



# Oregon

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**To:** Energy Facility Siting Council

**From:** Bibi Bartley, Operations and Policy Analyst; Egan Bull, Compliance Officer;  
Sarah Esterson, Senior Policy Analyst; Todd Cornett, Division Administrator

**Date:** July 3, 2025

**Subject:** Agenda Item F (Information Item): Bi-Annual Compliance Program Update for  
the July 18, 2025 EFSC Meeting

**Attachment:** 2025-07-18-EFSC-Item-F-Compliance-Program-Tracking Examples-Attachment

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## PURPOSE

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 compliance review through inspections and semi-annual reporting; and (3) operational compliance review through inspections and annual reporting. 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.

## STAFFING

This section provides an overview of the amount of staffing resources applied to the Compliance Program over the years and the amount of work that could be done with those resources.

### Prior to 2010

- Staffing: Siting Analysts
- Overall assessment: Siting Analysts had limited time outside of reviewing applications and amendments to complete consistent and thorough evaluations of conditions.

### 2010 through 2020

- Staffing: A Compliance Officer was hired in February 2010. Throughout this time there was occasional but limited assistance from others within the Siting Division and consultants.
- Overall assessment: There was much more consistent assessment of annual reports and annual in-person site inspections. However, there were not enough staffing resources to thoroughly and consistently: track pre-construction and construction conditions and conduct the needed site inspections; evaluate more complex operational conditions applicable to habitat mitigation, revegetation and noxious weed management; and, evaluate and follow up on reported incidents and violations.

### Fiscal Year (FY) 2020 – 2021

- Staffing: One Compliance Officer, a portion of the Senior Policy Advisor and increased usage of consultants.
- Overall assessment: This was the beginning efforts to really evaluate the full volume of tasks needed to ensure the program was adhering to statutory and rule requirements. While there was increased staffing and increased work on compliance tasks, there were still not enough resources to conduct the required work as described above.

### FY 2021 – 2022

- Staffing: One Compliance Officer, a portion of the Senior Policy Advisor and even more use of consultants.
- Overall assessment: The Department initiated a scope of work with its consultant for every operational facility, including tasks for records management, annual report review, site inspection preparation and completion, as needed, and inspection report drafting. Given the structure of older site certificates (i.e., condition language written to apply to both construction and operation, or lack of clarity in whether the language applied prior to construction, during construction, during operation or post operation), the format and approach taken by certificate holders in annual reporting (i.e., limited substantive data), and the volume of operational site certificates (over 25), there were still not enough resources to adequately and consistently manage the data and staff.

### FY 2022 – 2023

- Staffing: Two Compliance Officers (one was limited duration), a portion of the Senior Policy Advisory and a significant increase in the use of consultants.
- Overall assessment: During this period, the Compliance Program's volume of work significantly increased beyond the anticipated operational compliance due to 5 facilities undergoing repower and 2 projects under construction. The Department maintained scopes of work with its consultant for every operational facility, but restricted the volume of work to ensure that any work initiated was completed before additional work commenced. There were still not enough resources to conduct the required work.

### FY 2023 – 2024

- Staffing: One Compliance Officer for the entire year, a second permanent Compliance Officer for last two months, a portion of the Operations Analyst for second half of the year,

a portion of the Senior Policy Advisor, and a decreased use of consultants from the prior year.

- Overall assessment: During this period, the Operations Analyst lead the coordination effort with the Department's consultant, establishing a clear process and timeline for the conditions and information to be evaluated. Consultant level of effort was reduced due to the prior two years of work in narrowing the scope of review to key operations and maintenance conditions to be evaluated either or both at a desktop level and in the field/onsite. The Operations Analysts identified critical issues with the lack of information being submitted by certificate holders in Annual Reports, where the Annual Reports are the documents intended to demonstrate the certificate holder's compliance with all key requirements for the reporting year (the prior operational year), for which the consultants' scope of work applied. The Operations Analyst launched an outreach plan/effort with certificate holders to identify condition/type of information expected to be reported on and submitted. There were still not enough resources to conduct the required work.

