

Oregon Department of **ENERGY**

Energy Facility Siting Council Meeting

ODOE Offices
550 Capitol St. NE
Salem, Oregon

February 13, 2026

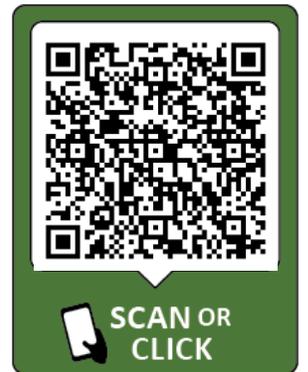


Opening Items:

- Call to Order
- Roll Call
- Announcements

Announcements

- Reminder to Council and anyone addressing the Council:
 - State your full name clearly at the start of your comment or question
 - 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 can 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

- January 2026 Council Meeting Minutes
- Council Secretary Report - Todd Cornett, Council Secretary

February 13, 2026

EFSC Active Projects Overview

Status	Wind MW	Solar MW	Battery Storage MW	Total Generating MW
Operational	2,919	412	56	3,131
In Construction	-	-	-	200
*Approved but Not Built – Approval Still Valid	461	2,792	2,413	3,253
Under Review	1,579	5,419	5,869	6,998
Total	4,959	8,623	8,388	13,582

*Approvals range from April 2020 to Nov. 2024

2024 Annual Report Non-Compliance Updates

Facility	Condition Summary	Rationale for Non-Compliance	Data or Action Required	Timing of Resolution
Montague Wind Power	Revegetation/ Weed Control	Revegetation report indicates significant presence of weeds on-site and need for treatment; limited information on weed control provided	Provide additional information on weed treatments	February 2026
Montague Wind Power	Fire Safety Planning and Emergency Planning	Department does not have a site-specific fire plan on file	Submit a site-specific fire safety plan	February 2026
Montague Wind Power	WMMP: Raptor Nest Occupancy Monitoring	Second-year of short-term monitoring complete, but report lacks analysis of both monitoring years. Analysis required to determine need for mitigation.	Complete analysis and resubmit report	February 2026

Agenda Item B

Information Item

Overview of Recent Executive Orders

Geoff Huntington, Senior Natural Resource Advisor

Chandra Ferrari, Natural Resources Advisor

Amy Schlusser, Natural Resources Climate Advisor

Anca Matica, Communications and Policy Advisor

February 13, 2026



Office of Governor
TINA KOTEK

Governor Kotek's Climate Vision

Executive Orders 25-25, 25-26, 25-29



Office of Governor
TINA KOTEK

Fostering & Securing Resilient Lands & Waters

Executive Order 25-26



Office of Governor
TINA KOTEK

Key Components

- Resilience Attributes
- Keep Working Lands and Waters Working
- 10 by 10
- Lead by Example
- Community and Wildfire Resilience



Office of Governor
TINA KOTEK

Accelerating an Affordable Clean Energy Transition

Executive Order 25-29



Office of Governor
TINA KOTEK

Key Components & Deliverables

- Advance Implementation of the Oregon Energy Strategy Pathways
- Get Stuff Built
- Develop Public-Private Partnerships and Evaluate Emerging Clean Energy Technologies

Agenda Item C

Public Hearing

Exemption Rulemaking Public Hearing

Tom Jackman, Rules Coordinator

February 13, 2026

Exemption Rulemaking Public Hearing

Agenda Overview

- Review of projected timeline for rulemaking
- Background and overview of proposed rule language
- Opportunity for public to make comments
 - In-person testimony (Please fill out a comment card)
 - Testimony via WebEx
 - Testimony via phone

Note: There will not be any Q&A offered at this hearing, however any questions related to this rulemaking can be directed to Tom Jackman at tom.jackman@energy.oregon.gov.

Exemption Rulemaking Public Hearing

Timeline

Event	Date
Informal rulemaking initiated by Council	December 19, 2025
Notice of Proposed Rulemaking filed with Sec of State	December 31, 2025
Public hearing	February 13, 2026
Public comment ends	March 2, 2026
Presentation of proposed rule language to Council for final consideration	TBD (Likely April 2026)

Exemption Rulemaking - Overview

Proposed Rules

- Clarify that the Council may impose conditions on an exemption
- Implement monitoring and reporting requirements for exempt facilities
- Formalize the process for loss of an exemption
- Increase efficiency values as appropriate to qualify for high-efficiency cogeneration plant exemption

How to Raise Your Hand in Webex

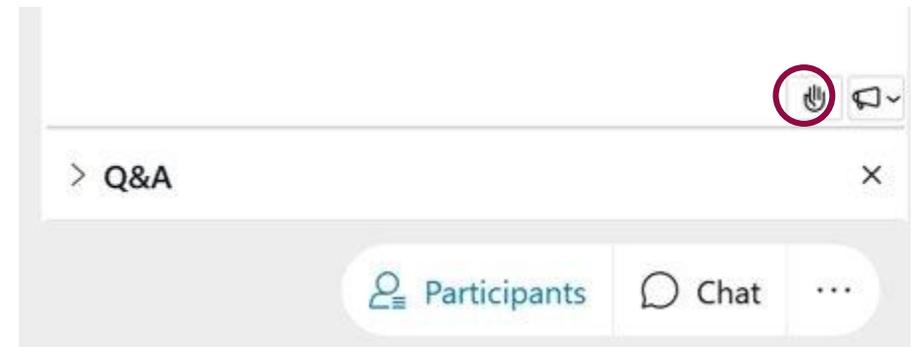
Phone Participants

- Press *3 on your telephone keypad to raise your hand
- Press *3 again on your telephone keypad to lower your hand

Webinar Participants

The bottom right of the main window is a set of icons:

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- Click on it again to lower your hand



Agenda Item D

Action Item

Tribal Communication Notice Rulemaking Notice of Proposed Rulemaking

Tom Jackman, Rules Coordinator

February 13, 2026

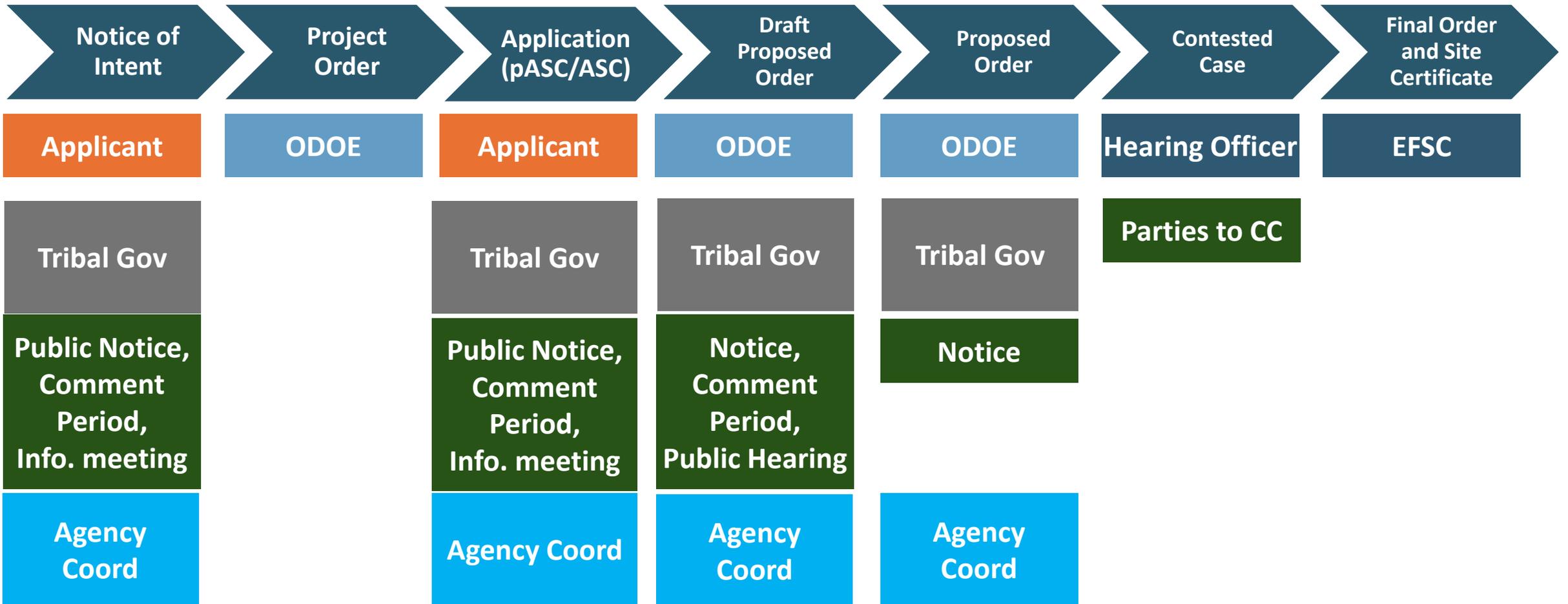
Background – Rulemaking Process



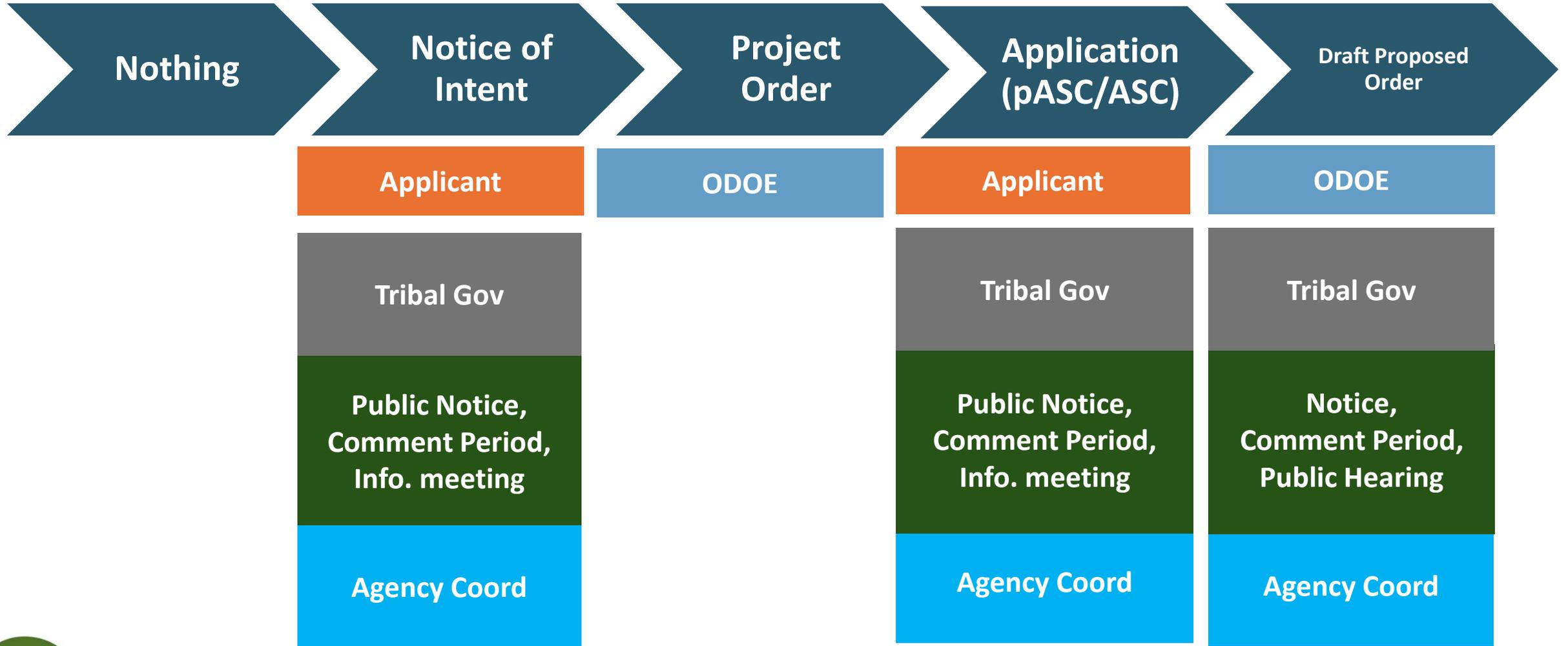
Background – Rulemaking Process

Tribal Outreach	Date
Attend Cultural Cluster	July 23, 2024
Submit request for feedback on rulemaking	November 7, 2024
Attend Cultural Cluster to discuss draft language	January 28, 2025
Request feedback on proposed draft language	December 19, 2025

