



Oregon

Tina Kotek, Governor



550 Capitol St. NE
Salem, OR 97301
Phone: 503-378-4040
Toll Free: 1-800-221-8035
FAX: 503-373-7806
www.oregon.gov/energy

To: Energy Facility Siting Council

From: Todd Cornett, Assistant Director for Siting/Council Secretary

Date: March 6, 2026

Subject: Agenda Item H (Action Item): Klamath Cogeneration Project, Request for Amendment 6 – Request by Oregon Department of Energy to Waive the In-Vicinity Public Hearing, for the March 19-20, 2026 Council Meeting

BACKGROUND

Project

The Klamath Cogeneration Project is an operational 535-megawatt natural gas-fired, combined-cycle cogeneration facility located in Klamath County approximately three miles southwest of the City of Klamath Falls. The certificate holder is Klamath Energy, LLC, a wholly owned subsidiary of Avangrid Renewable, LLC. The facility was approved by Council in August 1997.

Amendment 6

The proposed amendment is limited to changing Condition IV.P(9) as follows:

~~“KCP HRSG boiler blowdown shall be used as makeup water to the cooling tower. KCP cooling tower blowdown shall be reduced by automating the chemical treatment and blowdown system to allow the cooling tower to operate at the highest practical number of cycles of concentration discharged to the City of Klamath Falls’ Wastewater Treatment Plant as described in the Industrial Wastewater Discharge Permit issued by the City of Klamath Falls to Certificate Holder.” (ASC, F-3, V-3)~~

Preliminary Request for Amendment (pRFA6) was submitted on December 29, 2025. However, the Department determined pRFA6 did not include the required property owner notification information required by Oregon Administrative Rule (OAR) 345-027-0360(1)(g). When the Department receives the required property owner information a notice will be sent as required by OAR 345-027-0360(2) and the amendment review will commence.

Public Hearing

Under the relatively new amendment rules, all amendments follow the same process, which includes a default in-vicinity public hearing in front of the Council. However, the Council or the Council Chair have the authority to waive the in-vicinity public hearing requirement, if it determines it is unnecessary.

OAR 345-027-0367 – Public Comment and Hearing on the Proposed Order for Requests for Amendment

- 1. After issuance of the proposed order as described in OAR 345-027-0365, the Councils must conduct a public hearing on the request for amendment to the site certificate. The public hearing is not a contested case.*
- 2. The public hearing should take place in the vicinity of the facility, **unless the Council or Council Chair determines that doing so is unnecessary given the limited scope of the amendment or a lack of interest or that in in-person hearing would result in a heightened risk to public health and safety (emphasis added).***

If the Council or the Council Chair does waive the in-vicinity public hearing requirement, there would still be a public hearing in front of Council, it would just not be in the vicinity of the project.

ANALYSIS

It is important for public hearings to occur in front of Council to allow members of the public and others to testify directly to Council, the ultimate decisions makers of proposed amendments to site certificates. It is also important to be in the vicinity of the location of projects subject to amendments to make it as easy as possible for those who live in the vicinity of projects to be available to attend in person. However, the travel costs associated with Council meetings are not insignificant and include but are not limited to hotels, per-diem, mileage and room rentals for Council members and staff. Therefore, if the in-vicinity public hearing is determined to be unnecessary, those travel costs would not be justified.

PRFA 6 has a limited scope of proposed changes to a single condition. Also, the facility has been approved for nearly 29 years and there is likely limited interest in the proposed amendment. Based on these two factors, the Department determines that an in-vicinity public hearing is unnecessary.

RECOMMENDED COUNCIL ACTION

The Department recommends Council waive the in-vicinity public hearing requirement for Amendment 6 due to the limited scope of the proposed amendment and forecasted lack of interest.