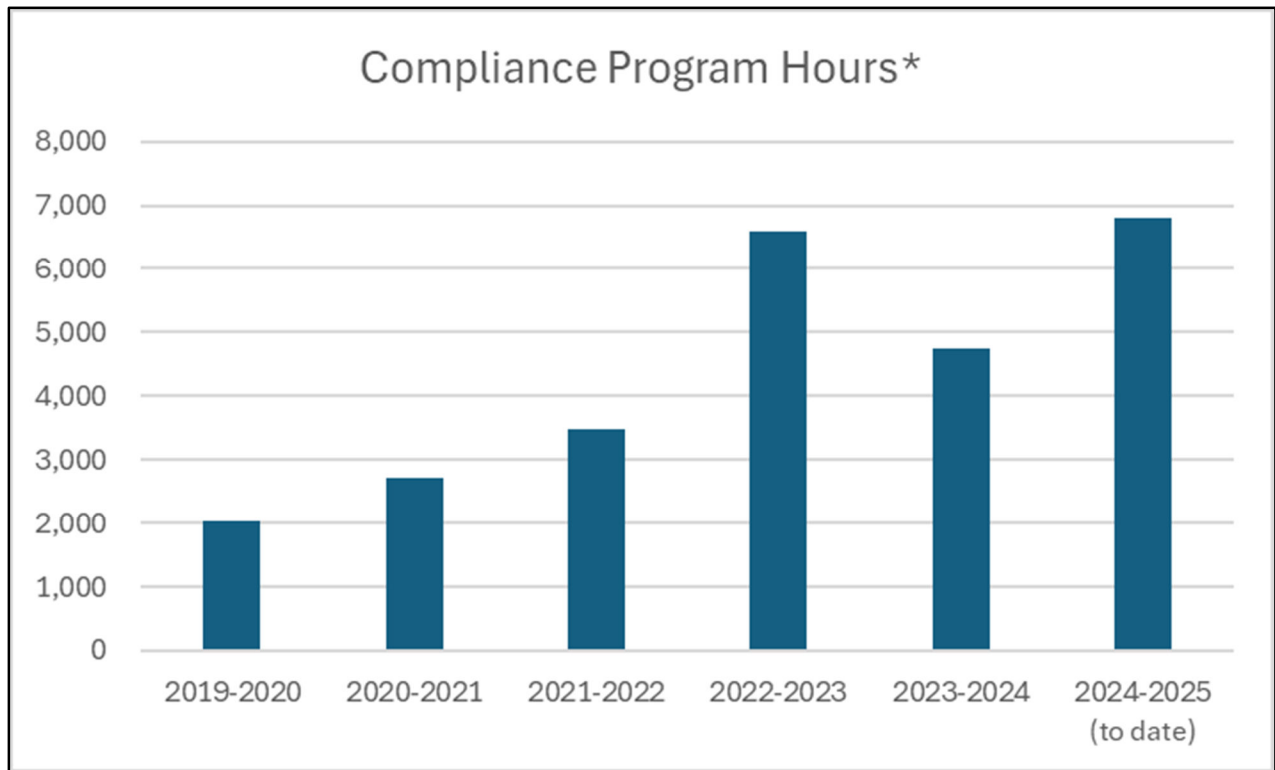
#### FY 2024 – 2025

- Staffing: One Compliance Officer for the entire year, a second permanent Compliance Officer for the majority of the year, a portion of the Operations Analyst, a portion of the Senior Policy Advisor, a portion of the four Senior Siting Analysts, use of consultants and a portion of Assistant Director for Siting.
- Overall assessment: The Operations Analyst lead the coordination effort with certificate holders on Annual Report submission, including expected evaluation, by specific conditions, and information to be included. The Department implemented a plan to split the operational compliance review between Compliance Officers, Senior Siting Analysts and its consultant, with the Senior Siting Analysts taking the workload of 7 facilities and consultant taking the workload of 3 facilities. The Department implemented a plan to rely on its consultant for compliance oversight of facilities in preconstruction and construction, to alleviate the impact of shorter term workload volume issues. There were still not enough resources to conduct the required work.