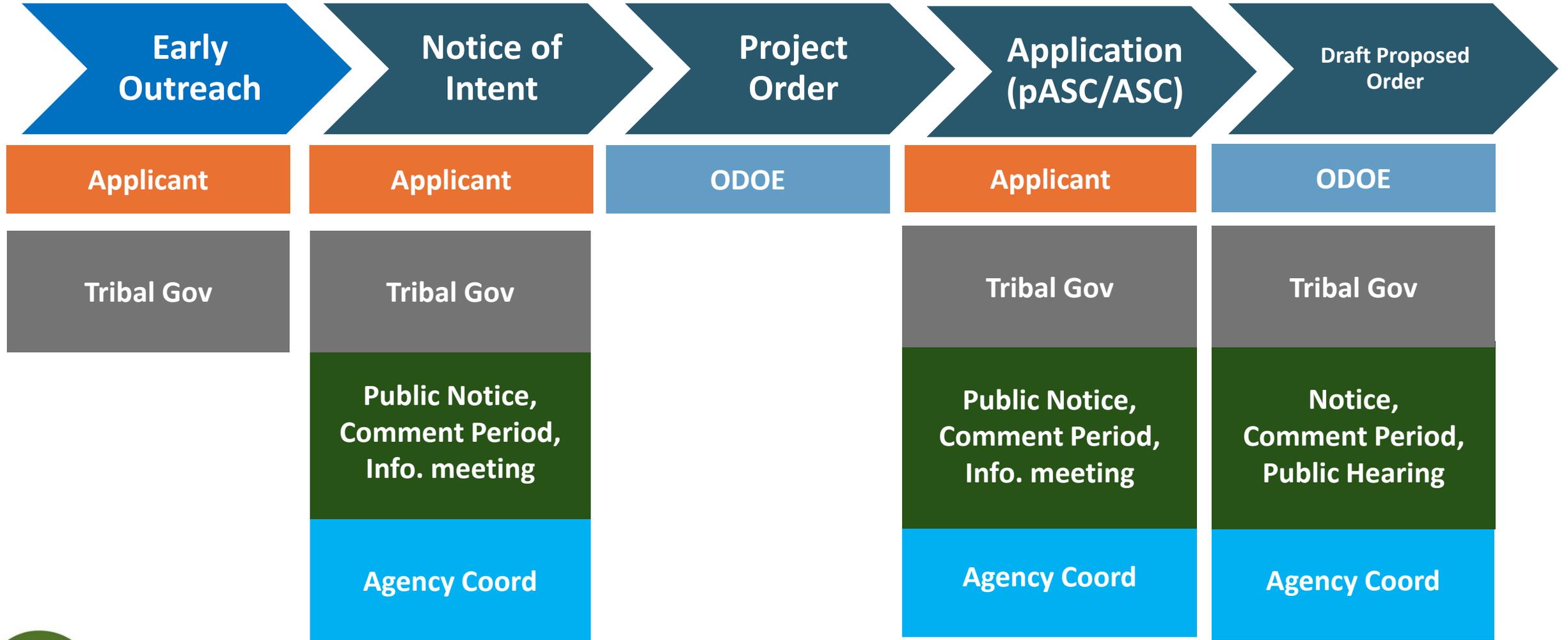
APPLICATION FOR SITE CERTIFICATE PROCESS



Early Process



Proposed Early Process



Proposed Language - OAR 345-020-0011(1)(q)

- (q) Exhibit Q. ~~The following E~~evidence of ~~consultation with the~~ ~~Legislative Commission on Indian Services to identify each~~ ~~appropriate tribe to consult with~~ regarding the proposed facility's possible effects on Indian historic and cultural resources.
 - (A) Consultation with the Legislative Commission on Indian Services to identify each appropriate tribe with which to confer.
 - (B) The dates and summary of any meetings or communications with the tribes identified in (A) above; or documentation of all efforts to communicate with the tribes identified in (A) above.

Proposed Language - OAR 345-020-0011(1)(q)

- **(q) Exhibit Q. The following evidence regarding the proposed facility's possible effects on Indian historic and cultural resources.**
 - (A) Consultation with the Legislative Commission on Indian Services to identify each appropriate tribe with which to confer.
 - (B) The dates and summary of any meetings or communications with the tribes identified in (A) above; or documentation of all efforts to communicate with the tribes identified in (A) above.

The Confederated Tribes of Grand Ronde

The comments generally express support for the proposed rule concept and identify three specific points for consideration:

- Clarification regarding whether the term “Indian historic and cultural resources” is defined elsewhere in rule, and if not, whether a definition should be developed in consultation with Oregon’s Tribes.
- Support for the provision encouraging consultation with the Legislative Commission on Indian Services to identify appropriate Tribes for consultation.
- Support for encouraging applicants to meet with identified Tribes and document those meetings, with the caveat that any information Tribes request to remain confidential should be redacted from records or summaries submitted to the Department.

The Confederated Tribes of Grand Ronde

Staff Response:

- Although OAR chapter 345 does not define this phrase, “cultural resources” is a well-established term in Oregon practice, e.g., the Oregon State Historic Preservation Office
- Applicants are already required to reach out to LCIS and the proposed rule does not change that
- Confidentiality is crucial, but no Tribal information will be exchanged with the public during the proposed phase of the process

Council Options

Option 1 Recommended

File the NOPR
for Tribal
Communication
rulemaking
with drafted
rules

Option 2

File the NOPR
for Tribal
Communication
rulemaking
with amended
rules

Option 3

Do not file the
NOPR for Tribal
Communication
rulemaking



OREGON
DEPARTMENT OF
ENERGY



Council Deliberation



BREAK

Agenda Item E

Public Comment

Items Closed for Public Comment

- Biglow Canyon Amendment #4 Proposed Order

Time Limit

- 7 Minutes per commentor

How to Raise Your Hand in Webex

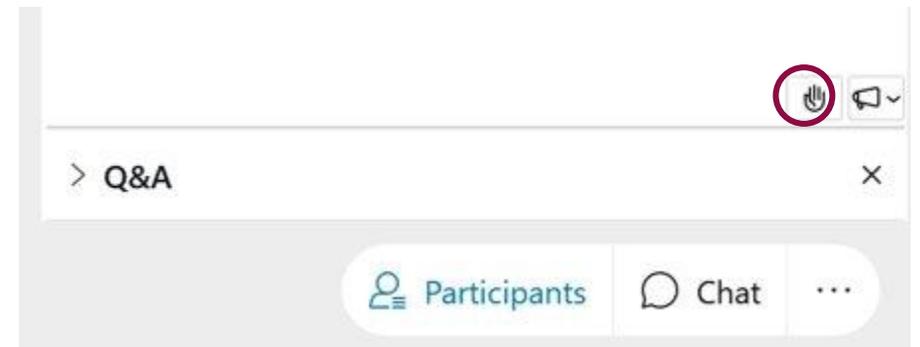
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Agenda Item F

Action Item

Appointment of Hearing Officers for Future Contested Case Proceedings

- Saddle Butte Energy Facility
- Speedway Energy Facility
- Well Springs Solar Project

Sarah Esterson, Senior Policy Advisor

February 13, 2026

Oregon Office of Administrative Hearings(OAH)

- Provides an independent and impartial forum for citizens and businesses to dispute state agency actions.
- 65 professional administrative law judges (ALJ) for approximately 70 state agencies.
- **ODOE/EFSC is one of the few agencies not required to utilize OAH.**
- **Entered into agreement with OAH in 2017 based on their expertise in contested cases and the number of ALJ's who could serve as Hearing Officers for EFSC.**

Staff Recommended Hearing Officer

ALJ Jennifer Rackstraw

- **Education:** B.A. in Anthropology (University of Georgia) and J.D. (Lewis & Clark Law School).
- **Experience:** Administrative Law Judge since 2003, presiding over contested cases for multiple Oregon state agencies.
- **Professional Involvement:** Member of Oregon State Bar's Administrative and Disability Law sections; former Executive Committee member.

Staff Recommended Hearing Officer

ALJ Bradley Schmidt

- **Education:** J.D. from Brigham Young University's J. Reuben Clark Law School.
- **Experience:** Administrative Law Judge with Oregon's Office of Administrative Hearings since 2018, handling complex contested cases.
- **Expertise:** Specializes in professional licensing, regulatory, and resource management issues requiring advanced administrative law knowledge.

Staff Recommended Hearing Officer

ALJ Elibeth Jarry

- **Education:** J.D. from Indiana University Maurer School of Law; member of Oregon State Bar.
- **Experience:** ALJ with Oregon's Office of Administrative Hearings since 2009, presiding over diverse contested cases for multiple state agencies.
- **Leadership Roles:** Former Lead Child Support ALJ (2013–2021), interim presiding ALJ, and currently a specially appointed ALJ for Portland Fire & Police Disability and Retirement cases.

Council Options

Option 1 Recommended

Appoint the
three hearing
officers

Option 2

Appoint some
but not all
three hearing
officers

Option 3

Do not
appoint any of
the three
hearing
officers



OREGON
DEPARTMENT OF
ENERGY



Council Deliberation

Agenda Item G

Information Item

Boardman to Hemingway Transmission Line Quarterly Construction Update

**Wally Adams, Senior Technical Expert, Haley and Aldrich
Sarah Esterson, Senior Policy Advisor**

February 13, 2026

Topics

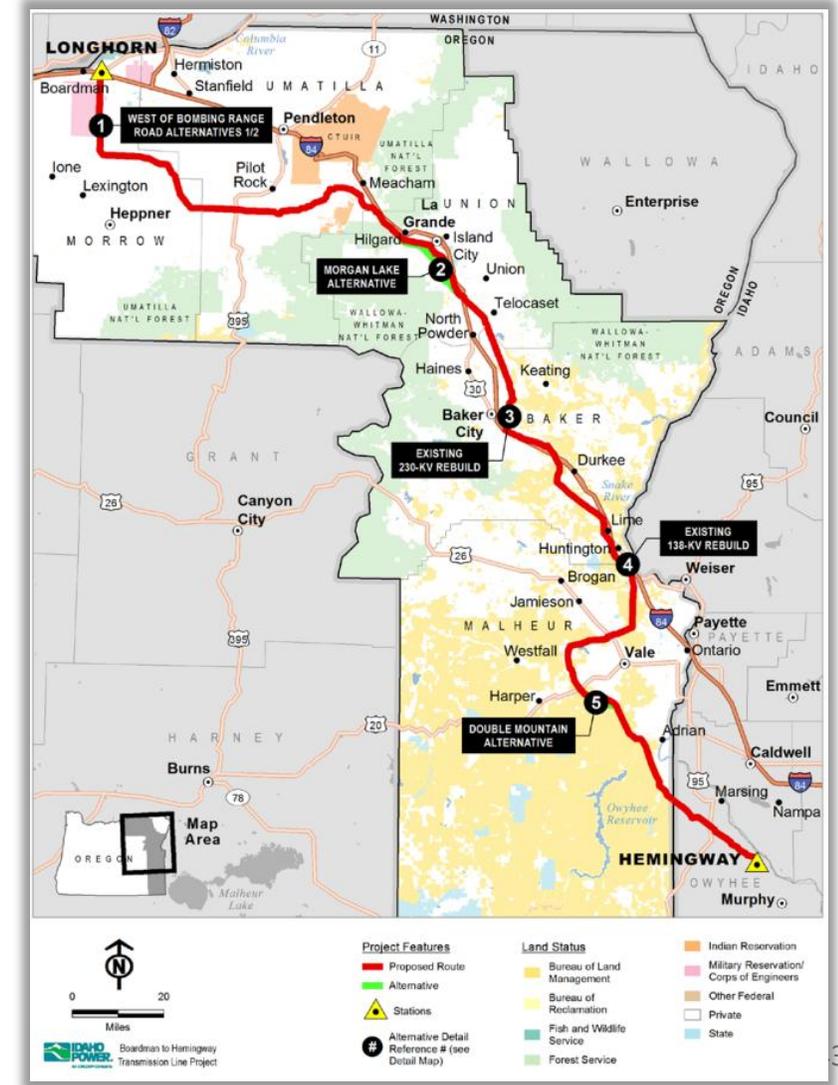
- 1 Construction Status
- 2 Site Inspections
- 3 Compliance Issues
- 4 Removal Fill Updates
- 5 Q&A

