

Oregon Department of **ENERGY**

Energy Facility Siting Council Meeting

Gronquist Community Center
1650 Railroad Ave.
Arlington, OR

August 20, 2026
6:00 pm

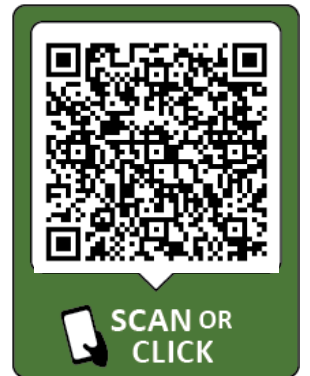


Opening Items:

- 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

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- Please use the “Raise Your Hand” feature in TEAMs to speak during the public comment period, or press *5 to raise your hand if you are participating by telephone.
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Agenda Item A

Public Hearing

Oregon Trail Solar Facility – Public Hearing on Request for Site Certificate Amendment 2 (RFA2) and Proposed Order on RFA2

Chase McVeigh-Walker, Senior Siting Analyst

August 20, 2026

Oregon Trail Solar Facility Request for Amendment 2

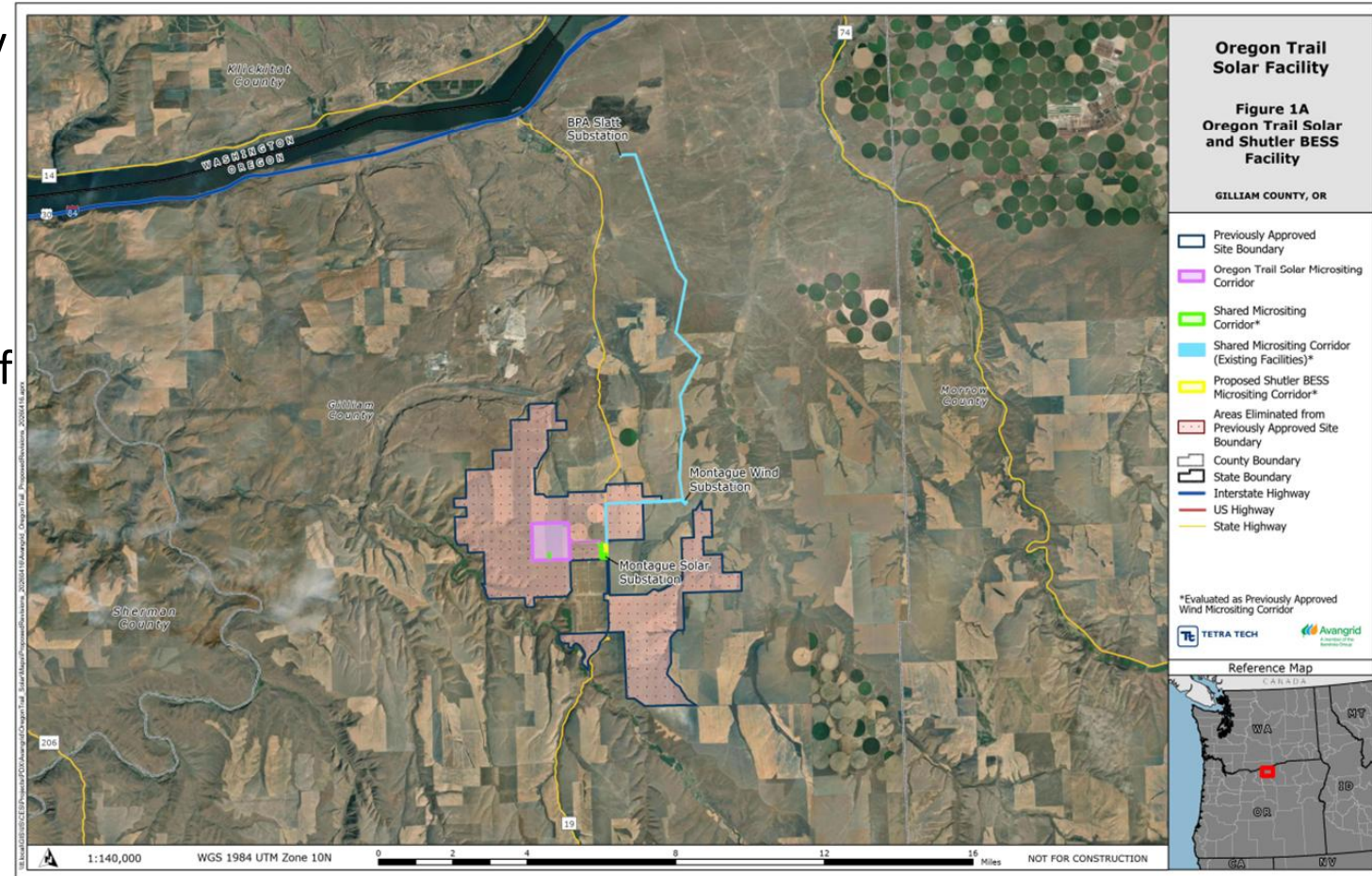
Public Hearing Overview

- **Overview of Proposed Amendment & Proposed Order**
- **Hearing Overview**
- **Public Hearing & Oral Testimony**
 - Certificate Holder
 - Public
 - Council

Oregon Trail Solar Facility Request for Amendment 2

Existing Facility Overview

- **Certificate Holder:** Oregon Trail Solar, LLC (certificate holder), a wholly owned subsidiary of Avangrid Power, LLC, the U.S. division of parent company Iberdrola, S.A.
- **Existing Facility:** (Currently under construction) 41 MWs of solar photovoltaic power generation components and 20 MWs of battery energy storage facility components.
- **Location/Site Boundary:** Gilliam County, approved 1,228 acre solar micrositing area approx. 7.5 miles south of the City of Arlington.

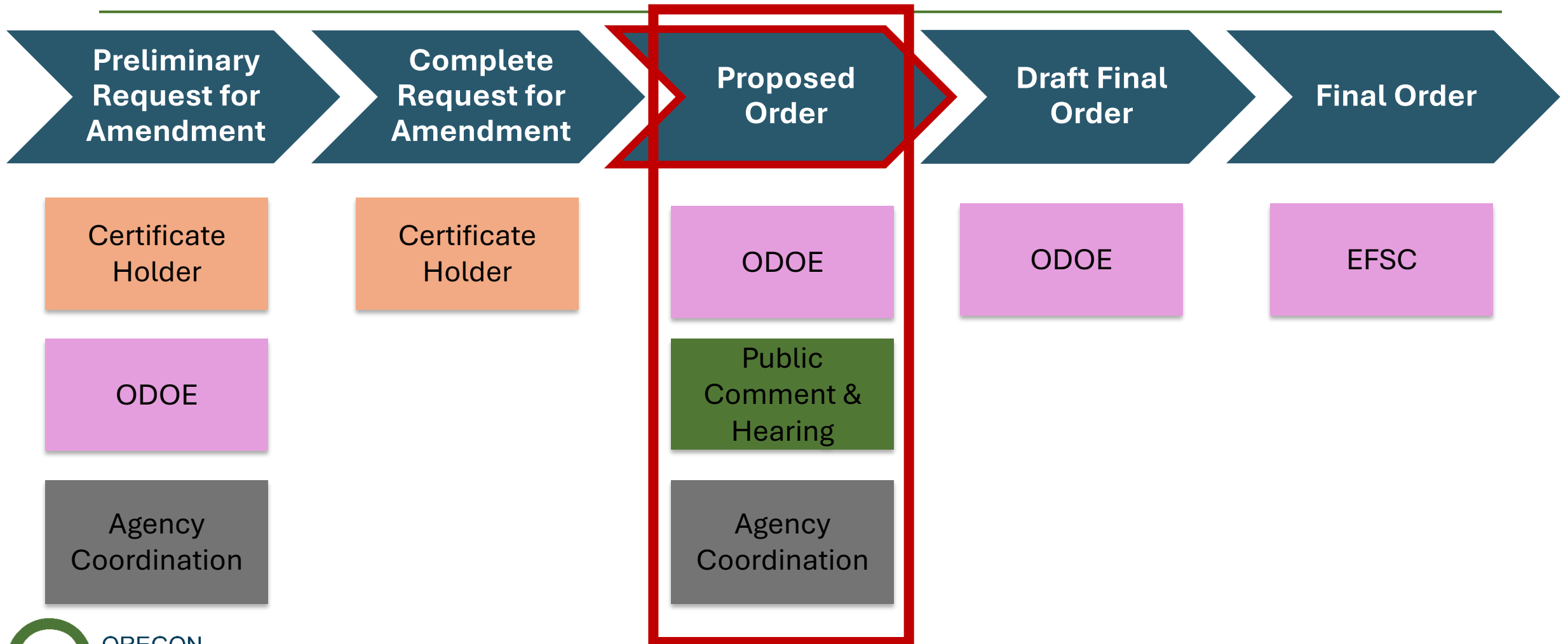


Oregon Trail Solar Facility Request for Amendment 2

Overview

1. Split the approved including components, site boundary and micrositing areas into two site certificates; each with its own site boundary and certificate holder.
 - Oregon Trail Solar Facility Site Certificate Amendment 2: 41 MWs of solar photovoltaic power generation components
 - Shutler Battery Energy Storage System Facility: 20 MWs of battery energy storage facility components
2. Eliminate wind turbines as an approved generating component.
3. Amend site certificate conditions to be consistent with the site certificate split.

