

Oregon Department of **ENERGY**

Energy Facility Siting
Council Meeting

Virtual Webinar

July 23, 2021



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 to raise your hand if you are participating by telephone.
- 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

- June 25, 2021 Meeting Minutes
- Council Secretary Report

List of Standards for Review

General Standard of Review	Scenic Resources
Organizational Expertise	Historic, Cultural and Arch. Resources
Structural Standard	Recreation
Soil Protection	Public Services
Land Use	Waste Minimization
Protected Areas	Need Standard for Non-Gen. Facilities
Retirement and Financial Assurance	Spec. Stand. For Wind Gen. Facilities
Fish and Wildlife Habitat	Spec. Stand. for Transmission Lines
Threatened and Endangered Species	Carbon Standard

2021 Legislative Session – EFSC Related Bills

Bill #	Bill Information
HB 2064	Description: Reduces EFSC quorum from 5 – 4.
	Status: Approved and becomes effective on September 25, 2021.
	Next: Rulemaking needed to change OAR 345-011-0005(1) to reflect new quorum number.
HB 2063	Description: Eliminates need to receive an exemption from EFSC for standby generation facilities.
	Status: Approved and becomes effective on September 25, 2021.
	Next: Rulemaking needed to change OAR 345-015-0350(6) and any associated rules.
SB 246	Description - Requires EFSC to adopt standards and rules necessary to prevent disposal of radioactive waste in Oregon. Provides Director of State Department of Energy and council additional authority for administration and enforcement of laws related to disposal of radioactive waste.
	Status: Approved and becomes effective on January 1, 2022.
	Next: Rulemaking needed change Division 50.

2021 Legislative Session – EFSC Related Bills

Bill #	Bill Information
HB 2021	Description: Section 28 prohibits Energy Facility Siting Council from issuing a site certificate for new fossil fueled power plants and from amending an existing site certificate that would significantly increase carbon dioxide emissions.
	Status: Approved and becomes effective on September 25, 2021.
	Next: Rulemaking is likely needed to reflect prohibition and define what the term significantly means as it relates to the bill language.
HB 5006	Description: Includes direction to Oregon State University to conduct study about painting turbine blades to increase visibility for birds and reduce avian deaths and requires consultation with ODOE.
	Status: Approved and become effective on June 30, 2021.
	Next: Beginning coordination with OSU regarding study.

2021 Legislative Session – **EFSC** Related Bills

Bill #	Bill Information
SB 762	Description: Directs Public Utility Commission to convene workshops related to risk-based wildfire protection and risk-based wildfire mitigation procedures and standards for public utilities.
	Status: Became effective on July 1, 2021
	Next: Wait for PUC to initiate workshops.

Agenda Item B (Information Item)

The Climate Trust Audit Update

Todd Cornett, Assistant Director for Siting/Council Secretary, ODOE

The Climate Trust Annual Update

Kyler Sherry, Program Manager, The Climate Trust

July 23, 2021

Outline

- About The Climate Trust
- About the CO₂ Standard
- Our Performance
- Closing Thoughts

Mission: *The Climate Trust combats climate change by funding and managing projects that reduce GHGs.*

- Committed to projects – \$54M
- Over 110 emission reduction projects
- Invested \$5.5M in seven US-based carbon offset projects using up-front carbon funding model
- Focus on Improved Forest Management, Avoided Grassland Conversion, Reforestation
- Compliance and voluntary programs
 - NW Natural Smart Energy, Washington CO2 Standard, develop and sell California Compliance and voluntary offsets



What's the Oregon CO₂ Standard?

Site Certificate applicants. Only applies to proposed fossil energy generation facilities seeking a site certificate.

Benchmark. CO₂ emissions 17% below best available control technology for a natural gas plant.

Not an emissions standard. Compliance options are technology-based and price-based.



What options do site certificate applicants have?

Build a Cogeneration Plant. Produce both heat and electricity. Production of heat displaces natural gas for heating use, which reduces CO₂ emissions. Site certificate holder must report activities on an ongoing basis to EFSC.

Direct Offset Project Management. Manage offset portfolio internally or hire third party contractor to manage portfolio. Site certificate holder must report activities on an ongoing basis to EFSC.

Monetary Pathway. Site certificate holder pays a Qualified Organization and if EFSC approves, the holder has complied with the CO₂ Standard. TCT is the QO, which takes on the responsibility of meeting QO obligations to EFSC.

Everyone has selected the Monetary Pathway option to date.



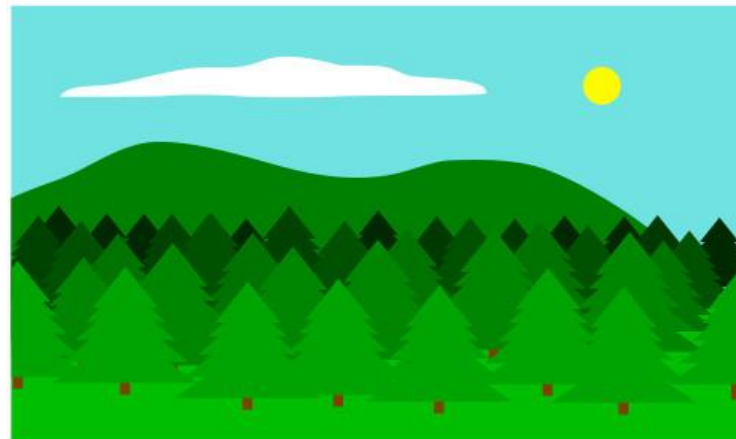
Monetary Pathway

- Management Requirements
 - Commit 60% of offset funds within two years of facility's construction start date
 - Spend no more than 20% on management
 - Retire offsets on behalf of the Oregon Program
- Reporting Requirements
 - 5 Year Report
 - Annual facility status report
 - Annual audit submitted and presented to EFSC
 - Staff report provided to Council
 - Met requirement for 2020

What's an offset?

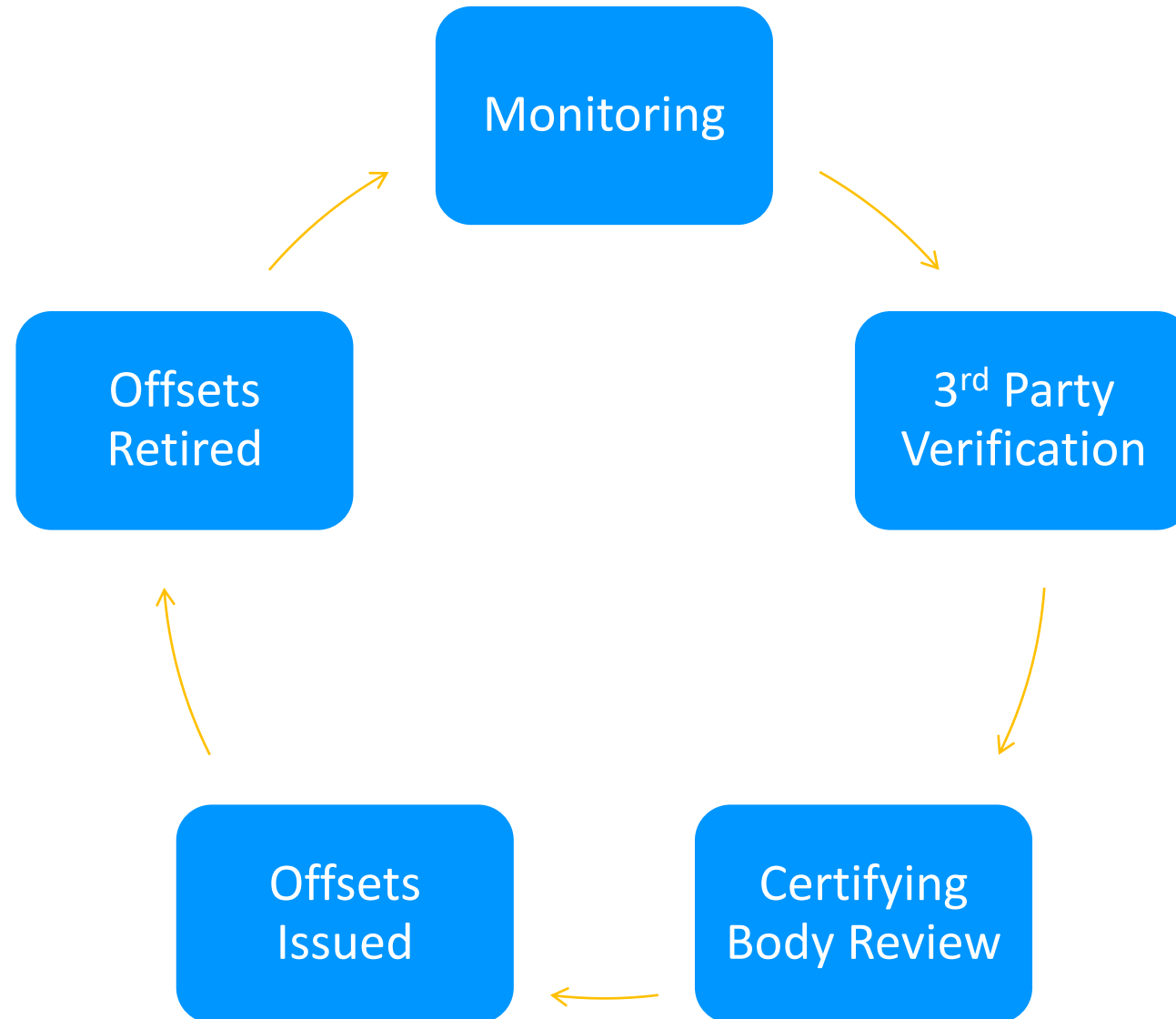
Reduction, removal or avoidance of GHG emissions from a voluntary project-based activity used to compensate GHG emissions from another source.

