Oregon Department of Energy

Energy Facility Siting Council Meeting

Virtual Webinar

August 27, 2021
Opening Items:

- Call to Order
- Roll Call
- Announcements
Announcements:

• Reminder that this meeting is being held in its entirety via teleconference and webinar.

• Reminder to Council and to anyone addressing the Council to please remember to state your full name clearly, and 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
(Action Item & Information Item)

Consent Calendar
August 27, 2021

• July Council Meeting Minutes
• Council Secretary Report
Boardman to Hemingway Transmission Line – Review of Motion By Ms. Irene Gilbert to Remove Contested Case Hearing Officer

August 27, 2021
Jesse Ratcliffe, Oregon Department of Justice Senior Assistant Attorney General
Oral Comment

• Ms. Irene Gilbert

• Idaho Power Company
Council Questions/Deliberation
EFSC Meeting
On Break - Meeting Resumes at 10:05 a.m.
Boardman to Hemingway Transmission Line – Review of Interlocutory Appeal by Mr. Michael McCallister

August 27, 2021
Jesse Ratcliffe, Oregon Department of Justice Senior Assistant Attorney General
Oral Comment

- Mr. Michael McAllister
- Idaho Power Company
- Oregon Department of Energy
Council Questions/Deliberation
Agenda Item D
(Information Item)

Project Updates
August 27, 2021
Project Leads, ODOE
Projects Under Review

Applications for Site Certificate
- Bonanza Energy Facility
- Nolin Hills Wind Power Project
- Port Westward Renewable Diesel Project (Exemption Request)
- Wagon Trail Solar Project

Requests for Amendment
- Eugene to Medford Transmission Line
- Stateline Wind Project
- Boardman Solar Energy Facility
# Bonanza Energy Facility

<table>
<thead>
<tr>
<th><strong>Proposal:</strong></th>
<th>150 to 300 MW solar photovoltaic energy generation facility</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Boundary:</strong></td>
<td>2,733 acres (4.2 sq. miles)</td>
</tr>
<tr>
<td><strong>Location:</strong></td>
<td>Southeast Klamath County, near Bonanza</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Hecate Energy Bonanza LLC (Hecate Energy NAF LLC)</td>
</tr>
<tr>
<td><strong>Status:</strong></td>
<td>Preliminary ASC anticipated in late 2021</td>
</tr>
</tbody>
</table>
Nolin Hills Wind Power Project

Proposal: 600 MW wind and solar PV energy generation facility

Site Boundary: 48,196 acres with 1,896 acres (2.9 sq. miles) of solar PV

Location: Northwest Umatilla County, near Echo

Applicant: Nolin Hills Wind, LLC (Capital Power Corporation)

Status: Reviewing preliminary ASC for completeness
Eugene to Medford Transmission Line RFA 4

Approved Facility: 146-mile, 500 kV transmission line

Location: Eugene, Lane County, through Douglas County to Medford, Jackson County

Certificate Holder: PacifiCorp

Approved Facility Status: Operating
Eugene to Medford Transmission Line RFA 4

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 Locations: Jackson and Josephine counties, and the City of Rogue River

Amendment Status: Reviewing preliminary RFA for completeness
## Port Westward Renewable Diesel Project

<table>
<thead>
<tr>
<th>Proposal:</th>
<th>Exemption request for a renewable diesel production facility capable of processing up to 50,000 barrels per day of renewable biomass feedstocks.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Port Westward Industrial Park, Clatskanie, Columbia County</td>
</tr>
<tr>
<td>Applicant:</td>
<td>NEXT Renewable Fuels Oregon, LLC</td>
</tr>
<tr>
<td>Status:</td>
<td>Determined incomplete. Waiting for local land use approval.</td>
</tr>
</tbody>
</table>
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 the City of Arlington

Applicant: Wheatridge East Wind, LLC, (NextEra Energy Resources, LLC)

