

# Oregon Department of **ENERGY**

Energy Facility Siting  
Council Meeting

Virtual Webex Meeting

September 24, 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 do 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

- Council Secretary Report

# Agenda Item B (Action Item)

## **Boardman Solar Energy Facility AMD#1**

September 24, 2021

Chase McVeigh-Walker, Senior Siting Analyst, ODOE

# Presentation Overview:

---

- Facility Overview and Site Certificate History
- Request for Amendment (RFA) 1 Procedural History
- RFA1 Proposed Changes
- Proposed Order (Action Item)

# Facility Overview

---

**Certificate Holder:**

Boardman Solar Energy LLC

**Certificate Holder Parent Company:**

Invenergy Solar Development LLC; subsidiary of Invenergy LLC

**Type of Facility:**

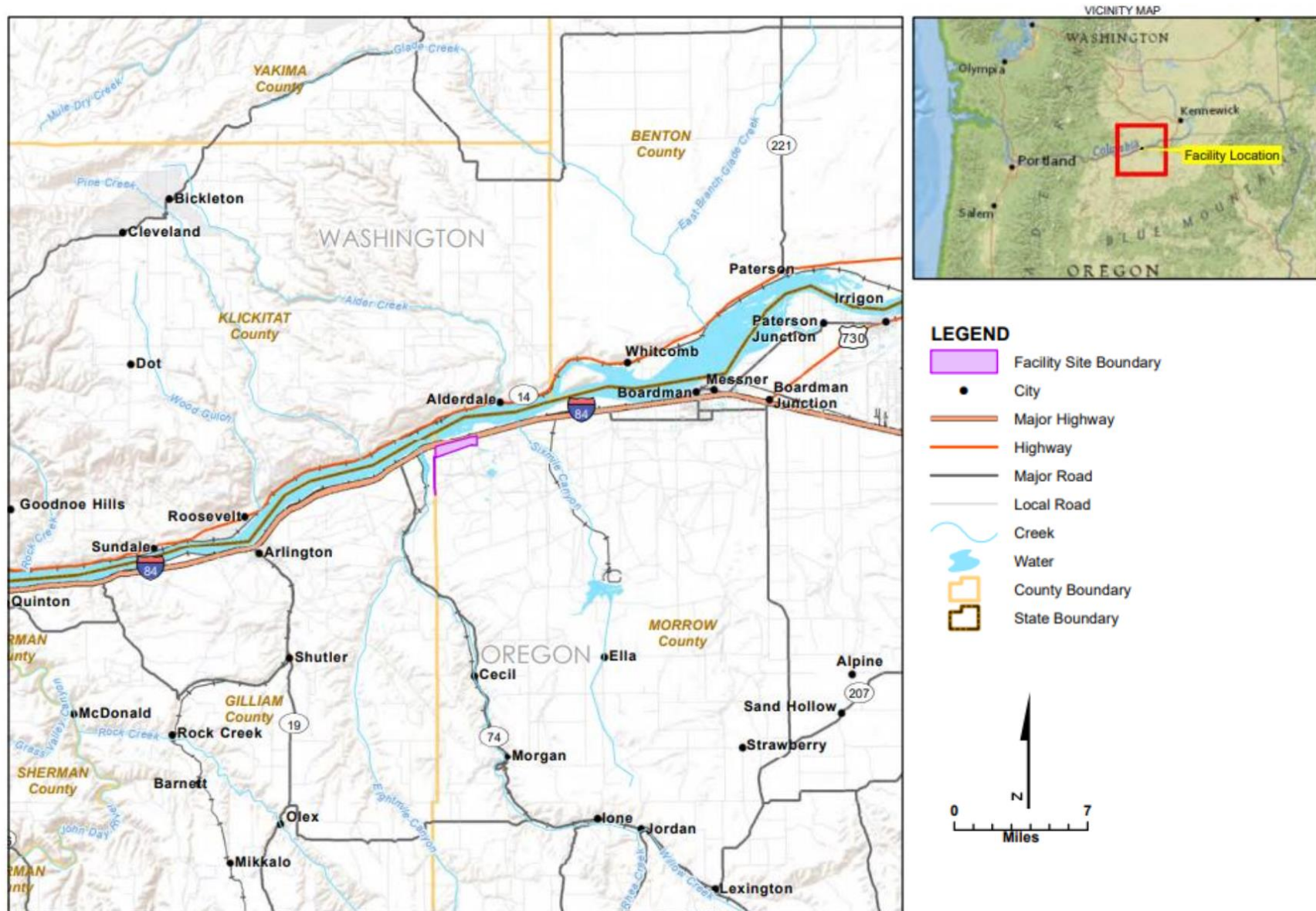
Solar photovoltaic energy generation facility with a peak generating capacity of 75 MW