- Additionality
- Co-benefits
- Permanent
- Verified and certified



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Offset Project Management Cycle



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TRUST**

Performance by Facility

Facility	Offset Purchase Funds	Cash Obligated	Unobligated Cash	Tons Obligated	Retired Tons
Avangrid- Klamath Cogeneration 1	\$1,592,845	\$1,594,910	\$0	289,411	282,397
Avangrid - Klamath Cogeneration Project 2	\$2,649,222.43	\$1,232,555.26	\$1,416,667.17	216,691	216,691
Avista - Coyote Sprints Unit 2	\$2,114,477	\$2,114,479	\$0	592,632	566,467
Calpine - Hermiston Power Project	\$3,722,321	\$2,724,770	\$997,553	659,983	604,692
Northwest Natural - Mist Facility	\$18,855	\$18,857	\$0	3,462	3,462
Northwest Natural - Molalla	\$26,913	\$26,915	\$0	4,784	4,784
NW Natural- Mist 2017 Facility Expansion	\$42,551	\$42,554	\$0	9,054	9,054
Portland General Electric - Port Westward Project	\$4,320,452.00	\$3,410,551.89	\$909,900.11	725,370	533,135
Portland General Electric-Port Westward 2	\$3,532,388.40	\$1,479,176.89	\$2,053,211.51	230,569	230,569
Portland General Electric - Carty	\$6,332,878.80	\$3,528,757.00	\$2,804,121.80	483,918	543,918
Totals	\$24,352,904	\$16,173,526.39	\$8,179,377.38	3,215,873	2,958,389



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Oregon Focus

- Funded 18 projects in Oregon of 31 total
 - \$7.7M commitment to Oregon Projects.
- In-state purchases currently 50 cents to the dollar
- Retired 1.04M metric tons from Oregon based projects, another 500k obligated to retire



Astoria Bear Creek Improved Forest Management Project



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Oregon Spending Summary

- In 2020
 - \$1.1M in new project obligations
 - Retired over 150,000 Verified Emission Reductions
- Committed over 65% of funds- down from 70 percent in 2019
- Target spending last program dollar in 2025
- Submitting final report in 2026



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Governance Structure

The Climate Trust

- Fiduciary for the entire organization
- Self determined- Finance, Compensation, Risk Committees
- Chair supervises COO and CIO
- Approve offset contracts

CO2 Standard- OR Offset Committee

- Fiduciary of Monetary Pathway Funds
- Regulatory determined- 3 EFSC, 3 NWECC, 1 Site Certificate
- No staff oversight
- Decide on use of funds

Historically intertwined, but OOC could be a stand alone body separate from the Board



THE CLIMATE TRUST



Julius Pasay
Executive Director, Interim



Karen Ward
Chief Financial
Officer

Josh Fain
Director, Forest Carbon



Nichole Wallace
Sr. Administrative Specialist



Kyler Sherry
Sr. Program Manager



Madeline Montague
Forest Carbon Analyst

The Climate Trust Board of Directors

EFSC

Brad Hunter, Treasurer
Finance Committee Chair
Business Lender, Craft3

Arya Behbehani, Member
Compensation, Risk Committees
Senior Director, PGE

Cindy Condon
Non-Board Member Appointee,
Risk Committee

Site Certificate Holder
TBD

NWEC

David Van't Hof, Member
Risk Committee
Attorney and Energy Consultant,
Van't Hof Legal and Strategic Services

Jason Johns, Member
Risk Committee
Partner, Stoel Rives, LLP

Patrick Maloney, Member
Finance Committee
Principal, Occam Advisors

Direct

Ryan McGraw, Interim Chair
Risk, Finance Committees
VP, Project Development,
PacifiCorp

Morgan Rider, Secretary
Compensation Chair
Co-Founder, Thriving Design

Amrita Vatsal, Vice Chair
Risk Committee
Managing Director, EcoTrust Forest
Management

Kelley Beamer, Member
Compensation Committee
Executive Director, Coalition of
Oregon Land Trusts

Odin Knudsen, Member
Risk, Compensation Committees
Retired, CEO, Real Options International



THANK YOU

Agenda Item C (Action Item)

Golden Hills Wind Project-Request to Amend Wildlife Monitoring and Mitigation Plan

**Sarah Esterson, Senior Policy Advisor, Oregon Department of Energy
Sarah Reif, Energy Coordinator, Oregon Department of Fish and Wildlife
Matt Hutchinson, Avangrid Renewables & Andrea Chatfield, West, Inc.
July 23, 2021**

Overview

- Facility Background
- Wildlife Monitoring and Mitigation Plan
(continuation from April 2021 Council Meeting)
 - Certificate holder presentation
 - ODFW input
 - Council comments
- Council Action (Approve, Modify or Deny)

Request to Amend WMMP

Post Construction Fatality Monitoring - Proposed Changes

- Increase search frequency from 16 to 24 per year
- Change survey years from Year 1 and 5 to Years 1 and 2
- Clarify the number of turbine sample size
- Add option to use road and pad survey plot
- Use GenEst instead of Schoenfeld

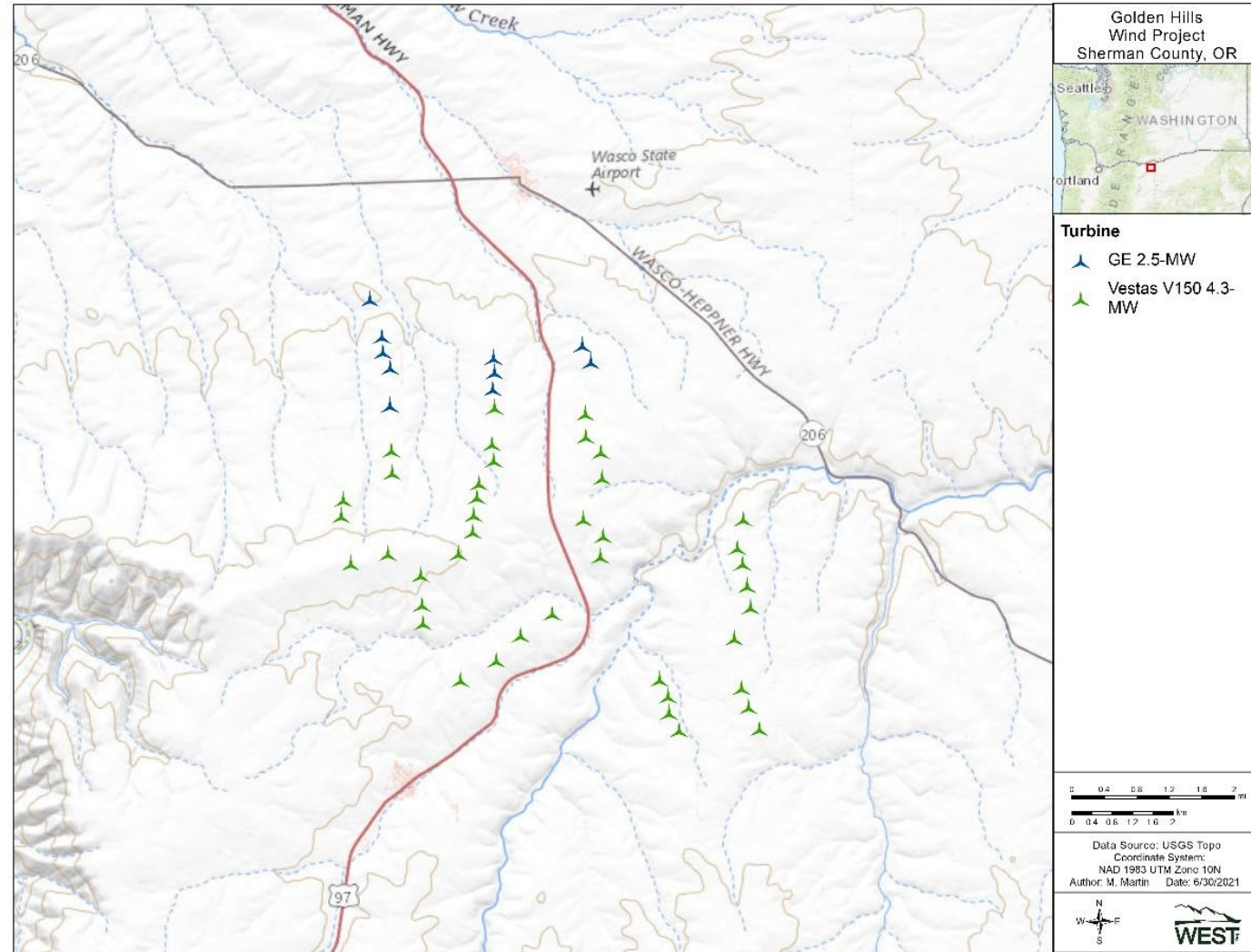
Other WMMP Proposed Changes

- Remove references to bird handling
- Remove raptor nest survey mitigation trigger
- Remove avian use and behavior surveys

Standardized Carcass Searches

Objective: Systematically search a sample of turbines to locate all bird and bat carcasses within the search area.

- Begin 1st of the month after start of facility operation
- Search 26 of Project's 51 turbines
 - All 10 GE 2.5-MW
 - 16 Vestas V150 4.3-MW
 - Systematic sample



Standardized Carcass Searches

- Search Plot: Circle with radius equal to maximum blade tip height.
 - Optional road and pad survey methodology during summer growing season—determined by vegetation height and amount of cleared area.
- Parallel transects spaced 6-10 m apart based on visibility/land cover
- Searches conducted twice a month throughout study year
 - Proposed change from monthly searches in summer/winter currently in WMMP



Standardized Carcass Searches



Searcher Efficiency Trials

Objective: Determine how effective searchers are at detecting carcasses

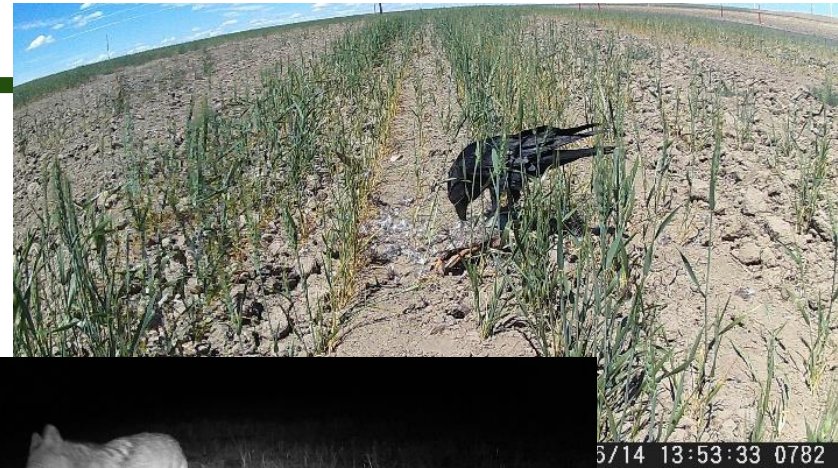
- Carcasses placed at random locations in search area prior to that day's carcass search
- 2-3 trials per season using combination of carcass types/sizes:
 - large birds: pheasants, mallards, pigeons
 - small birds: small quail, starlings, house sparrows
 - bats/surrogates: salvaged bats or brown mice
- Searcher efficiency estimated by:
 - Season
 - Carcass type
 - Cover type or visibility class (e.g., wheat, shrub/steppe, bare ground, gravel)