Boardman to Hemingway: Approved Facility Overview

Certificate Holder
Idaho Power Company

Approved Facility
Approximately 273 miles of 500 kV transmission line,
plus 2 substations, communications stations, access
roads, multi-use areas and pulling and tensioning sites

Facility Location:
Morrow, Umatilla, Union, Baker and Malheur Counties



Construction Sequence

- 1) Clearing
- 2) Access Roads and Pads
- 3) Foundations
- 4) Tower Assembly
- 5) Wire Pulling
- 6) Reclamation



Construction Progress and Schedule

- **Construction start = July 10, 2025** (passed \$250K threshold)
- **Peak Build Years – 2026 and 2027**
 - Civil and foundation work expected to be completed by the end of 2026
- **Substantial Completion – October 2027**
 - Mechanically complete and energized
- **Final Completion – August 2028**
 - Everything complete including reclamation

Roads	Pads	P&T Sites	MUAs	Foundations	Structures	Reclamation
26%	35%	8%	17%	17%	6%	0%
700/2700	457/1300	30/354	3/18	224/1300	74/1300	0/1300

Estimated percent complete as of February 1, 2026

Noteworthy Plan Approvals

Blasting Plan – GEN-SP-04

- Condition required submittal of a final Blasting Plan based on a draft framework
- “Generic” Blasting Plan based on the framework has been approved
- Site-specific blasting plans must still be submitted and approved prior to blasting
- Plan requires water flow testing if requested by landowner

Helicopter Use Plan – GEN-PS-01

- Condition stipulates the elements that must be contained in the Plan: routes, operating times, notices, etc.
- The condition also requires consultation with the counties before the Plan is approved
- HA/ODOE completed initial review
- Draft Plan has been distributed to the counties; consultation in progress

Site Inspections

Compliance Process – Brief Overview

- **Review of weekly reporting, weekly CON meeting**
- **Monthly on-site inspection**
 - Noxious weed control measures
 - Erosion and sediment control
 - Fire prevention
 - Hazardous materials and waste handling
- **Non-compliance tracking**
- **Semi-annual reports**

We have a subcontract with **Anderson Perry**, an engineering services firm with an office in La Grande.

Anderson Perry personnel are conducting most of the site inspections on behalf of ODOE. We provide technical guidance and support for the inspections:

- Focus areas
- Checklists
- Technical resources (GIS, etc.)
- Report review

Completed Site Inspections

Seven site inspections completed

- General/ESCP focus (4 months)
- Focused inspections (3 months): Agricultural Mitigation Plan, ROW Clearing, Elk/Mule Deer Seasonal Restrictions

Future inspections:

- February: Baker County, ESCP and Elk/Mule Deer Seasonal Restrictions
- Morrow County, focus on Blasting Plan
- Fire Prevention and Suppression Plan

Monthly inspections will continue as long as construction is active



Structure Foundations and Assembly



ROW Clearing



Compliance Issues

Noncompliance Tracking

Tracking Number	Date of Incident	Description	Self-Reported?	BLM NC?	Status
2025-01	8/7/2025	A 200-foot cultural resource avoidance buffer within pad 210/2 was encroached upon during clearing activities - staked at 100 ft instead of 200 ft.	Yes, in 8/13/25 weekly CON meeting	Yes	Closed
2025-02	8/26/2025	Subsoil outside of the LOD at 213/1, mixing with topsoil.	Yes, in weekly report and during weekly CON meeting	No	Closed
2025-05	9/25/2025	Spoils from grading and widening of AR BA-677 have been pushed outside the boundaries of the LOD. Near 184/1.	Yes, in weekly report	Yes	Closed
2025-06	10/23/2025	Weed wash station not removing debris as intended due to the lack of a proper spray nozzle or wand.	No, found during site inspection	No	Closed
2025-07	10/29/2025	Fish passage bladed over near 198/1.	Yes, in weekly report	No	Closed
2026-01	1/10/2026	Cultural resource buffer for an isolate near 143/4 was removed in error, resulting in unauthorized ground disturbance.	Yes, in weekly report	Yes	Open

Removal Fill Updates

GEN-RF-01 Site Rehabilitation Plan

The certificate holder shall:

- a. Prior to construction of a phase or segment of the facility, as applicable, the certificate holder shall submit to the Department and Oregon Department of State Lands (DSL) a final Site Rehabilitation Plan (Plan), consistent with the draft Plan provided in Attachment J-2 of the Final Order on the ASC. The Department shall provide written verification of its review of the final Plan, confirming that the Plan is consistent with the draft Site Rehabilitation Plan.
- a. Following construction and during operation of a phase or segment of the facility, as applicable, the certificate holder shall ensure that temporary impacts to wetlands and non-wetland waters of the state are restored in accordance with the final plan.
- a. The Department will provide updates to Council on the certificate holder's implementation of the final Plan and of any Plan revisions at Council meetings, following submittal of the certificate holder's six-month construction progress report per General Standard of Review Condition 3 or annual report per General Standard of Review Condition 4.
[Removal Fill Condition 2; Final Order on ASC]

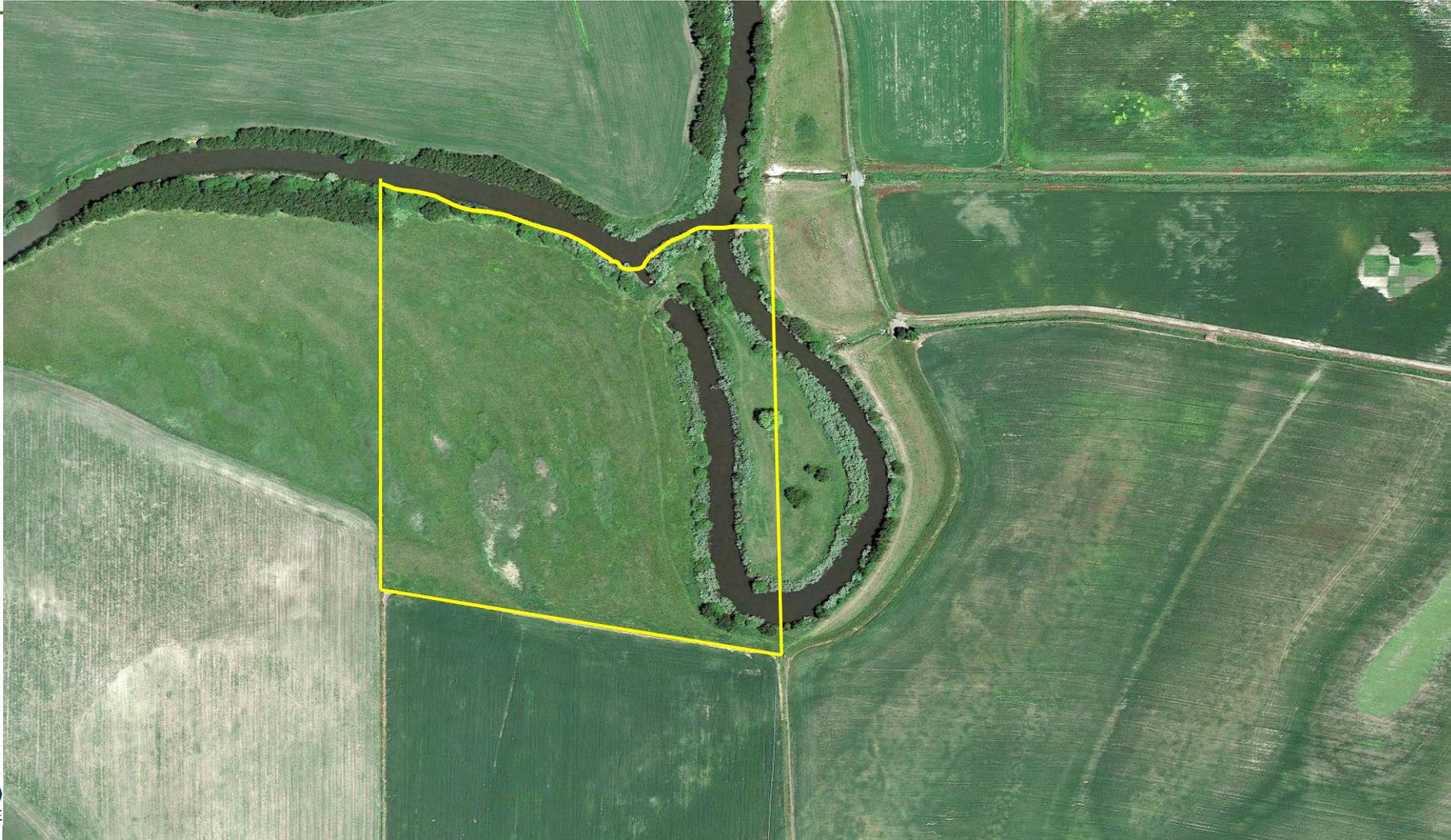
GEN-RF-02 Compensatory Wetland and Non-Wetland Mitigation Plan

The certificate holder shall:

- a. Prior to construction of a phase or segment of the facility, as applicable, submit an updated Compensatory Wetland and Non-Wetland Mitigation Plan (CWNWMP Attachment J-1 to the Final Order on the ASC) Updates to the CWNWMP include the final amount of wetland mitigation credit required which shall be based on the final design configuration of the phase or segment of the facility, as applicable, and the estimated acres of wetlands and non-wetland waters of the state that would be permanently impacted, unless otherwise agreed to by the Department.
- b. Following construction and during operation of a phase or segment of the facility, the certificate holder shall implement the actions described in the final CWNWMP.
- c. The Department will provide updates to Council on the certificate holder's implementation of the final CWNWMP and of any Plan revisions at Council meetings, following submittal of the certificate holder's six-month construction progress report per General Standard of Review Condition 3 or annual report per General Standard of Review Condition 4.
- d. The final CWNWMP version approved when the facility begins operation may be revised or updated from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council. Such revisions or updates may be made without amendment of the site certificate. The Council authorizes the Department to agree to revisions or updates to this plan, in consultation with DSL. The Department shall notify the Council of all revisions or updates, and the Council retains the authority to approve, reject, or modify any revisions or updates of the plan agreed to by the Department.

[Removal Fill Condition 3; Final Order on ASC, AMD1]

Hassinger Mitigation Site



GEN-RF-02 CWNWMP Update

- **The CWNWMP describes the creation of the “Hassinger Mitigation Site”**
- **The HMS encompasses approximately 8.54 acres adjacent to Catherine Creek in Union County, Oregon**
 - 4.76 acres seasonally flooded wetland habitat
 - Enhancement of 1.51 acres of existing wetland habitat
 - Construction of 810 linear feet of side channel for fish habitat
- **Status:**
 - Have site plan and are close to breaking ground
 - Contracts with Tetra Tech and their subcontractor are being finalized
 - Waiting for final approvals from BLM, NOAA, SHPO
 - 1200-C in public comment period.

GEN-RF-04 Removal Fill Permit

The certificate holder shall:

- a. Prior to construction of a phase or segment of the facility:
- b. Maintain compliance with the General and Special Conditions set forth in the removal-fill permit (Attachment J-3 to the Final Order on the ASC);
- c. Receive an updated removal-fill permit (Attachment J-3 to the Final Order on the ASC) reviewed and approved by the Department in consultation with the Oregon Department of State Lands.
- d. Submit a final copy of the updated removal-fill permit issued by the Oregon Department of State Lands.
- e. Following construction and during operation of a phase or segment of the facility, the certificate holder shall implement the actions and maintain compliance with the General and Special Conditions set forth in the removal-fill permit (Final Order on ASC Attachment J-3).
- f. The Department will provide updates to Council on the certificate holder's implementation of the removal-fill permit and of any permit revisions at Council meetings, following submittal of the certificate holder's six-month construction progress report per General Standard of Review Condition 3 or annual report per General Standard of Review Condition 4.
- g. The removal-fill permit version approved when the facility begins operation may be revised or updated from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such revisions or updates may be made without amendment of the site certificate. The Council authorizes the Department to agree to revisions or updates to this permit. The Department shall notify the Council of all revisions or updates, and the Council retains the authority to approve, reject, or modify any revisions or updates of the permit agreed to by the Department.