**Relating or Supporting Facilities:**

- Underground Electrical Collection System
- Substation, Control House and Generator Step-up Transformer
- 115 kilovolt (kV) Transmission Line (approximately 2.1 miles long) and Private Service Road
- Point of Interconnection (POI)
- Operations and Maintenance (O&M) Building
- Private Access Road
- Service Roads, Gates and Security Fence
- Additional Temporary Construction Areas



# Facility Site/Site Boundary Location 1 of 2



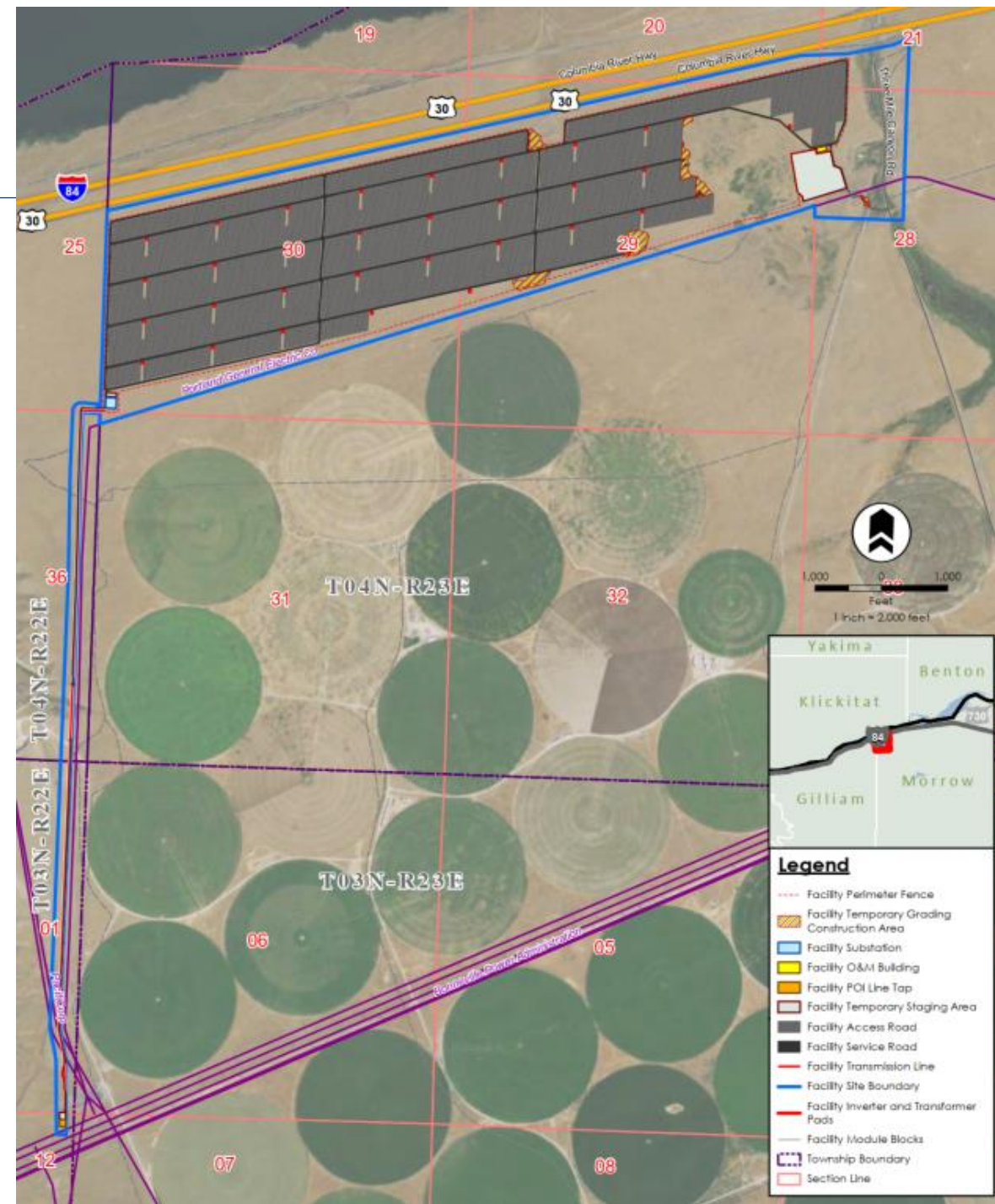
# Facility Site/Site Boundary Location (2 of 2)