Oregon Trail Solar Facility Request for Amendment 2 Process



Agenda Item A

Public Hearing

Oregon Trail Solar Facility Request for Amendment 2 – Public Hearing

Presiding Officer – Sarah Esterson, Senior Policy Advisor

August 20, 2026

Oregon Trail Solar Facility Request for Amendment 2 Public Hearing

- The Public Notice on the Proposed Order initiated the public comment period on RFA2 and established hearing.
- Oral comments may be submitted during the hearing
- Written comments may be submitted until **5:00 p.m. Pacific Time on August 28, 2026.**

Oregon Trail Solar Facility Request for Amendment 2

Public Hearing

ANNOUNCEMENTS

- A person who contends Council should reject a request to amend a site certificate or that Council in its final order should reject or revise certain aspects of a Department proposed order for a site certificate amendment must:
 - Comment in person or in writing prior to the close of the public comment period;
 - Raise their issues with sufficient specificity to afford the Council, the Department, and the certificate holder an adequate opportunity to respond to the issue(s).
- To raise an issue with sufficient specificity, a person must, in their comment,
 - Identify the recommended findings of fact, conclusions of law or conditions of approval identified in the proposed order to which they object,
 - Specify the Council standard or other applicable state and local requirements on which their objection is based, and
 - Present facts or statements supporting that objection; and
- If a comment is not made with sufficient specificity, the Council will not make any changes in its final order based on that comment.

Oregon Trail Solar Facility Request for Amendment 2 Public Hearing

Comment Review Process

- All timely comments submitted during the public comment period will be subject to the following process:
 - The certificate holder must provide a written response to written and verbal comments on the request for amendment or the proposed order;
 - The Department can choose, but is not required to respond to written or verbal comments on the request for amendment or the proposed order;
 - Reviewing agencies and members of the public may submit written replies to the responses to their own respective comments
 - The certificate holder and Department may submit a sur-reply to the replies
- Participants to the public comment process may request more time to submit their response, reply, and sur-reply to the Council or Council Chair, who shall grant the extension on a showing of good cause.

Oregon Trail Solar Facility Request for Amendment 2

Public Hearing

WRITTEN COMMENTS

- Written comments may be submitted until the close of the Public Comment Period on **August 28, 2026 at 5:00 p.m. Pacific Time**. Written comments may be submitted:
- Via online siting comment portal:
<https://odoe.powerappsportals.us/en-US/SitingPublicComment/>
- Via email: chase.mcveigh-walker@energy.Oregon.gov
- Hand delivery or mail to: Oregon Department of Energy; 550 Capitol St. NE; Salem, OR, 97301

Oregon Trail Solar Facility Request for Amendment 2

Public Hearing

ORDER OF ORAL COMMENTS

1. Certificate Holder (testimony or additions to record)
2. Members of the Public (will be called on in the following order):
 - Oral in-person testimony
 - Oral testimony via WebEx
 - Oral testimony via phone

There is a three-minute limit on oral comments. Council or Presiding Officer may ask clarifying questions.

3. Members of Council
4. Certificate Holder (response to comments)

How to Raise Your Hand in Webex:

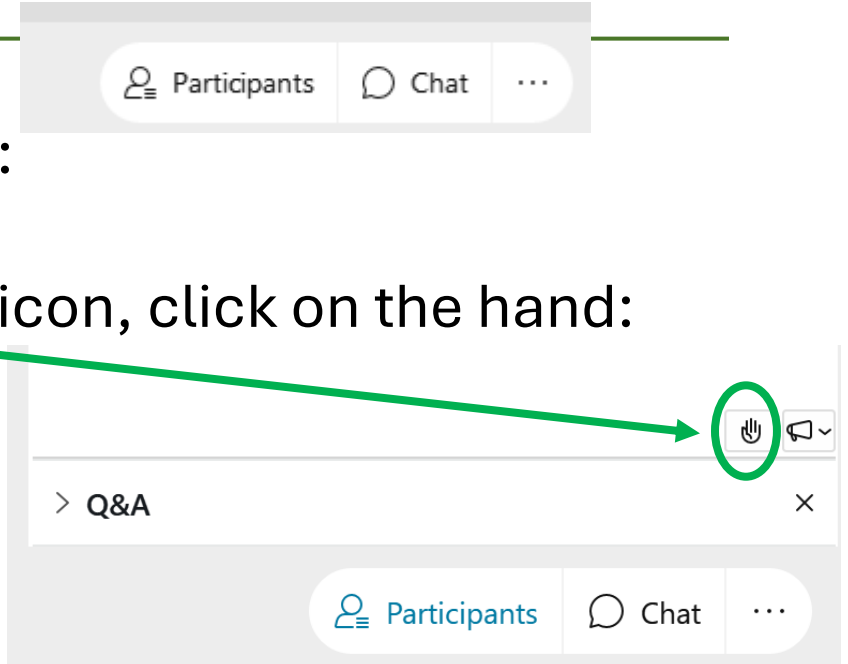
Webinar Participants

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

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Agenda Item B

Informational Meeting

Big River Renewable Energy Facility - Notice of Intent Informational Meeting

Chase McVeigh-Walker, Senior Siting Analyst
Big River Renewable Energy Project Applicant Team

August 20, 2026

Agenda

TIME	TOPIC	PRESENTER
CM1		
5:30 pm	Meet and Greet with ODOE & Applicant	All
6:20 pm	Proposed Big River Energy Facility Information	Applicant
6:35 pm	Oregon's Energy Facility Siting Program	Chase McVeigh-Walker, Senior Siting Analyst
6:45 pm	Q&A, and Comments	All

Oregon's Energy Facility Siting Program

Who We Are

Oversees review, decision-making, and compliance for most large-scale energy-generating facilities and infrastructure in Oregon.

- Energy Facility Siting Council (EFSC) is the decision-making authority.
- Oregon Department of Energy's (ODOE) Siting Division serves as staff to EFSC.

What We Do

Consolidated process between state agencies and local government:

- Eliminates duplication, consolidates timelines, decisions, and judicial review
- Reviews proposal for compliance with applicable standards, laws, and rules.
- Provides opportunities for public participation and comment.
- Coordinates review and solicits input from reviewing agencies, local governments, and tribal governments.

Application Process for Site Certificate

WE ARE HERE

Notice of
Intent

Project
Order

Application
(pASC/ASC)

Draft
Proposed
Order

Proposed
Order

Contested
Case

Final Order
& Site
Certificate

Applicant

ODOE Siting
Team

Applicant

ODOE Siting
Team

ODOE Siting
Team

Hearing
Officer

EFSC
Decision

Public Notice
Comment
Period
Info. Meeting

Public Notice
Info Meeting

Public Notice
Comment
Period
Public Hearing

Notice

Parties to
Contested Case

Agency
Coordination

Agency
Coordination

Agency
Coordination

Agency
Coordination

Energy Facility Siting Standards

- General Standard of Review
- Organizational Expertise
- Structural Standard
- Soil Protection
- Land Use
- Protected Areas
- Retirement and Financial Assurance
- Fish and Wildlife Habitat
- Threatened and Endangered Species
- Scenic Resources
- Historic, Cultural and Archaeological Resources
- Recreation
- Public Services
- Waste Minimization
- Wildfire Prevention and Risk Mitigation
- Noise
- Wetlands/WOS
- Siting Standards for Transmission Lines
- Need Standard (Non-generating)

Commenting on a Notice of Intent

When: August 7 to September 25, 2026, at 5 p.m. Pacific Time (deadline)

What: Provide detailed/specific comments related to the proposed facility and risks or impacts to resources protected by an EFSC standard.

Why: Issues and impacts identified in comments provide information for consideration in establishing studies and applicable requirements, and can result in inclusion of important information, evaluation and mitigation in a preliminary Application for Site Certificate/Application for Site Certificate

How: See next slide

How to Submit Comments

Comments can be submitted in writing:

- At this meeting
- Via mail to ODOE's Salem office
- Via email to Siting Analyst Chase McVeigh-Walker at:
Chase.McVeigh-Walker@energy.oregon.gov
- Through our comment portal available at:
<https://odoe.powerappsportals.us/SitingPublicComment/>

Additional details on how to comment can be found in the Public Notice and on the facility webpage:

<https://www.oregon.gov/energy/facilities/Pages/BREF.aspx>

What happens to your comments?

- Provided to applicant for review/consideration
- Evaluated by ODOE; discussed with reviewing agencies, tribal governments and special advisory group (local government), as applicable, to establish requirements
- If comments identify issues or resources within EFSC jurisdiction, provide sufficient detail, and are not already existing requirements, the Project Order may require an evaluation or study related to the comment.

Helpful Resource Links

Energy Facility Siting Website:	https://www.oregon.gov/energy/facilities-safety/facilities/Pages/default.aspx
EFSC Public Guide:	https://www.oregon.gov/energy/facilities-safety/facilities/Documents/Fact-Sheets/EFSC-Public-Guide.pdf
EFSC Siting Standards:	https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Siting-Standards.aspx
ORESA Mapping Tool:	https://www.oregon.gov/energy/energy-oregon/Pages/ORESA.aspx
Facilities Under EFSC:	https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Facilities-Under-EFSC.aspx
EFSC Comment Portal:	https://odoe.powerappsportals.us/en-US/SitingPublicComment/

ODOE Project Webpage

<https://www.oregon.gov/energy/facilities/Pages/BREF.aspx>

An official website of the State of Oregon [How you know »](#)

 **OREGON**
DEPARTMENT OF
ENERGY

Resources ▾ Incentives Data and Reports ▾ Get Involved ▾

Big River Energy Facility

Energy Facility Siting Council ▾

Energy Facilities ▾

Facilities Under Review ▾

Facility Siting in Oregon ▾

Site Description:

Big River Energy Facility (proposed facility) would be an up to 500 megawatt (MW) wind and 500 MW solar power generation facility, with other related or supporting facilities, including a battery energy storage system (up to 4,000-MW-hours of storage), up to two substations, and a 34.5 kilovolt (kV) electrical collection system in Gilliam County. The proposed site includes approximately 29,950 acres of privately owned land zoned Exclusive Farm Use in Gilliam County.