Carcass Persistence Trials

Objective: To estimate average length of time carcasses remain in search areas and are available for detection by searchers

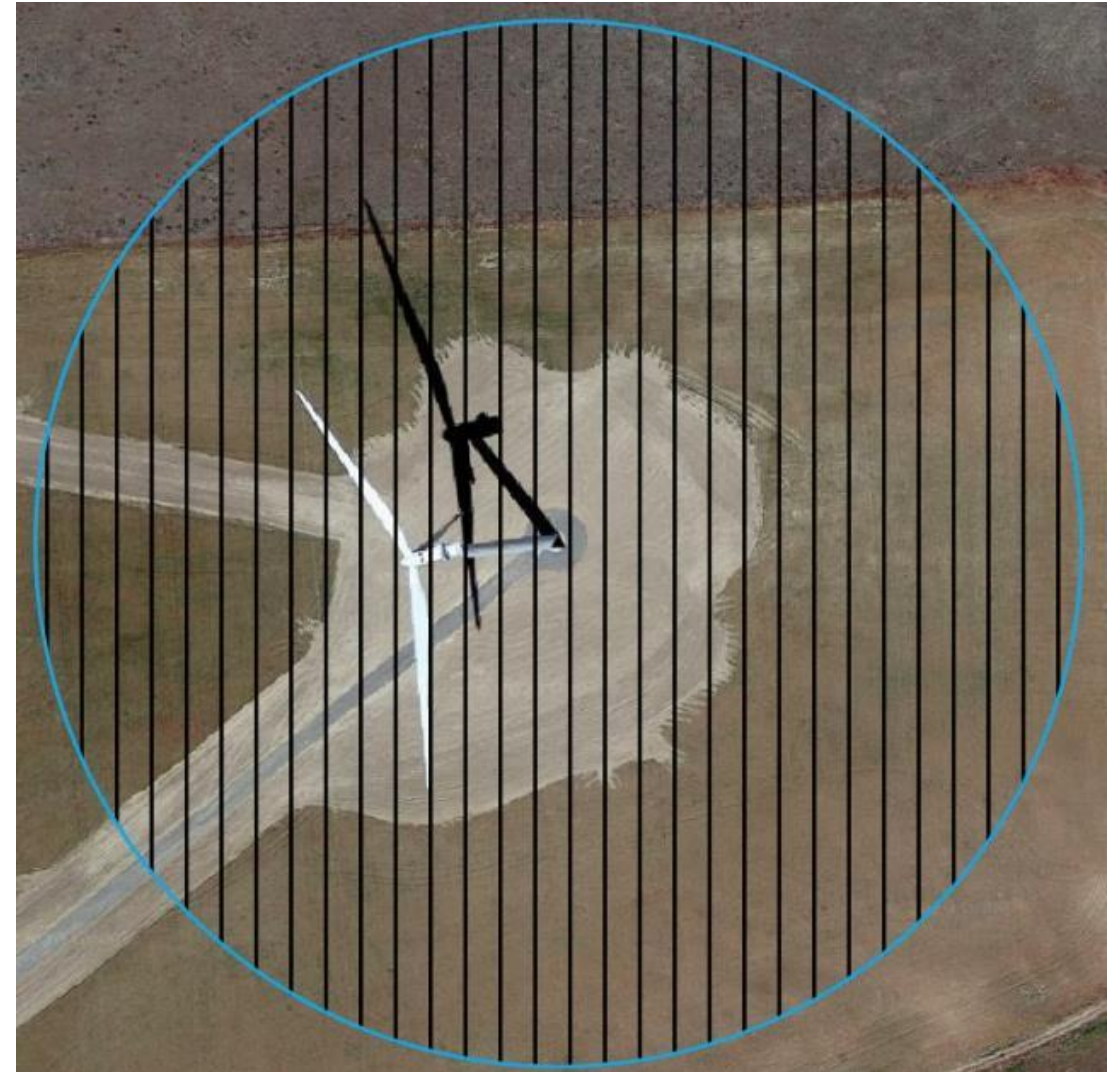
- Typically conduct 2 trials per season, with each trial composed of about 15-20 carcasses
- Carcasses include combination of:
 - large birds: pheasants, mallard, fresh raptor fatalities
 - small birds: small quail, house sparrows, starlings
 - Bats: salvaged bats, mice
- Trial carcasses placed randomly throughout project area
- Monitored over 40-day trial period
- Carcasses considered unavailable for detection when <10 feathers remained



Area Adjustment

Objective: To adjust the raw carcass data for fatalities that may have fallen outside of search areas

- Area adjustment = product of the area searched beneath a turbine and the estimated carcass density within that searched area.
- Takes into account amount of area searched and probability of carcasses occurring outside searched area.



Fatality Rate Estimation

- GenEst Fatality Estimator
 - R software package developed as a collaborative effort led by USGS
 - Currently the industry standard for estimating general bird/bat mortality at wind projects
 - Based on all study components
 - Number of carcasses found during carcass searches
 - Searcher efficiency
 - Carcass persistence
 - Search area adjustment
 - Seasonal and overall fatality rates and 90% Confidence Interval (if more than 5 fatalities found)



MITIGATION THRESHOLDS

Species Group	Threshold of Concern (fatalities per MW)
Raptors (All eagles, hawks, falcons, and owls, including burrowing owls.)	0.09
Raptor species of special concern (Swainson's hawk, ferruginous hawk, peregrine falcon, golden eagle, bald eagle, burrowing owl and any federal threatened or endangered raptor species.)	0.06
Grassland species (All native bird species that rely on grassland habitat and are either resident species occurring year round or species that nest in the area, excluding horned lark, burrowing owl and northern harrier.)	0.59
State sensitive avian species listed under OAR 635-100-0040 (Excluding raptors listed above.)	0.2
Bat species as a group	2.5

Overview of Proposed Changes to Golden Hills WMMP

- Remove references to bird handling
- Increase search frequency for fatality monitoring
- Clarify number of turbines searched during fatality monitoring
- Add option to use road and pad search methodology
- Change to consecutive study years (i.e., monitoring in Years 1 and 2 of operation)
- Remove raptor nest survey mitigation trigger
- Remove avian use monitoring provision



Thank You!

Questions?





WEST Headquarters | 415 West 17th Street, Suite 200, Cheyenne, Wyoming 82001 | 307-634-1756

WEST, ULC Headquarters | Suite 303, 1000 9th Avenue SW, Calgary, Alberta T29 2Y6 | 403-629-6741

Council Options

Option 1

Amend WMMP as
proposed
(staff recommendation)

Option 2

Amend WMMP with
specified changes

Option 3

Do not amend WMMP
for specified reasons

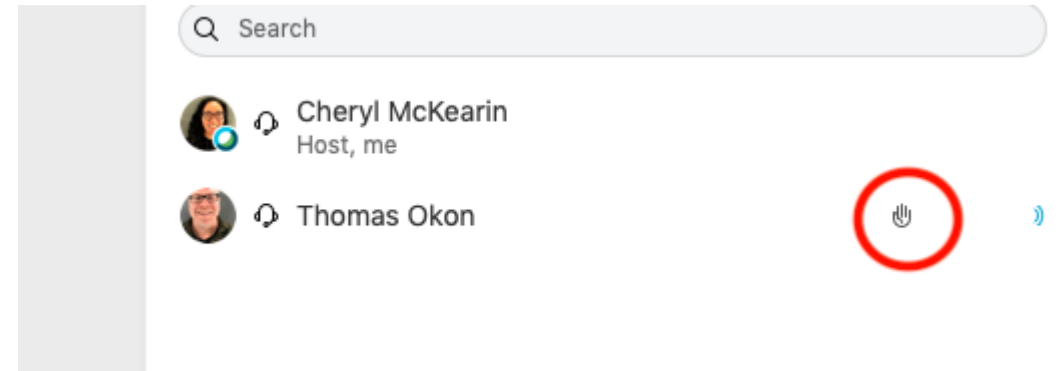
Council Deliberation

Agenda Item D

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:

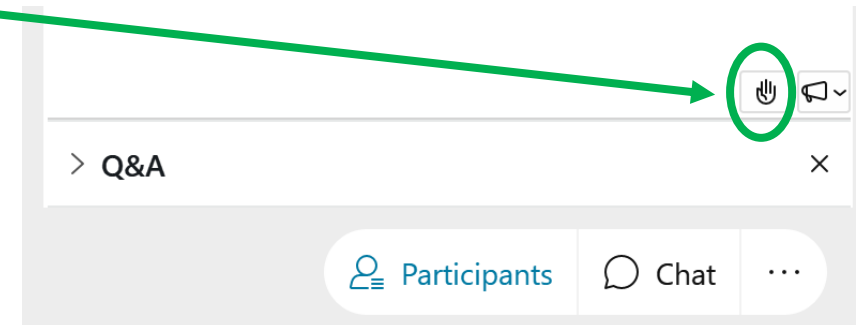
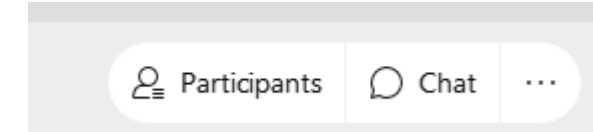
Webinar Participants

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.



