3 on your telephone keypad to raise your hand.

Press *3 again on your telephone keypad to lower your hand.

Agenda Item F (Action Item)

Golden Hills Wind Project - Council Review of the Proposed Order on Request for Amendment 6

January 22, 2021

Sarah Esterson, Senior Policy Advisor



Presentation Overview

- Facility Overview and Site Certificate History
- Request for Amendment (RFA) 6 Procedural History
- RFA6 Proposed Changes
- Draft Proposed Order/Comments
- Review of Proposed Order (Action Item)



Facility Overview

| | |
|--|---|
| Certificate Holder: | Golden Hills Wind Farm, LLC |
| Certificate Holder Parent Company: | Pacific Wind Development LLC; Avangrid Renewables LLC |
| Type of Facility (Approved/Under Construction): | 400 MW wind; 51 wind turbines |
| Related or Supporting Facilities: | <ul style="list-style-type: none">- substation- O&M building- meteorological towers- power collection system- transmission lines- SCADA- access roads and crane paths |



Golden Hills Wind Project

Figure 1 Golden Hills Facilities Site Boundary and Micrositing Corridors

SHERMAN COUNTY, OREGON

- Site Boundary
- EFSC Corridor-Original (2015)
6820 acres
- Additions to EFSC Corridor (2020)
534 acres
- Micrositing Corridors
to be Removed 85 acres
- City/Town
- Secondary Highway
- Secondary Road
- County Boundary

TETRA TECH

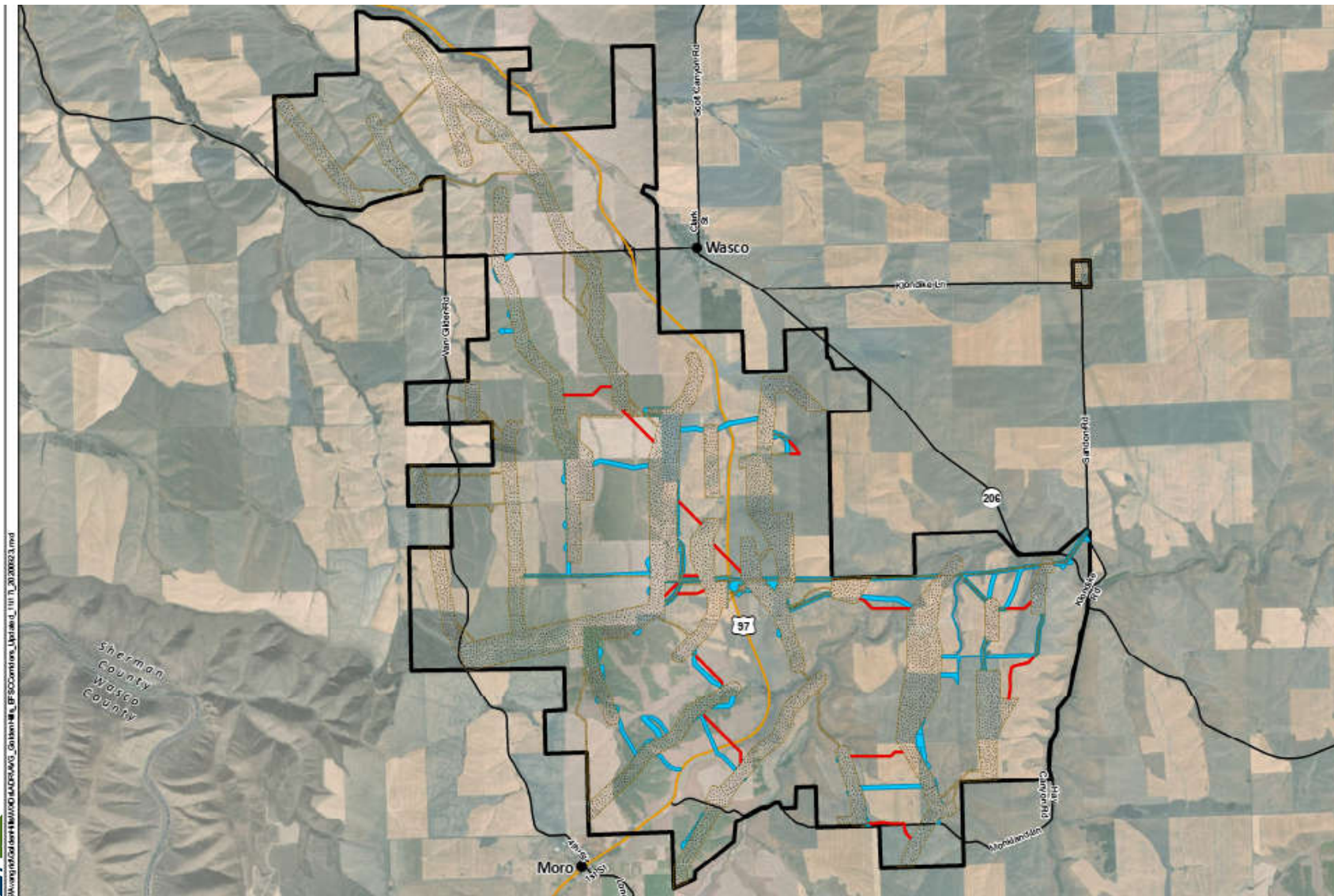
AVANGRID
RENEWABLES

Data Sources:

Reference Map



ec Infrastructure
magery: 5/18-Roads



\\avangrid\shared\NWD\HADS\AVG_GoldenHills_EFSC\Corridor_Update_111117_20200623.mxd

Sherman
County
Wasco
County



Site Certificate History

- Site Certificate effective June 16, 2009
 - Site Certificate Amended Five Times:
 - May 2012
 - January 2015
 - February 2017
 - April 2018
 - October 2018
- 

RFA6 Procedural History (Type B Review)

| Requirement | Responsible Party | Date |
|--|--------------------|-------------------------|
| Complete RFA6 Received | Certificate Holder | Dec. 16, 2020 |
| Draft Proposed Order Issued | ODOE | Dec. 18, 2020 |
| Comment Period (27-days) | ODOE | Dec. 18 – Jan. 15, 2021 |
| Proposed Order/Public Notice Issued | ODOE | Jan. 19, 2021 |
| Review of Proposed Order | EFSC | January 22, 2021 |
| Final Order/Amended Site Certificate *If approved | EFSC | January 22, 2021* |

RFA6 – Proposed Modifications

Construction Completion Deadline Extension

- June 18, 2021 to December 31, 2022

| Construction Schedule | 2020 | | | 2021 | | | | 2022 | | | |
|--------------------------|------|----|----|------|----|----|----|------|----|----|----|
| | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 |
| Phase 1 O&M construction | 1/ | | | | | | | | | | |
| Phase 2 BOP construction | | | | | 1/ | | 3/ | | | | |
| Contingency period | | | | | | | | | | | 1/ |

1. Construction start date = June 18, 2020

2. Approved construction completion date = June 18, 2021

3. Planned construction completed date = December 31, 2021

4. Proposed construction completion date = December 31, 2022

RFA6 Proposed Modifications

Micrositing Corridor Changes (6,820 to 7,267 acres)

- Add 534 acres, remove 85 acres
- Road and collector line realignment
- Relocation of 1 meteorological tower
- Expansion of temporary disturbance areas