Status:

Under Review/Proposed. On August 4, 2026, the Oregon Department of Energy (Department) received a Notice of Intent (NOI) to file an Application for a Site Certificate (ASC) for the Big River Renewable Energy Project (proposed facility). Public Notice of the NOI, Public Comment Period, and Public Informational Meeting was issued on August 7, 2026. The Public Notice began the Public Comment Period on the NOI, which will conclude at 5:00 p.m. PT on September 25, 2026.

Location:

Gilliam County, approximately 11 miles southwest of the city of Arlington. [PDF Map](#) | [Online Map](#) (coming soon)

Applicant/Certificate holder:

Applicant/Certificate holder: Big River Wind Power Project LLC, Big River Solar Park LLC, and Big River Energy Storage LLC, subsidiaries of EDP Renewables North America, LLC.

ODOE Contacts:

[Chase McVeigh-Walker](#)

Contact the Facility Siting Team:

[503-378-4040](tel:503-378-4040)
[800-221-8035](tel:800-221-8035)
energy.siting@oregon.gov

[Sign Up For Email Updates](#)

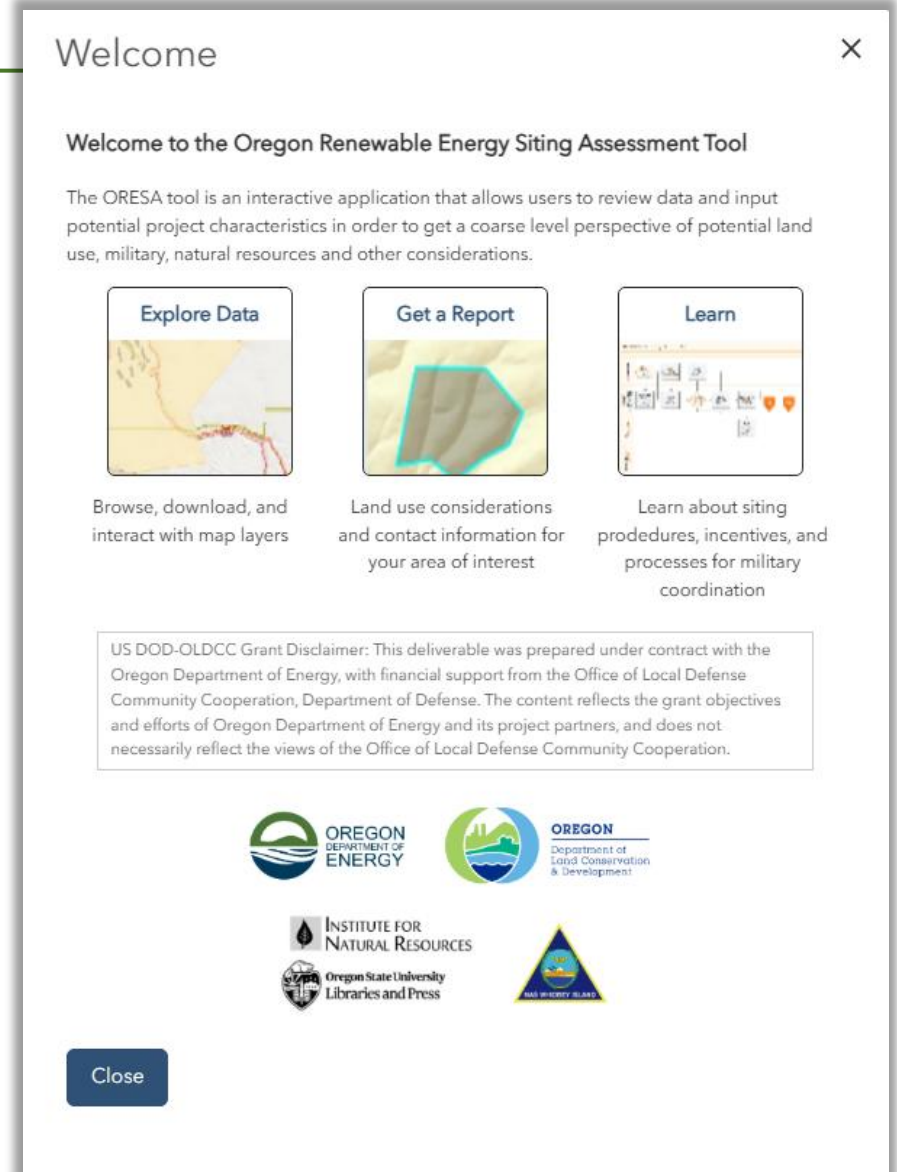
[About the Site Certificate Process](#)
[Site Certificate Process Flowchart](#)
[Expedited Review Process Flowchart](#)

ORESA Mapping Tool Landing Page

Explore Data: View EFSC facilities layers, browse, download, and interact with map layers

Get a Report: Create a map layer to evaluate potential project locations, view contact information for relevant regulatory bodies

Learn: Learn more about the ORESA tool, how it was created, the data that drives the different layers and find more Oregon Explorer resources through the Oregon Explorer Natural Resources Digital Library: [Tools | Oregon Explorer](#)



Q&A Session & Comments

We will call on you

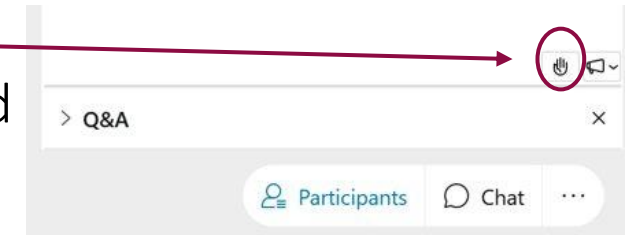
In Person: Please complete a comment card with your name and contact information and hand it in to ODOE staff

Webinar Participants: At the bottom right of the main window is a set of icons.

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ENERGY



Thank you

Email questions to: Chase.McVeigh-Walker@energy.oregon.gov

Oregon Department of **ENERGY**

Energy Facility Siting Council Meeting

Columbia River Hotel
3223 Bret Clodfelter Way
The Dalles, OR

August 21, 2026
9:30 am

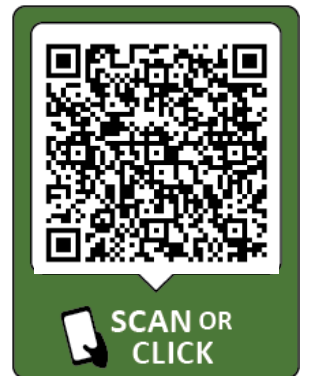


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Agenda Item C

Action Item & Information Item

Consent Calendar

- July 2026 Council Draft Meeting Minutes
- Council Secretary Report

Todd Cornett, Secretary

August 21, 2026

Compliance Updates

Date	Facility	Incident	Status
08/08/26	Biglow Canyon Wind Farm	Blade collar throw	CH investigation pending
08/13/26	Stateline Wind Project	Open axis hatch, missing bolt	Ongoing issue re Vansycle II repower. Design issue under review. Ongoing O&M/design plan in progress.

Date	Facility	Non-Compliance	Status
07/29/26	Biglow Canyon Wind Farm (solar construction)	Use of unauthorized water sources	Contractor use of unauthorized use addressed/stopped. New source identified. Enhanced contractor training. Increased documentation required.
07/30/26	Carty Generating Station	Total dissolved solids exceedance in Carty Reservoir	PGE is resampling as reservoir is filled. DEQ notified re WPCF exceedance.

Agenda Item D

Public Hearing

Carbon Dioxide Monetary Offset Rate (OAR 345-024-0580) Rulemaking Public Hearing

Tom Jackman, Rules Coordinator

August 21, 2026

Carbon Dioxide Monetary Offset Rate Rulemaking

Timeline

Event	Date
Council authorized Notice of Proposed Rulemaking	June 26, 2026
Notice of Proposed Rulemaking filed with Secretary of State	July 30, 2026
Public Hearing	Aug 21, 2026
Public comment period closes	Sept 25, 2026
Potential Council final consideration	TBD

Carbon Dioxide Monetary Offset Rate Rulemaking - Background

- Applicants for certain gas energy facilities must meet Council carbon dioxide emissions standards.
- One method of demonstrating compliance is through a monetary offset, calculated as a dollar amount per ton of carbon dioxide emissions.
- The current monetary offset rate is **\$6.40 per ton**.
- State law allows the Council to increase or decrease the rate based on:
 - Empirical evidence of the cost of offsets; and
 - A finding that the modified rate remains economically achievable for natural gas-fired power plants.
- The rate may not be increased or decreased by more than **50 percent during a two-year period**

Carbon Dioxide Monetary Offset Rate Rulemaking - Background

- Staff proposes increasing the monetary offset rate by **50 percent**, from **\$6.40 to \$9.60 per ton of carbon dioxide**.
- The rate has remained relatively low despite increases in 2020, 2022, and 2024.
- Because statute limits how quickly the rate can be changed, regular adjustments help keep the rate from falling substantially behind actual offset costs.
- The proposed **\$9.60 rate** falls within or below the carbon-offset and carbon-pricing benchmarks reviewed by staff.