OREGON
DEPARTMENT OF
ENERGY

**EFSC Meeting
On Break -
Meeting Resumes at
11:15 a.m.**

Agenda Item E (Information Item)

Project Updates (Information Item)

Kellen Tardaewether, Senior Siting Analyst
July 23, 2021

Projects Under Review

Applications for Site Certificate

- Obsidian Solar Center
- Boardman to Hemingway Transmission Line
- West End Solar Energy Project
- Blue Marmot Solar Energy Facility
- Archway Solar Energy Facility

Requests for Amendment

- Bakeoven Solar Project

Obsidian Solar Center

Proposal:	400 MW solar photovoltaic energy generation facility
Site Boundary:	3,921 acres (6.1 sq. miles)
Location:	North Lake County, near Christmas Valley
Applicant:	Obsidian Solar Center, LLC (Obsidian Renewables, LLC)
Status:	Contested Case: written direct testimony/written rebuttal testimony and evidence



- Site Boundary
- Disturbance Type
- Permanent
- Temporary
- Bonneville Power Administration Transmission Line (500kV)
- PGE Transmission Line (500kV)

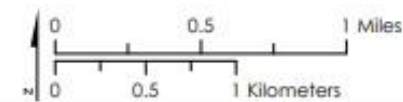


Figure C-2
Facility Disturbance Locations

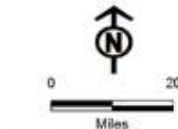
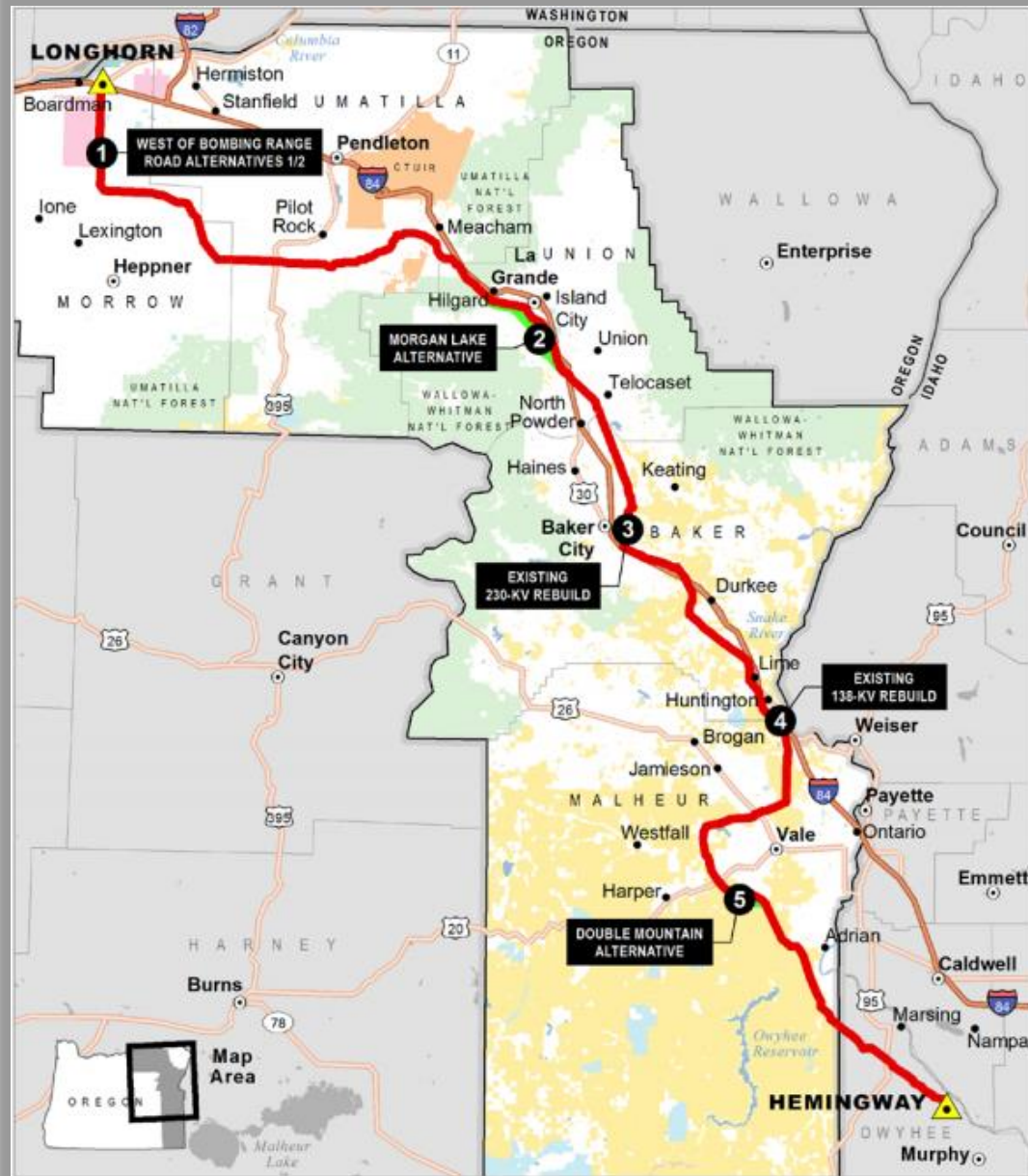
Obsidian Solar Center

October 2019

Obsidian Solar Center LLC

Boardman to Hemingway Transmission Line

Proposal:	273 Mile 500 kV Transmission Line and related or supporting facilities
Location:	Morrow, Umatilla, Union, Baker, Malheur Counties
Applicant:	Idaho Power Company
Status:	Contested Case: motions for summary determination



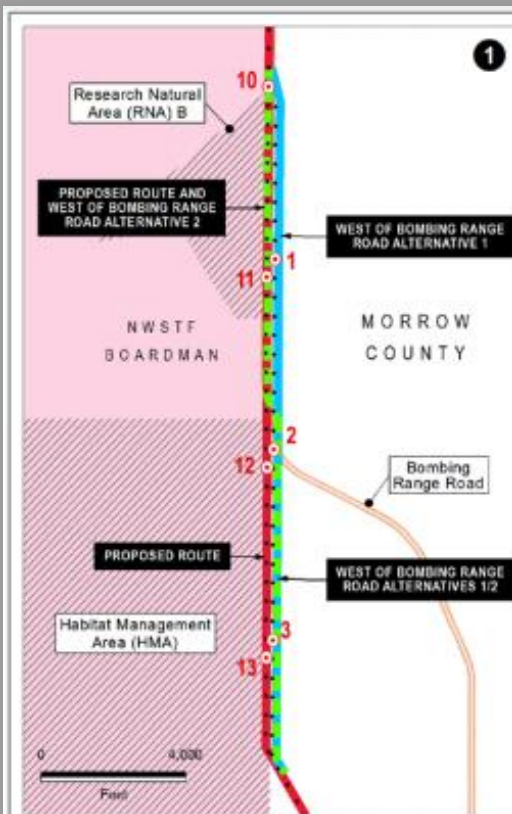
Project Features

- Proposed Route
- Alternative
- ▲ Stations
- # Alternative Detail Reference # (see Detail Map)

Land Status

- Bureau of Land Management
- Bureau of Reclamation
- Fish and Wildlife Service
- Forest Service

- Indian Reservation
- Military Reservation/ Corps of Engineers
- Other Federal
- Private
- State



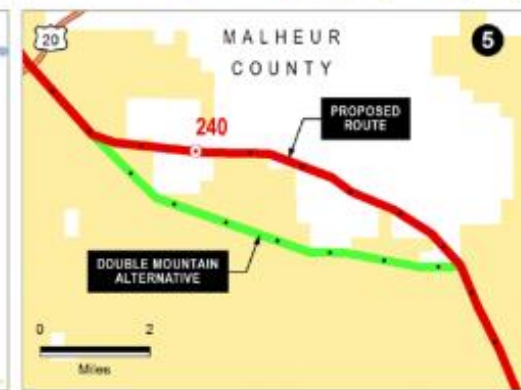
Project Features

- Proposed Route
- West of Bombing Range Road Alternative 1
- West of Bombing Range Road Alternative 2

- Morgan Lake Alternative
- # Alternative Detail Reference # (see Project Overview Map)
- Mileposts/Ten Mile Markers
- Mile or Ten Mile

Land Status

- Bureau of Land Management
- Forest Service
- Military Reservation/ Corps of Engineers
- Private
- State



West End Solar Energy Project

Proposal:	45 MW solar photovoltaic energy generation facility
Site Boundary:	324 acres
Location:	Umatilla County, near Hermiston
Applicant:	Eurus Energy America Corporation
Status:	Expedited Review process determined appropriate. Preliminary ASC anticipated in late Summer 2021

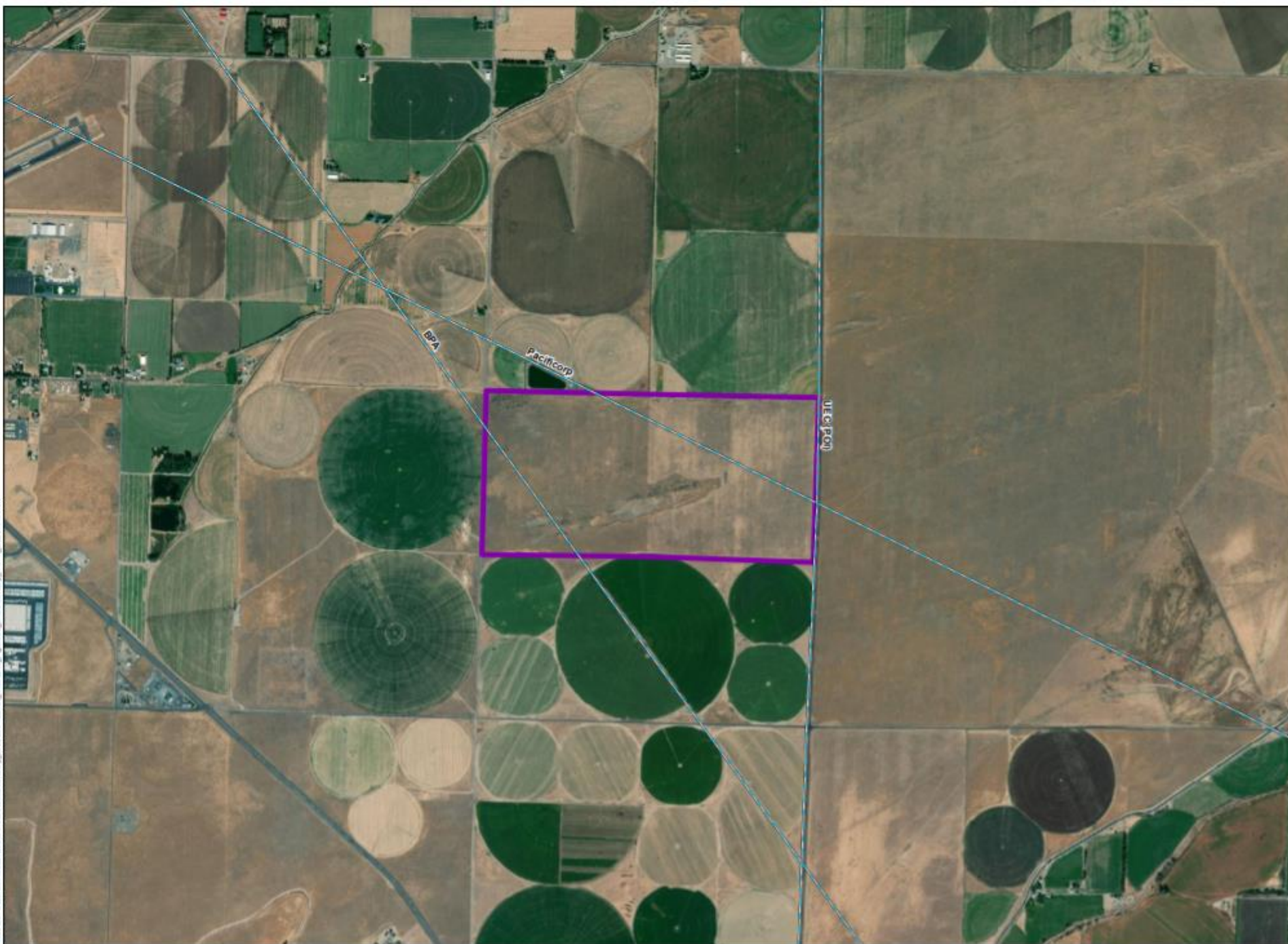
**West End
Solar Project****Figure 2
Site Boundary
(Micrositing Corridor)**