## Site Boundary

- Contains approximately 798 acres
- Private Land in Gilliam and Morrow counties. The solar energy generation components of the facility will be located in Morrow County, and the 115-kV transmission line connecting the energy facility to the grid will be located within Gilliam County.

## Site Certificate History

- Site Certificate effective February 23, 2018



# RFA1 – Requested Modifications

---

- Requests the authorization to extend the deadlines for beginning and completing construction of the facility by three years. The proposed change would extend the construction commencement deadline from February 23, 2021 to February 23, 2024. There will be no physical alterations to the approved facility.
- Type B Amendment Review

## Condition Changes

- General Standard Condition 1

# RFA1 – Procedural History

Requirement	Responsible Party	Date
Preliminary Request for Amendment 1	Certificate Holder	1/7/2021
Complete RFA2 Received	Certificate Holder	8/4/2021
Type B Determination	ODOE	8/12/2021
Draft Proposed Order Issued (Type B)	ODOE	8/12/2021
Comment Period (25-days)	ODOE	9/6/2021
Proposed Order/Public Notice	ODOE	9/10/2021
<b>Council review of Proposed Order</b>	<b>EFSC</b>	<b>9/24/2021</b>
Final Order/Amended Site Certificate	EFSC	TBD

# Overview of Proposed Order

---

No substantive changes in findings in Proposed Order for the following standards:

- Structural Standard
- Land Use
- Protected Areas
- Threatened and Endangered Species
- Scenic Resources
- Recreation
- Waste Minimization
- Siting Standards for Transmission Lines
- Noise Control Regulations
- Removal-Fill Law
- Water Rights

# Review of Proposed Order

---

**Comments Received on Draft Proposed Order:** The Department received three comments on the record of the DPO.

- Julia Pommert (Public)
- The Oregon Department of Aviation (ODA)
- The Morrow County Board of Commissioners (Morrow Co.)

# Review of Proposed Order

---

## Overview of Comments received:

Julia Pommert: Opposition to extension of construction deadlines because of immediate need for renewable energy; House Bill 2021.

ODA: Mitigation for glare impacts to local airports – specifically the Arlington Municipal Airport in Gilliam County, and the Boardman Airport in Morrow County .

Morrow Co.: Amendment to Conditional Use Permit (CUP) – if site certificate is amended; Zoning permit per Taxlot within the project boundary; and coordination between certificate holder and Morrow County Public Works Director on securing a Road Use Agreement.

