



Oregon

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To: Energy Facility Siting Council

From: Kathleen Sloan, Senior Siting Analyst

Date: August 7, 2026

Subject: Agenda Item E (Public Hearing):
Public Hearing on the Proposed Order for the Klamath Cogeneration Project
Request for Amendment 6 - Public Hearing at the August 21, 2026 EFSC
meeting.

Attachments: Attachment 1: [Proposed Order on RFA6](#)
Attachment 2: Comments Received (Department will issue a Supplemental if
additional written comments received prior to Public Hearing)

Existing Facility Description

The Klamath Cogeneration Project is an operational facility, a 525 MW combustion turbine power generation facility on an approximately 20-acre site, approximately five miles southwest of the City of Klamath Falls. The parent company is Avangrid Power, LLC. The Council issued the Final Order and Site Certificate for the facility in November 1996. The site certificate has been amended five times, most recently in 2013.

Amendment Request

RFA6 seeks Council authorization to amend Condition IV.P(9) (Waste Minimization Condition 9) specific to the operations of the facility's current Wastewater Discharge Permit from the City of Klamath Falls:

Recommended Amended Waste Minimization Condition 9 (OPR):

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](#))

The certificate holder seeks to amend Waste Minimization Condition 9 to allow for the disposal of heat recovery steam generator (HRSG) blowdown water through Klamath Falls' wastewater treatment plant consistent with current operation, as authorized under the permit issued by

the City of Klamath Falls to the Certificate Holder (See RFA Attachment 1) and in response to the Oregon Department of Energy's (ODOE) compliance recommendations in its January 22, 2025 Operational Compliance Review Report. The specific language changes requested to Waste Minimization Condition 9 are presented in the Waste Minimization Standard and summarized in the Department Evaluation of RFA6 section below.

RFA6 Procedural History

Date	Procedural Step
May 22, 2026	Certificate holder submitted the preliminary Request for Amendment 6 (pRFA6)
July 6, 2026	Department determined pRFA6 to be complete
July 10, 2026	Certificate holder submitted complete RFA6
July 27, 2026	Department issued Proposed Order on RFA6. On same day, the Department issues a Public Notice of Public Comment Period and Public Hearing on RFA6 and the Proposed Order.
August 21, 2026	Public Hearing on Proposed Order and RFA6
August 28, 2026	Public Comment Period will close at 5:00 PM Pacific Time

Scope of Council Review

To issue an amended site certificate, the Council must determine that the preponderance of evidence on the record supports the following conclusions:

1. The facility as amended complies with all applicable laws and Council standards, and
2. The proposed change will not increase the gross carbon dioxide emissions that are reasonably likely to result from the operation of the facility by more than three percent (3%) above the estimated gross carbon dioxide emissions used to determine compliance with the applicable carbon dioxide standard in the site certificate or amended site certificate most recently issued before September 25, 2021.

RFA6 does not propose any changes that would impact the facility's gross carbon dioxide emissions or alter Council's previous findings made in the Final Order on Request for Amendment 5 or existing site certificate conditions under this standard in the 5th Amended and Restated Site Certificate. The Department recommends that, under OAR 345-027-0375(2)(c), Council continue to rely on previous findings that the facility complies with this standard.

Department Evaluation of RFA6 and Summary of Proposed Order

A site certificate amendment is necessary under OAR 345-027-0350(4) because the certificate holder requests to design, construct, and operate the facility in a manner different from the description in the site certificate and would require modification to existing conditions in the site certificate.

Department's analysis of whether the certificate holder and facility, with the proposed RFA6 changes, would continue to meet each applicable Council standard (with mitigation and subject to compliance with existing and recommended new and amended conditions, as applicable), based on the information in the record.

Standards Not Likely to Be Impacted by Request for Amendment 6:

As presented in the Proposed Order, the Department recommends that 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:

- Organizational Expertise
- Structural
- Soil Protection
- Land Use
- Protected Areas
- Retirement and Financial Assurance
- Fish & Wildlife Habitat
- Threatened & Endangered Species
- Scenic Resources
- Historic, Cultural & Archaeological Resources
- Recreation
- Wildfire Prevention and Risk Mitigation
- Carbon Dioxide (CO2) Emissions
- CO2 Monetary Offset Rate
- Oregon Noise Control Regulation
- Oregon Removal-Fill Law Regulation
- Oregon Water Rights Regulation

Standards Potentially Impacted by RFA6:

The Department identified the following applicable standards as requiring review under this amendment request. The evaluation of these standards is summarized in the sections below. The Proposed Order recommends the Council find that with existing and amended conditions, the facility will continue to comply with the following standards:

- General Standards of Review (OAR 345-022-000)
- Public Services (OAR 345-022-0110)
- Waste Minimization (OAR 345-022-0120)

Reviewing Agency Comments on RFA6:

The Department sent specific coordination emails to the Oregon Department of Environmental Quality (DEQ) and the City of Klamath Falls. On July 24, 2026, the DEQ provided written comments on the RFA6 and their review of the proposed changes.¹ In their comments, DEQ Wastewater Permit Reviewer noted that the DEQ had been in coordination with the certificate holder and City of Klamath Falls on this wastewater permit, and other permits, and had no issues of compliance on record for the facility with the permit or the facility and they did not think RFA6 would have any impacts on current DEQ role of water quality permits issued to the facility. On July 27, 2026, the Department received an email from the City of Klamath Falls stating there were no issues with the facility or compliance with the existing Industrial Wastewater Discharge Permit for the facility.² These comments are in Attachment B of the Proposed Order.