Status: Preliminary ASC anticipated in late summer 2021
<table>
<thead>
<tr>
<th><strong>Boardman Solar Energy Facility RFA 1</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Approved Facility:</strong> 75 MW solar photovoltaic energy generation facility</td>
</tr>
<tr>
<td><strong>Site Boundary:</strong> 798 acres (1.25 sq. miles)</td>
</tr>
<tr>
<td><strong>Location:</strong> Near the border of Gilliam and Morrow County, immediately south of Interstate 84.</td>
</tr>
<tr>
<td><strong>Certificate Holder:</strong> Boardman Solar Energy LLC, (Invenergy LLC)</td>
</tr>
<tr>
<td><strong>Status:</strong> Not yet constructed</td>
</tr>
</tbody>
</table>
Boardman Solar Energy Facility RFA 1

Amendment Request: Extend both the construction commencement and completion deadlines by three years.
-Type B review

Amendment Status: Proposed Order issued and Type B review determined justified.
Stateline Wind Project RFA 6

Approved Facility: 222 MW wind energy generation facility made up of two units
Stateline 1 & 2: 123 MW
Vansycle II: 99 MW

Location: Northern Umatilla County, near Helix

Certificate Holder: FPL Energy Vansycle, LLC (Stateline 1&2) and FPL Energy Stateline II, Inc. (Vansycle II), subsidiaries of NextEra Energy Resources LLC.

Status: Operating
Stateline Wind Project RFA 6

Amendment Request:
- Add 50 MW of battery storage
  - Three options which include some combination of adding turbines, replacing turbines and repowering turbines. Height would be increased from 440 feet to a maximum of 489 feet. Ground clearance would be reduced from 85 feet to no less than 59 feet.
  - Type B review

Amendment Status: Reviewing preliminary amendment request for completeness and Type B review request.
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”.

Oregon Department of Energy
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.
EFSC Meeting
On Break -
Meeting Resumes at 12:15 a.m.
Agenda Item F
(Informational Item)

Retirement and Financial Assurance Standard Overview,
Part I of II
(Information Item)

August 27, 2021

Sarah Esterson, Senior Policy Advisor
Chase McVeigh-Walker, Senior Siting Analyst
Overview/Goals

**Overview**

Council will review:
- Purpose of the standard
- Regulatory History
- Substantive Requirements
- Information Requirements
- Compliance Evaluation

**Goals**

- Inform/educate, address questions
- Discuss type/form of evidence typically evaluated
- Discuss improvements (policy or rulemaking)
To issue a site certificate, the Council must find that:

(1) The site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.

(2) The applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.”
Upon cessation of operation or construction:

• Ensure that the certificate holder has an ability to decommission/restore facility site consistent with zone, landscape and landowner input.

Certificate holder ability is based on:

• Decommissioning estimate, based on verified methods/tasks/actions assumptions
• Decommissioning experience
• Ability to obtain a bond or letter of credit equal to decommissioning estimate
• Preconstruction requirements to submit to ODOE bond or letter of credit
Legislature authorized Council to establish standards of “financial ability and qualifications as to ability to construct and operate the energy facility”

Council adopted financial capability standards for different types of facilities

Replaced many of the facility-specific financial capability standards with generally applicable standard; added Retirement Standard and Bonding requirements

Further consolidated previous standards into one (current standard); amended mandatory conditions
Organizational Expertise (OAR 345-022-0010(1))
Council must find that applicant has:
• Organizational expertise to retire the facility
• Demonstrated the ability to restore the site to a useful, nonhazardous condition

Mandatory Site Certificate Conditions (OAR 345-025-0006(3), -(8), -(9), -(16))
All certificate holders must:
• Retire facility substantially as described in site certificate
• Submit bond or letter of credit to ODOE in form and amount satisfactory to Council
• Retire facility in accordance with Council approved Retirement Plan
Exhibit W
Division 21
Information Requirements

- Estimated useful life of the proposed facility
- Specific actions and tasks to restore the site
- An estimate, in current dollars, of total and unit costs to restore the site
- Discussion and justification of methods and assumptions
- Proposed monitoring plan for facilities that might produce site contamination
Examples

