Oregon
Tina Kotek, Governor

OREGON DEPARTMENT OF ENERGY

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

**To:** Energy Facility Siting Council

**From:** Chase McVeigh-Walker, Senior Siting Analyst

**Date:** November 6, 2026

**Subject:** Agenda Item B (Public Hearing – 6:00 PM): Carty Generating Station, Request for Amendment 4 – Public Hearing on Proposed Order for the November 19-20, 2026 EFSC Meeting

**Attachments:** Attachment 1: Proposed Order on Request for Amendment 4
Attachment 2: Comments on the Proposed Order (Any additional comments received in advance of the hearing will be provided via email to Council and made available through the Department's comment portal)

## SUMMARY

On October 30, 2026, the Oregon Department of Energy (Department) issued a Proposed Order on Request for Amendment 4 of the Site Certificate for the Carty Generating Station (RFA4). The Proposed Order recommends the facility, with the changes proposed in RFA4, complies with all required standards and should be approved by the Energy Facility Siting Council (Council), subject to new and recommended amended site certificate conditions.

On the same date, the Department issued a Public Notice of the Proposed Order and Complete Request for Amendment as required by OAR 345-027-0365 and -0367. The Public Notice of the Proposed Order initiates a public comment period on RFA4 and the Proposed Order and establishes an opportunity to provide written and verbal comments at the public hearing at the Council meeting at 6:00 pm on November 19, 2026. Written comments may also be submitted to the Department through the close of the public comment period, December 14, 2026, at 5:00 p.m.

## EXISTING FACILITY DESCRIPTION

Carty Generating Station is an operational, 450-MW natural-gas-fueled combustion turbine generator (Unit 1), located in Morrow County. The facility has been in operation since 2012.

## PROPOSED FACILITY MODIFICATIONS

In RFA4, the Certificate Holder seeks authorization to increase the approved site boundary by 252 acres, from 4,997 acres to approximately 5,249 acres, to construct and operate 200 MWs of solar photovoltaic power generation components on up to 860 acres (1.3 square miles) in two separate solar areas on land zoned for Exclusive Farm Use and General Industrial. The Certificate Holder proposes new related or supporting facilities including a Battery Energy

Storage System (BESS) with up to 200 MW discharge capacity, and the addition and modification of site certificate conditions.

## PROCEDURAL STEPS

| Date | Procedural Step |
|---|---|
| Feb. 16, 2024 | Certificate holder submitted preliminary Request for Amendment 4 (pRFA4). |
| Feb. 28, 2024 | Department issued Public Notice that pRFA4 had been received as required by OAR 345-027-0360(2). |
| Apr. 16, 2024 | Department notified the certificate holder that pRFA4 was incomplete and issued requests for additional information (RAIs) needed to recommend findings and conditions on applicable standards to the Council. |
| Apr. 2024 – Oct 2025 | Certificate holder requested for the review of pRFA4 to be placed on hold. Department discontinued review pending certificate holder response to data requests. |
| Oct. 17 2025 | Certificate holder responded to administrative RAIs, but had not yet completed botanical surveys requested by Oregon Department of Agriculture. |
| Oct. 6, 2026 | Certificate holder responded to RAIs. |
| Oct. 29, 2026 | Based on the Department's determination of completeness, Certificate holder filed a complete RFA4. |
| Oct. 30, 2026 | Department issued the Proposed Order on RFA4 and Public Notice of the Proposed Order on RFA4 and Complete RFA4. |
| Oct. 30 – December 14, 2026 | Department is accepting comments on RFA2 and the Proposed Order on RFA4. |
| Nov. 19, 2026 | The Council will conduct a public hearing on RFA4 and the Proposed Order on RFA4, with opportunities for remote or in person participation. The hearing will be held at the Riverfront Room of the Port of Morrow Riverfront Center in Boardman and also via TEAMs at 6:00 p.m. |
| Dec. 14, 2026 | Deadline for which all comments on RFA4 and Proposed Order on RFA4 must be received by the Department. |
| Dec. 28, 2026 | Deadline for the certificate holder and the Department to provide responses to comments, if received. |
| Jan. 11, 2027 | Deadline for commenters to provide replies to responses provided by the certificate holder and the Department |
| Jan. 18, 2026 | Deadline for the certificate holder and the Department to provide sur-replies to commenters, as applicable. |
| TBD | Department will issue a Notice of draft Final Order and draft Final Order. |
| TBD | Council will review the Department's written analysis of the comments, responses, replies, and sur-replies, along with the draft of the final order and, based on the considerations described in OAR 345-027-0375, will either grant or deny issuance of an amended site certificate in a written final order. |

## SCOPE OF COUNCIL REVIEW

Under OAR 345-027-0375, in making a decision to grant or deny issuance of the amended site certificate, the Council must determine whether the preponderance of evidence on the record supports the conclusion that the facility, with the proposed changes, complies with all applicable laws and Council standards. In making these findings, the Council must apply the applicable laws and standards in effect on the date the Council issues its final order.