General Standards of Review (OAR 345-022-000):

Applicable site-specific conditions, as established in OAR 345-025-0006 and OAR 345-025-0010, under the General Standard of Review. Mandatory conditions (OAR 345-025-0006) are established in rule and are required to be imposed in every Council-issued site certificate; therefore, findings of fact or conclusions of law are not needed. The mandatory conditions are listed in the 5th Amended and Restated Site Certificate Section III.A: Mandatory Conditions in Conditions 1 through 12. The applicable mandatory condition for this amendment request is

¹ KCPAMD6Doc14 pRFA6 Reviewing Agency Comment DEQ 2026-07-24

² KCPAMD6Doc15 pRFA6 Reviewing Agency Comment K Falls 2026-07-27

represented in Mandatory Condition III.A.2 of the 5th Amended and Restated Site Certificate (2013):

- (2) The Facility shall be designed, constructed, operated and retired:
 - (a) Substantially as described in this Restated and Amended Site Certificate;
 - (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time this Restated and Amended Site Certificate is issued; and
 - (c) In compliance with all applicable permit requirements of other state agencies.

RFA6 was submitted by the certificate holder in order to align the site certificate condition language for the wastewater discharge for HRSG boiler blowdown to the City of Klamath and its wastewater discharge permit. No other changes are proposed or requested. Both DEQ and City of Klamath confirmed that the proposed change is allowable and there are no concerns with the change in process for wastewater discharge and treatment. The Department recommends that the facility would continue to comply with the applicable requirements of ORS chapter 469, siting standards adopted by the Council under OAR chapter 345, and all other Oregon statutes and administrative rules applicable to an original site certificate application, as required under General Standards of Review.

Public Services (OAR 345-022-0110)

The Department evaluated RFA6 requested changes to the existing site certificate conditions and potential impacts or changes in Public Services or Public Service providers. RFA6 does not propose any changes to the current operational facility but it does request to change condition language for the requirements of HRSG boiler blowdown water discharge to align with the current, approved permit from the City of Klamath Falls. There is no change in the service provider (City of Klamath Falls). The Department has reviewed the record on the facility and the RFA6 and current Industrial Wastewater Discharge Permit for the facility, including discharge of the HRSG boiler blowdown water and in the Proposed Order recommends that Council find that with RFA6 requested changes, the facility will continue to comply with existing conditions.

Waste Minimization (OAR 345-022-0120)

The Department evaluated RFA6 requested changes to the existing site certificate condition and potential impacts or changes related to Waste Minimization Condition 9. The requested condition change allows boiler blowdown water to be treated through the Industrial Wastewater Discharge Permit rather than requiring that the boiler blowdown be used in the cooling towers. This change is allowable and consistent with the 2023 Industrial Wastewater Discharge Permit because on page 2 of 13 (of the permit) it expressly allows for discharge of: cooling tower effluent; and low volume waste as described in 40CFR 432.11(b)(c)(d). Boiler blowdown water is specifically listed in 40 CFR 423.11(b) as a low volume waste.

The Department also evaluated the site certificate's existing conditions and identified 4 conditions under Waste Minimization that relate to wastewater from the facility. Based upon that evaluation, the Department recommends the Council approve the requested changes to Waste Minimization Condition 9 and find that no additional changes to the other existing, related conditions were necessary. The original condition language was meant to minimize wastewater at the facility, however upon discussing permitting options with the City of Klamath Falls, operating as described in the proposed modified Waste Minimization Condition 9 language

allowed for better use of water and treatment of wastewater from the facility and is consistent with the current operational Wastewater Discharge Permit from the City of Klamath Falls. As stated in the 5th Amended and Restated Site Certificate, under Section V.B.10, the Wastewater Discharge Permit is neither included in, nor governed by, the site certificate.

The specific requirements for the disposal of HRSG boiler blowdown water were approved in the Final Order on the ASC and prior to the actual construction and permitting of the facility by the City of Klamath Falls for the discharge permit for the HRSG boiler blowdown water and once constructed and operational, the actual requirements from the City of Klamath Falls for discharge had changed and the specific site certificate condition language and references in the Appendix B, were no longer necessary or applicable. The facility operates in compliance with the City of Klamath Falls' required Industrial Wastewater Discharge Permit as issued to the facility. DEQ and City of Klamath Falls submitted comments on RFA6, affirming that the facility operates as required under current permit and existing regulations from the City and the State for the permit.

Department Recommendation

Pursuant to OAR 345-027-0375(2), the Department recommends that Council find the certificate holder has demonstrated that the preponderance of evidence on the record supports the conclusion that the facility, with the changes proposed in Request for Amendment 6, complies with the applicable laws and Council standards; and that the changes proposed will not increase the gross carbon dioxide emissions from facility operation.

Public Comment Period and Public Hearing on Proposed Order

The Public Comment Period opened July 27, 2026, and extends through August 28, 2026, at 5:00 PM Pacific Time. Any written public comments received as of the date of this staff report are included in Attachment 2. A Supplemental Staff Report will be provided to Council, prior to the start of the Public Hearing, if additional written comments are received in the interim. The Public Hearing will be held at the August 21, 2026 scheduled EFSC meeting starting at 10:00 AM Pacific Time. While Council waived the in-proximity requirement for this public hearing in March, the hearing will still be in-person at The Dalles, and virtually/remote by Teams or Phone. All oral comments made during the hearing will be part of the public comment record.