[PLACEHOLDER SLIDE – SHOW EXHIBIT W for Bakeoven, Madras and Carty]
Exhibit M

Division 21
Information
Requirements

- Legal opinion letter
- Type and $ amount for facility decommissioning
- Evidence of ability to obtain a bond or letter of credit
Examples

[PLACEHOLDER SLIDE – SHOW EXHIBIT M for Bakeoven, Madras and Carty]
Application of Standard – Life of Facility

Pre-Site Certificate Approval

Application Phase

➢ Description of tasks/actions

➢ Decommissioning Cost Estimate

➢ Evidence to support finding of ability to obtain bond or letter of credit
Application of Standard – Life of Facility

Site Certificate Approval
Pre-Construction
➢ True-up/final evaluation of cost estimate, using previously approved methods/base unit costs
➢ Bond or letter of credit, Council approved form and amount

Operation
➢ Annual adjustment of bond or letter of credit (inflation)

Decommissioning
➢ Obtain Council approval of a decommissioning plan
➢ Council review of compliance with decommissioning plan required for site certificate termination
Or
➢ If Certificate Holder fails to meet decommissioning obligation, Council uses financial surety to pay for decommissioning
Council Questions/Deliberation
Financial Assurance Update (Action Item)

August 27, 2021
Christopher M Clark, ODOE Siting Policy Analyst & EFSC Rules Coordinator
Before beginning construction, each certificate holder must provide a surety bond or letter of credit in a form and amount satisfactory to the Council to restore the site.

The bond or letter of credit must be maintained at all times until the facility has been retired.

The Council currently has approximately $168.2 million on file.

- Around $74 million is provided in Bonds
- Around 94.2 million is provided in LOCs
Surety Bonds

**Principal** purchases bond and agrees to comply with terms of contract.

**Surety** guarantees that principal will abide by contract. Provides funds to **Obligee** when breach is documented.

**Obligee** establishes bonding requirements as condition of contract. Monitors for compliance.
Termination of Bond Obligations

• Completion of Retirement and Site Restoration
• Replacement
• Expiration
• Cancellation
5. The Surety may cancel this bond at any time by giving the Principal and Obligee one hundred twenty (120) days written notice of the Surety’s intent to cancel this bond. * * *

* * *

6. If the Surety cancels the bond prior to the Principal fulfilling its obligation to retire the facility and restore the site, but Principal does not provide alternate financial assurance approved by the Council within 90 (ninety) days after the date of notice of cancellation is received by the Obligee from the Surety, the Oregon Department of Energy may take enforcement measures as described in OAR 345-029-0000 through OAR 345-029-0100.” (Emphasis added.)
Enforcement Procedures

Surety issues Notice of Intent to Cancel

Day 1

Department attempts to obtain compliance

Day 30

Day 60

Day 90

Day 120

Surety Cancels Bond

Department Issues Notice of Violation

Enforcement Conference

Contested Case

Final Order

Collections

Party Response

Notice of Penalty Assessment
5. The Surety may cancel this bond at any time by giving the Principal and Obligee one hundred twenty (120) days written notice of the Surety’s intent to cancel this bond. * * *

6. If the Surety cancels the bond prior to the Principal fulfilling its obligation to retire the facility and restore the site, but Principal does not provide alternate financial assurance approved by the Council within 90 (ninety) days after the date of the notice of intent to cancellation is received by the Obligee from the Surety, the Oregon Department of Energy may take enforcement measures as described in OAR 345-029-0000 through OAR 345-029-0100. Surety will be obligated to pay monies to the Obligee, limited to the penal sum of this bond, upon demand by the Obligee prior to the effective date of the cancellation.
## Council Options

<table>
<thead>
<tr>
<th>Option 1</th>
<th>Option 2</th>
<th>Option 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amend Surety Bond Template as proposed in Attachment 1 <em>(staff recommendation)</em></td>
<td>Amend Surety Bond Template with other specified changes</td>
<td>Do not amend Surety Bond Template</td>
</tr>
</tbody>
</table>
Agenda Item H
(Action Item)