UMATILLA COUNTY, OR

-  Site Boundary
(Micrositing Corridor)
-  Transmission Line

 TETRA TECH

Reference Map



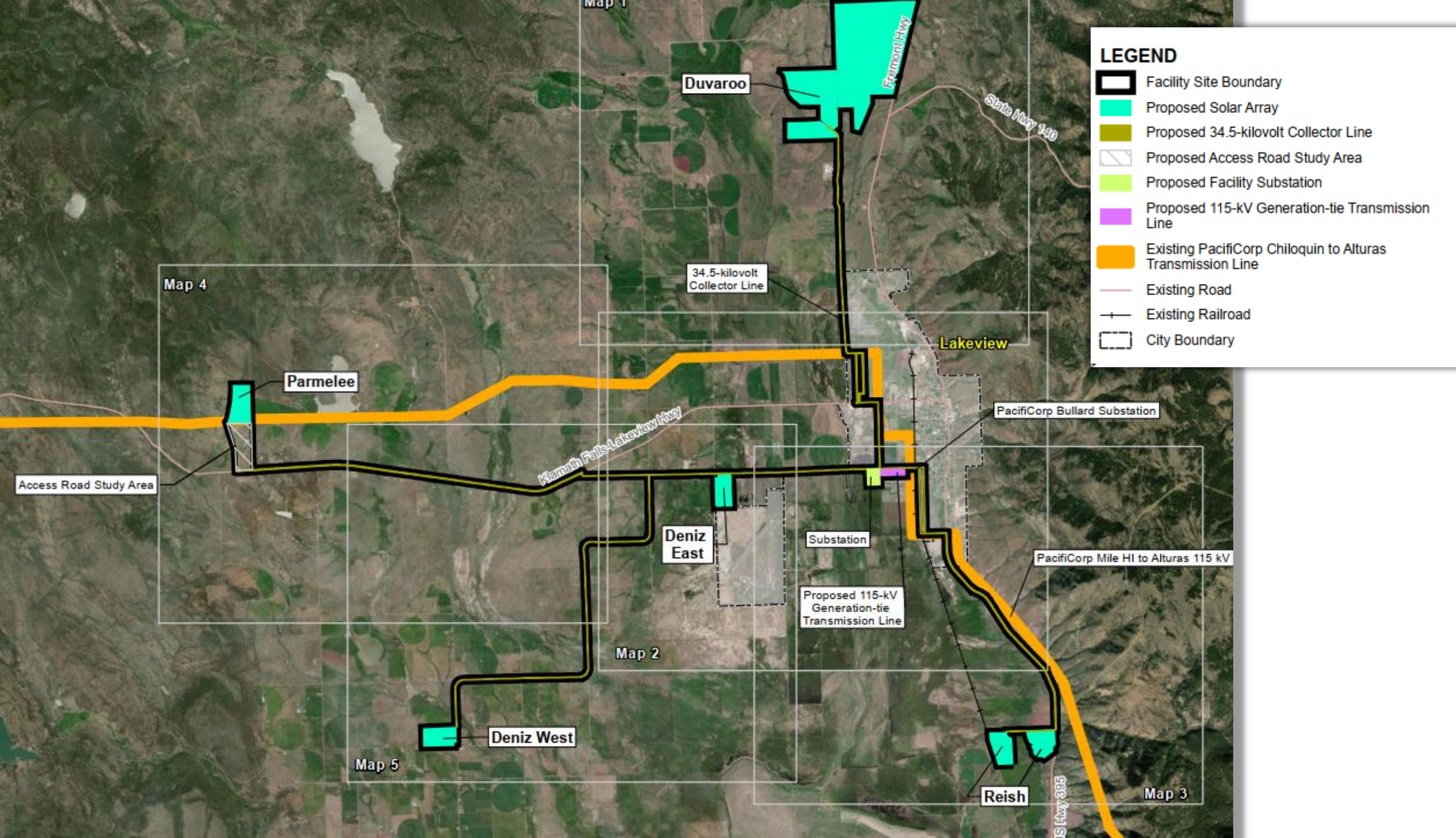
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Meters

NOT FOR CONSTRUCTION

Blue Marmot Solar Energy Facility

Proposal:	50 MW solar photovoltaic energy generation facility
Site Boundary:	2,332 acres (3.6 sq. miles)
Location:	Lake County, near Town of Lakeview
Applicant:	Blue Marmot Solar Park LLC (EDP Renewables North America, LLC)
Status:	Revised Notice of Intent. Preliminary ASC anticipated in late Summer 2021



Archway Solar Energy Facility

Proposal:	400 MW solar photovoltaic energy generation facility
Site Boundary:	3,650 acres (5.7 sq. miles)
Location:	Lake County, near Christmas Valley
Applicant:	Archway Solar Energy, LLC (Invenergy Solar Development North America, LLC)
ASC Status:	Notice of Intent - Preliminary ASC anticipated in Oct 2021

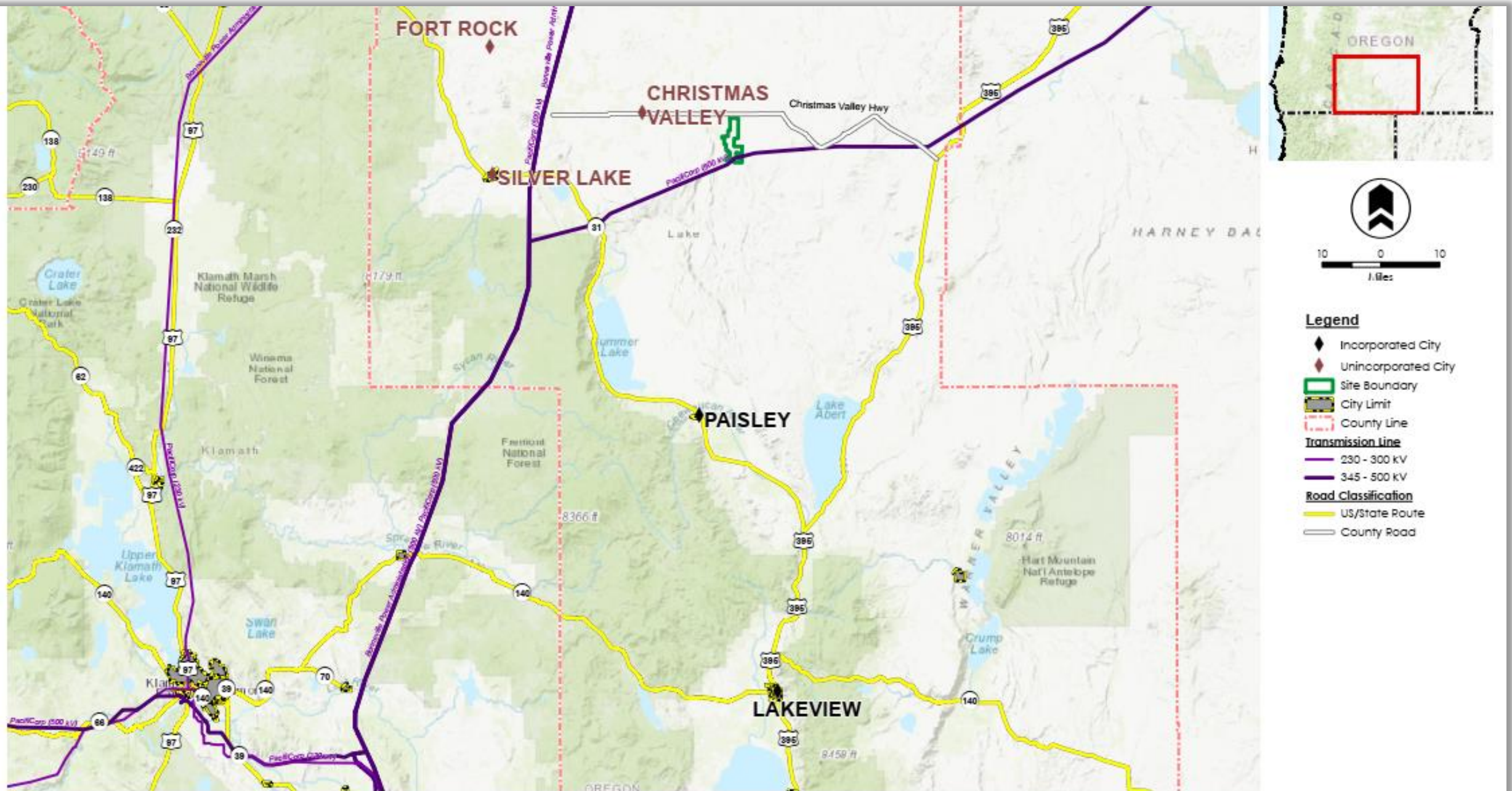


Figure G-1 - Regional Vicinity Map

Rev. 00

Invenergy

Bakeoven Solar Project RFA1

Approved Facility: Solar photovoltaic energy generation facility, occupying up to 2,717 acres (6.1 sq. miles), with a generating capacity of approximately 303 MW.