#### FY 2025 – 2026 - Forecasted

- Staffing: A third Compliance Officer was approved in the budget and recruitment will begin shortly. The amount of time spent by the Operations Analyst and Senior Policy Advisor is forecasted to go down from last year. The amount of time by the four Senior Siting Analysts is forecasted to remain the same. The use of consultants is forecasted to remain the same. The amount of time by the Assistant Director for Siting is forecasted to increase.
- Overall assessment: TBD

The following table shows the number of staffing hours per year applied to compliance activities beginning in FY 2019-2020, the last year in which the Compliance Program consisted of largely one person.



\*Calculated based on costs and average hourly rates.

## SITE CERTIFICATES

The Compliance Program oversees the requirements of executed site certificates. There are 41 facilities with site certificates under EFSC jurisdiction. These are broken out by status in the following tables:

**Approved Facilities or Portions of Facilities Yet to Begin Construction** – All facilities have **deadlines** by which they must meet all preconstruction conditions for the whole facility or a phase and begin construction.

Project Name	Size/Type	County(s)	Parent Company	Status/Notes
Carty Generating Station Amendment 2	50 MW Solar	Morrow	Portland General Electric	Approved in Nov. 2020. Did not begin construction by required date of Feb. 2022. Amend. #3 approved construction time extension to <b>Feb. 2025</b> . 2 year beginning construction deadline requested in Amendment 4, currently under review.
Oregon Trail Solar Facility	41 MW Wind or Solar	Gilliam	Avangrid/Iberdrola	Approved in Oct. 2020 - Split off from Montague Wind Power Facility - Any combination of wind and Solar PV up to 41 MW. Did not begin construction by required date of Aug. 2022 because of the lack of a PPA, panels and other project elements. Amendment 1 approved beginning construction time extension to <b>Aug. 2025</b> .
Wheatridge Renewable Energy Facility III Phase 2	100 MW Solar	Morrow	NextEra Energy	Split off from Wheatridge Wind Energy Facility. Total Site Boundary 2,294 acres - 357 acres for Phase 1 = 1,937 acres. Phase 2 must be complete construction by <b>Nov. 2025</b> .
West End Solar Energy Project	45 MW Solar	Umatilla	Eurus Energy America Corp.	Approved in March 2023. Deadline to begin construction is <b>March 2026</b> .
Nolin Hills Wind Power Project	340 MW Wind & 260 MW Solar	Umatilla	Capitol Power Corporation	Approved in July 2023. Deadline to begin construction is <b>July 2026</b> .
Madras Solar Energy Facility	63 MW Solar	Jefferson	EcoPlexus	Approved in June 2021. Did not begin construction by June 25, 2024 deadline because development planning and permitting could not be completed in three years. Amendment 1 approved in March 2025 extended beginning construction deadline to <b>June 25, 2027</b> .
Wagon Trail Solar Project	500 MW Solar	Morrow	NextEra Energy	Approved in Sept. 2024. Deadline to begin construction is <b>Sept. 2027</b> .

**Approved Facilities or Portions of Facilities Yet to Begin Construction** – All facilities have **deadlines** by which they must meet all preconstruction conditions for the whole facility or a phase and begin construction.

Project Name	Size/Type	County(s)	Parent Company	Status/Notes
Sunstone Solar Project (FKA Echo Solar)	1,250 MW Solar	Morrow	Pine Gate Renewables	Approved in Nov. 2024 - Deadline to begin construction is <b>Nov. 2027</b> .
Obsidian Solar Center	400 MW Solar	Lake	Obsidian Renewables	Approved in Feb. 2022. Did not begin construction by Feb. 25, 2025 deadline due to a lack of an interconnection. Amendment 2, approved on June 13, 2025, extended the beginning construction deadline to <b>Feb. 25, 2028</b> .
Sunset Solar Project	103 MW Solar	Wasco	Avangrid/Iberdrola	Approved in April 2020 as part of Bakeoven. Split under Amendment 1 with a construction start date in April 2025. Currently under review for an amendment to extend beginning construction deadlines to <b>April 2028</b> due to lack of a PPA.
<b>Total</b>	<b>3,152 MW</b>			

**Facilities in Preconstruction Review** – The Department reviews and, in consultation with state and local government agencies as applicable, verifies compliance with pre-construction conditions and approves finalization of mitigation plans.