[Removal Fill Condition 6; Final Order on ASC, AMD1]

GEN-RF-04 Update

- **The conditions in the removal fill permit overlap with a number of other conditions/permits in the site certificate: erosion and sediment control, fish passage, cultural resource protections, hazardous materials and waste handling, etc.**
- **Application for a revision has been submitted, existing permit remains in effect until the new permit has been reviewed and approved.**
- **Proposed changes include:**
 - Remove existing abutments during replacement of 3 bridges over fish bearing streams (ODFW)
 - Crossings of intermittent waterways that require fill for stabilization (survey access previously denied)
 - New crossings identified by the construction team as warranted by tweaks to access road design
 - Net of about +.04 acres of impacts to wetlands, slightly less impacts to waters than the current RF permit. Some routes into the project have been eliminated, especially more complex ones with many crossings.

Watch List

Erosion and sediment control

- Typical area of concern on EFSC projects
- Low precipitation/snowfall has helped
- Continued coordination with DEQ

Elk and mule deer winter range exceptions

- Exceptions approved for Malheur and Baker counties, denied/withdrawn for Union County
- Exception for Morrow and Umatilla counties requested
- Continued coordination with ODFW

Weed wash stations

- Eocene now has their inspectors checking

Average Annual Precipitation – Malheur Co



Thank you!



Wally Adams

Senior Technical Expert

wadams@haleyaldrich.com

971.493.2324

Haley & Aldrich



**Working
Lunch
Break**

Agenda Item H

Information Item

Compliance Program 6-Month Review

Egan Bull, Compliance Officer
Brett Farman, Compliance Officer
Hannah Satein, Compliance Officer

February 13, 2026

Compliance Presentation Overview

- **Compliance Program Essentials**
 - Authority and Process
- **Facilities Overview**
 - Types of facilities
 - Implementing ODOE's compliance program
- **2025 Incidents**
 - Overview of processing and tracking reported incidents in 2025
- **Questions to Council**
 - Staff ask Council about compliance reporting preferences

Compliance Program Essentials



Compliance Program Authority

ORS 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...environmental protection policies of this state.

Compliance Program Authority

ORS 469.430 Site inspections; compliance reviews.

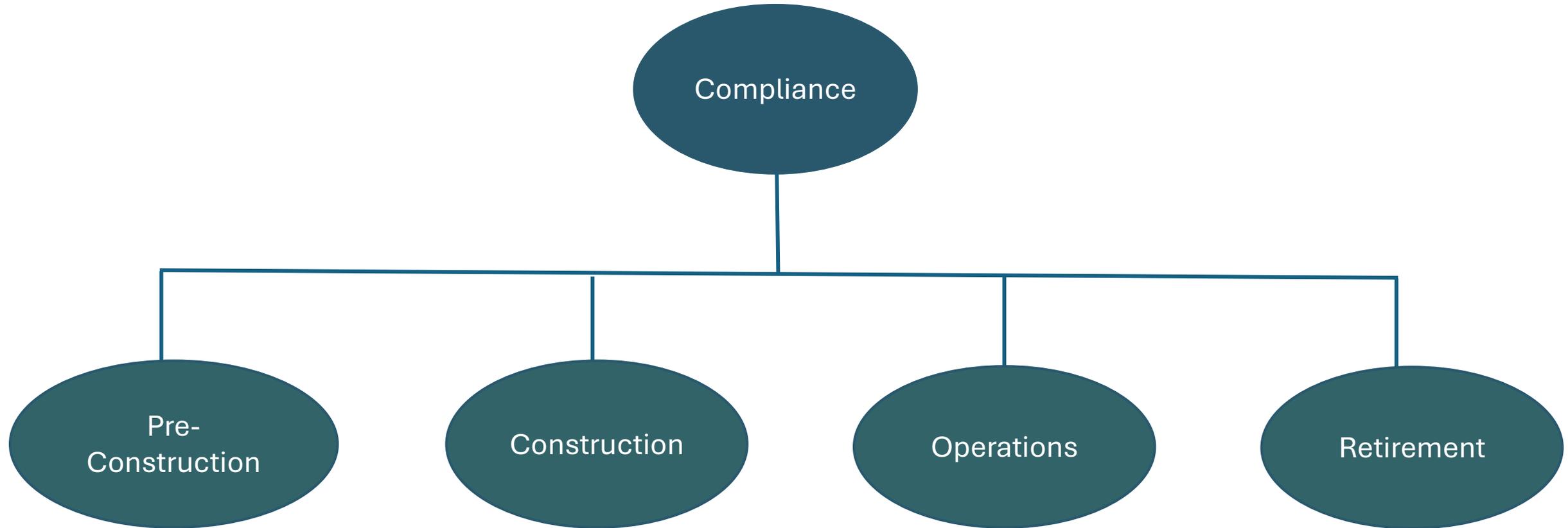
EFSC has continuing authority over the site for which the site certificate is issued, including but not limited to:

- 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.
- Review documents, reports and other materials...to ensure that the facility continues to comply with all terms and conditions of the site certificate.

Compliance Program Authority

- **OAR Division 26:** Construction and Operation Rules for Facilities
- **OAR Division 29:** Notice of Violation, Civil Penalties, Revocation or Suspension
- **OAR Division 30:** Research Reactors

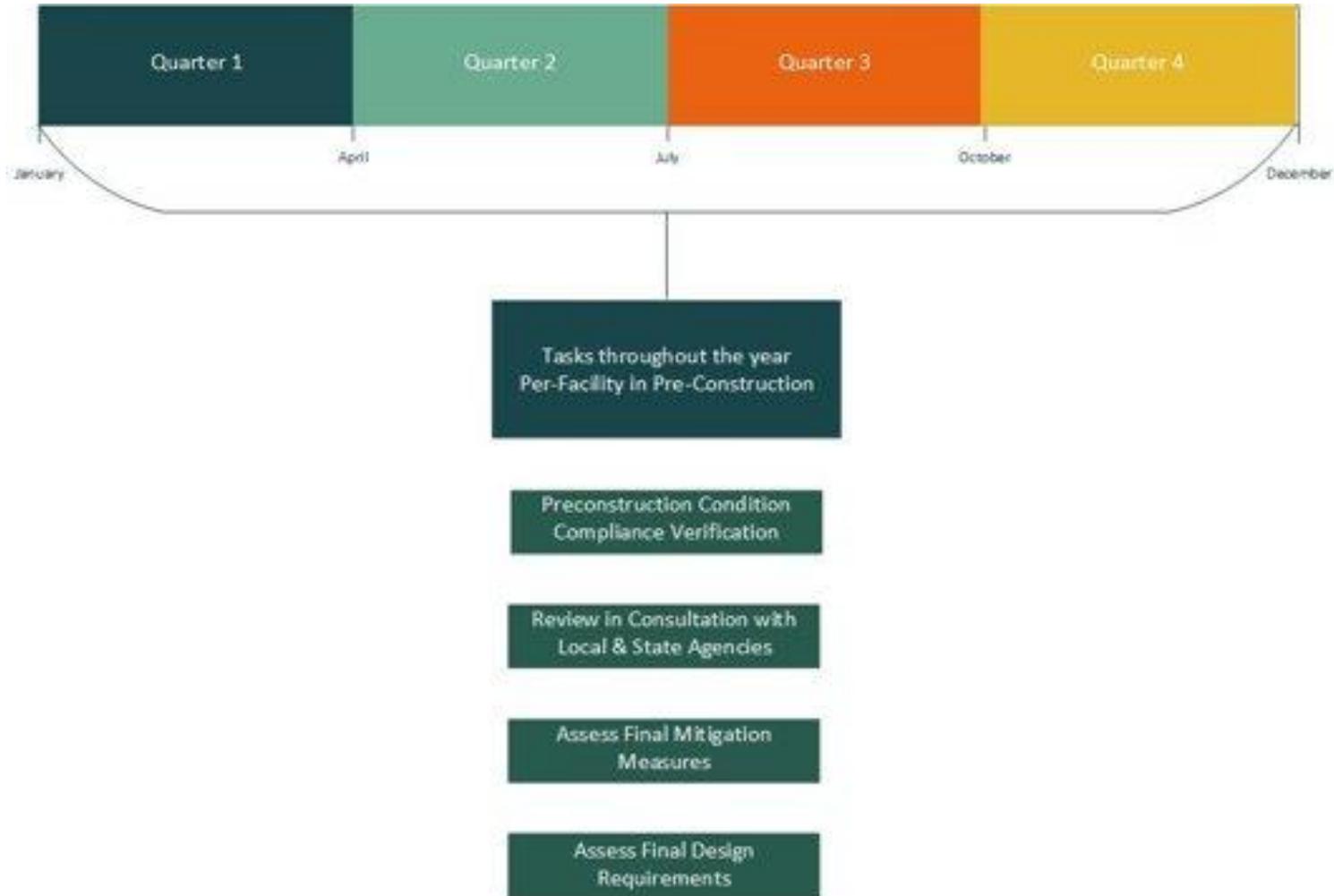
Compliance Program Overview



Approved Facilities

Facility Type	Number	Capacity	Construction Commencement Deadline
Solar	5	661 MW	2026-2028
Solar & Battery	3	1,360 MW & 7,380 MW+	2027
Solar & Wind	1	260 MW & 340 MW	July 2026
Wind & Battery	1	100 MW & 30 MW	June 2028
Battery	1	80 MW	Met

Preconstruction



Preconstruction: February 2026

Facility Type	Number	Capacity	Construction Commencement Deadline
Transmission line	1	280 mile 500 kV	Met
Solar & Battery	3	481 MW & 340 MW	2027 or Met
Natural gas storage	1	835 million cu ft	Met

Construction



Tasks Throughout The Year for Each Facility in Construction

Monthly Inspection Reports

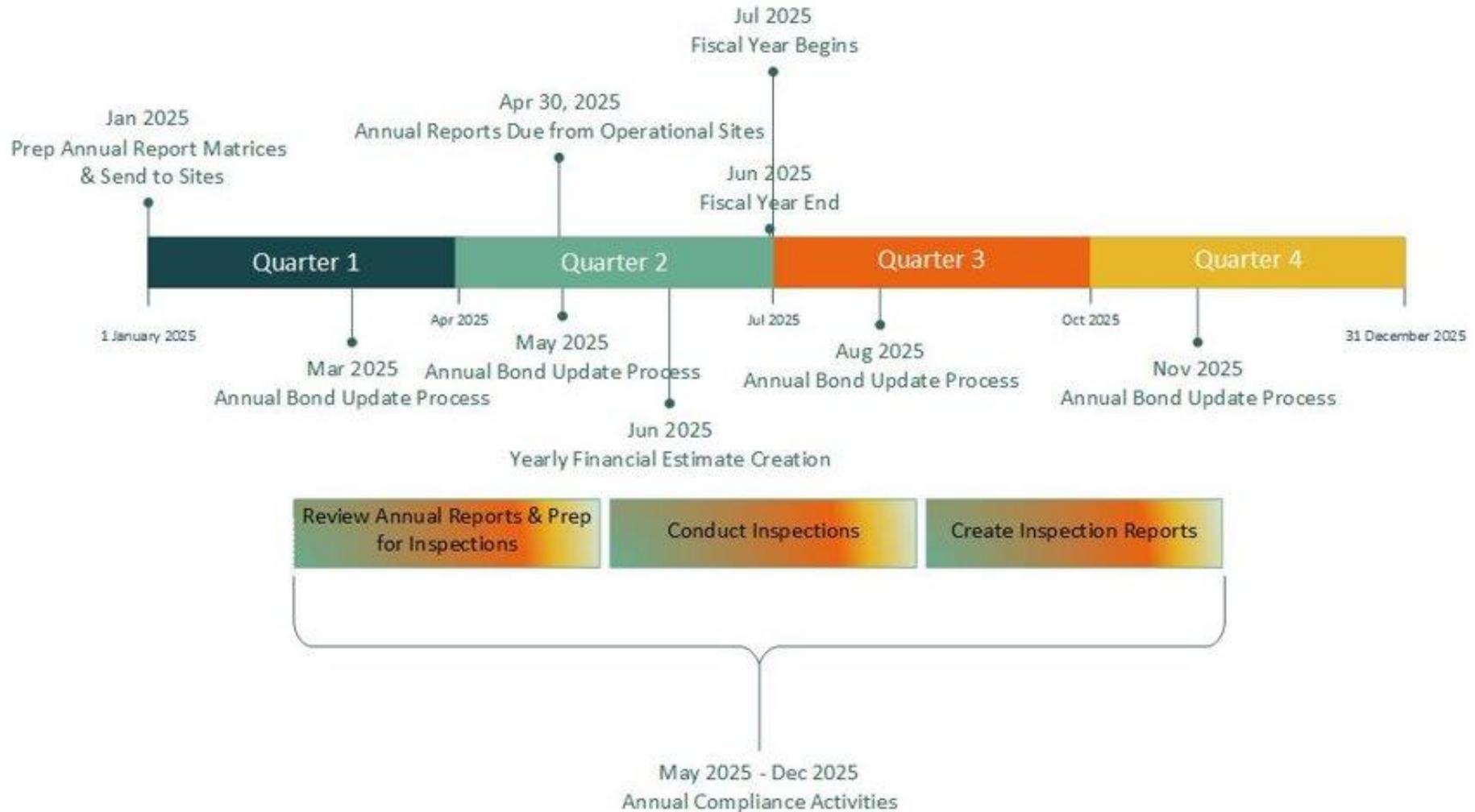
Track & Evaluate Non-Compliance Issues

Coordinate with Sister Agencies

Construction: February 2026

Facility Type	Number	Capacity	Construction Completion Deadline
Solar	2	200 MW	April 2026
Wind (Repower)	1	90 MW	February 2028
Natural Gas Storage	1	835 million cu ft	2030
Transmission Line	1	280 mile 500 kV	2029
Battery	1	20 MW	August 2028