Initiation Of Radioactive Waste Materials Rulemaking
(Cont'd)

August 27, 2021
Christopher M Clark, ODOE Siting Policy Analyst & EFSC Rules Coordinator
Maxwell Woods, ODOE Assistant Director for Nuclear Safety and Emergency Preparedness
Jeff Burright, ODOE Radioactive Waste Remediation Specialist
Overview

• Background
• Need and Authority for Rulemaking
• Objectives and Scope
• Potential Impacts on Stakeholders
• Recommended Method for Obtaining Public Input
• Projected Timeline
• Council Deliberation
Background

• SB 246 (2021):
  • Mandates that Council adopt standards and rules as necessary to prevent disposal of radioactive waste in Oregon.
  • Provides Council with additional authority to modify the types of materials that are considered to be radioactive waste under state law.
  • Expands authority to investigate and enforce violations involving radioactive materials and wastes.

• The bill is effective January 1, 2022.
Need and Authority for Rulemaking

- ORS 469.525 prohibits the establishment, operation, or licensure of any radioactive waste disposal facility in Oregon.

- Materials containing isotopes and concentrations identified in OAR 345-050 are not “radioactive waste” under the law.
  - The current law references rules adopted in 1978.
  - SB 246 removes this language, allowing the Council to identify additional isotopes and concentrations that may present significant danger to public health and safety.

- SB 246 also expands prohibition on “disposal” to include the:
  - Arrangement for disposal of radioactive waste
  - Transport of radioactive wastes for disposed for disposal.
Low Level Radioactive Materials

- **Man-made**
  - Generated in nuclear reactor
  - Particle accelerator

- **Naturally Occurring Radioactive Material**
  - As in nature
  - As enhanced by mining, milling, burning, refining (tailings, zircon sand, etc.)

Naturally occurring isotopes (ores containing U, Th, etc.)

Exempt quantities/concentrations

OR

Pathway exemption
Objectives and Scope

- Evaluating whether changes to OAR 345-050-0006 to 345-050-0038 are needed to protect public health and safety.

- Considering what standards and rules are necessary to prevent the disposal of radioactive waste in Oregon.

- Making any other conforming changes to rules in OAR chapter 345 needed to implement SB 246 or new rules.
Potential Impacts & Public Input

• Rulemaking could result in increased costs of compliance for industries that produce, handle, or dispose of radioactive materials.

• Due to potential for impacts and high interest in the subject matter, staff recommends Council appoint a Rulemaking Advisory Committee.

• If approved, Staff requests the Council delegate authority to add RAC members to the Department.
ODOE Recommendations for Rulemaking Advisory Committee Appointees

- Association of Oregon Counties*
- Confederated Tribes of the Umatilla Indian Reservation
- Dave Smith
- Gilliam County
- League of Women Voters of Oregon
- Oregon Business & Industry
- Oregon DEQ

- Oregon Health Authority, Radiation Protection Services
- Oregon Metro
- Oregon Refuse and Recycling Association
- Oregon State University
- Physicians for Social Responsibility
- Waste Management
- Wayne Lei, PhD, CHP

*Added after Council Packet
<table>
<thead>
<tr>
<th>Event</th>
<th>Date/Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council initiates permanent rulemaking</td>
<td>August 27, 2021</td>
</tr>
<tr>
<td>Staff convenes Rulemaking Advisory Committee</td>
<td>September 2021 - February 2022</td>
</tr>
<tr>
<td>Staff prepares draft proposed rules</td>
<td>February – March 2022</td>
</tr>
<tr>
<td>Council considers draft proposed rules/ issues Notice of</td>
<td>April 2022</td>
</tr>
<tr>
<td>Proposed Rulemaking</td>
<td></td>
</tr>
<tr>
<td>Public Comment Period/ Rulemaking Hearing</td>
<td>May-June 2022</td>
</tr>
<tr>
<td>Council Consideration of Permanent Rules</td>
<td>July 2022</td>
</tr>
</tbody>
</table>
## Item 1