Carbon Dioxide Monetary Offset Rulemaking - Background

Economic Achievability

- Other compliance carbon markets reviewed by staff have prices approximately three to five times higher than the proposed Oregon rate.
- Staff therefore concluded that there is strong evidence that the proposed rate is economically achievable.
- The rate increase would apply only to certificate holders seeking a site certificate amendment (*Council is precluded under ORS 469.413 from reviewing/approving new CO2 generating facilities)

Carbon Dioxide Monetary Offset Rulemaking Public Hearing

Public Hearing

- Presiding Officer – Thomas Jackman
- Time Limit Per Commentor – 3 Minutes

How to Raise Your Hand in Teams

Phone Participants

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Agenda Item E

Public Hearing

Klamath Cogeneration Project – Public Hearing on Request for Site Certificate Amendment 6 (RFA6) and Proposed Order on RFA6

Kathleen Sloan, Senior Siting Analyst

August 21, 2026

Klamath Cogeneration Project - Request for Amendment 6

Public Hearing Overview

- **Overview of Amendment Request & Proposed Order** – Kathleen Sloan, Senior Siting Analyst
- **Hearing Overview** – Sarah Esterson, Presiding Officer
 - Council waived the in-vicinity hearing requirement at the March EFSC meeting.
- **Public Hearing & Oral Testimony** – Sarah Esterson, Presiding Officer
 - Certificate Holder
 - Public
 - Council

Klamath Cogeneration Project - Request for Amendment 6

Existing Facility Overview

Certificate Holder:

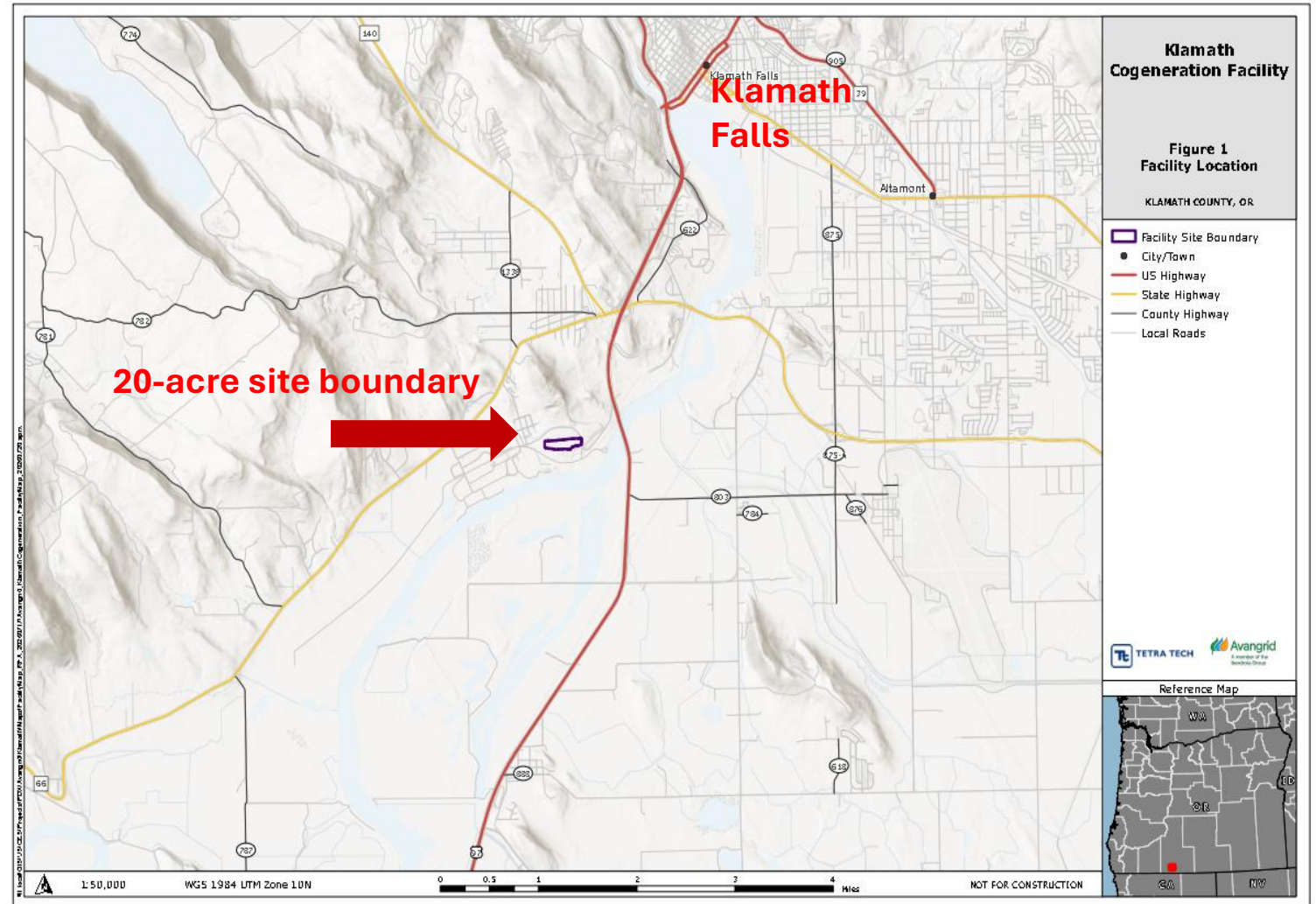
Klamath Energy, LLC, a wholly owned subsidiary of Avangrid Power, LLC, the U.S. division of parent company Iberdrola, S.A.

Operational Facility:

525-megawatt (MW) natural gas-fired, combined-cycle co-generation energy facility on private land zoned for Industrial Uses.

Location/Site Boundary:

20-acre site boundary located approx. three miles southwest of Klamath Falls.



Klamath Cogeneration Project Request for Amendment 6

Proposed Change

- Seeks to amend a condition allow boiler blowdown wastewater to be treated through City of Klamath's wastewater discharge permit, rather than reused as cooling tower water (*system was never designed to operate this way)

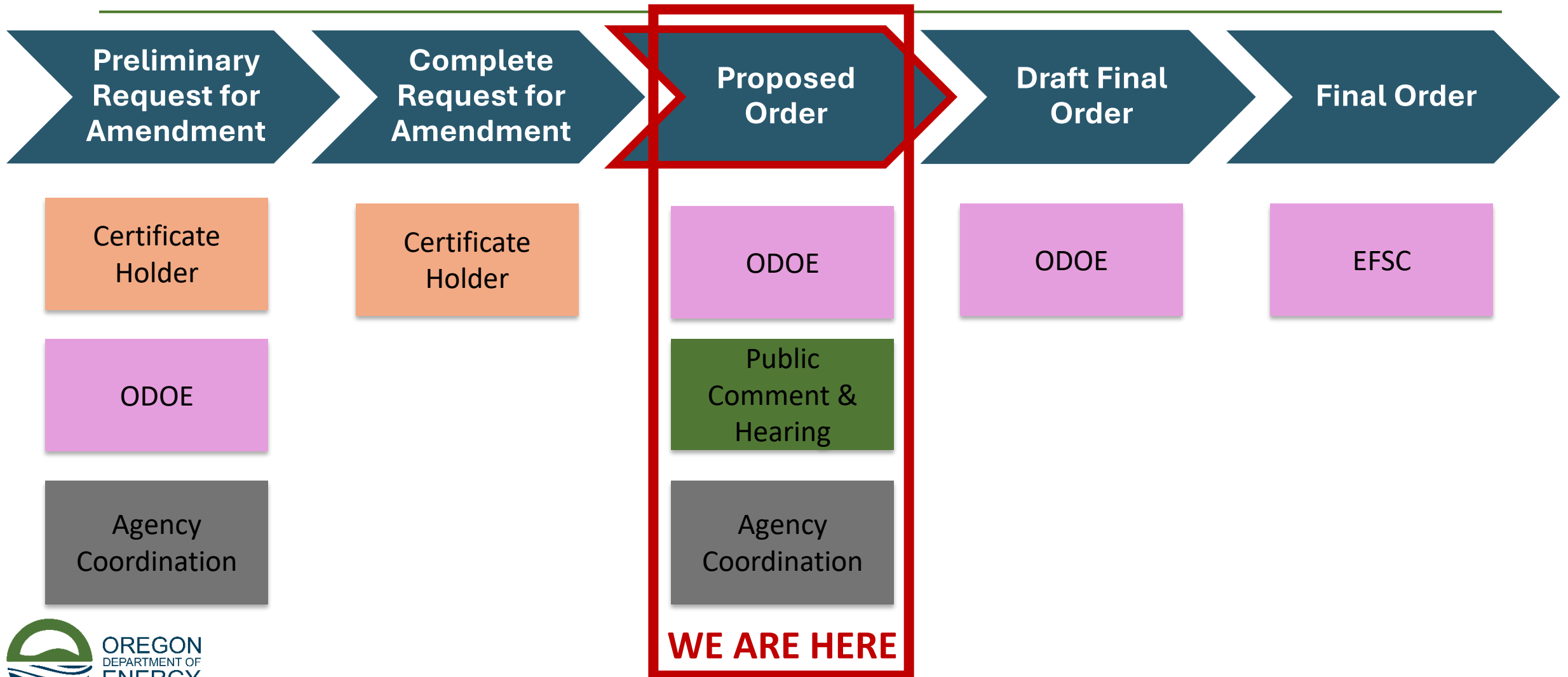
Klamath Cogeneration Project Request for Amendment 6