Project Name	Size/Type	County(s)	Parent Company	Status/Notes
Boardman to Hemingway Transmission Line	280-mile 500 kV transmission	Umatilla, Union, Morrow, Baker, Malheur	Idaho Power Company	Preconstruction compliance review initiated in October 2023. On June 25, 2025, the Department issued its Compliance Assessment letter, verifying that applicable preconstruction requirements had been satisfied by IPC for Structures/Roads associated with 241/2 to 247/1; 211/3 to 214/3; and multi-use area (MUA)-02 in Malheur County. Preconstruction compliance for all other structure locations is ongoing.
Oregon Trail Solar	41 MW Wind or Solar	Gilliam	Avangrid/Iberdrola	Preconstruction evaluation is limited to 20 MW of the approved 100 MW battery energy storage system.

**Facilities in 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.

Project Name	Size/Type	County(s)	Parent Company	Status/Notes
Bakeoven Solar Project	60 MW Solar	Wasco	Avangrid/Iberdrola	Daybreak and Sunset split off under Amendment 1. All three share 100 MW of Battery which is reflected in Sunset. Facility is constructed and able to produce power but sinking issues with posts prevent some solar arrays from being able to track the sun and therefore the facility is not yet in operational status.
Daybreak Solar Project	140 MW Solar	Wasco	Avangrid/Iberdrola	Split off from Bakeoven under Amendment 1. All three share 100 MW of battery which is reflected in Sunset. Facility is constructed and able to produce power but sinking issues with posts prevent some solar arrays from being able to track the sun and therefore the facility is not yet in operational status.
Wheatridge Renewable Energy Facility East	300 MW Wind	Morrow, Umatilla	NextEra Energy	In Construction - Split off from Wheatridge Wind Energy Facility. Amendment #1 approved on 5/31/24 added 100 MW of wind and 10 MW of battery
Leaning Juniper IIA Wind Power Facility	90.3 MW Wind	Gilliam	Avangrid/Iberdrola	Construction related to repowering - replacement of blades and nacelles) of 36 wind turbines, resulting in an increase in blade tip height from 404 to 453 feet. Temporary disturbance of roads, collector lines, turbine pads, laydown and crane assembly areas. Installation of new, underground 34.5 kV collector line system; and dismantling of two wind turbines (damaged from fire).
Mist Underground Natural Gas Storage Facility	Natural Gas Storage	Columbia	Northwest Natural	Construction consists of Phase 1 (2025): replace first turbine at Miller Station; Phase 2 (2026): replace second turbine at Miller Station, replace underground transmission line; Phase 3 (2026-2030): expansion of North Mist Compressor Station
Boardman to Hemingway Transmission Line	280-mile 500 kV Transmission line	Umatilla, Union, Morrow,	Idaho Power Company	Structures/Roads associated with 241/2 to 247/1; 211/3 to 214/3; and multi-use area (MUA)-02 in Malheur County.

**Facilities in 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.

Project Name	Size/Type	County(s)	Parent Company	Status/Notes
		Baker, Malheur		

**Operational Facilities** – The Department assess operational facilities throughout each year through the annual reporting process. Per OAR 345-026-0080 operational facilities are required to report annually on their compliance status with certificate conditions. In addition to the annual reports the Department assesses operational facilities through in-person and virtual inspections, when a complaint/request for inspection is submitted.