### Initiation of Rulemaking

<table>
<thead>
<tr>
<th>Approve</th>
<th>Modify</th>
<th>Reject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initiate Rulemaking and Appoint RAC as Recommended</td>
<td>Initiate Rulemaking and Appoint RAC with modifications</td>
<td>Reject Recommendation to Initiate Rulemaking</td>
</tr>
</tbody>
</table>
Item 2
Delegation of Authority to Add RAC Members

<table>
<thead>
<tr>
<th>Approve Request</th>
<th>Deny Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorize Department to add RAC members as needed.</td>
<td>Retain sole authority over all decisions regarding RAC membership.</td>
</tr>
</tbody>
</table>
Initiation of Application Review Process Rulemaking
(Action Item)

August 27, 2021
Christopher M Clark, ODOE Siting Policy Analyst & EFSC Rules Coordinator
Overview

• Background
• Need and Authority for Rulemaking
• Objectives and Scope
• Potential Impacts on Stakeholders
• Recommended Method for Obtaining Public Input
• Projected Timeline
• Council Deliberation
Background

• The Council has adopted 14 general siting standards and additional specific standards. Over time, the relationship between these standards and some specific application requirements have become unclear.

• Council authorized staff to begin preliminary work on a multi-phase rulemaking project to update, clarify, and simplify its rules for the site certificate application review process as part of its 2021 to 2023 Rulemaking Schedule.

• The project was also identified in the Department’s EO 20-04 Implementation Plan as a possible means to accelerate reductions in GHG emissions.
Need and Authority

• ORS 469.470 authorizes the Council to adopt standards and rules for the siting of energy facilities and for the implementation of Oregon’s energy policy.

• Rulemakings are needed to:
  • Clarify and simplify application requirements
  • Improve consistency and standardization in the review process
  • Make the process clearer and more understandable for applicants, reviewing agencies, and interested members of the public.

• Rulemakings are intended to create efficiencies and reduce the time and costs associated with state jurisdictional reviews while having no negative effect on public participation.
Application Process Review Rulemaking

**Phase 1**
Separate procedural and substantive rules, simplify or clarify procedures where practicable.

**Phase 2**
Align information requirements with standards

**Phase 3**
Adjust substantive requirements for different types of facilities (i.e. renewable energy facilities), if warranted.
Scope and Objectives of Phase 1

• Scope: Reorganize rules in divisions 015 to 026 to create clear separation of procedural and substantive provisions in rules and simplify or clarify procedures for review where practicable.

• Sub-Objective 1: Separate procedural and substantive rules
  • Reorganize rules to clearly identify substantive requirements and separate them from administrative procedures

• Sub-Objective 2: Simplify or clarify procedures.
  • Eliminate duplicative procedural requirements
  • Consolidate procedures that are repeated in multiple points in the process
  • Identify and address procedural gaps and unclear processes
Substantive Requirements

A substantive rule establishes a right, duty, or obligation for an applicant or certificate holder. Examples of substantive rules include:

• An information requirement that establishes the information or evidence that must be provided for the Council to evaluate compliance with a standard.

• A standard that establishes the “yardstick by which the evidence will be evaluated.”

• A condition or obligation that describes specific rights, duties, and obligations for a certificate holder.
A **procedural rule** prescribes the steps that must be taken and methods that must be used to implement a substantive rule. Examples include:

- Submission and noticing requirements.
- Deadlines and timing considerations.
- Procedures for agency coordination, public meetings, and public hearings.
- Evidentiary rules.
<table>
<thead>
<tr>
<th>Original Division 015</th>
<th>New Division 015</th>
</tr>
</thead>
<tbody>
<tr>
<td>345-015-0012 to 345-015-0085</td>
<td>Contested Case Procedures</td>
</tr>
<tr>
<td>345-015-0110 to 345-015-0160</td>
<td>Notice of Intent Procedures</td>
</tr>
<tr>
<td>345-015-0180 to 345-015-0240</td>
<td>ASC Procedures</td>
</tr>
<tr>
<td>345-015-0300 to 345-015-0320</td>
<td>Expedited Review</td>
</tr>
<tr>
<td>345-015-0350 to 345-015-0380:</td>
<td>Exemptions</td>
</tr>
<tr>
<td>345-015-0012 to 345-015-0085</td>
<td>Contested Cases</td>
</tr>
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<td>345-015-0110 to 345-015-0160</td>
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</tr>
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<td>345-015-0350 to 345-015-0380:</td>
<td>Exemptions</td>
</tr>
</tbody>
</table>

**Example Reorganization of Division 015**
Example: Division 015 to 020

345-015-0110 to 345-015-0160
Notice of Intent Procedures

345-015-0110: Public Notice of a NOI
345-015-0120: Memorandum on a NOI
345-015-0130: Informational Meeting on a NOI
345-015-0140: Review by the Department
345-015-0160: Project Order

Division 020
Notice of Intent

345-020-0006: Submission of NOI
345-020-0011: Contents of a NOI
345-015-0110: Public Notice of a NOI
345-015-0120: Memorandum on a NOI
345-020-0040: Distribution of a NOI
345-015-0130: Informational Meeting on a NOI
345-015-0140: Review by the Department
345-015-0160: Project Order
345-020-0060: Expiration of a NOI
345-020-0016: Amendment of NOI
Example Division 015 to 021

### Division 015
- 345-015-0110 to 345-015-0160 Notice of Intent Procedures
- 345-015-0180 Agency Memorandum on ASC
- 345-015-0190 Determination of Completeness
- 345-015-0200 Notice to Agencies that the Application is Complete
- 345-015-0210 Draft Proposed Order
- 345-015-0220 Public Hearing on the DPO
- 345-015-0230 Council Review and the Department’s Proposed Order
- 345-015-0240 The Decision-Making Record

### Division 021
- **Application for Site Certificate**
  - 345-021-0000 General Requirements
  - 345-021-0010 Contents of an Application
  - 345-021-0020 Specific Application Requirements for Siting of Surface Facilities Related to Underground Gas Storage Reservoirs
  - 345-015-0180 Agency Memorandum on ASC
  - 345-021-0050 Distribution of a pASC
  - 345-015-0190 Determination of Completeness
  - 345-015-0200 Notice to Agencies that the Application is Complete
  - 345-021-0055 Distribution of a Complete ASC
  - 345-015-0210 Draft Proposed Order
  - 345-015-0220 Public Hearing on the DPO
  - 345-015-0230 Council Review and the Department’s Proposed Order
  - 345-021-0090 Amendment of an Application
  - 345-015-0240 The Decision-Making Record
  - 345-021-0100 Contested Case Proceeding on the Application — Burden of Proof

Division 015
<table>
<thead>
<tr>
<th>Exhibit A – Applicant Information</th>
<th>Exhibit H – Geologic Report</th>
<th>Exhibit P – Fish and Wildlife Habitat</th>
<th>Exhibit X - Noise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibit B - Proposed Facility Description</td>
<td>Exhibit I – Soils</td>
<td>Exhibit Q – T&amp;E Species</td>
<td>Exhibit Y – Carbon Emissions</td>
</tr>
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<td>Exhibit J – State Waterways</td>
<td>Exhibit R - Scenic Recourses</td>
<td>Exhibit Z – Condensate Plumes</td>
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<td>Exhibit D – Organizational Expertise</td>
<td>Exhibit K – Land Use</td>
<td>Exhibit S – Historic, Cultural, Archaeological Resources</td>
<td>Exhibit AA – EMG Fields</td>
</tr>
<tr>
<td>Exhibit E - Permits</td>
<td>Exhibit L - Protected Areas</td>
<td>Exhibit T - Recreation</td>
<td>Exhibit BB – Other Information</td>
</tr>
<tr>
<td>Exhibit F – Property Owner Lists</td>
<td>Exhibit M – Financial Capability</td>
<td>Exhibit U – Public Services</td>
<td>Exhibit CC – Legal Authorities</td>
</tr>
<tr>
<td>Exhibit G – Materials Analysis</td>
<td>Exhibit N – Need Standard</td>
<td>Exhibit V - Waste</td>
<td>Exhibit DD – Specific Standards</td>
</tr>
<tr>
<td></td>
<td>Exhibit O - Water Use</td>
<td>Exhibit W – Site Restoration</td>
<td></td>
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## Information about Impacts/Resources