Operations



Operations: Process Improvements

- 2024 Compliance Report Change Requests
- 2025 Reporting Year Matrix Updates
- 2025 Reporting Kickoff Meetings
- Meetings After Initial Compliance Report Issuance

Operations: February 2026

Facility Type	Number	Capacity
Solar	2	212 MW
Wind	13	2,919 MW
Natural Gas	7	3,243 MW
Other	8	N/A
Total	30	

Compliance Program Overview

Decommissioning
and Retirement



Decommissioned/Retired: February 2026

Facility Type	Number	Capacity
Nuclear	1	1,130 MW
Coal	1	550 MW



FACILITIES OVERVIEW

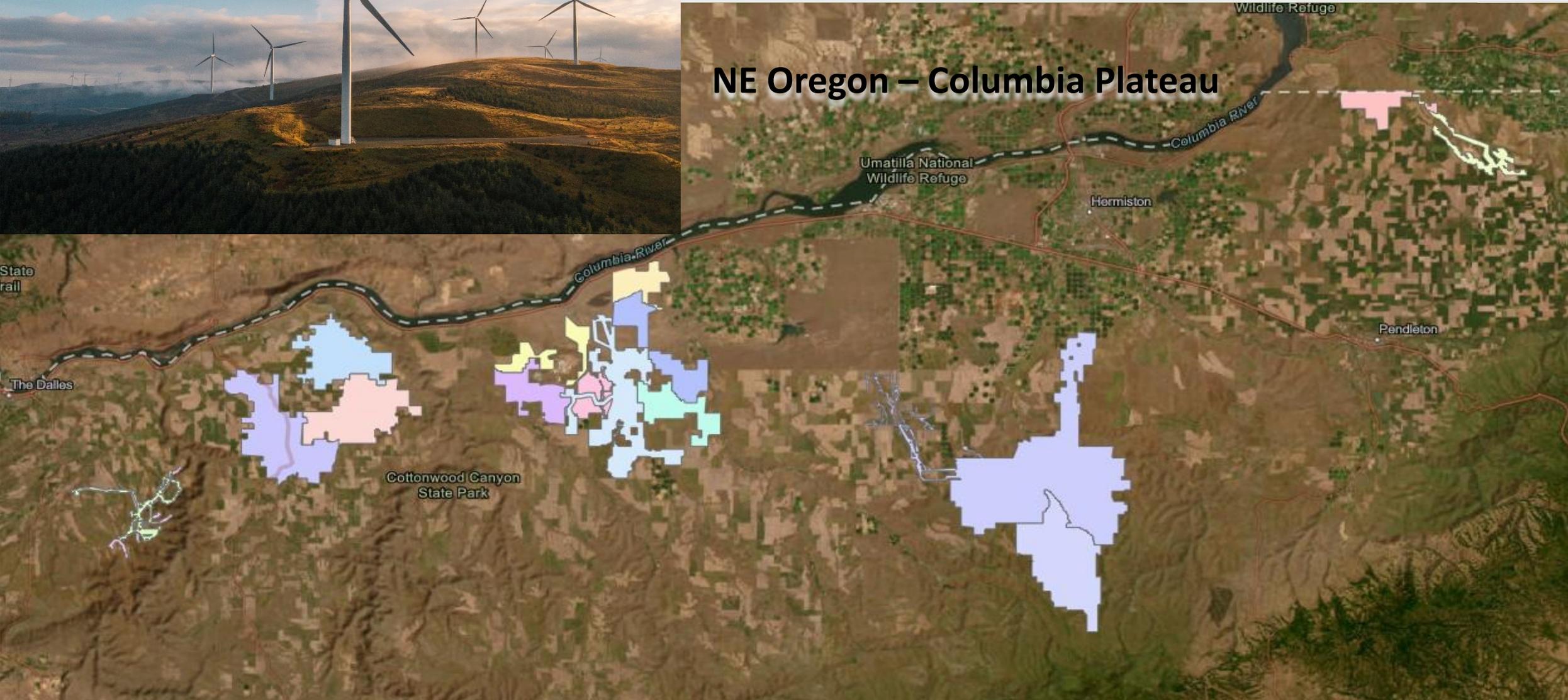


Wind Projects

13 Operational - two in construction - one approved



NE Oregon – Columbia Plateau



Wind Project Compliance Complexities

Older equipment is failing and leaking

Increased maintenance and cost

Large facilities spread over large landscape

Habitat and Weed management



Solar Projects

Two operational - Two in construction/operation -
12 approved



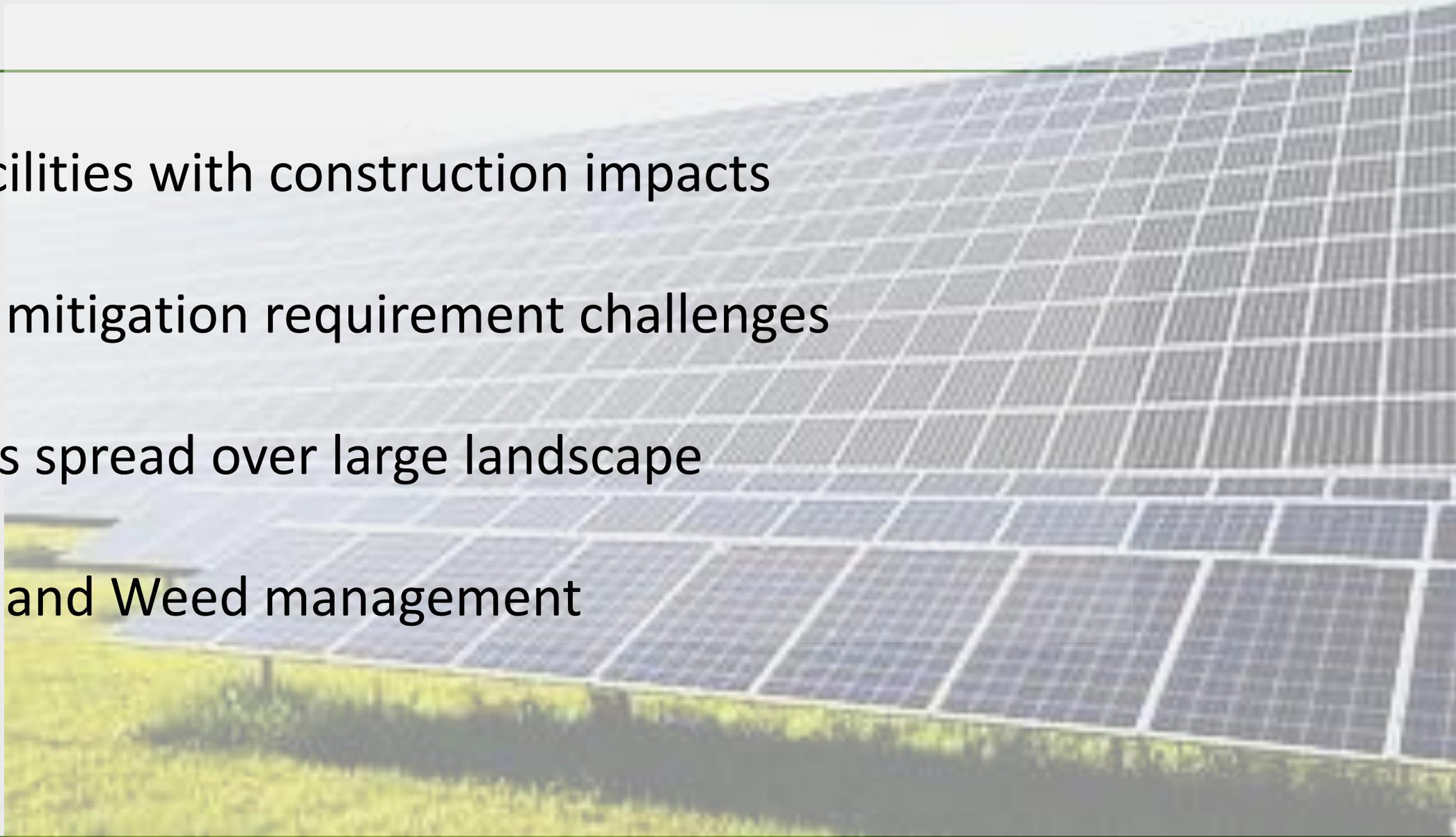
Solar Project Compliance Complexities

New facilities with construction impacts

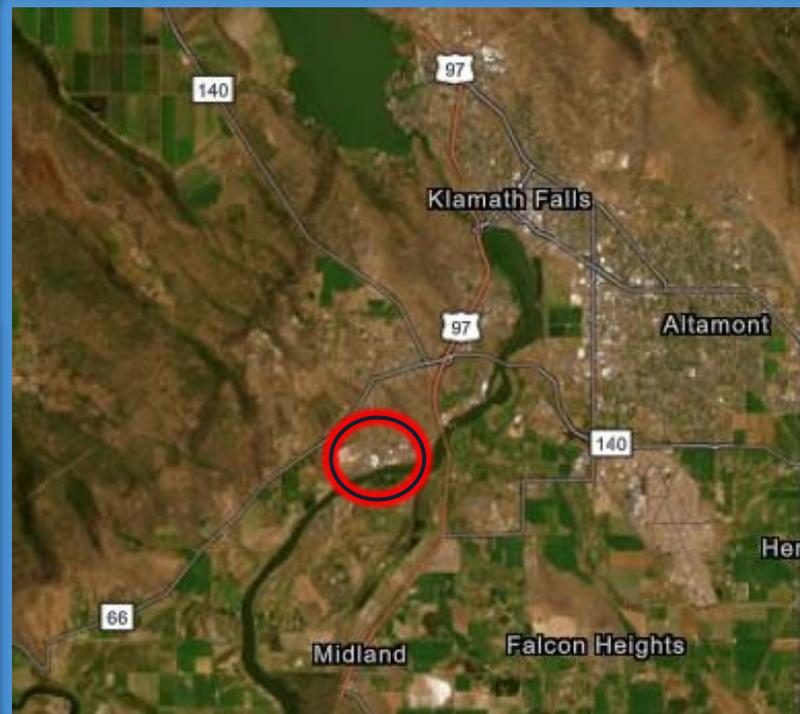
Habitat mitigation requirement challenges

Facilities spread over large landscape

Habitat and Weed management



Fuel Projects



Seven Operational Facilities

Compliance Complexities

Complex Carbon Standard calculations on different schedules
Uncertain standards for carbon beyond 30-year lifespan

