



Oregon

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To: Energy Facility Siting Council

From: Duane Kilsdonk, Compliance Officer, Sarah Esterson, Senior Policy Advisor and Bibi Bartley, Operations Analyst

Date: January 3, 2025

Subject: Agenda Item G (Information Item): Siting Division's Compliance Update for the January 17, 2025 EFSC Meeting

OVERVIEW

The Oregon Department of Energy Siting Division's Compliance Program is established to regulate and enforce compliance with the terms and conditions of site certificates issued by the Energy Facility Siting Council (EFSC or Council) and executed between Council and the designated certificate holder. Site certificates contain requirements that apply to different phases of development, generally prior to construction, during construction and during operations. The Compliance Program therefore consists of: (1) preconstruction compliance verification for approval of construction commencement, by phase or facility; (2) construction inspections and semi-annual report review; and (3) operational evaluation through annual report review, in-person and virtual inspections. The Compliance Program also tracks incidents and incident resolution, prioritizing the evaluation of the significance and severity of the incident and whether the incident relates to noncompliance with applicable conditions.

SITE CERTIFICATES

The Compliance Program oversees the requirements of executed site certificates. There are 38 facilities with site certificates under EFSC jurisdiction, not all of which have been constructed. Facilities with an executed site certificate are presented in Table 1 below.

Table 1: EFSC-Jurisdiction Energy Facilities

Facility Name	Type	Location (County)
Preconstruction		
Boardman to Hemingway Trans. Line	500 kV Transmission Line	Umatilla, Union, Morrow, Baker, Malheur
Leaning Juniper IIA Wind Power Facility Repower	90.3 MW Wind	Gilliam
Construction		
Bakeoven Solar Project	60 MW Solar	Wasco
Daybreak Solar Project	140 MW Solar	Wasco

Table 1: EFSC-Jurisdiction Energy Facilities

Facility Name	Type	Location (County)
Wheatridge Renewable Energy Facility East	200 MW Wind	Morrow
Operational		
Biglow Canyon Wind Farm	450 MW Wind	Sherman
Columbia Ethanol Project	36 MMgal/Year Bio	Morrow
Carty Generating Station	450 MW Nat Gas	Morrow
Coyote Springs Cogeneration	503 MW Nat Gas	Morrow
Eugene to Medford Transmission Line	500 kV Trans Line	Lane, Douglas, Jackson
Golden Hills Wind Project	200 MW Wind	Sherman
Hermiston Generating Project	474 MW Nat Gas	Umatilla
Hermiston Power Project	546 MW Nat Gas	Umatilla
Klamath Cogeneration Project	525 MW Nat Gas	Klamath
Klamath Generation Peakers	95 MW Nat Gas	Klamath
Klondike III Wind Project	300 MW Wind	Sherman
Leaning Juniper IIA Wind Power Facility	90.3 MW Wind	Gilliam
Leaning Juniper IIB Wind Power Facility	111 MW Wind	Gilliam
Pachwaywitt Fields	162 MW Solar	Gilliam
Mist Underground Natural Gas Storage Facility	635 MMscf, storage reservoir	Columbia
Montague Wind Power Facility	202 MW Wind	Gilliam
Port Westward Generating Project	650 MW Nat Gas	Columbia
Shepherds Flat North	290 MW Wind	Gilliam, Morrow
Shepherds Flat South	265 MW Wind	Gilliam
Shepherds Flat Central	290 MW Wind	Gilliam, Morrow
South Mist Feeder Pipeline	80 miles, nat gas pipeline	Columbia, Washington
South Mist Pipeline Extension	62 miles, nat gas pipeline	Washington, Marion, Clackamas
Springfield Utility-Industrial Energy Center	51.2 MW Steam	Lane
Stateline Wind Project	222 MW Wind	Umatilla
Wheatridge Renewable Energy Facility I	100 MW Wind	Morrow
Wheatridge Renewable Energy Facility II	200 MW Wind	Morrow
Wheatridge Renewable Energy Facility III	50 MW Solar	Morrow
Approved, Not Built		
Carty Generating Station – Carty Solar Farm	50 MW Solar	Morrow
Nolin Hills Wind Power Project	600 MW Solar/Wind	Umatilla
Obsidian Solar Center	600 MW Solar	Lake
Oregon Trail Solar Facility	41 MW Solar	Gilliam
Sunset Solar Project	103 MW Solar	Wasco
West End Solar Project	50 MW Solar	Umatilla
Sunstone Solar Project	1,200 MW Solar	Morrow
Wagon Trail Solar	500 MW Solar	Morrow

Consistent with ORS 469.421(5), most certificate holders are required to pay an annual fee based on the estimation of compliance activities' costs for that facility. Each May, individual assessments for the next fiscal year are created. The assessments consider the time to review the annual reports, the number of inspections to be done and administrative tasks such as record management. The annual fee is assessed in August for the July 1-June 30 period.

Unanticipated work such as noncompliance or significant incidences will increase certificate holder's fee. Any unexpended fees are returned to the certificate holder or applied to next year's assessment.

PRE-CONSTRUCTION

The Department reviews and, in consultation with state and local government agencies as applicable, verifies compliance with conditions and approves finalization of mitigation plans. There are two facilities currently in the preconstruction phase, as presented in Table 1, forecasted to commence construction in 2025.

CONSTRUCTION

The Department assesses construction compliance fees based on an assumed monthly in-person inspection; weekly coordination with certificate holder and certificate holder consultants/contractors; and review of semi-annual construction compliance reports. Corrective actions and findings of non-compliance are documented in Inspection Reports issued by the Department to the certificate holder. Certificate holders are obligated to develop resolution or remediation plans or address the issue via documentation/evidence. Corrective actions and findings of non-compliance are tracked by Department staff until resolution is demonstrated. There are three facilities currently under construction, as presented in Table 1 forecasted to be operational in 2025.