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# Procedural Information

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Impacts

• Phase 1 is not expected to create any new substantive or procedural requirements.

• Overall, the project is intended to reduce the overall net costs of the siting review process by reducing time and administrative burdens.

• Some individual changes may increase costs by increasing the amount of information required to demonstrate compliance with individual standards or may enhance opportunities for public participation and engagement.
Public Input

• Phase 1 has narrow scope, but overall project has broad policy implications, complex issues with multiple alternatives, and a high level of anticipated interest due to subject matter.

• Staff recommends that use of a Rulemaking Advisory Committee to assist in development of rule changes is appropriate.

• Preliminary scoping activities will help identify interested stakeholders and provide general direction on rulemaking prior to appointment of RAC.
Potential Scoping Questions

• What are your top priorities for making the siting review process more efficient and effective?

• What are the most important informational elements of an Application for Site Certificate? How could the contents or format of applications be improved?

• How can opportunities for public participation in the siting review process be enhanced?

• What are your other comments or concerns about this rulemaking?
<table>
<thead>
<tr>
<th>Event</th>
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<tr>
<td>Council initiates rulemaking</td>
<td>August 2021</td>
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<tr>
<td>Staff distributes scoping survey</td>
<td>October-November 2021</td>
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<tr>
<td>Staff presents preliminary recommendations to Council, Council appoints RAC</td>
<td>January 2022</td>
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<tr>
<td>RAC meetings &amp; development of draft proposed rules</td>
<td>January - March 2022</td>
</tr>
<tr>
<td>Council considers draft proposed rules &amp; issues Notice of Proposed Rulemaking</td>
<td>April 2022</td>
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<tr>
<td>Public comment period on proposed rules</td>
<td>May – June 2022</td>
</tr>
<tr>
<td>Rulemaking hearing &amp; consideration of permanent rules</td>
<td>June /July 2022</td>
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Council Options

Option 1
Initiate Rulemaking as Proposed By Staff
(staff recommendation)

Option 2
Initiate Rulemaking with modifications

Option 3
Deny Request to Initiate Rulemaking
Boardman Decommissioning Update

LENNAT COPE
PORTLAND GENERAL ELECTRIC
AUGUST 27, 2021
ENERGY FACILITY SITING COUNCIL MEETING
Boardman History

Site Certificate Application first submitted February 28, 1973

Site Certificate Approved March 24, 1975

Began commercial operation August 3, 1980

Amended nine times, last time May 2013

Ceased Burning Coal October 15, 2020

Generated 97,039,654 MWhr
Operated 196,440 hours
Coal burned 56,116,406 tons
**Coal yard reclamation**
*March 2020 - Oct. 2020*
Collection of remaining coal from 100-acre yard to clean soil and avoid waste

**End of operations**
*Oct. 15, 2020*
Depletion of coal stockpile and end of coal power generation

**Decommissioning**
*Oct. 2020 - April 2021*
Efforts to make site safe for demolition

**Carty substation construction**
*May 2021 - Oct. 2021*
Substation construction for back-up power to Carty

**Boardman-Carty separation**
Disconnection from all shared services with Carty Generating Station, a natural gas-fired plant next to Boardman