Golden Hills Wind Project

Figure 1 Golden Hills Facilities Site Boundary and Micrositing Corridors

SHERMAN COUNTY, OREGON

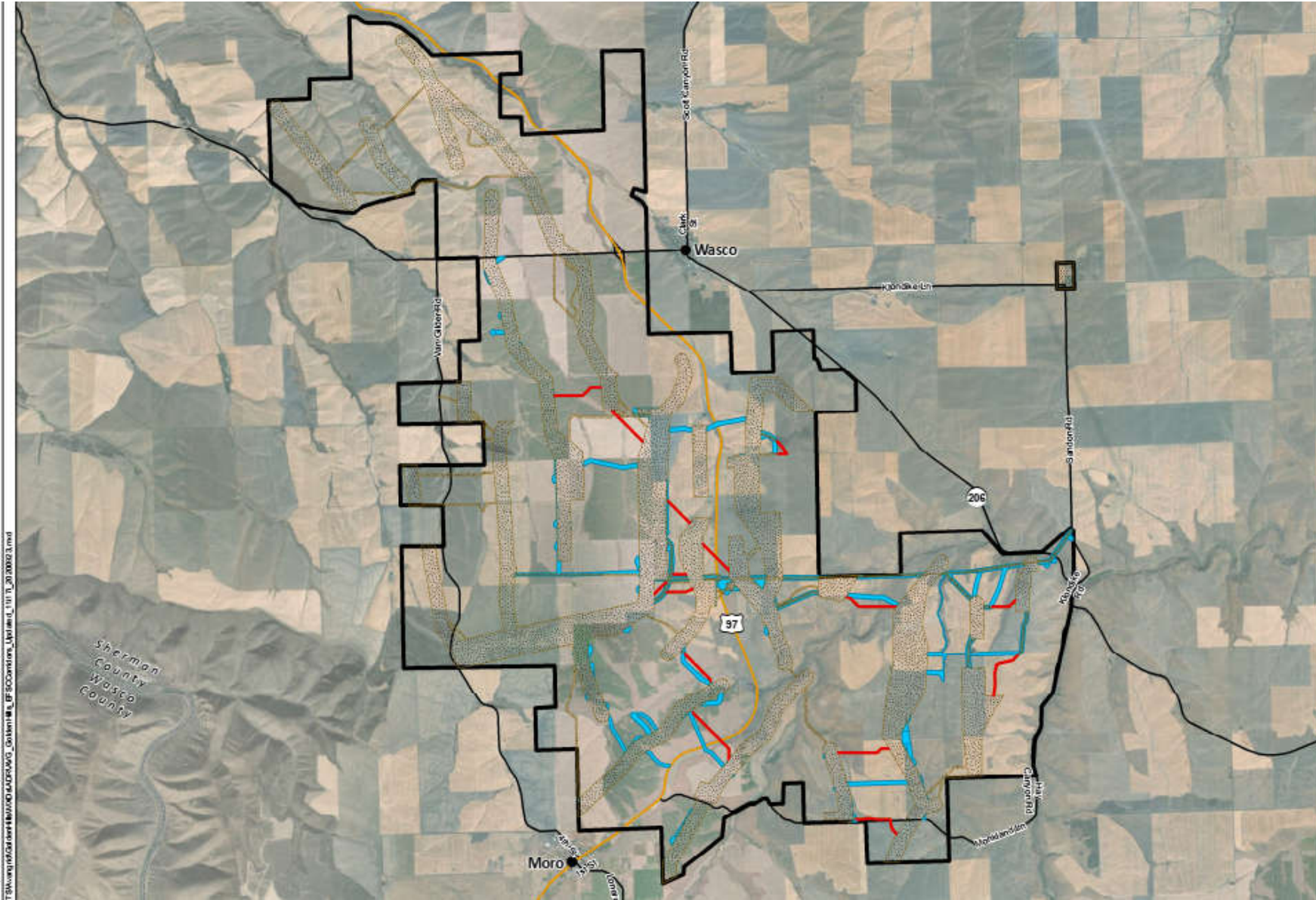
- Site Boundary
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6820 acres
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534 acres
- Micrositing Corridors
to be Removed 85 acres
- City/Town
- Secondary Highway
- Secondary Road
- County Boundary



Data Sources Reference Map



T:\Work\GoldenHills\GIS\MapDocs\MapDocs\GoldenHills_EFSC\Conditions_Update\MapDocs_1111_11_20200023.mxd



Sherman
County
Wasco
County

RFA6 Proposed Modifications

Proposed Condition Changes

(see PO Table 5, p.54)

- 9 Conditions (Historic, Cultural and Archeological standard)
- 1 Condition (Fish and Wildlife Habitat standard)
- Preconstruction conditions – preamble/timing to clarify phased construction

Draft Proposed Order

General Standard of Review

(OAR 345-022-0000, PO. p.15-19)

- Evaluation of construction deadline extension
 - Reasons
 - No. of previous extensions
 - Condition GEN-DC-02



Draft Proposed Order

Soil Protection

(OAR 345-022-0022, PO. p.25-26)

- 2020 land use surveys – existing uses include dryland winter wheat farming
- Existing conditions

Land Use

(OAR 345-022-0030, PO. p.27-32)

- Impacts to farm practices/agricultural soils
- Existing conditions

Retirement and Financial Assurance

(OAR 345-022-0050, PO. p.36-39)

- Updated retirement cost estimate (updated unit costs/data sources)
 - Reduced number of wind turbines from 125 to 51



Draft Proposed Order

Cultural, Historic and Archeological Resources

- PLACEHOLDER (show PO Section)

Fish and Wildlife Habitat

- PLACEHOLDER (show PO Section)

Draft Proposed Order

Council Standards

Certificate holder conducted current literature and field studies, as applicable to confirm – no changes in fact or law and no new impacts not previously evaluated for the following:

- Organizational Expertise
 - Structural Standard
 - Soil Protection
 - Protected Areas
 - Threatened and Endangered Species
 - Other Applicable Rules
- Recreation
 - Public Services
 - Waste Minimization
 - Div. 24 Rules

Draft Proposed Order Comments

PLACEHOLDER SLIDE



Proposed Order – Changes from DPO to PO

PLACEHOLDER SLIDE



Council Decision on Proposed Order

Option 1

- Approve the Proposed Order as the Final Order and grant issuance of Amended Site Certificate

Option 2

- Approve the Proposed Order, with modifications, as the Final Order and grant issuance of an Amended Site Certificate

Option 3

- Deny the Proposed Order and deny issuance of an Amended Site Certificate

BREAK



Council Deliberation



Adjourn