Operating Status: Under Construction

Location: Wasco County, near Maupin

Certificate Holder: Bakeoven Solar LLC (Avangrid Renewables LLC)

Bakeoven Solar Project RFA1

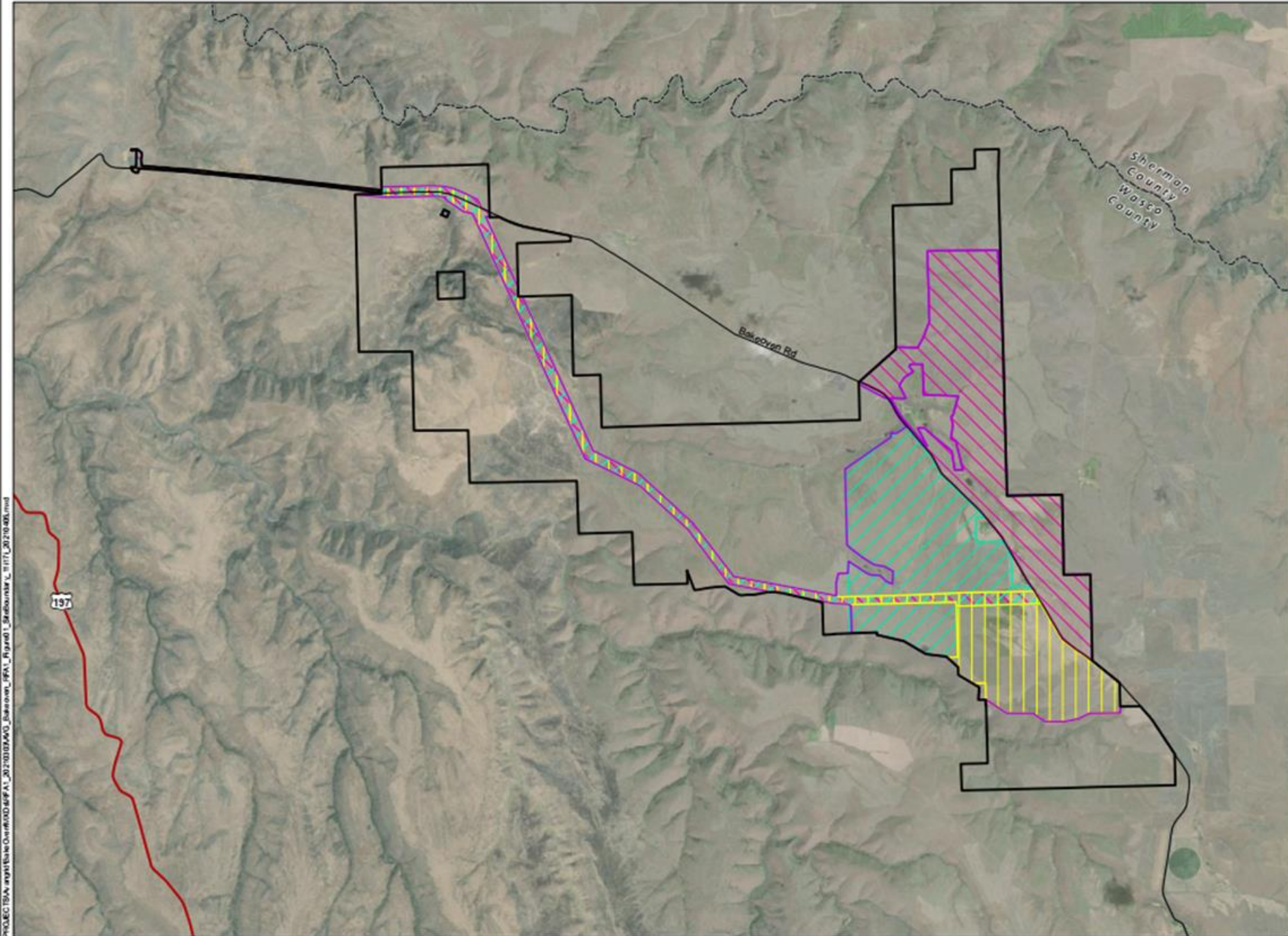
Amendment Request: Split the approved site certificate into an amended and two new site certificates:

1. Bakeoven Solar Project, 60 MW, existing certificate holder – Bakeoven Solar, LLC
2. Day Break Solar Project, 140 MW, new certificate holder – Day Break Solar, LLC
3. Sunset Solar Project, 103 MW, new certificate holder – Sunset Solar, LLC

→ No physical changes to approved facility or expansion to site boundary. Each facility would have separate certificate holders but Avangrid Renewables, LLC would remain parent company for all. Type B review requested.

Amendment Status: preliminary Amendment Request under review





Bakeoven Solar Project

Figure 1
Bakeoven Solar
Project Site Boundary
Micrositing Corridor by Phase

WASCO COUNTY, OREGON

- Site Boundary
- Micrositing Corridor
- Bakeoven Phase I
- Daybreak Solar Phase II
- Sunset Solar Phase III
- All Phases
- US Highway
- Local Road
- County Boundary



Data Sources

Avangrid Project Infrastructure;
USDA-Aerial Imagery; Census Bureau Tiger Roads

Reference Map



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NOT FOR CONSTRUCTION

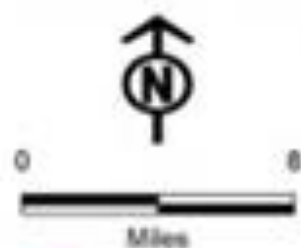
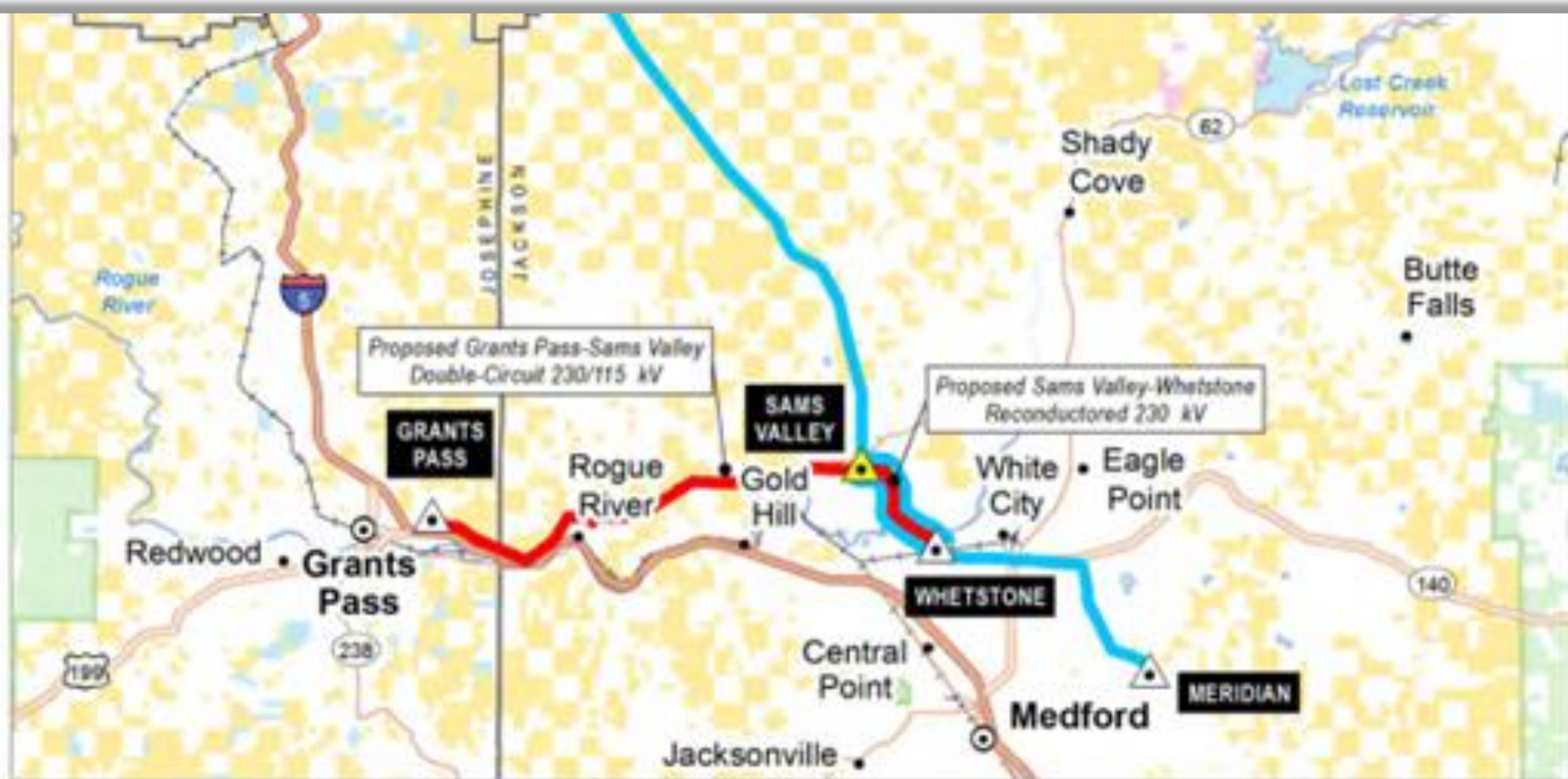
Agenda Item F (Action Item)

Eugene to Medford Transmission Line Amendment 4 Hearing Officer Appointment

**Sarah Esterson, Senior Policy Advisor
July 23, 2021**

Eugene to Medford Transmission Line

Facility:	146-mile, 500 kV transmission line, from Eugene to Medford
Status:	Operating
Location:	Eugene, Lane County, through Douglas County to Medford, Jackson County
Certificate Holder:	PacifiCorp
Amendment Request:	Expand site boundary; new 17.6-mile 230 kV transmission line; new 500/230 kV substation; reconductor 230 kV transmission line; temporarily improve existing access roads
Amendment Status:	pRFA under review



PACIFICORP
A subsidiary of PacifiCorp Energy Services, Inc.