Nuclear Facilities

Trojan Nuclear Plant

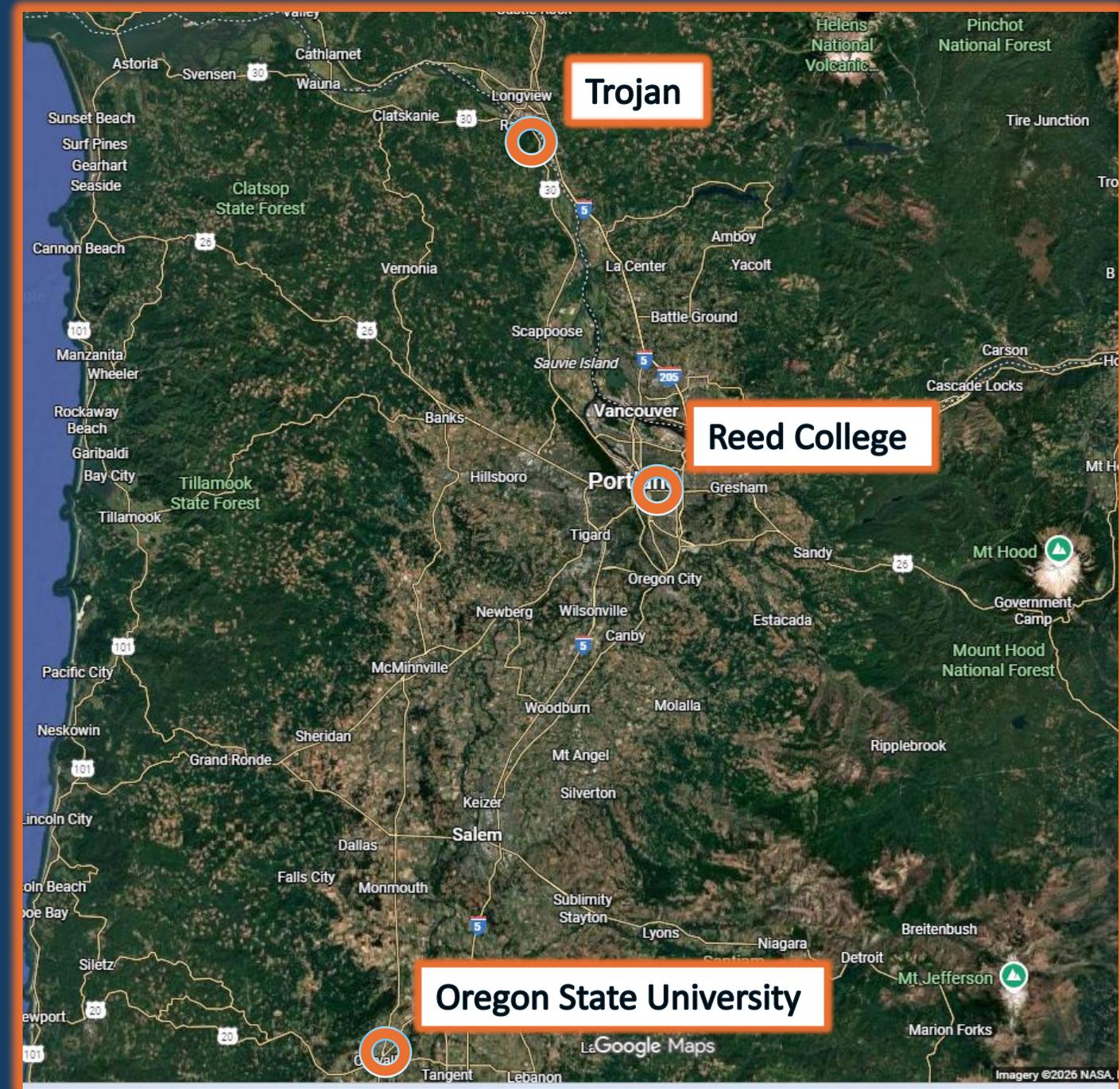
- Portland General Electric
- Decommissioned since 2004

Oregon State University Research Reactor

- Operational since 1967

Reed Research Reactor

- Operational since 1968



Miscellaneous EFSC Projects

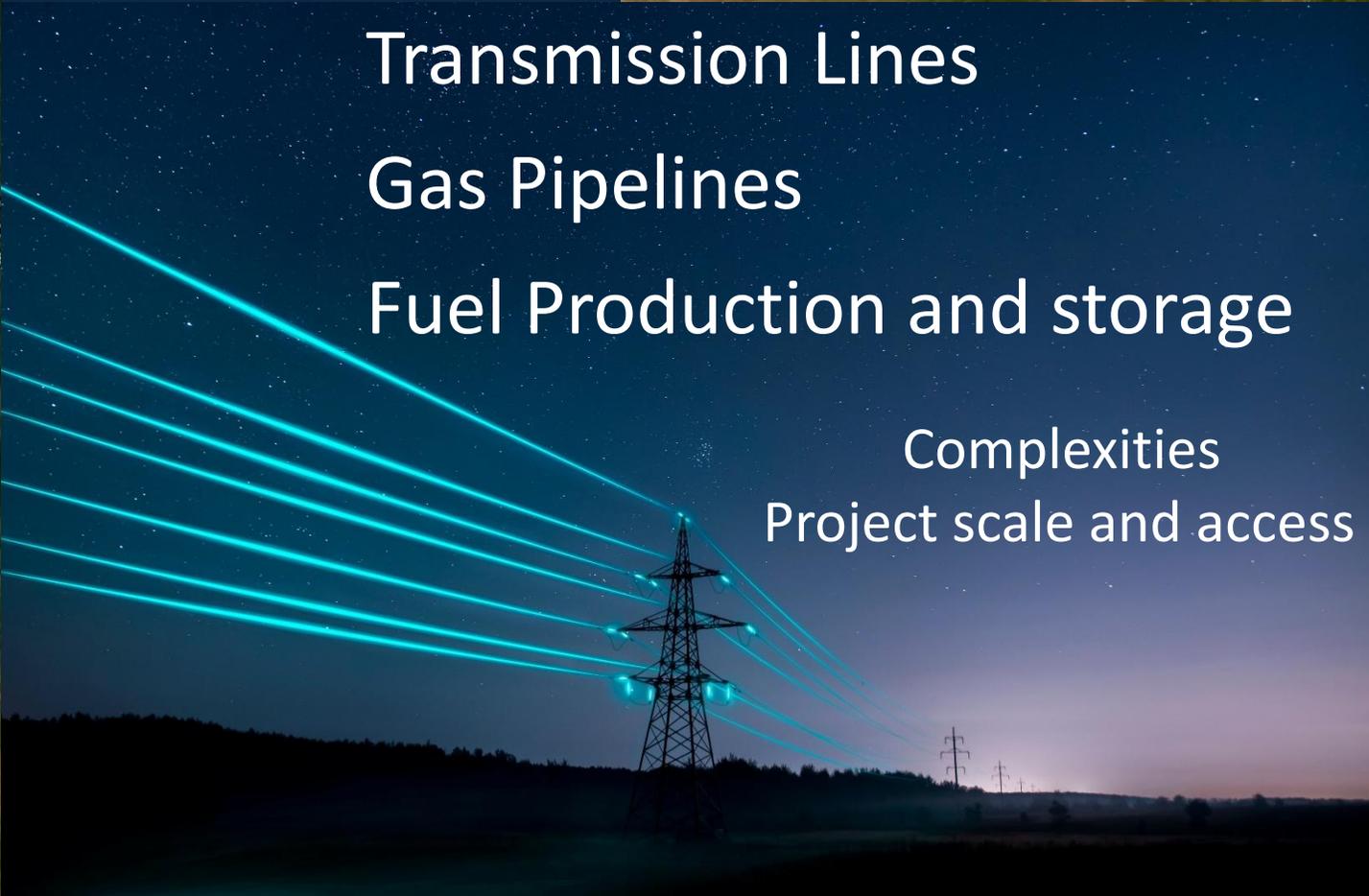
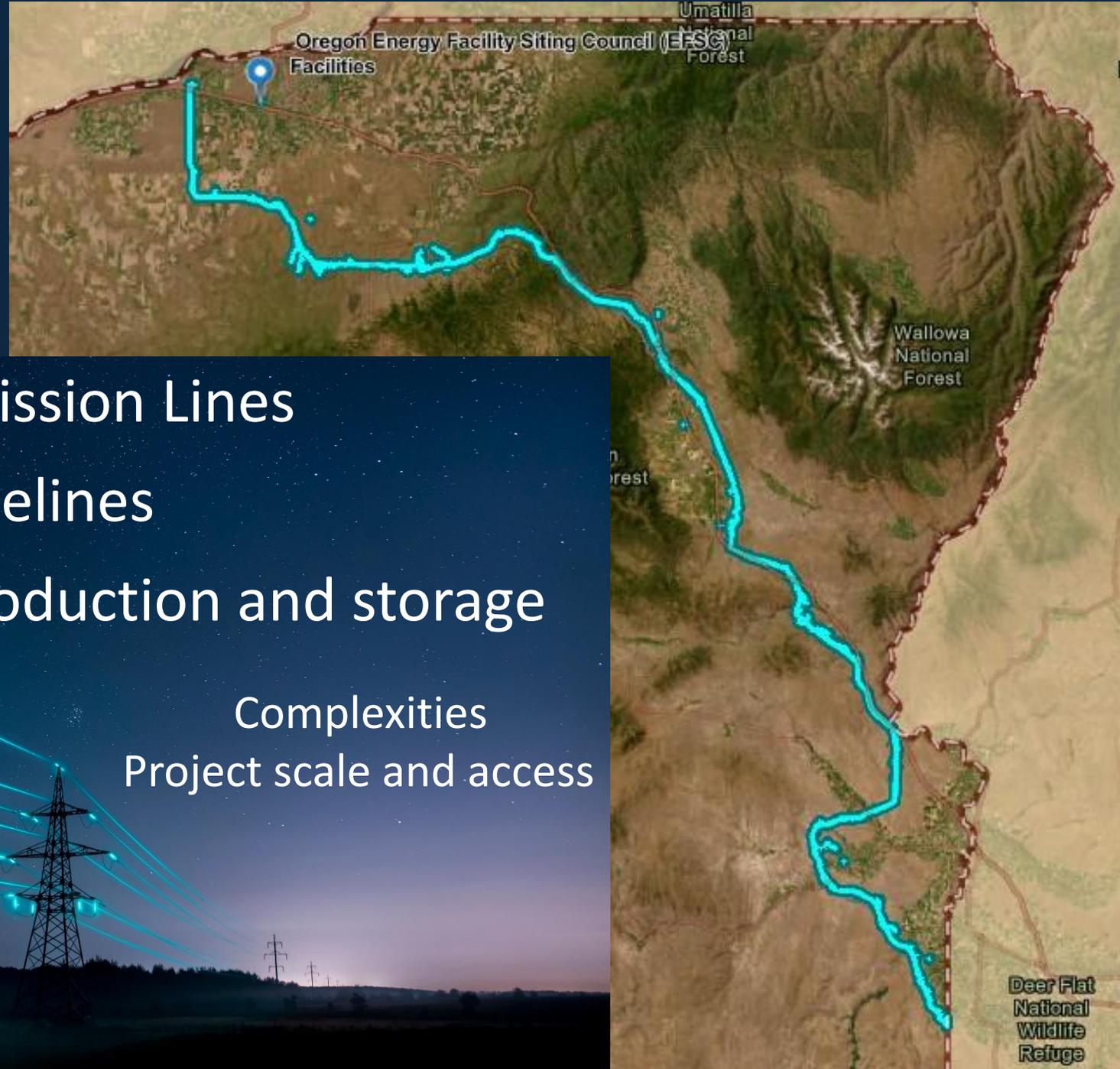
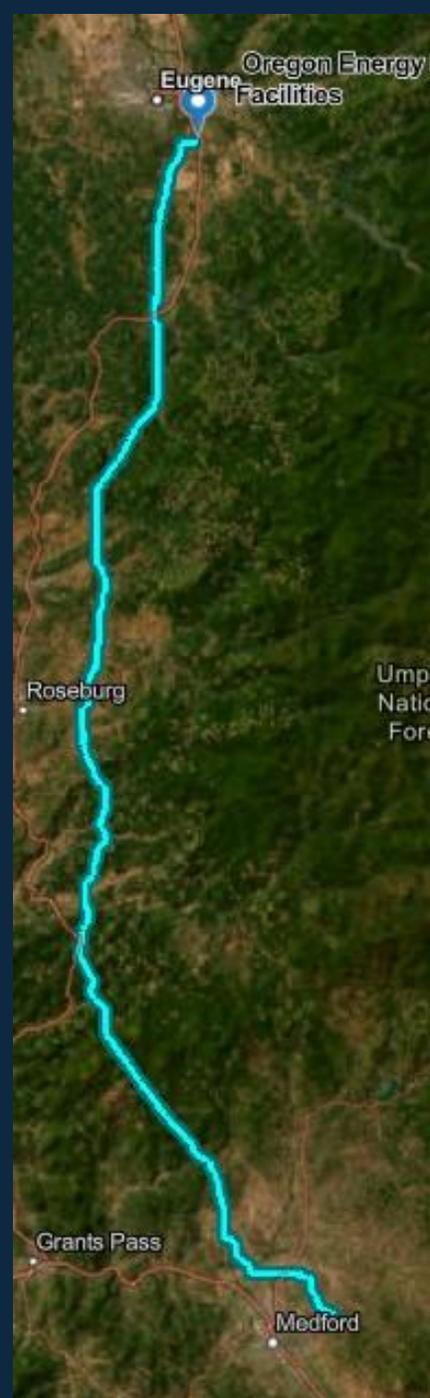
Transmission Lines