**Last coal train**
*April 24, 2020*
Arrival of final shipment of coal

**Ash area disposal closure**
*May 2021 - July 2021*
Installation of a permanent, impermeable cap over ash disposal area

**Demolition**
*Oct. 2021 - Dec. 2022*
Deconstruction and removal of plant, including all coal-related distribution, transport, crushing and supply equipment.
Plant Worker Transition

- WARN Act notification issued on September 1, 2020
- 67 employees on October 1, 2020
- 4 remain to support site
- 11 transferred to new roles at PGE
- 37 classified as retired
- 15 terminated

Current Staff Transition

- 37 retiring
- 15 layoff
- 4 support demo
- 11 PGE
Carty Independence

- Boardman and Carty plants share infrastructure that must be separated prior to demolition
- Work approved as part of Carty Site Certificate Amendment 2
- Carty infrastructure separation includes:
  - Septic
  - Backup power/Carty Substation
  - Install eye wash
  - Fire water line
  - Intake structure
- Carty reservoir operations being evaluated to minimize cost
Coal Yard Reclamation

- Reclamation from March to October 2020
- 40,033 tons of coal reclaimed, used as fuel
- Revegetated in January 2021
- Reclamation returned $1.8M of coal for fuel and saved $2.8M in disposal costs
Coal Yard Reclamation
Ash Disposal Area Closure

- Designed using geomembrane cap - ClosureTurf®
- Construction May 2021 to July 2021, small punch list items complete by end of August
- 30 years of groundwater monitoring and O&M
- Radiological readings to be submitted to ODOE for site certificate and OAR 345-050-0030 exemptions
Ash Disposal Area Closure
Ash Disposal Area Closure
Soil Removal

- Berm from excavation of the boiler room
- Small portion previously used as a shooting berm
- Sampled by geo probe and auger to identify possible contamination
- Removed 146 tons of lead contaminated soil
Underground Storage Tank

- Removed one 15,000 gallon diesel tank and one 10,000 gallon gasoline tank
- DEQ notified and provided decommissioning checklist and site assessment report
- Soil above, below, and sides of tanks was sampled and no contamination was identified
Wash Pond Removal

- Lined pond where stormwater drained from fuel island
- Oil hydrocarbons within soil above the liner
- 291 tons of soil was removed
- Soil below liner was sampled and no contamination found
Decommissioning and Asset Disposition

- Decommissioning includes:
  - Draining all fluids and oil from equipment
  - Cleaning and washing the plant, cleaning tanks, removing ash from plant systems
  - Removing universal waste, radioactive sources
  - Removing underground storage tanks

- Asset disposition
  - Other plants identified assets they want
  - Look to scrappers or specific vendors to buy items (~ $1.7M so far)
  - Remaining material goes to demolition contractor

- Hazardous Waste - 146,576 pounds
- Non-hazardous Waste - 2,750 tons
- Universal Waste - 152 mercury switches
- Oil - 53,690 gallons
- Diesel Fuel - 110,000 gallons
Demolition

- Environmental Regulated Materials assessment
  - Identify asbestos and lead paint
- Make the plant cold, dark and dry during decommissioning
  - Have the plant ready for a demolition contractor to abate and demolish
- Plan and design site demolition
  - Remove buildings and utilities to two feet below grade
  - Abandon utilities deeper than two feet
  - Site restoration
- Currently in negotiations with contractor
- Turn the site over to demolition contractor October 2021
- Stack and boiler imploded end of Q1/2022
- Fire station
- Water tank
- Construction Sub
- Diesel fuel tank

- Transmission TBD
- Parking Lots
- Intake Structure
- Discharge channel

- 230kV transformer

- Rail loop throughout site

**Buildings/Items to Remain**
### Milestones and Costs

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<td>Underground storage tank and contaminated soil removal</td>
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<td>Ash disposal area capping</td>
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<td>Construction of substation for Carty</td>
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Top number is previously estimated cost. Bottom number is current estimate.
Summary

• Safety is critical and primary success factor
• Decommissioning activities have gone well so far
• Demolition work through next year and long-term monitoring and maintenance of site
Appendix
Adjourn