Project Name	Type/Size	County(s)	Parent Company
<b>Wind and Solar Generation Facilities</b>			
Golden Hills Wind Project	200 MW Wind – 400 MW Approved	Sherman	Avangrid/Iberdrola
Klondike III Wind Farm	300 MW Wind	Sherman	Avangrid/Iberdrola
Leaning Juniper II B Wind Power Facility	111 MW Wind	Gilliam	Avangrid/Iberdrola
Leaning Juniper II A Wind Power Facility	90 MW Wind	Gilliam	Avangrid/Iberdrola
Montague Wind Power Facility	201 MW Wind	Gilliam	Avangrid/Iberdrola
Pachwaywit Fields	162 MW Solar	Gilliam	Avangrid/Iberdrola
Shepherds Flat North	265 MW Wind	Gilliam	Brookfield Renewables U.S.
Shepherds Flat Central	290 MW Wind	Gilliam & Morrow	Brookfield Renewables U.S.
Shepherds Flat South	290 MW Wind	Gilliam & Morrow	Brookfield Renewables U.S.
Stateline Wind Project	222 MW Wind	Umatilla	NextEra
Wheatridge Renewable Energy Facility II	200 MW Wind	Morrow	NextEra
Wheatridge III Phase 1	50 MW Solar		NextEra
Biglow Canyon Wind Farm	450 MW Wind	Sherman	Portland General Electric
Wheatridge Renewable Energy Facility I	100 MW Wind	Morrow	Portland General Electric



Project Name	Type/Size	County(s)	Parent Company
<b>Renewable Energy Generating Total</b>	<b>2,931 MW</b>		
<b>Natural Gas Generation Facilities</b>			
Klamath Cogeneration Project	525 MW	Klamath	Avangrid/Iberdrola
Klamath Generation Peakers	95 MW	Klamath	Avangrid/Iberdrola
Hermiston Power Project	546 MW	Umatilla	Calpine
Hermiston Generating Project	474 MW	Umatilla	PacifiCorp
Carty Generating Station	450 MW	Morrow	Portland General Electric
Coyote Springs Cogeneration	503 MW	Morrow	Portland General Electric and Avista
Port Westward Generating Project	650 MW	Columbia	Portland General Electric
<b>Natural Gas Generating Total</b>	<b>3,243 MW</b>		
<b>Total Generating Capacity</b>	<b>6,147 MW</b>		
<b>Other Projects</b>			
Columbia Ethanol Project	46 Million Gallons per year	Morrow	Alto Ingredients Inc.
Springfield Utility-Industrial Energy Center	51.2 MW Steam	Lane	Eugene Water and Electric
Mist Underground Natural Gas Storage	835 Million standard cubic feet per day	Columbia	Northwest Natural
South Mist Feeder Pipeline	80 Miles of 16 inch and 24 inch pipe	Columbia, Washington	Northwest Natural
South Mist Pipeline Extension	62 miles of 24 inch pipeline	Washington, Marion, Clackamas	Northwest Natural
Oregon State University Nuclear Research Reactor	1 MW Reactor	Benton	Oregon State University
Eugene to Medford Transmission Line	146-mile 500 kV	Lane, Douglas, Jackson	PacifiCorp
Reed Nuclear Research Reactor	250 KW Reactor	Multnomah	Reed College
Trojan Nuclear Power Plant - Decommissioned	Spent fuel storage	Columbia	Portland General Electric

**Annual Report Overview** – Operational facilities must submit an annual report no later than April 30, reporting on compliance status for all certificate approval conditions for the previous calendar year. In addition to reviewing the report, the Department conducts at least one annual inspection either in person, virtually, or both to assess compliance.

Inspections typically cover:

- On-the-ground conditions, such as erosion control, revegetation and noxious weed management, fire safety protocols (including vegetative buffers), and equipment operability
- Documentation, including records of annual fire safety training, coordination with local emergency managers, worker training, spill response, waste management and recycling, and equipment inspections

Following the inspection and report review, the Department issues an Inspection Report. This report details any corrective actions required and identifies findings of non-compliance. Certificate holders are responsible for resolving these issues by submitting remediation plans or providing supporting documentation. Department staff monitor each case until the corrective actions are completed and compliance is verified.

Let me know if you want it to sound more formal, more concise, or adapted for a different audience. I'm happy to tailor it further.