Proposed Amendment Overview

“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, Final Order on AMD6)

Klamath Cogeneration Project Request for Amendment 6

Amendment Process



Klamath Cogeneration Project Request for Amendment 6

Proposed Order

The Proposed Order recommends Council find that the changes proposed in RFA6 would not result in new or different impacts not previously evaluated by Council for the following Council standards (See Section II.B and Table 2, Pages: 14-17)

- **ORGANIZATIONAL EXPERTISE**
- **STRUCTURAL**
- **SOIL PROTECTION**
- **PROTECTED AREAS**
- **LAND USE**
- **RETIREMENT & FINANCIAL ASSURANCE**
- **FISH & WILDLIFE HABITAT**
- **THREATENED & ENDANGERED SPECIES**
- **SCENIC RESOURCES**
- **HISTORIC, CULTURAL & ARCHAEOLOGICAL RESOURCES**
- **RECREATION**
- **WILDFIRE PREVENTION & RISK MITIGATION**
- **CO2 EMISSIONS**
- **CO2 MONETARY OFFSET**
- **OTHER STATE REGULATIONS: REMOVAL-FILL**
- **OTHER STATE REGULATIONS: NOISE**
- **OTHER STATE REGULATIONS: WATER RIGHTS**

Klamath Cogeneration Project Request for Amendment 6 Proposed Order

The Department evaluates the following standards in the Proposed Order:

- **GENERAL STANDARDS OF REVIEW** – Section III.C, Pages: 18-20
- **PUBLIC SERVICES** – Section III.D. Pages 20-21
- **WASTE MINIMIZATION** – Section III.E Pages 21-24

Klamath Cogeneration Project Request for Amendment 6

Proposed Order Review

GENERAL STANDARD OF REVIEW: OAR 345-022-0000 Section III.C, Pages: 18-20

- In making a decision to grant or deny a request for an amendment the Council must determine that the preponderance of evidence on the record supports a finding that the facility, as amended, complies with all applicable laws and Council standards.
- Upon consideration of the facts and evidence in the record for Request for Amendment 6, as well as the Final Orders on the ASC and Amendment 5 which are incorporated herein by reference, the Department recommends Council find that the General Standard of Review has been satisfied.

Klamath Cogeneration Project Request for Amendment 6

Proposed Order Review

PUBLIC SERVICES STANDARD: OAR 345-022-0010 Section III.D, Pages: 2-21

- Proposed change would not significantly impact public or private providers of wastewater treatment.
- DEQ and City of Klamath Falls were consulted on the proposed change, confirming no impact (de minimus quantity/allowable)

Klamath Cogeneration Project Request for Amendment 6

Proposed Order Review

WASTE MINIMIZATION STANDARD : OAR 345-022-0120 Section III.E, Pages 21-24

- Proposed condition amendment impacts Waste Minimization Conditions IV. P (4) and (6) > also need to be amended, remove reference to prior wastewater reuse through cooling towers

Klamath Cogeneration Project Request for Amendment 6

Proposed Order Review

DEPARTMENT RECOMMENDATIONS IN PROPOSED ORDER

1. The facility, with the proposed changes, complies with the requirements of the Energy Facility Siting Statutes ORS 469.300 to 469.520.
2. The facility, with the proposed changes, complies with all applicable standards adopted by Council pursuant to ORS 469.501, in effect on the date Council issues its Final Order.

Agenda Item E

Public Hearing

Klamath Cogeneration Project Request for Amendment 6 – Public Hearing

Presiding Officer – Sarah Esterson, Senior Policy Advisor

August 21, 2026

Klamath Cogeneration Project Request for Amendment 6

Public Hearing

- The Public Notice on the Proposed Order initiated the public comment period on RFA6 and established hearing.
- Oral comments may be submitted during the hearing
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Klamath Cogeneration Project Request for Amendment 6

Public Hearing

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Klamath Cogeneration Project Request for Amendment 6

Public Hearing

WRITTEN COMMENTS

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- Via online siting comment portal:
<https://odoe.powerappsportals.us/en-US/SitingPublicComment/>
 - Select “**Klamath Cogeneration Project RFA6**” from drop down menu and follow prompts to create and submit your comment.
- Via email: kathleen.sloan@energy.oregon.gov
- Hand delivery or mail to: Oregon Department of Energy; 550 Capitol St. NE; Salem, OR, 97301



Klamath Cogeneration Project Request for Amendment 6 Public Hearing

ORDER OF ORAL COMMENTS

1. Certificate Holder (testimony or additions to record)
2. Members of the Public (will be called on in the following order):
 - Oral in-person testimony
 - Oral testimony via Teams
 - Oral testimony via phone

There is a three-minute limit on oral comments. Council or Presiding Officer may ask clarifying questions.

3. Members of Council
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Agenda Item F

Public Hearing

Compliance Rulemaking Public Hearing

Tom Jackman, Rules Coordinator

August 21, 2026

Carbon Dioxide Monetary Offset Rate Rulemaking

Timeline

Event	Date
Council authorized Notice of Proposed Rulemaking	June 26, 2026
Notice of Proposed Rulemaking filed with Secretary of State	July 30, 2026
Public Hearing	Aug 21, 2026
Public comment period closes	Sept 25, 2026
Potential Council final consideration	TBD

Compliance Rulemaking - Background

- EFSC site certificates contain terms and conditions that facilities must follow during construction and operation.
- Division 26 establishes the primary compliance requirements; Division 29 addresses enforcement.
- Some of these rules have not been substantially updated since 2007 or 1999.
- Implementation of the existing rules has identified gaps and ambiguities concerning:
 - What must be submitted
 - When submittals are required
 - How Department review occurs
 - How compliance issues may be addressed before formal enforcement
- The proposed amendments are intended to clarify existing requirements, fill process gaps, and provide more predictable and efficient compliance tools.

Compliance Rulemaking - Overview

Pre-Construction Compliance

- Clarifies review for facilities constructed by component or phase.
- Requires certificate holders to demonstrate compliance with applicable pre-construction conditions before construction begins.
- Allows facility-wide review where phased review would be duplicative, fragmented, incomplete, or insufficient.
- Requires written Department authorization before construction begins on the reviewed component or phase.

Compliance Rulemaking - Overview

Inspections and Compliance Review

- Broadens the existing “inspection” process to recognize that concerns may be resolved through records review, requests for information, referrals, inspections, or other compliance review.
- Clarifies what must be included in a public request for compliance review and requires written notice of the Department’s determination.

Compliance Rulemaking - Overview

Reporting and Administrative Updates

- Reorganizes reporting requirements around the facility lifecycle, including construction, final construction, annual reporting, modifications, and phased or staged development.
- Reduces duplicative or low-value reporting and focuses annual reports more directly on compliance with site certificate conditions, monitoring plans, and mitigation requirements.
- Addresses facilities where different components are in different stages of construction, operation, or retirement.
- Creates a process for administrative updates to the facility description so the site certificate can accurately reflect what was actually constructed.
- Administrative updates cannot authorize new construction, expand existing authorization, approve new impacts, or substitute for the amendment process.

Compliance Rulemaking - Overview

Compliance and Enforcement Tools

- Creates a corrective action plan process to help resolve compliance issues before formal enforcement when appropriate.
- Creates a pre-enforcement notice process intended to:
 - Improve consistency
 - Encourage early correction
 - Give responsible parties an opportunity to respond
 - Allow proposed corrective action or an enforcement conference
- Clarifies incident and potential-violation reporting, including a unified 72-hour reporting period.
- Clarifies applicability of the revised rules to existing and future site certificates while preserving controlling site certificate conditions.
- The proposed amendments are not intended to reopen past compliance determinations.

Agenda Item F

Public Hearing

Compliance Rulemaking – Public Hearing

Presiding Officer – Thomas Jackman
Time Limit Per Commentor – 5 Minutes

August 21, 2026

How to Raise Your Hand in Teams

Phone Participants

- Press *5 on your telephone keypad to raise your hand
- Press *5 again on your telephone keypad to lower your hand
- Press *6 to unmute yourself when you are called on

Webinar Participants

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

- Click on the hand  to raise your hand
- When called on, click the mic icon to unmute 
- Click on the hand icon to lower your hand after your comment



BREAK

Agenda Item G

Public Comment

Items Closed for Public Comment

Preliminary Applications for Site Certificate

- Muddy Creek Energy Park
- Deschutes Solar and Battery Energy Storage System
- Speedway Energy Facility
- Cascade Renewable Transmission Line

Contested Case

Yellow Rosebush Energy Center

Time Limit

- 5 Minutes per commentor

Agenda Item H

Action Item

Radioactive Material Transport Fee Rulemaking Final Decision

Tom Jackman, Rules Coordinator

August 21, 2026

Background

- Large numbers of radioactive material shipments historically occurred without dedicated oversight or emergency response funding
- 1981 – Legislature established permitting and fee requirements for radioactive material transportation
- Fees support emergency responder training related to radiation and transportation safety
- ODOT issues permits; ODOE collects fees and administers training programs

Background

Oregon Administrative Rules 345, Division 60 rules requires transporters of radioactive materials to pay a fee for permit to do so. Permits are issued by the Oregon Department of Transportation, and the fees collected by ODOE are used to train emergency response personnel on issues of radiation and transportation safety.

Background Cont.