## DEPARTMENT EVALUATION OF RFA4 AND SUMMARY OF PROPOSED ORDER

In the Proposed Order, the Department recommends that the facility, with the changes proposed in RFA4, complies with all required standards and should be approved by the Council, subject to new site certificate conditions as provided below.

GENERAL STANDARD OF REVIEW: OAR 345-022-0000 (Section III.A., pg. 23-27)

*Recommended General Standard Condition's 1 and 2*: Consistent with the requirements of ORS 469.370(12), the Department recommends Council establish a construction commencement deadline of 6 years from the date of Council approval, and a construction completion deadline of 3 years from the actual construction commencement.

ORGANIZATIONAL EXPERTISE: OAR 345-022-0010 (Section III.B., pg. 27-33)

*Recommended Organizational Expertise Conditions 1 and 2*: Department recommends Council impose these two conditions to require the certificate holder to provide the identity and contact information of the specific construction contractors selected and ensure that their work is performed in accordance with approved plans, applicable requirements, and conditions of approval.

*Recommended Organizational Expertise Condition 3*: Department Recommends construction reporting requirements consistent with OAR 345-026-0080(1) but increasing the frequency of reporting from semi-annual to every three months.

*Recommended Organizational Expertise Condition 4*: Department recommends Council impose Organizational Expertise Condition 4 to ensure that compliance issues including incidents or circumstances that may violate the terms or conditions of the site certificate, terms or conditions of any order of the Council, are reported as soon as reasonably possible. The written report must be provided to the department within 30 days of discovery, and if the incident(s) are determined by the Department to impact the adequacy of the facility decommissioning cost, the Department or Council may adjust the contingencies identified in Final Order on AMD4 and shall request and receive an updated bond or letter of credit from Certificate Holder in the adjusted amount.

*Recommended Organizational Expertise Conditions 5 and 6*: Because construction water would be obtained from Carty Reservoir, of which PGE maintains a water right, through a third-party limited water use license, but the Certificate Holder has not selected its third-party contractor, the necessary permit and approval have not yet been obtained. Therefore, the Department

recommends Council impose Organizational Expertise Conditions 5 and 6 to prohibit the Certificate Holder from commencing construction until the third-party permit is issued.

STRUCTURAL STANDARD: OAR 345-022-0020 (Section III.C., pg.33-38)

*Recommended Structural Standard Condition's 1 and 2*: The Department recommends Council impose Structural Standard Conditions 1 and 2 to ensure that the preconstruction, site specific geotechnical investigation is completed and submitted to the Department, and that the evaluation demonstrates that final facility design is based on applicable building and structural requirements at the time of construction.

SOIL PROTECTION: OAR 345-022-0022 (Section III.D., pg. 38-47)

*Recommended Soil Protection Condition 1 through 4*: The Department recommends Council impose Soil Protection Conditions 1 through 3 to require the certificate holder to provide the Department with a copy of the approved National Pollutant Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality and the Erosion and Sediment Control Plan (ESCP). Additionally, the certificate holder shall finalize the draft Comprehensive Solar Revegetation and Soil Management Plan, and conduct all work in compliance with the NPDES permit, the ESCP, and the comprehensive Solar Revegetation and Soil Management Plan.

*Recommended Soil Protection Condition 5*: The Department recommends Council impose Soil Protection Condition 5 to monitor and maintain vegetation and any necessary erosion controls in compliance with the Comprehensive Solar Revegetation and Soil Management Plan, during facility operations, and include any reports required by

LAND USE: OAR 345-022-0030 (Section III.E., pg. 47-92)
The proposed amendment includes a photovoltaic solar power generation facility, to be located within Morrow County in two zones, Exclusive Farm Use (EFU) and General Industrial (MG).

*Recommended Land Use Condition 1*: Because the facility proposed in RFA4 would require a Conditional Use Permit and a Zoning Permit, the Department Recommends Council impose Land Use Condition 1 to require the certificate holder prior to construction, provide the Department with a copy of the approved amended Conditional Use Permit and applicable Zoning Permit(s).