#### Annual Report Review Steps

Date	Step	Notes
December-March	Review and edit compliance matrices for each operational site	<ul style="list-style-type: none"> <li>• Matrix originally created by cert holder – inconsistent and highly variable</li> <li>• ODOE contracted with HA to create a consistently formatted version of each matrix</li> <li>• ODOE has been editing and refining that matrix for the last 3 years, building on each version for further clarity &amp; consistency</li> </ul>
February-March	Email Cert. Holder to outline expectations for the annual report, include updated matrix	<ul style="list-style-type: none"> <li>• Happens yearly prior to April 30 deadline</li> <li>• Contents of email refined for additional clarity each year</li> </ul>
January-December	Update financial assurance from each site	<ul style="list-style-type: none"> <li>• Financial analyst creates a letter updating the bond or letter of credit amount based on inflation</li> <li>• Site updates bond or letter of credit to current amount and sends updated bond or letter of credit to Dept.</li> </ul>
April	Receive annual reports from each operational facility. Each report should include:	<ul style="list-style-type: none"> <li>• Deadline is April 30, facilities can submit anytime from Jan-April 30</li> <li>• Some facilities have extended deadlines</li> </ul>

	<ul style="list-style-type: none"> <li>• Cover letter with responses to OAR 345-026-0080</li> <li>• Matrix with responses to applicable conditions</li> <li>• Additional documentation and reports to demonstrate compliance with applicable conditions</li> </ul>	
May-December	<p>Annual reports are shared with team member assigned to the facility and analyzed for compliance.</p> <p>Conditions identified for site inspections are added into Survey123 for site inspection.</p>	<ul style="list-style-type: none"> <li>• Historically this process was done by either siting analysts, then later by single compliance officer.</li> <li>• Current process includes siting analysts, compliance officers, and outside contractor.</li> <li>• Through review includes: <ul style="list-style-type: none"> <li>○ Review of matrix responses</li> <li>○ Review of additional documentation</li> <li>○ Identify conditions for site inspection &amp; upload those to Survey123</li> <li>○ Follow up with cert holder on additional info when needed</li> </ul> </li> </ul>
May-December	Conduct site inspection	<ul style="list-style-type: none"> <li>• Historically conducted by single compliance officer</li> <li>• Recent past and currently, on-site inspections conducted by ODOE compliance officer and Haley Aldrich <ul style="list-style-type: none"> <li>• Virtual inspections conducted by compliance officers, siting analysts, and Haley Aldrich, as appropriate</li> </ul> </li> </ul>
May-December	Create Inspection Report	<ul style="list-style-type: none"> <li>• Through report includes:</li> <li>• Analysis of compliance matrix and additional attachments</li> <li>• Analysis of site inspection results</li> <li>• Analysis of past annual compliance reports to identify any on-going issues</li> </ul>
May-December	Issue Inspection Report	<ul style="list-style-type: none"> <li>• Historically report was issued and follow up happened intermittently as capacity allowed</li> <li>• Current process includes:</li> <li>• Follow up throughout report review</li> <li>• Follow up with site on any outstanding compliance issues with 30day check-ins to follow through with addressing issues and correcting them overtime</li> </ul>

**Condition Examples** – Conditions can broadly be broken down into three types of categories based on the level of effort needed to review them.

Condition Type	Condition Language	Certificate Holder Response	ODOE Analysis
<b>Narrative:</b> Review is limited to provided narrative.	During operation of the facility, the certificate holder shall install and maintain self-monitoring devices on each turbine, connected to a fault annunciation panel or supervisory control and data acquisition (SCADA) system at the O&M facility, to alert operators to potential dangerous conditions, and the certificate holder shall remedy any dangerous conditions immediately.	This condition has been consistently met and will continue to be upheld. The facility is managed through SCADA system servers located onsite and another at an offsite headquarters. Authorized personnel can access system data via company-issued workstations. Onsite staff respond to critical alerts as needed and participate in biweekly coordination meetings with a centralized performance monitoring team to identify trends and prioritize maintenance tasks. The SCADA system is actively monitored, and updates are implemented as necessary to support ongoing operations.	<b>In Compliance:</b> The response is satisfactory.
<b>Narrative and Additional Documentation Review:</b> Review includes provided narrative, evaluation of any other submitted information and potential follow-up.	During operation of the facility, the certificate holder shall ensure that all on-site employees receive annual fire prevention and response training by qualified instructors or members of the local fire department.	See attached training records.	<b>Follow Up Needed:</b> Attachment includes a list of the trainings completed by 9 individuals, including the "Fire Prevention and How to Use a Fire Extinguisher (digital)" & "Fire Season Training (digital) training, during the calendar year 2024 reporting period. Were these all of the on-site employees during the reporting period? If not, please provide documented trainings for all other employees. How do these trainings meet the requirements of being done by "qualified instructors or members of the local fire department?"