Project Features

- Proposed 230/115 kV Transmission Line and 230 kV Reconductor
- Existing Eugene-Meridian 500 kV Transmission Line
- Transmission Lines Adjacent to Each Other

Substations

- Proposed
- Existing

Land Status

- Bureau of Land Management
- Forest Service
- Military Reservation or Corps of Engineers

- Private
- State or Local
- State or Local Parks and Recreation or Wildlife

Council Options

Option 1

Appoint ALJ Joe Allen as
Hearing Officer
(staff recommendation)

Option 2

Do not appoint ALJ Joe
Allen as Hearing Officer
for specified reasons

Council Deliberation

Agenda Item G (Action Item)

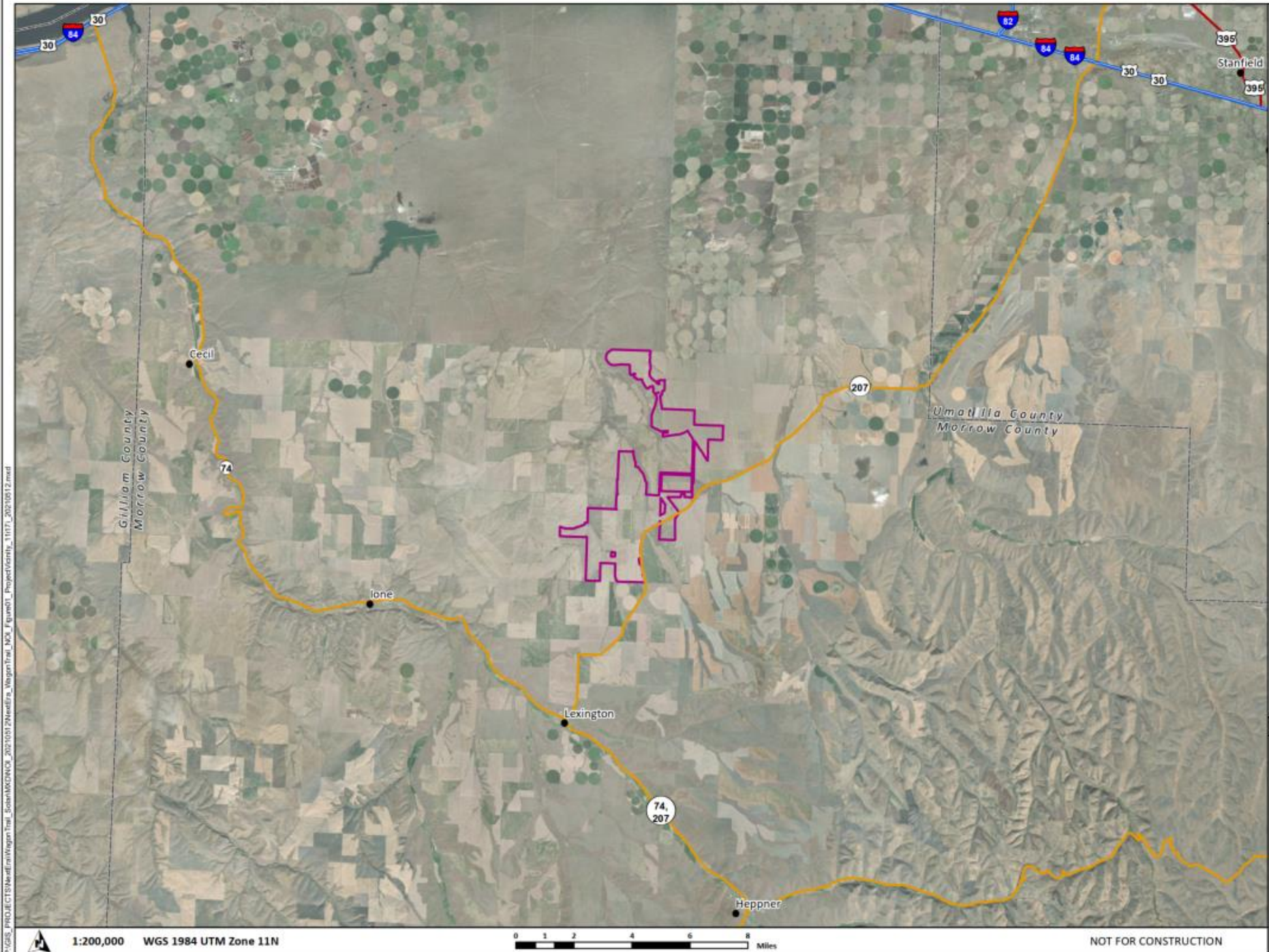
Wagon Trail Solar Project Hearing Officer Appointment

July 23, 2021

Sarah Esterson, Senior Policy Advisor

Proposed Wagon Trail Solar Project

Proposal:	500 MW solar photovoltaic energy generation facility
Site Boundary:	7,339 acres (11.47 sq. miles)
Location:	Morrow County, near Lexington and Lone
Applicant:	Wheatridge East Wind, LLC, (NextEra Energy Resources, LLC)
Status:	Amended Notice of Intent received on June 11, 2021



**Wagon Trail
Solar Project**



**Figure 1
Vicinity Map**

MORROW COUNTY, OREGON

- Site Boundary
- City/Town
- Interstate Highway
- US Highway
- State Highway
- County Boundary



Data Sources

NextEra-Project Infrastructure;
USDA-Aerial Imagery; ESRI-
County Boundaries

Reference Map



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NOT FOR CONSTRUCTION

Council Options

Option 1

Appoint ALJ Joe Allen as
Hearing Officer
(staff recommendation)

Option 2

Do not appoint ALJ Joe
Allen as Hearing Officer
for specified reasons

Council Deliberation



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EFSC Meeting On Break - Meeting Resumes at 12:25 p.m.



Agenda Item H (Action Item)

Boardman Coal Plant Request to Terminate Terrestrial Monitoring Plan

**Kate Sloan, Senior Analyst
July 23, 2021**

Boardman Coal Plant

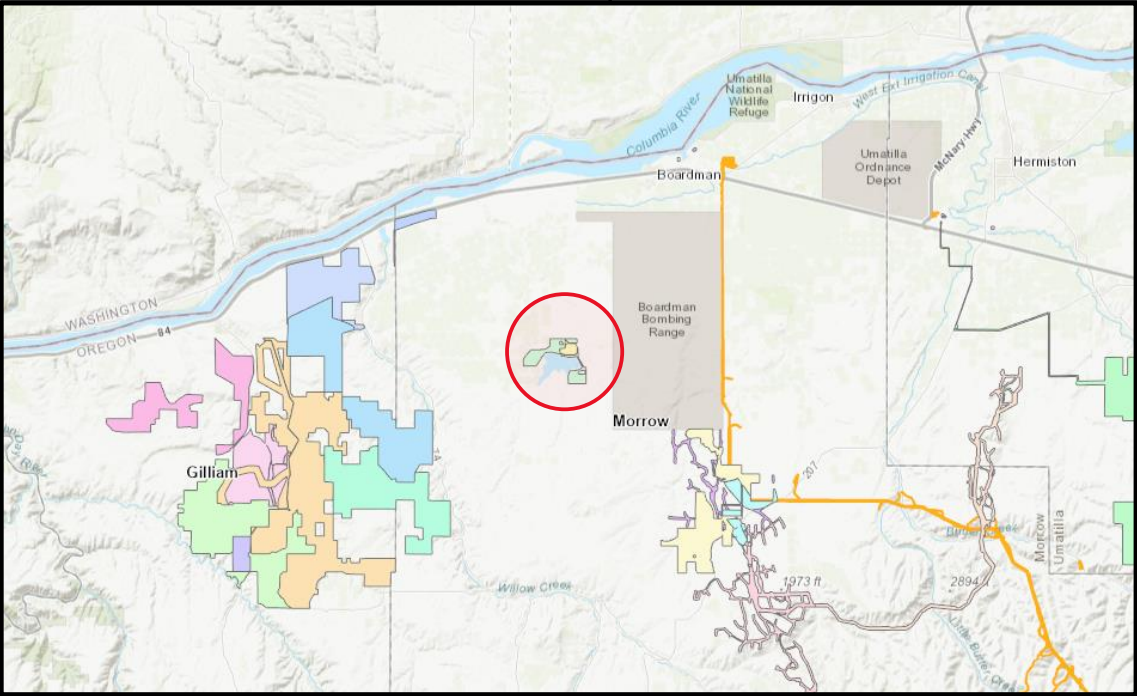


Overview of Agenda Item

- Facility Overview
- Site Certificate History
- Overview of Request to Terminate Terrestrial Monitoring Plan (TMP)
- Council Scope of Review
- Staff Recommendation (See Staff Report and Attachments)

Facility Overview

Facility :	The Boardman Coal Plant (BCP) was an approximately 550 MW Coal-fueled electric generating power plant
Location:	Morrow County, near Boardman
Certificate Holder:	Portland General Electric (PGE)
Status:	Ceased operation. Preparing for decommissioning.

[illegible]

The map shows the Morrow area in Oregon, with the Morrow Umatilla National Wildlife Refuge highlighted in green. The map includes the Morrow Umatilla National Wildlife Refuge, the Morrow Umatilla National Wildlife Refuge, and the Morrow Umatilla National Wildlife Refuge. A red circle highlights the Morrow Umatilla National Wildlife Refuge.

Site Certificate History

- 03/24/1975 - Site certificate issued.
- 1980 - Placed into service
- 1977-2013 - Site Certificate Amendments 1 thru 9
- 10/15/2020 - Ceased operations
- Currently in Decommissioning Status/Demolition to be complete by 2023
- 2/17/2021 PGE Notice/Request to Terminate Terrestrial Monitoring Program

Timeline of Terrestrial Monitoring Plan

- 1979-2004 - BCP Environmental Monitoring Program is implemented per site certificate conditions.
- 9/10/2004 - BCP Environmental Monitoring Program is split and expanded into the Water Quality Program and the Terrestrial Monitoring Program (TMP).
- 2004 - Approval of the BCP TMP
- 12/2020 Most recent amendments approved to the TMP
- 2/2021 PGE requests to terminate the TMP
- 3/21-/6/21 ODOE review, ODFW & PGE consultations, Staff Report
- 7/23/21 Staff Report with Recommendations presented to EFSC

Overview of TMP Termination Request

- PGE submitted formal notice/request of intent to terminate the BCP TMP, which is a modification of the existing TMP.
- ODOE review of procedural history and all applicable requirements.
- Consultation with Oregon Department of Fish and Wildlife (ODFW).
- Preparation of Staff Report with recommendations for Council review.