OPERATIONS

The Department conducts at least 1 annual inspection, inclusive of in-person and virtual inspections for all operating facilities. Annual inspections include review of on-the-ground conditions, such as erosion control, noxious weed and revegetation conditions, fire-safety/management/vegetative buffers, and equipment operability. Annual inspections also include review of documentation, including annual fire safety training and local emergency manager coordination; worker training; spill records; waste management/recycling records; and onsite inspection records. Department Inspection Reports are issued following review of the annual report combined with evidence and documentation reviewed during the onsite inspection. Corrective actions and findings of non-compliance are documented in Inspection Reports issued by the Department to the certificate holder. Certificate holders are obligated to develop resolution or remediation plans or address the issue via documentation/evidence. Corrective actions and findings of non-compliance are tracked by Department staff until resolution is demonstrated. There are 27 operational facilities, as presented in Table 1.

INCIDENT REPORTING

Council rules require certificate holders to notify the Department of any occurrence involving an attempt by anyone to interfere with its safe operation, a significant natural event such as a fire, earthquake, flood, tsunami or tornado, or a human caused event such as a fire or explosion, or a fatal injury at a facility.

There were 17 incidents reported in 2024, as presented in Table 2 below.

Table 2: 2024 Incident Summary

Facility	Incident	Spill	Fire	Equipment	Other
Hermiston Power Project	Emission limit exceedance				X
Biglow Canyon Wind Project	Brush strip/disk detachment			X	
	Broken blade bearing bolt			X	
	Nose cone failure			X	
	Blade shroud failure			X	
	Loss of blade stud			X	
	Spinner shell bolt failure			X	
	Loss of hub casing tube hold and washer			X	
	Transformer failure	X		X	
Stateline Wind Project	Turbine fire		X		
Montague Wind Power Facility	Pole fire		X		
Leaning Juniper IIB Wind Power Facility	Pole fire		X		
Klondike III Wind Project	Transformer fire		X	X	
Wheatridge Renewable Energy Facility East	Vehicle caused brush fire		X		
	Disturbance outside corridor				X
Trojan Nuclear Plant	Burning electrical equipment		X	X	
Golden Hills Wind Project	Trespassing/vandalism				X
Total =		1	6	10	3

There were 18 issues of non-compliance documented by the Department or reported by certificate holders in 2024, as presented in Table 3 below. The Department is actively working with each facility to review/evaluate the pending issues identified below.

Table 3: 2024 Construction and Operational Compliance Summary

Facility	Compliance Summary
Construction	
Wheatridge Renewable Energy Facility East	Department identified that the certificate holder's contractor was using water for construction purposes from an unauthorized source. Issue has been corrected.
	Certificate holder reported unauthorized construction activity within a restricted nest buffer area. Issue has been corrected.
	Certificate holder reported unauthorized discharge into water of the state. Issue was reported to DEQ/corrected.
Operations	
Biglow Canyon Wind Farm	Certificate holder reported issues in tracking/interpreting onsite well daily usage limit of 5,000 gal. Corrective action plan implemented including logging of meter readings and maintaining weatherproof tag with daily usage limit.
Klondike III Wind Project	Certificate holder reported issued in status of habitat quality improvements at the habitat mitigation area; Department requested that the cert holder amend the Habitat Mitigation Plan to provide adaptive management and align with current conditions/onsite actions. Amended HMP has been submitted and is under review.
	Department identified that records for annual blade inspection and repairs were not provided. Blank forms were provided. Issue correction is pending.
	Department identified that evidence of qualifications or sources of training materials for worker annual fire prevention and response was not provided. Issue correction is pending.
	Department identified that records for annual erosion inspections were not provided. Complete records for the operating year were not provided. Issue correction is pending.
	Department identified that the Wildlife Monitoring and Mitigation Plan includes language that is out of date and confusing/cannot be complied with on an ongoing basis. Department requested that the cert holder amend its plan to align with status

Table 3: 2024 Construction and Operational Compliance Summary

Facility	Compliance Summary
	(remove completed tasks) and ensure that the ongoing requirements align with onsite actions. Issue correction is pending.
Montague Wind Power Facility	Department identified that there was inadequate information provided to demonstrate compliance with onsite noxious weed control requirements. Department requested documentation and coordination. Issue correction is pending.
	Department identified that there was inadequate information provided to demonstrate annual coordination with rural fire protection departments. Issue correction is pending.
Shepherds Flat North	Department identified that facility site was not in compliance with its noxious weed control requirements. Issue correction is pending.
	Department identified that the facility site was not in compliance with its 10-ft pad area for turbine aprons. Issue correction is pending.
	Department identified that the Annual Report provided inadequate information to demonstrate compliance with its turbine inspection requirements. Issue correction is pending.
	Department identified that the Annual Report provided inadequate information to demonstrate compliance with its revegetation requirements. Issue correction is pending.
Columbia Ethanol Project	Department identified that the certificate holder failed to comply with the April 30 reporting deadline for its Annual Report. Issue was corrected.
	Department identified that the certificate holder was unable to demonstrate compliance with the requirements of its Hazardous Waste Emergency Response Plan. Department requested that the plan and training records be provided. Issue correction is pending.
Mist Underground Natural Gas Storage Facility	Department identified that the certificate holder failed to comply with the requirement to develop an operational noise complaint protocol to assist complainants, in the event of operational noise complaints. Department provided the certificate holder their representations for which the requirement is based and requested that the representations be adhered. Issue correction is pending.