Oregon Revised Statute 469.605

- (1) No person shall ship or ***transport radioactive material*** identified by the Energy Facility Siting Council by rule as posing a significant hazard to public health and safety or the environment if improperly transported into or within the State of Oregon ***without first obtaining a permit from the State Department of Energy.***
- (4) The director ***shall collect a fee*** from all applicants for permits under this section ***in an amount reasonably calculated to provide for the costs to the department of performing the duties of the department*** under ORS 469.550 (3), 469.563, 469.603 to 469.619 and 469.992.
- (6) The director may delegate the authority to issue permits for the transportation of radioactive material to the Department of Transportation.

Emergency Responder Training

- The fees are the primary source of funding for ODOE's emergency responder training and preparedness activities for radiological shipments
- ODOE helps coordinate response plans for potential radioactive material transportation accidents, developing localized strategies for on-scene management
- Trainings are held annually or more frequently
- Trainings are conducted in partnership with Oregon Health Authority Radiation Protection Services and Oregon State University Radiation Center.
- Grants are provided to OHA and OSU for these services, using the transportation fee revenue

Goals of Rulemaking

1. Update radioactive material transport fees established in 1983
2. Ensure long-term funding for first responder radiation transportation training
3. Evaluate whether rail shipments should be included in the fee structure
4. Consider updated fee structure for Highway Route Controlled Quantity (HRCQ) shipments

Why Now?

1. Current truck shipment fee remains at \$70 per shipment since 1983
2. Existing reserves projected to support operations for only 3–5 more years
3. Training and operational costs have increased significantly over time
4. Current rules exclude rail shipments despite similar emergency response risks

Rulemaking Advisory Committee Overview

- Convened in 2025
- Meetings held:
 - May 28, 2025,
 - September 29, 2025 and
 - October 24, 2025
- Discussion topics included funding adequacy, rail inclusion, emergency preparedness, and implementation structure

Members

- Oregon Department of Transportation (Hazardous rail and truck material inspectors from Commerce and Compliance)
- Oregon Health Authority - Radiation Protection Services Division
- Oregon State Fire Marshall
- Oregon Department of Environmental Quality
- Oregon State University - Radiation Science Center
- Umatilla County Emergency Management
- Lane County Emergency Management
- Oregon Emergency Management
- CAST Transport
- HITTMAN Transport
- Oregon Trucking Association
- Columbia River Keepers
- Burlington Northern Railroad Company
- Union Pacific Railroad Company

Rulemaking Advisory Committee Feedback Overview

1. General support for updating fees after nearly forty years without adjustment
2. Most members supported inclusion of rail shipments for parity and preparedness
- 3. Rail carrier representatives opposed rail shipment fees**
4. Supported continued use of fees for emergency responder training programs

Rail Shipment Considerations

1. Radioactive material transported by rail presents emergency response risks similar to truck transport
2. Staff recommend including rail shipments in updated fee requirements
3. Federal requirements limit advance permitting for rail shipments but not fees
4. Recommended approach: collect fees after shipment, similar to Department of Environmental Quality oil-by-rail processes

Recommended New Fee Schedule

- Increase truck shipment fee from \$70 → \$125 per shipment
- Increase annual maximum permit fee from \$500 → \$750 for specified placarded shipments
- Apply equivalent fees to rail shipments
- Establish \$1,250 fee for HRCQ BA1 shipments
- Staff recommend that EFSC formalize a four-year cycle for future fee schedule review

Public Comments

- No oral comments were submitted at the July 24, 2026 public hearing.
- ODOE received 893 individual written comments:
 - 1 comment from Bonnie New
 - 892 comments transmitted by Columbia Riverkeeper from individual signers
- Commenters agreed existing fees are inadequate to sustainably fund emergency preparedness and responder training.
- Carriers, rather than the public, should bear the costs of preparing for radioactive-material incidents.
- Rail shipments present emergency-response risks comparable to truck shipments, and responders along rail routes need equivalent training.

Public Comments – Liquid Radioactive Waste is a Higher Risk

Comment:

- Liquid radioactive waste should be subject to a separate, higher fee.
- Liquid waste may create greater release, contamination, and emergency-response challenges than solidified material.

Staff Response:

- Staff recognizes that liquid radioactive material may present different and potentially more difficult response considerations.
- Staff does not recommend a separate liquid-waste fee at this time.
- The proposed rules already establish a \$1,250 fee for Highway Route Controlled Quantities, including high-level radioactive waste and spent nuclear fuel.
- We can reexamine this in four years.

Public Comments – Notification, Tribal Involvement, Safety Concerns

Comment:

- Additional public and Tribal notification or involvement requested
- Additional funding for affected Tribes
- Greater rail-equipment regulation or inspection
- Disclosure of routes or destinations

Staff Response:

- These issues are all outside the scope of this rulemaking, which concerns only the proper fee amounts, what shipments subject to fees, and adequate funding for emergency-responder training.
- The rulemaking does not establish new notification requirements, regulate rail equipment, determine transportation routes, or establish broader nuclear-energy or radioactive-waste policy.
- Concerns about accident consequences reinforce the importance of emergency preparedness but do not provide a basis for modifying these rules or the proposal.

Council Options

Option 1 - Recommended

Approve the radioactive
transport fee rulemaking
as recommended

Option 2

Approve the radioactive
transport fee rulemaking
as recommended with
modifications

Option 2

Deny the rulemaking



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ENERGY



Council Deliberation

Working Lunch Break

Agenda Item I

Information Item/Possible Action Item

Yellow Rosebush Energy Center

**Review of the Proposed Order on ASC, Contested Case,
Proposed Contested Case Order, Exceptions Hearing and Possible Material
Change Hearing, Possible Final Order Adoption**

Kathleen Sloan, Senior Siting Analyst

Patrick Rowe, Oregon Department of Justice

Jesse Ratcliffe, Oregon Department of Justice

August 21, 2026

Yellow Rosebush Energy Center: Overview

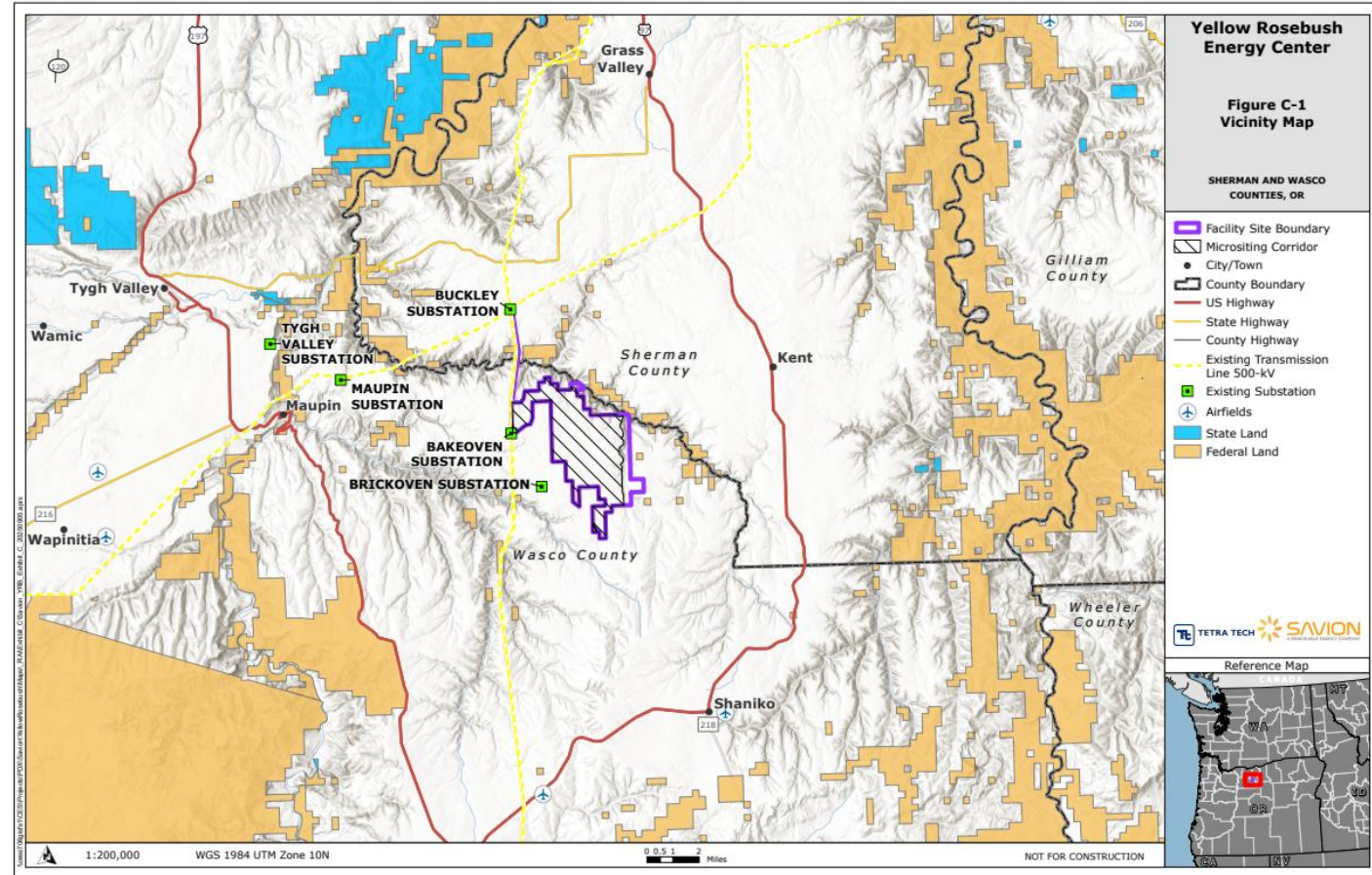
- Review of Proposed Order
- Overview of Contested Case, Proposed Contested Case Order, Exceptions Filings
- Exceptions Hearing
- Possible Material Change Hearing, Possible Adoption of Final Order

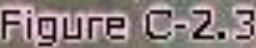
Yellow Rosebush Energy Center: Project Overview

Applicant: Yellow Rosebush Energy Center, LLC., a subsidiary of Savion, LLC., which is owned by Shell Energy

Proposed Facility: 800 MW solar photovoltaic power generation facility with related and supporting facilities.