Council Scope of Review

EFSC's scope of review is based on requirements in effect in 1975, as established in the BCP Site Certificate. The TMP was imposed as a site certificate requirement pursuant to OAR 345-026-0060, which states:

*The site certificate holder shall initiate and maintain environmental and effluent monitoring of the sites, thermal power plants, and associated facilities. Specific plans for the performance, modification, and reporting of these monitoring programs shall be reviewed and concurred in by the appropriate state agencies. All program plans and reports as listed below shall be provided to the Council. The Council, after consultation with the appropriate state agency, may approve or modify those plans [Terrestrial Monitoring]**

*Final Order #1: Approving in part PGE's Request for revisions to Boardman Environmental Monitoring Programs. 2004-09-13.

Summary of Staff Findings

- Terrestrial Monitoring for BCP has been ongoing for 40+ years – no significant impacts
- Terrestrial Monitoring Program requirements apply to operations.
- Carty Generating Plant will continue its TMP in surrounding area.
- ODFW consultations resulted in concurrence with the request.
- ODOE has reviewed the record and associated requirements.
- Council has the oversight to approve modifications to the TMP.

Staff Recommendation

Based upon review of PGE's request and the requirements of the BCP TMP, staff recommends:

Council approve the site certificate holder's (Portland General Electric) request to terminate Terrestrial Monitoring Plan for the Boardman Coal Plant.

Questions?



Council Options

Option 1

Approve request to
terminate monitoring
(**staff recommendation**)

Option 2

Approve request to
terminate monitoring
with specified changes

Option 3

Deny request to
terminate monitoring for
specified reasons

Council Deliberation

Agenda Item I (Information Item)

Organizational Expertise Standard Overview

Sarah Esterson, Senior Policy Advisor
July 23, 2021

Background

- ORS 469.501(1) provides the Council with broad authority to adopt standards, including standards to address the *“organizational, managerial and technical expertise of the applicant to construct and operate the proposed facility.”*
- The Council has adopted such a Standard under OAR 345-022-0010, “Organizational Expertise”

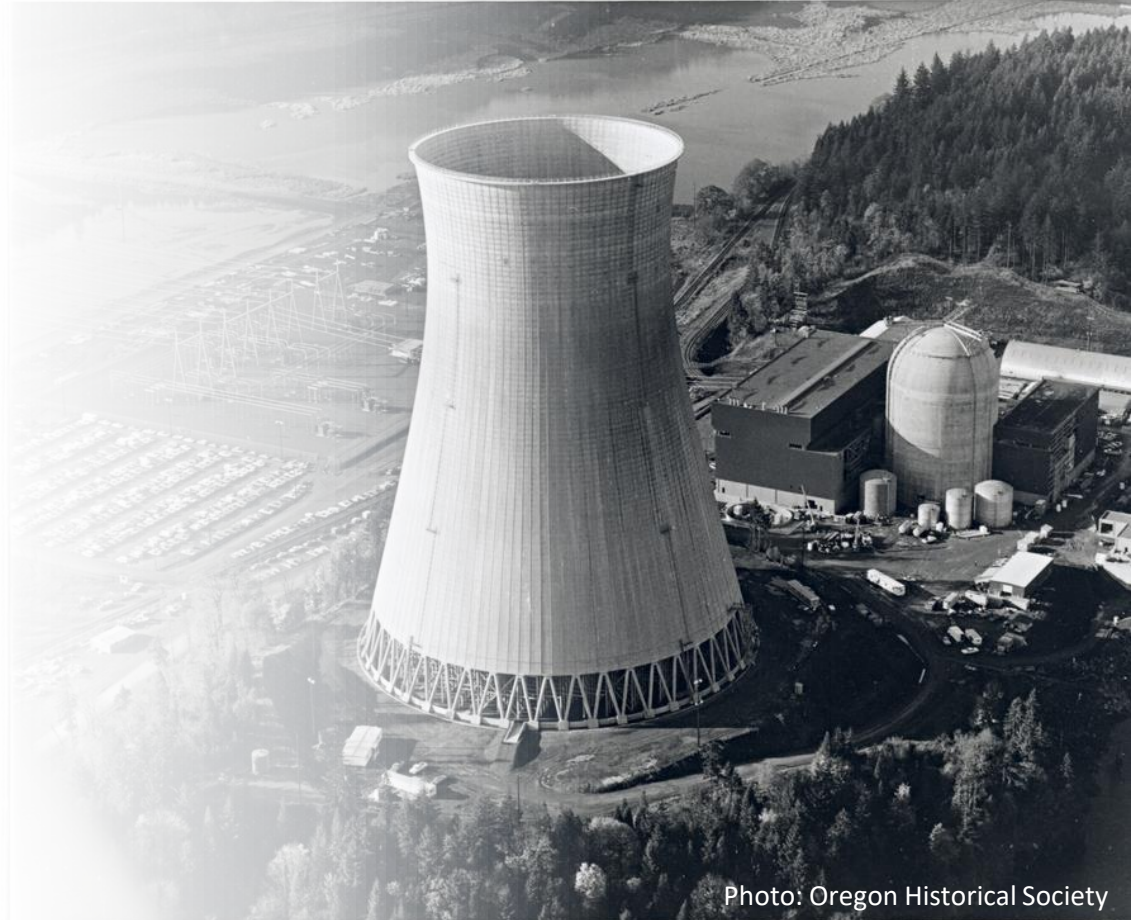


Photo: Oregon Historical Society

Rulemaking History

- A version of the standard has been in place since 1980.
 - Separate standards were provided for different types of facilities.
 - Most standards simply stated that applicant must have organizational, managerial and technical expertise to construct, operate and retire the proposed facility.
- The current “general standard” dates back to 1993.
 - Required Council to conclude that applicant has “reasonable probability of successful construction and operation of the facility” considering experience, availability of technical expertise, location and performance of similar facilities.
- Sections related to third-party permitting were added in 1994.
- Rebuttable presumption based on ISO 9000 or ISO 14000 certification was added in 1999.
- Current version of the standard adopted in 2002.

Information Requirements

Exhibit A (Both NOI and ASC): Information about the applicant and participating persons:

- Contact information for the applicant and identification of any co-owners of the proposed facility.
- Identification of and contact information for any other persons, including the applicant's parent company, that the applicant will rely upon for permitting or compliance with standards.
- Information about the legal status and business structure of the applicant and proof of its registration to do business in Oregon.

Information Requirements

Exhibit D (ASC Only): Information about the organizational expertise of the applicant to construct and operate the proposed facility

- The applicant's previous experience constructing and operating similar facilities, or a demonstration that it can secure the necessary expertise.
- The qualifications of personnel, vendor, or prime contractor the applicant will rely on for constructing and operating the facility.
- The applicant's regulatory and compliance history.
- A description of any applicable certified quality assurance or environmental management program.
- Evidence that the applicant can successfully complete any proposed mitigation activities needed to demonstrate compliance with standards.

Information Requirements

Exhibit E (Both NOI and ASC): Information about permits needed for construction and operation of the facility, including:

- Identification of all federal, state and local government permits related to the siting of the proposed facility.
- For permits that will be governed by the site certificate, evidence that the proposed facility will comply with the statutes, rules and standards applicable to the permit.
- For federally-delegated permits, evidence that the responsible agency has received a permit application and the estimated date of issuance.
- Identification of permits that will be secured through a third-party and supporting evidence.
- The applicant's proposed monitoring program, if any, for compliance with permit conditions.

Commonly Required Permits

Permit Type	Governed by Site Certificate	Not Governed by Site Certificate
Local	<ul style="list-style-type: none"> Conditional Use/Zoning* 	<ul style="list-style-type: none"> Building codes Floodplain development Utility crossing/access approach Road Use
State	<ul style="list-style-type: none"> Removal/Fill Water right/use authorization Fish Passage Plan Public Land Action/State T&E Species State Hazard to Air Navigation Determination Archaeological Excavation* 	<ul style="list-style-type: none"> Sewage Disposal Construction/Installation Water pollution control facilities Highway Approach/Operations Oversize load movement Certificate of Public Convenience & Necessity
Federal		<ul style="list-style-type: none"> Right-of-way/Special Use Authorization Air Contaminant Discharge (del. to DEQ) National Pollutant Discharge Elimination (del. To DEQ) Clean Water Act Section 404 ESA Consultation/Incidental Take Federal Air Hazard Determination

* Applicant may choose whether this is governed by site certificate

Substantive Requirements

Ultimate Finding: The applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate.

Supporting Findings: The applicant has demonstrated the ability to:

- Design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety
- Restore the site to a useful, non-hazardous condition.

Considerations: Experience, access to technical expertise, applicant's past performance in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations.

Permitting

If the applicant relies on a permit or approval issued to a third party, the Council must find that:

- The third party has, or has a reasonable likelihood of obtaining, the necessary permit
- The applicant has, or has a reasonable likelihood of entering into, a contractor other arrangement with the third party.
- If the third party does not have the necessary permit at the time the Council issues the site certificate, the Council must impose a condition prohibiting certificate holder from commencing construction or operation until the permit and contract are in place

Example 1: Carty Generating Station

- Carty Generating Station Amendment #1 to add a 50 MW solar PV component to an approved natural gas fired power plant
- Owner is Portland General Electric (Investor Owned Utility)
- Approved by Council in December 2018 but not yet constructed



Example 2: Madras Solar Energy Facility

- Madras Solar Energy Facility, a 63 MW solar PV and 63 MW battery storage project
- Owner is Madras PV1, LLC, a wholly owned subsidiary of Ecoplexus Inc. (Independent Power Producer)
- Approved by Council in June 2021 but not yet constructed



Council Questions/Deliberation

Adjourn