<p><b>Narrative, Additional Documentation and Onsite Inspection Review:</b> Review includes provided narrative, evaluation of any other submitted information, on-site evaluation and potential follow-up.</p>	<p>During construction and operation of the facility, the certificate holder shall implement a plan to control the introduction and spread of noxious weeds. The certificate holder shall develop the weed control plan in consultation with the County Weed Department.</p>	<p>During facility operation, a partnership was established with a local weed management district to carry out an annual program of applying approved herbicides to roadways and pad areas, effectively preventing vegetation growth in these zones. Records of treatment activities are maintained and documented separately.</p> <p>Following a regulatory inspection and annual report review in 2023, the operating entity worked with the weed management district to revise the site's Noxious Weed Plan. The updated plan was submitted to the relevant oversight agency on August 22, 2024. Additional weed control measures are also implemented by the operator.</p>	<p><b>Follow Up Needed:</b> Department staff evaluated the current weed control plan, the work conducted by the certificate holder during the 2024 calendar year and contacted the County Weed Department. Based on this analysis the Department has determined the Certificate holder is working diligently to control the spread of noxious weeds consistent with the Weed Management Plan and in consultation with the County Weed Department. However, based on an on-site inspection, there are specific areas where more work is needed to control the spread of noxious weeds. The certificate holder shall establish quarterly calls with Department staff and the County Weed Department to report on efforts to meet this condition.</p>
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**INCIDENTS** – 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. Since the last update in January, there have been 12 incidents, three of which are closed. The table below provides a summary of the incidents.

Facility	Incident	Spill	Fire	Equipment	Other
Biglow Canyon Wind Project	Turbine Hatch failure X 2 incidents			X	
	Broken blade bearing bolt			X	
	Transformer Failure	X		X	
	Blade shroud failure			X	
	Open Turbine Doors X 2 incidents			X	
	Transformer failure	X		X	
Port Westward Generating Project	5 Year CO2 True Up Evaluation				X
Reed Research Reactor	Water leakage onto reactor console			X	
Klondike III Wind	Fire in Underground Collection System		X		
<b>Total =</b>		<b>2</b>	<b>1</b>	<b>9</b>	<b>1</b>

## **RULEMAKING**

Council initiated compliance rulemaking in June. This will be an opportunity to review and make changes to any administrative rules related to the compliance program. Included below are Oregon Revised Statutes related to the compliance program. Any changes to administrative rules will need to be consistent with the following statutes.

### ORS 469.300 - Definitions

*(26) "Site certificate" means the binding agreement between the State of Oregon and the applicant, authorizing the applicant to construct and operate a facility on an approved site, incorporating all conditions imposed by the council on the applicant.*

### 469.310 - Policy

*In the interests of the public health and the welfare of the people of this state, it is the declared public policy of this state that the siting, construction and operation of energy facilities shall be accomplished in a manner consistent with protection of the public health and safety and in compliance with the energy policy and air, water, solid waste, land use and other environmental protection policies of this state. It is, therefore, the purpose of ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992 to exercise the jurisdiction of the State of Oregon to the maximum extent permitted by the United States Constitution and to establish in cooperation with the federal government a comprehensive system for the siting, monitoring and regulating of the location, construction and operation of all energy facilities in this state.*

### ORS 469.430 - Site Inspections; Compliance Reviews

- (1) The Energy Facility Siting Council has continuing authority over the site for which the site certificate is issued, including but not limited to the authority to:
  - (a) Inspect, or direct the State Department of Energy to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of the site certificate or any order issued by the department under ORS 469.405 (3); and*
  - (b) Periodically review documents, reports and other materials, or direct the State Department of Energy or request another state agency or local government to review documents, reports or other materials, to ensure that the facility continues to comply with all terms and conditions of the site certificate or any order issued by the department under ORS 469.405 (3).**
- (2) The council shall avoid duplication of effort with site inspections and compliance reviews by other state and federal agencies and local governments that have issued permits or licenses for the facility.*
- (3) If the council requests that another state agency or local government conduct a site inspection or compliance review under this section, the council may compensate that state agency or local government for expenses related to the site inspection or compliance review. [Formerly 453.415; 1993 c.569]*