# Overview of Proposed Order

---

## **General Standard of Review [OAR 345-022-0000]**

Proposed Order, Section III.A. (Starting on page 11)

- Recommend amendment to General Standard Condition 1  
Specify/ grant a three year construction commencement and completion deadline extension
- Recommend amendment to Site Specific Condition 1  
Update the reference to an out of date National Electrical Safety Code reference



# Overview of Proposed Order

---

## **Organizational Expertise [OAR 345-022-0010]**

Proposed Order, Section III.B. (Starting on page 15)

- Recommend amendment to Organizational Expertise Condition 4  
Update and replace guidance from DEQ relating to minimizing impacts to soils from contamination.

# Overview of Proposed Order

---

## **Soil Protection [OAR 345-022-0022]**

Proposed Order, Section III.D. (Starting on page 23)

- Recommend amendment to Soil Protection Condition 1  
Clarify/update and replace guidance from DEQ relating to minimizing impacts to soils from contamination.

# Overview of Proposed Order

---

## **Land Use [OAR 345-022-0030]**

Proposed Order, Section III.E. (Starting on page 25)

- **Recommended new non substantive Findings**

The Department evaluated the applicable conditional uses, requirements, and state statutes and administrative rules and determined that based on the analysis provided in the proposed order, evidence in the record, and subject to compliance with existing site certificate conditions, the facility would continue to comply with the Land Use Standard.

# Overview of Proposed Order

---

## **Retirement and Financial Assurance [OAR 345-022-0050]**

Proposed Order, Section III.G. (Starting on page 43)

- **Recommend amendment to Retirement and Financial Assurance Condition 4**  
Adjust the decommissioning cost estimate Council previously found to be a reasonable estimate to restore the site to a useful, non-hazardous condition. Several additional administrative changes recommended for condition clarification.

# Overview of Proposed Order

---

## **Fish and Wildlife Habitat [OAR 345-022-0060]**

Proposed Order, Section III.H. (Starting on page 49)

- **Recommend amendment to Fish and Wildlife Habitat Condition 3**  
Clarification on how occupied nests are to be determined both prior to and during the sensitive nesting season, and allow for work to occur within the restricted area if an occupied nest becomes unoccupied

# Overview of Proposed Order

---

## **Historic, Cultural, and Archaeological Resources [OAR 345-022-0090]**

Proposed Order, Section III.K. (Starting on page 56)

- Recommend amendment to Historic, Cultural and Archeological Resources Condition 5  
Clarification of the intent of the Monitoring Plan
- Recommend amendment to Historic, Cultural and Archeological Resources Condition 7  
Clarification that the Inadvertent Discovery Plan (IDP) must be finalized prior to construction

# Overview of Proposed Order

---

## **Public Services [OAR 345-022-0110]**

Proposed Order, Section III.M. (Starting on page 62)

- **Recommend amendment to Public Services Condition 1**  
Clarification of the on-site water well measurements.