Location/Site Boundary: Up to 4,992 acres (7.8 sq. miles) within a 7,026-acre (11 sq. miles) micrositing area, all within a 8,025-acre (12.6 sq. miles) site boundary of privately-owned land zoned for Exclusive Farm Use in Wasco County, with 2 transmission alternatives under consideration, one extending north of the facility approx. 1.9 miles into Sherman County.





Yellow Rosebush Energy Center: Facility Overview

BA1

Energy Facility:

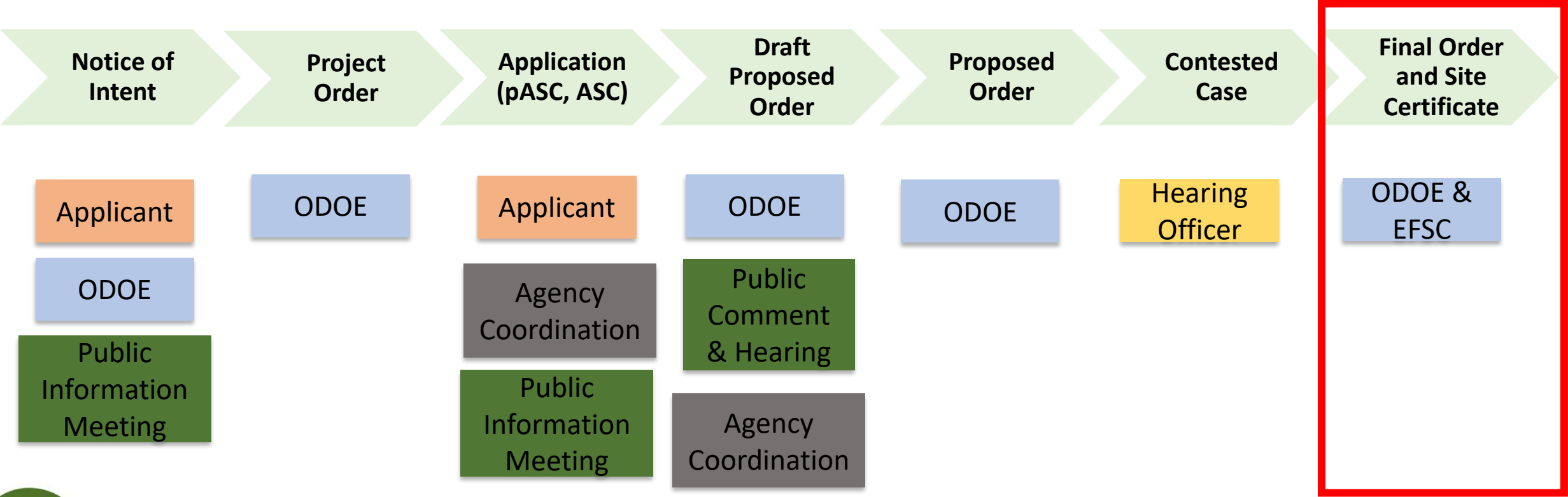
- 2,037,360 solar modules
- 364,351 piles/posts
- 20,622 single axis trackers
- 267.8 miles of underground 34.5 kilovolt (kV) collection system
- 6,800 combiner boxes
- 199 inverters/transformers

Related or Supporting Facilities:

- Up to 800 MW battery energy storage system
- Collector substation
- Operations and Maintenance Building
- Over 50 miles of perimeter fence (8-foot tall)
- 27 miles of new and improved access roads
- Two temporary staging areas (3.5-acre site and 20-acre site)
- 500 kV generation tie line, two route alternatives (one onsite and one 4.5 miles extending north into Sherman County)

Energy Facility Siting Process

Application for Site Certificate (ASC)



Yellow Rosebush Energy Center: Procedural History

Milestone	Responsible Party	Date
Preliminary ASC Filed	Applicant	Aug 30, 2024
Complete ASC Filed	Applicant	Sept 5, 2025
Draft Proposed Order/Public Notice issuance	Department	Oct 1, 2025
Draft Proposed Order Public Hearing	Department	Oct 23, 2025
Council's Draft Proposed Order Review	EFSC	Nov 21, 2025
Proposed Order/Public Notice/Notice to Eligible Participants of Opportunity to Request Contested Case issuance	Department	Dec 5, 2025
Contested Case Requests Received (2)	Eligible Commenters	Jan 5, 2026
Contested Case Proceeding on the Proposed Order	Hearing Officer	Jan 5 - June 12, 2026
Consolidated Ruling on Motions for Summary Determination and Proposed Contested Case Order issuance	Hearing Officer	June 12, 2026
Exceptions Filing	Mr. Alexanderson	July 10, 2026
Responses to Exceptions Filing	Applicant & Department	July 24, 2026
Council Review of Proposed Order/PCCO/Exceptions/Possible Decision	Council	Aug 21, 2026

Yellow Rosebush Energy Center: Comments on DPO

List of Commenters:

- 3 reviewing agencies
- Applicant
- 66 members of the Laborer's Union International of North America
- 25 members of Green Light America
- 16 members of the public
- Members of Council

Concerns/Issues Raised on Comments:

- Soil protection; erosion into waterways
- Public services; emergency service impacts; road and traffic, and housing impacts
- Wildfire risk and sufficiency of mitigation
- Water sources and lack of water availability
- Location of facility to fish & wildlife habitat; wildlife migration and the HMA

Yellow Rosebush Energy Center ASC

Review of Proposed Order

- Council reviewed the DPO and all comments received at the November 21, 2025 EFSC meeting.
- Based on the Department's evaluation of comments, and Council discussion, some changes were made in the Proposed Order, but these were not considered "material changes".
- The Department issued its Proposed Order on December 5, 2025, and on the same dated issued the Public Notice of Proposed Order and Contested Case. Eligible commenters had until January 5, 2026, to request to participate in the Contested Case.

Yellow Rosebush Energy Center ASC

Review of Proposed Order

In general, there were no significant findings in the DPO, or substantive changes made in the Proposed Order, for the following Council Standards:

- Organizational Expertise
- Structural
- Protected Areas
- Retirement & Financial Assurance
- Threatened & Endangered Species
- Scenic Resources
- Recreation
- Waste Minimization
- Other State Regulations - Removal-Fill

Yellow Rosebush Energy Center ASC

Review of Proposed Order

The following standards are ones that received comments on the DPO, and additional evaluation by the Department with recommendations, and some “non-material” changes made by the Department in the Proposed Order:

- Soil Protection
- Land Use
- Public Services
- Wildfire Prevention and Risk Mitigation
- Water Rights

Next, Council will review key findings for each standard in the Proposed Order. The Fish & Wildlife Habitat Standard is the subject of the Contested Case. It will be covered later in that portion of the presentation.

Yellow Rosebush Energy Center ASC

Review of Proposed Order

General Standard of Review (OAR 345-022-0000) - Sec . IV.A p: 44-54

- The Department recommends Council exercise ORS 469.402 and delegate authority to the Department for future review and approval of final and future amended mitigation plans under the Fish and Wildlife Habitat; Soil Protection; and Wildlife Prevention and Risk Minimization Standards.
- The Department also recommends the Council impose a construction commencement deadline 6 years from the date of approval; and a construction completion deadline that is 3 years from the actual construction commencement date. These timelines are consistent with House Bill 3681.

Yellow Rosebush Energy Center ASC

Review of Proposed Order

Organizational Expertise (OAR 345-022-0010) - Sec. IV.B p: 54-62

- The applicant is a wholly-owned subsidiary of Savion, LLC (Savion), which is a part of Shell Group.
- Applicant relies upon its parent company to satisfy the standard. Savion has 3 gigawatts of solar and energy storage projects combined across 23 projects in 11 states in operation, under construction and contracted.
- Savion provided an executed letter affirming that the applicant would have access to expertise and personnel necessary to construct, operate and maintain the facility.

Yellow Rosebush Energy Center ASC

Review of Proposed Order

Structural Standard (OAR 345-022-0020) - Sec IV.C p: 62-71

- The site is in the Columbia Plateau; there are no potentially active faults mapped within the analysis area.
- Non-seismic geologic hazards in the Columbia Plateau region include landslides, volcanic eruptions, erosion, shrinking and swelling soils, and collapsing soils.
- The Department recommends **Structural Standard Conditions 1-5** requiring a site-specific geotechnical study be completed prior to construction and that the construction of the facility will comply with International Building Code, Oregon Structural Specialty Code, and local building codes in effect at the time of construction.

Yellow Rosebush Energy Center ASC

Review of Proposed Order

Soil Protection (OAR 345-022-0022) – Sec. IV.D p:72-85

- In general, the soils within the analysis area are primarily formed from loess and alluvium which make them susceptible to erosion from wind and water.
- For these reasons, in addition to the required National Pollutant Discharge Elimination System (NPDES) 1200-C permit for construction in **Recommended Soil Protection Condition's 1 and 2**.
- The Department also recommends Council impose **Soil Protection Condition 3**, requiring the applicant to finalize the and adhere to the Draft Fugitive Dust Control Plan for construction.
- In addition to construction requirements, the Department recommends Council impose **Soil Protection Condition 6**, to require the certificate holder to continue to monitor and implement erosion prevention measures for the operational life of the facility.