469.440 Grounds for revocation or suspension of certificates

*Pursuant to the procedures for contested cases in ORS chapter 183, a site certificate or an amended site certificate may be revoked or suspended:*

- (1) For failure to comply with the terms or conditions of the site certificate or amended site certificate;*
- (2) For violation of the provisions of ORS 469.525 to 469.563, 469.590 to 469.619, 469.930 and 469.992 or rules adopted pursuant to ORS 469.525 to 469.563, 469.590 to 469.619, 469.930 and 469.992; or*
- (3) If the site certificate was executed prior to July 2, 1975, for violation of the provisions of ORS 469.300 to 469.520 or rules adopted pursuant to ORS 469.300 to 469.520 or for failure to comply with applicable health or safety standards.*

469.563 - Court orders for enforcement

*Without prior administrative proceedings, a circuit court may issue such restraining orders, and such temporary and permanent injunctive relief as is necessary to secure compliance with ORS 469.320, 469.405 (3), 469.410, 469.421, 469.430, 469.440, 469.442, 469.507, 469.525 to 469.559, 469.560, 469.561, 469.562, 469.562, 469.590 to 469.619, 469.930 and 469.992 or with the terms and conditions of a site certificate.*

*469.564 - Records or information for enforcement; correction of violation; determination of compliance; costs*

- (1) The Director of the State Department of Energy or the Energy Facility Siting Council may obtain from any persons all records or information needed to carry out and enforce ORS 469.525, 469.550 (3) and 469.607. In obtaining records or information under this subsection, the director or the council, with the written consent of the Governor, may subpoena witnesses, material and relevant books, papers, accounts, records and memoranda, may administer oaths and may cause the depositions of persons residing within or without Oregon to be taken in the manner prescribed for depositions in civil actions in circuit courts.*
- (2) The director or the council may require a person to take actions as necessary to correct a past or ongoing violation of ORS 469.525, 469.550 (3) or 469.607 or to ensure future compliance with ORS 469.525, 469.550 (3) or 469.607 or rules adopted for the purposes of carrying out ORS 469.525, 469.550 (3) or 469.607. The director or the council shall coordinate with the Department of Environmental Quality prior to ordering any actions under this subsection.*
- (3)*
  - (a) At any reasonable time, an employee of or a duly authorized and identified representative of the State Department of Energy may enter upon, inspect and obtain samples from any public or private property, premises or place for the purpose of determining compliance with ORS 469.525, 469.550 (3) or 469.607 or rules adopted for the purposes of carrying out ORS 469.525, 469.550 (3) or 469.607.*
  - (b) If a person refuses to comply with this subsection, the department or a duly authorized and identified representative of the department may obtain a warrant or subpoena to allow the entry, inspection or sampling authorized by this subsection.*
- (4)*



- (a) A person found by the director or the council to be in violation of ORS 469.525 shall reimburse the department for all necessary, just and reasonable costs incurred by the department in the investigation of the violation. Department costs may include:
  - (A) Legal expenses;*
  - (B) Expenses incurred in obtaining and inspecting records, information or samples under subsections (1) to (3) of this section; and*
  - (C) Expenses incurred in issuing any final order or notice of violation.**
- (b) Upon request, the department shall provide a detailed justification for all costs charged to a person under this subsection.*
- (c) If a dispute arises regarding the necessity or reasonableness of expenses charged to a person under this subsection, the person may seek judicial review of the amount of expenses charged in circuit court as provided in ORS 183.480, 183.484, 183.490 and 183.500. If the person establishes that any of the charges are unnecessary or unreasonable, the department shall refund the amount found to be unnecessary or unreasonable. The person may not waive the right to judicial review by paying the portion of the fee or expense in dispute.*