Gas Pipelines

Fuel Production and storage

Complexities

Project scale and access



General Complexities With Annual Reports

Reports are not all consistent

Information sufficiency for determining compliance

Information can be outdated by the time annual reports are received

Site inspections may not include the entire facility for large sites



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Compliance – Looking Forward

More staff availability

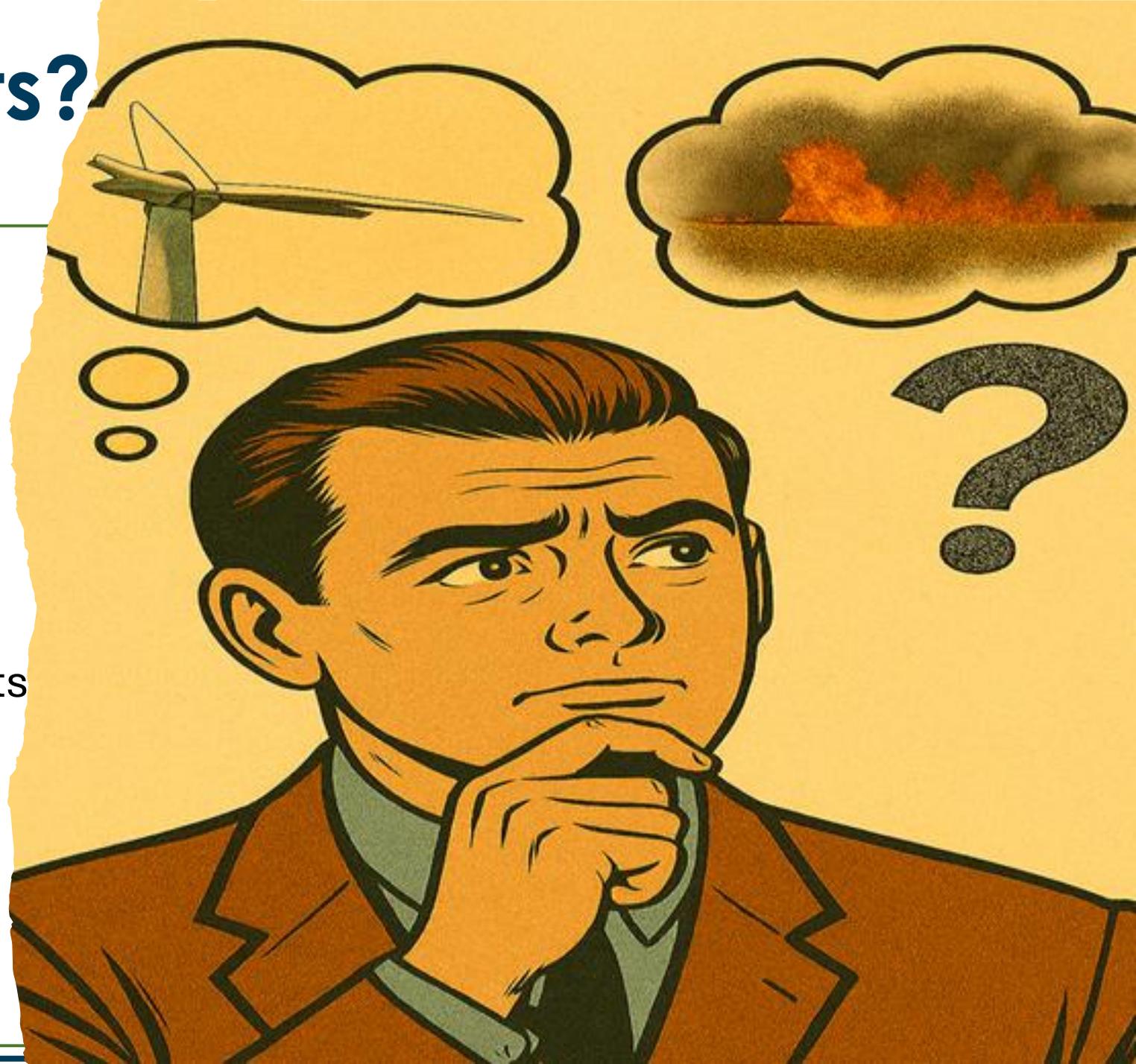
- Pre-review of annual reports with feedback
- Improved documentation of compliance
- More focused site inspections
- More frequent check-ins with Certificate Holders

2025 Incident Overview

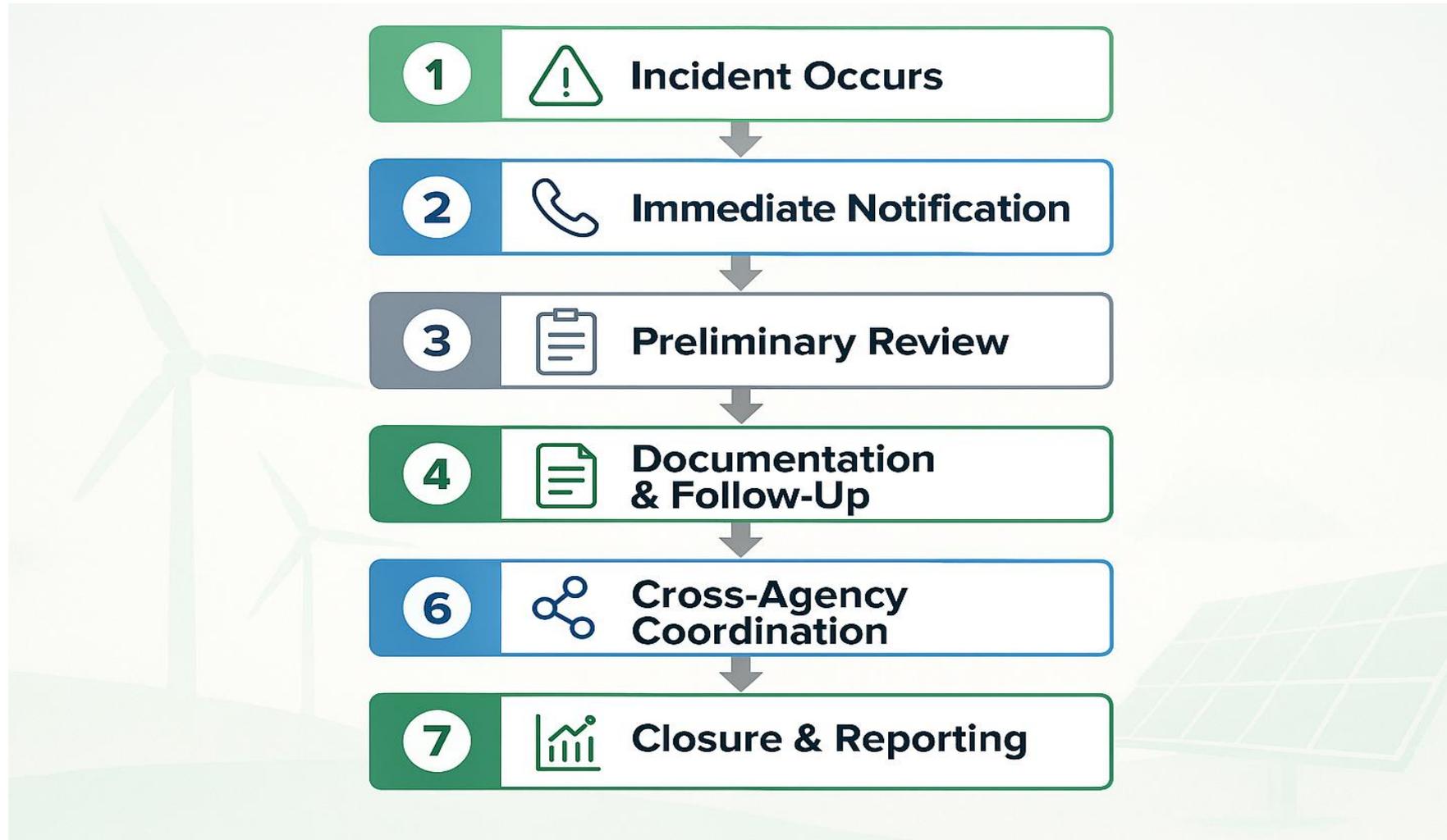


What Are Incidents?

- Events that could impact Site Certificate compliance
- Includes equipment failures, reporting issues, and cultural or environmental discoveries
- Ensures transparency and supports effective risk mitigation
- Reveals patterns that guide future compliance actions