Yellow Rosebush Energy Center ASC

Review of Proposed Order

Land Use (OAR 345-022-0030) – Proposed Order Sec IV.E p:85-173

- The proposed facility would occupy up to 4,992 acres (7.8 sq. miles) of land zoned for Exclusive Farm Use.
- Under the applicant's preferred alternative, the entire facility would be sited within Wasco County. If the alternative transmission line were to be selected, then 1.9 miles of that transmission line would extend into Sherman County.
- Because the proposed facility does not comply with the 20-acre maximum established for solar photovoltaic power generation facilities sited on agricultural (arable) lands under OAR 660-033-0130(38)(i), an exception to Goal 3 must be taken for the Council to approve the facility. The applicant requests that Council take an exception to Statewide Land Use Planning Goal 3, based on five reasons.
- The Department evaluated all five reasons provided by the applicant in the ASC and recommends Council find the exception request is supported for the following reasons:
 1. The facility does not impact high-value farmland or water availability and imposes minimal direct impacts to agricultural activities.
 2. The facility is locationally dependent (proximity to regional transmission grid, existing energy infrastructure, and major transportation corridors).

Yellow Rosebush Energy Center ASC

Review of Proposed Order

Protected Areas (OAR 345-022-0040) – Sec IV.F p:173-174

- There are no protected areas within the analysis area.

Retirement and Financial Assurance (OAR 345-022-0050) – Sec IV.G p:174-184

- The Department recommends Council find that \$46.2 million in Q2 2024 dollars is a satisfactory amount to decommission the facility and restore the site to a useful, nonhazardous condition following permanent cessations of facility construction or operation.
- Citi Bank provided a letter stating that upon request of Shell USA Citi Bank, it would issue a letter of credit for approximately \$46 million for a period of up to 40 years.
- The Department has recommended **Retirement and Financial Assurance Conditions 4, 5 and 6** to require the bond/letter of credit to be provided prior to the beginning of construction and maintained for the life of the facility.

Yellow Rosebush Energy Center ASC

Review of Proposed Order

Threatened and Endangered Species (OAR 345-022-0070) - Sec IV.I p: 203-205

- 1 Threatened and Endangered Species was identified to possibly occur within the analysis area: Tygh Valley milkvetch (*Astragalus tyghensis*).
- There were no observations of Tygh Valley milkvetch recorded during the facility field surveys conducted in 2023.
- Field surveys have not been conducted within the corridor associated with the proposed alternate point of interconnection (POI) due to access limitations, but this corridor contains potentially suitable habitat and must be surveyed, prior to construction, if the alternate POI is selected for final design. For these reasons, the Department recommends **Threatened and Endangered Species Condition 1**, requiring completion of preconstruction field surveys for T&E species of the unsurveyed transmission line alternative, if selected in final design.

Scenic Resources (OAR 345-022-0080) – Sec IV.J p: 205-209

- There are no important or significant scenic resources within the analysis area.

Yellow Rosebush Energy Center ASC

Review of Proposed Order

Historic, Cultural and Archaeological Resources (OAR 345-022-0090) – Sec IV.K p:209-225

- To ensure that the identified sites and unevaluated resources identified are avoided and protected during construction operation of the facility, the Department recommends Council impose **Historic, Cultural and Archaeological Resources Condition 2** requiring that the certificate holder implement the 10-30 meter avoidance buffers.
- **Recommended Historic, Cultural and Archaeological Resources Conditions 3-5** require the completion and adherence to a final Inadvertent Discovery Plan during construction and operations.

Recreation (OAR 345-022-0100) – Sec IV.L p: 225-227

- There are no important recreational opportunities within the analysis area.

Yellow Rosebush Energy Center ASC

Review of Proposed Order

Public Services (OAR 345-022-0110) – Sec IV.M p: 227-243

- Facility construction is anticipated to require up to 54.5 million gallons of water if the entire facility is constructed under worst case dry conditions. Construction-related water use would be obtained from the Deschutes Valley Water District, the City of Maupin and the City of Wasco under an existing municipal water right.
- The Department proposes **Recommended Public Services Condition 1** to require the certificate holder to submit proof of water obtained through a legally authorized permit or provider.
- In the Proposed Order, one additional condition was added, **Recommended Public Services Condition 2**, to ensure that operational water obtained off-site is legally obtained by a water service provider.
- To minimize potential traffic impacts on the City of Maupin, the Department recommends **Public Services Condition 3**, to require the preconstruction completion of a Road Use Agreement with the County and the final Construction Traffic Management Plan that specifically precludes haul trucks from accessing the site via Highway 197 through Maupin, unless approved. **Recommended Public Services Condition 4** also requires the implementation of, and adherence to, the final Road Use Agreement with the County.

Yellow Rosebush Energy Center ASC

Review of Proposed Order

Public Services (OAR 345-022-0110) – (Cont) Sec IV.M p: 227-243

- Wasco County Sheriff submitted written comments on public safety concerns and recommendations based upon experience with other similar facilities in the area (unrelated to the applicant).
- To address the Sheriff's concerns, the Department recommends Council impose **Public Services Condition 5**, which requires the certificate holder to provide on-site security during construction and to establish and maintain communication with the Sheriff Office; requesting monthly data on public safety/law enforcement data related to facility construction and proposing enhanced safety policies and mitigation measures if the data indicates that facility personnel are contributing the legal infractions.
- To address and minimize potential impacts to housing during construction the Department added **Recommended Public Services Conditions 6 and 7** to require the applicant provide to the Department, prior to construction, City of Maupin, and Wasco County a Construction Workforce Housing Plan and to the adherence to that Plan during construction.

Yellow Rosebush Energy Center ASC

Review of Proposed Order

Wildfire Prevention and Risk Mitigation (OAR 345-022-0115) –Sec IV.N p:243-258

- Wildfire risk within the analysis area is moderate during winter (seasonally wetter) months and high during the summer months, during fire season.
- The Department has recommended Council impose **Wildfire Prevention and Risk Mitigation Conditions 1 through 4**, requiring the Draft Wildfire Mitigation Plans (Attachments W-1 and W-2 of the Proposed Order) to be finalized and implemented during construction and operation of the proposed facility.

Waste Minimization (OAR 345-022-0120) – Sec IV.O p: 258-262

- During construction, up to approximately 8,000 cubic yards of nonhazardous solid waste will be generated; applicant estimates that approximately 4,000 cubic yards of solid waste would be generated per phase of construction.
- The Department recommends Council impose **Waste Minimization Conditions 1 and 2** to ensure that construction-related waste is properly managed and disposed of and require the completion of, and adherence to, a final Construction Waste Management Plan.
- The Department also recommends **Waste Minimization Conditions 3 and 4** to require the implementation of a final Operational Recycling Plan for operations.

Yellow Rosebush Energy Center ASC

Review of Proposed Order

Siting Standards for Transmission Lines (OAR 345-024-0090) – Sec IV.P p: 262-266

To ensure that induced currents are minimized based on applicant's representations, consistent with Council's **Site-Specific Condition under OAR 345-025-0010(4)**, the Department recommends that Council impose **Recommended Siting Standards for Transmission Lines Condition 1** to require the design, construction and operation of the transmission lines in accordance with the requirements of the National Electrical Safety Code as approved by the American National Standards Institute; and to require the development and implementation of a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line.

Yellow Rosebush Energy Center ASC

Review of Proposed Order

Other State Regulations: Noise Control Regulations (OAR 340-035-0035) – Sec IV.Q p: 266-274

- To ensure that final facility design would comply with OAR 340-035-0035 or to determine if micrositing changes or noise waivers are necessary, the Department recommends the Council impose **Noise Control Condition 1** requiring that, prior to construction, the applicant provide an updated acoustic modeling analysis and associated maps based on final facility design, equipment specifications, and noise warranty data that demonstrates compliance with the anti-ambient degradation standard.
- Because the applicant does not have draft noise waivers in place at the time of the ASC or Proposed Order, and to demonstrate that it can secure the appropriate noise waivers to demonstrate compliance with OAR 340-035-0035(1)(b), the Department recommends Council impose the **Noise Control Condition 2** requiring the submission of the noise waivers prior to construction of the facility.

Yellow Rosebush Energy Center ASC

Review of Proposed Order

Other State Regs: Removal-Fill Law (ORS chapter 196; OAR Chapter 141) –Sec IV.R p: 275-277

- The applicant has committed to avoiding impacts to all wetlands and waters of the state. The Department recommends the Council find that no removal-fill permit is needed for the proposed facility.
- To ensure that a valid jurisdictional determination is in place before construction of the proposed facility so the applicant can ensure that final facility design avoids wetlands and WOS, the Department recommends the Council impose **Removal-Fill Condition 1**

Other State Regs: Water Rights (OAR Chapter 690) – Sec IV.S. p: 277-279

- Proposed facility construction and operations will not rely upon a groundwater permit, surface water permit, or water right transfer.
- The Department recommends Council impose **Water Rights Conditions 1 and 2** to require that the applicant obtain approval from Oregon Water Resources Department, if necessary and to ensure onsite exempt wells do not use more than 5,000 gallons.

Agenda Item I

Information Item/Possible Action Item

Proposed Contested Case Order Overview

Agenda Item I

Information Item/Possible Action Item

Exceptions Hearing

1. Mr. Alexanderson
2. Applicant
3. Department of Energy



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Council Deliberation



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ADJOURN