# Council Decision on the Proposed Order

---

## Option 1

Approve Proposed Order and Adopt Final Order

## Option 2 Staff Recommendation

Approve Proposed Order with Modifications and adopt Final Order

## Option 3

Deny Proposed Order, direct staff to make changes and re-issue Proposed Order



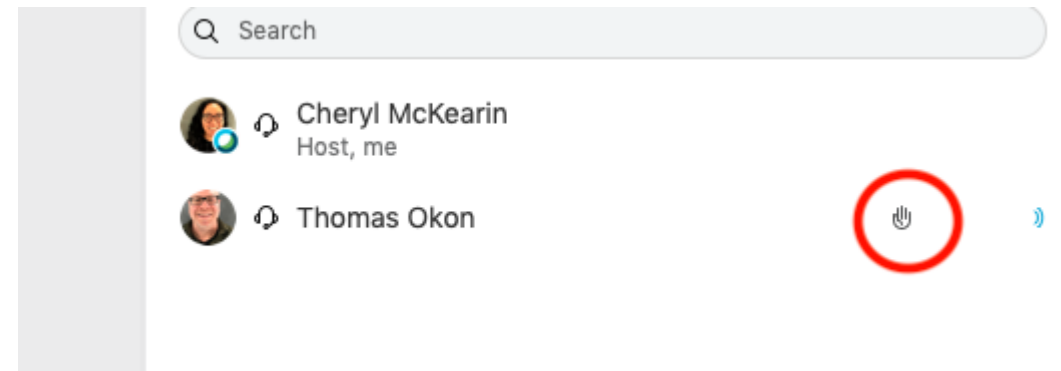
# Council Deliberation

# Agenda Item C

## 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:

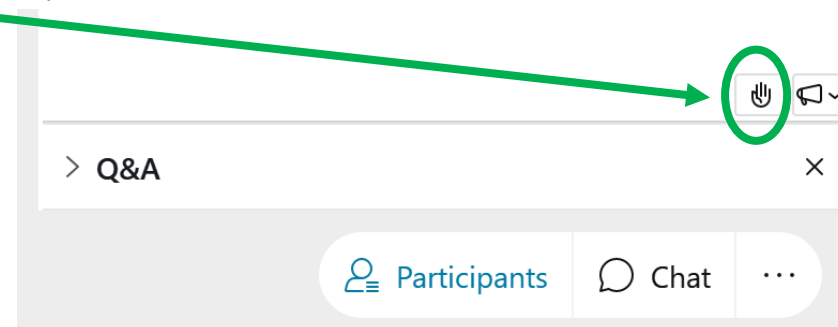
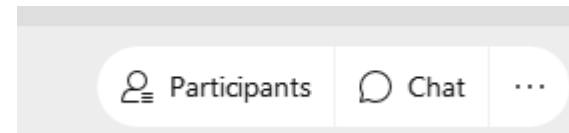
## Webinar Participants

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.

BREAK

# Agenda Item D (Information Item)

## Retirement and Financial Assurance Standard Overview Part 2

September 24, 2021

Sarah Esterson, Senior Policy Advisor, Oregon Department of Energy

# Overview

---

- Overview of the Standard: What does it require?
- Decommissioning Estimate: How is it developed?
- Finalization of the Amount: How/why is the value adjusted throughout the process (ASC/RFA, precon, operations)?

# Application of the Standard

---

The standard requires that Council, in part:

- Review a proposed decommissioning estimate
  - Determine whether estimate is sufficient for restoration (useful/nonhazardous)
  
- Determine if long-term monitoring (site contamination) is necessary

# Mandatory Site Certificate Conditions

---

The following conditions must be imposed in all site certificates:

- Certificate holder must submit a bond or letter of credit acceptable to Council prior to construction; maintain bond or letter of credit until facility retirement [OAR 345-025-0006(8)]
- Certificate holder must submit a proposed retirement plan for Council approval within 2 years after permanent cessation of construction or operation, and retire the facility according to the plan [OAR 345-025-0006(9)]
- Authorize use of bond or letter of credit by ODOE to retire facility, if Council finds certificate holder failed to meet its obligation to retire the facility [OAR 345-025-0006(16)]



# Decommissioning Cost Estimates

---

Based on:

- Applicant/certificate holder identified tasks and actions
- Unit costs of materials, equipment rates, wage/labor rates
- Contractor insurance, profit and other contingencies
- Description and justification of methods and assumptions
  
- ODOE Added Contingencies
  - Performance Bond, Project Management and Future Development Contingencies

# Decommissioning Cost Estimates

---

[Placeholder to show examples on alternate screen]

# Decommissioning Cost Estimates - Adjustments

---

- Inflation (to present value at preconstruction; annually during operation)
- Built Facility (based on final number of facility components)
- Additional Considerations (periodic review?)
- Applicant/Certificate Holder Proposals (power purchase agreement = reduced amount; scrap value = reduced amount)

# Decommissioning Cost Estimates

---

[Placeholder to show examples on alternate screen]

---

# Questions/Comments

# Adjourn