Incident Reporting Steps



Incident Types



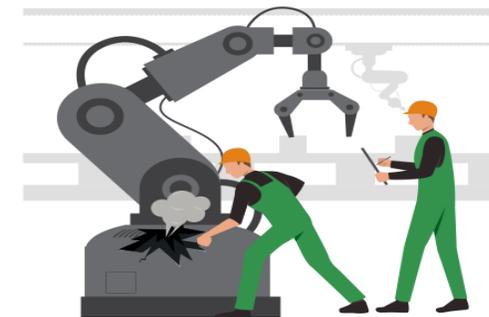
Farm Fire



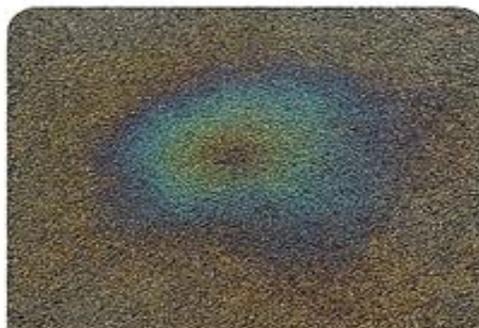
Vegetation Control



Injury



Equipment



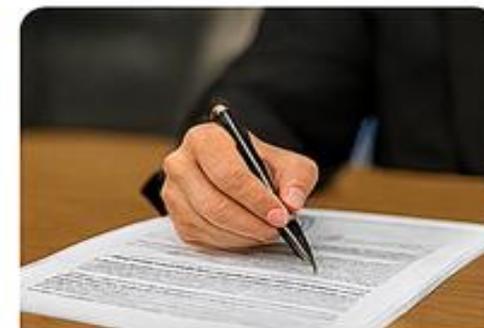
Oil Spill



**Security/
Vandalism**



**Cultural
Resource
Discovery**

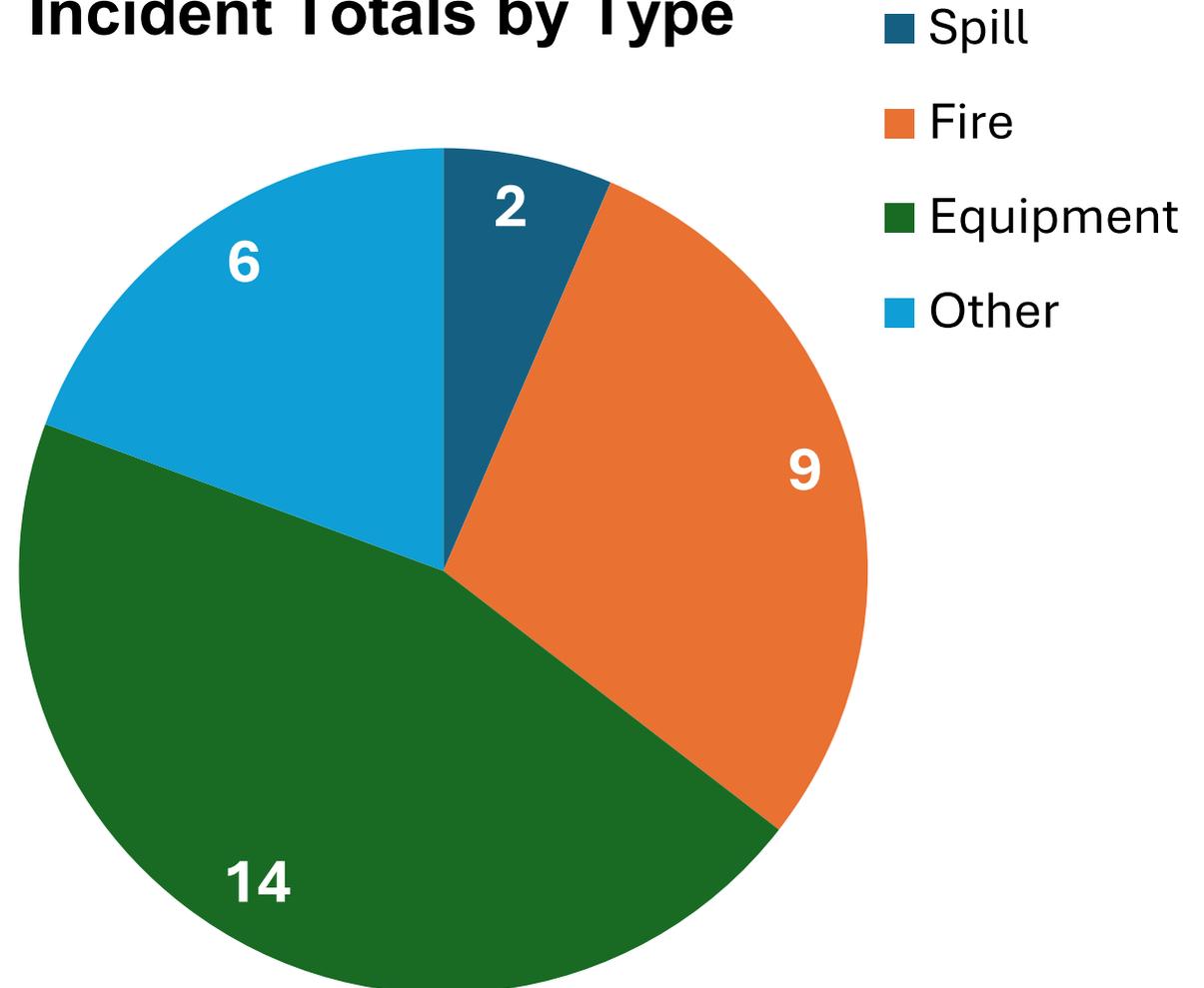


**Administrative
Reporting
Issue**

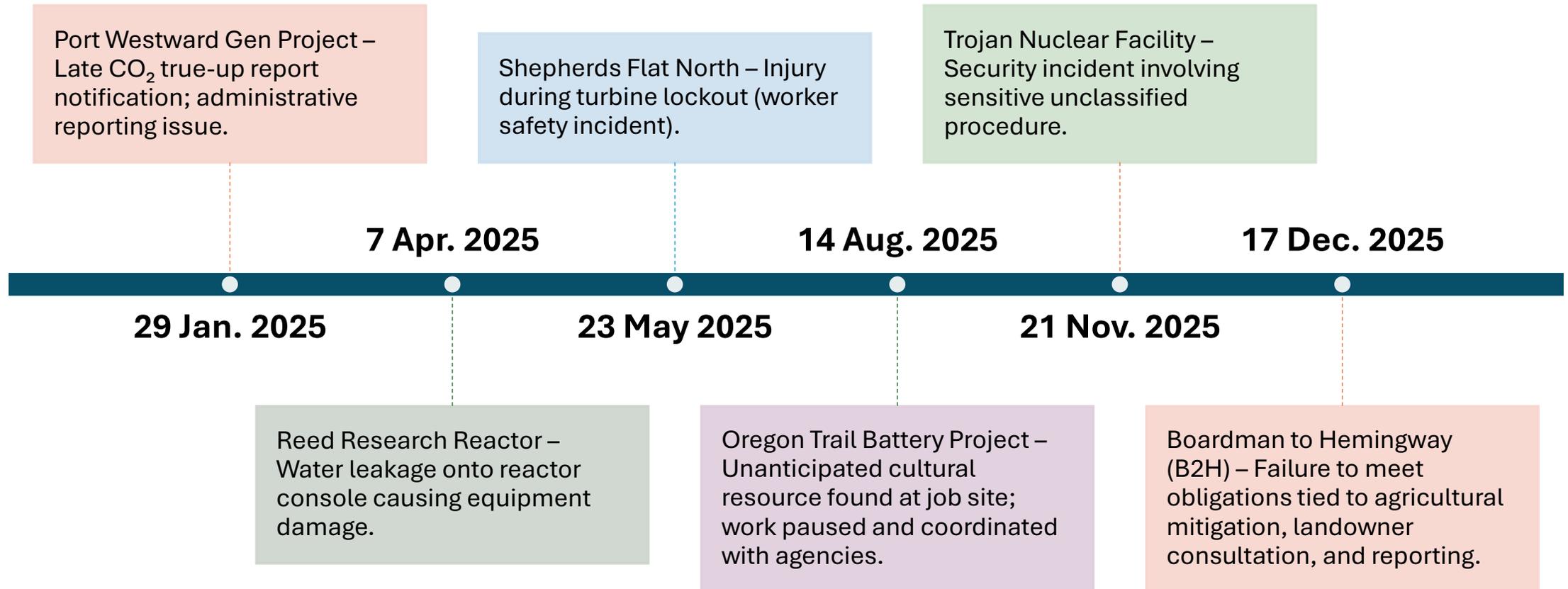
2025 Incident Breakdown

- **Total incidents: 31** across 29 reports from 14 sites.
- **Categories:** Spill, Fire, Equipment, Other.
- **Totals: Spill = 2 | Fire = 9 | Equipment = 14 | Other = 6.**

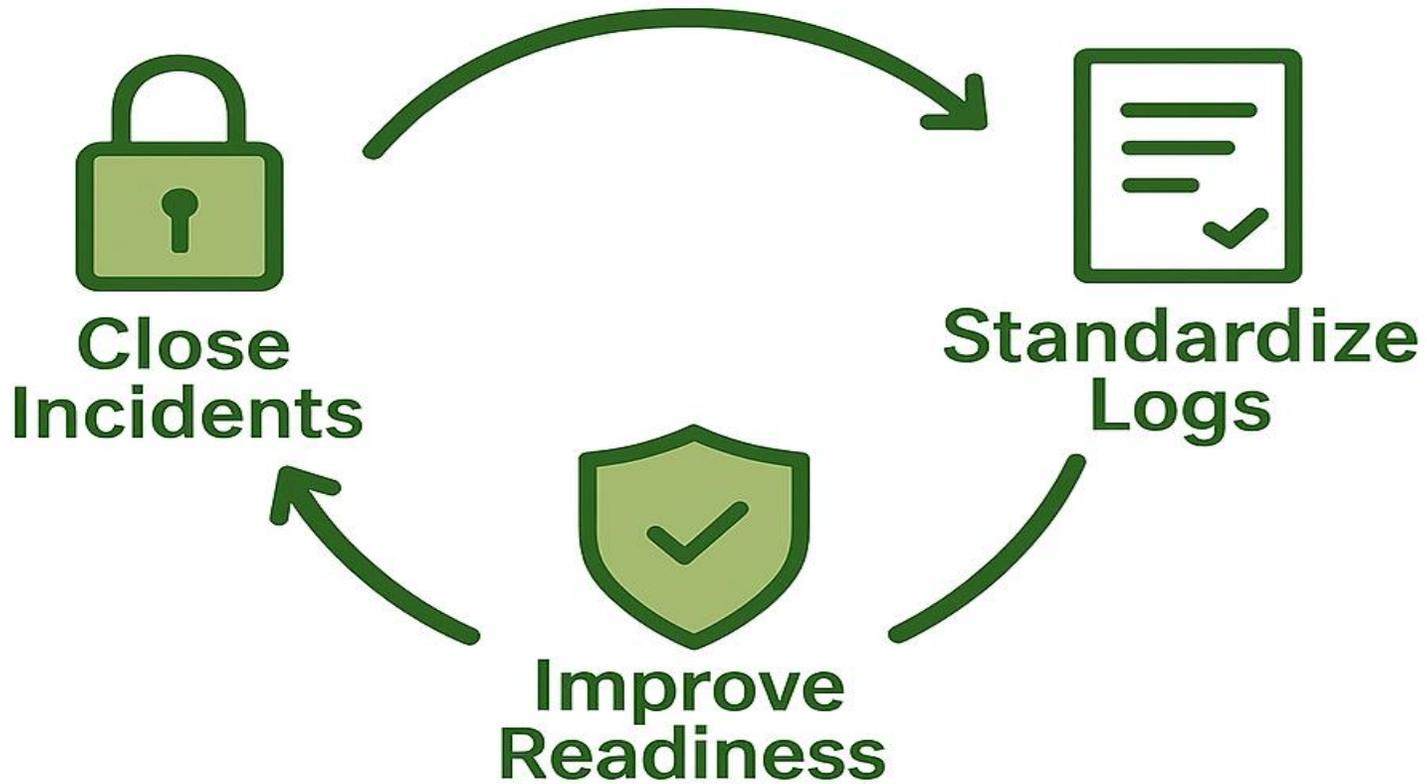
Incident Totals by Type



2025 Incidents – “Other”



EFSC's Incident Management Focus



Priority: Close out all remaining 2025 incidents

Incident Efforts Moving Forward



**1. Accelerate
Closure of Open
Incidents**



**2. Standardize
Reporting Formats**



**3. Enhance
Timeliness**



**4. Strengthen Data
Centralization**



**5. Expand Trend
Analysis**



**6. Improve Cross-
Agency
Coordination**



**7. Training and
Outreach**



**8. Compliance
Readiness**

Questions for Council Consideration

How would the Council like to keep current on compliance activities?

What types of information would be useful

- Violations
- Information gaps
- Trending risks

How often would Council like reports from the Compliance team?

What information would help public understanding and participation in compliance?

Next Steps

Compliance Team would like guidance from Council to:

- Help us guide Certificate Holders to provide timely and useful information
- Provide compliance information consistent with site certificate conditions
- Provide information useful for development of new Site Certificates
- Inform the format and level of detail that is most useful

Agenda Item I

Information Item

Radioactive Materials Enforcement Rulemaking Five-year review

Tom Jackman, Rules Coordinator

February 13, 2026

5 Year Review – Radioactive Materials Enforcement (OAR 345-029) - Background

- Council amended OAR chapter 345, division 029 in February 2021 for radioactive materials enforcement.
- Rulemaking was needed due lessons learned after a 2020 Notice of Violation to Chemical Waste Management Northwest.
- Previous rules focused on siting and site certificate compliance, not radioactive materials.
- New rules enhance prevention, detection, and correction of violations.
- No new Notices of Violation issued since the new rules were adopted!

5 Year Review – Radioactive Materials Enforcement (OAR 345-029)

- Council has yet to apply this rule
- However, the Department feels that the rule continues to serve as an appropriate process for dealing with unforeseen events and recommends keeping the rule in place
- These rules are preventative in nature, so a lack of new enforcement citations suggests they are working as intended

5 Year Review – Radioactive Materials Enforcement (OAR 345-029)

- Whether the rule has had the intended effect – **Yes**
- Whether the anticipated fiscal impact of the rule was underestimated or overestimated – **No**
- Whether subsequent changes in the law require that the rule be repealed or amended – **No**
- Whether there is continued need for the rule – **Yes**
- What impacts the rule has on small businesses – **None we could identify**

Council Options

Option 1

Approve five-year review

Option 2

Do not approve the five-year review



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Council Deliberation



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