*Recommended Land Use Condition 2*: Recommended Land Use Condition 2 would require the proposed Operation and Maintenance building to be adhere to applicable Morrow County Zoning Ordinance (MCZO) setback requirements. Specific setbacks established in MCZO Section 3.010(2) and (3) include at least a 20 foot setback for side yards from the building to the property line, except for corner lots or parcels which require a minimum setback of 30 feet for the side yard on the street side. Rear yard setbacks from the building to the property line must be at least 25 feet.

*Recommended Land Use Condition 3*: Recommended Land Use Condition 3 would require the certificate holder to sign and record the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a

claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

*Goal Exception to Statewide Planning Goal 3*:

In RFA4, the certificate holder requests an Exception to Statewide Planning Goal 3 (Farm Use) for the Solar Micrositing Area based on the following reasons:

1. The facility would cause minimal loss to productive agriculture
2. The facility is locationally dependent (proximity to regional transmission grid, existing energy infrastructure, and major transportation corridors).

The Department recommends the Council find that the certificate holder has provided sufficient evidence to demonstrate that the use of the site would have minimal impacts to high value farmland and agricultural practices within the proposed amended site boundary. The proposed amendment would occupy 446 acres of functionally arable land, 85 acres of which are considered high value farmland because they are located within the Columbia Valley American Viticultural Area and have the qualifying elevation and slope characteristics. However, while the site of the proposed amendment would occupy 85 acres of high value farmland, the farmland itself does not actually have the same degree of utility for farming uses that many other areas of high-value farmland have. Additionally, the site of the proposed amendment is both distant from existing agricultural operations and physically separated from them by various physical barriers (e.g., the reservoir), making the integration of the site into existing farming operations challenging and unlikely. Therefore, the Department recommends Council find that use of the site would have minimal impacts to high value farmland and agricultural practices within the proposed amended site boundary.

The Department recommends the Council find that the certificate holder has provided sufficient evidence to demonstrate that the siting of the facility proposed in RFA4, adjacent to Unit 1 and partially within the footprint of the former Boardman Coal Plant, has significant locational advantages. Specifically, locational advantages include the efficient use of existing infrastructure (including the Boardman Coal Plant 500-kV transmission line, and the Grassland to Slatt transmission line to connect to the regional grid), and accessibility to the Port of Morrow, I-84, and Tower Road.

PROTECTED AREAS: OAR 345-022-0040 (Section III.F., pg. 92-100)

Department recommends Council find that the facility proposed amendment is not likely to result in significant adverse impact to any protected areas.

RETIREMENT AND FINANCIAL ASSURANCE: OAR 345-022-0050 (Section III.G.)

*Recommended Retirement and Financial Assurance Condition 1*: The certificate holder estimates decommissioning the facility proposed in RFA4 to cost approximately $16.5 million. In accordance with the mandatory conditions currently found in OAR 345-025-0006, The Department recommends Council impose Retirement and Financial Assurance Condition 1 to require the certificate holder provide and maintain a bond or letter of credit in a form and amount satisfactory to the Council
to restore the site to a useful, non-hazardous condition.

*Recommended Retirement and Financial Assurance Condition 2 and 3*: The Department recommends Council impose Retirement and Financial Assurance Conditions 2 and 3 to provide the process of ensure that the bond or letter of credit for the facility are annually updated.

FISH AND WILDLIFE HABITAT: OAR 345-022-0060 (Section III.H., pg. 101-115)

*Recommended Fish and Wildlife Habitat Conditions 1 and 2*: The Department recommends Council impose Fish and Wildlife Habitat Conditions 1 and 2 to require finalizing the draft Habitat Mitigation Plan (HMP) by the Department, and implementation of the HMP during operations.

*Recommended Fish and Wildlife Habitat Condition 3 through 6*: The Department recommends Council impose Fish and Wildlife Habitat Condition 3 through 6 to separate the construction and operational measures needed to minimize and reduce wildlife use impacts over time.

THREATENED AND ENDANGERED SPECIES: OAR 345-022-0070 (Section III.I., pg. 115-118)

*Recommended Threatened and Endangered Species Condition 1 through 3*: The Department recommends Council impose Threatened and Endangered Species Conditions 1 through 3 requiring new Washington ground squirrel surveys prior to construction to ensure avoidance. Implementation of the conditions will ensure important WGS habitat is protected and any potential WGS mortality is minimized if individuals stray from their colonies.

SCENIC RESOURCES: OAR 345-022-0080 (Section III.J., pg. 118-123)
Department recommends Council find that the proposed amendment is not likely to result in significant adverse visual impacts to significant or important scenic resources.

HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES: OAR 345-022-0090 (Section III.K., pg. 123-126)

*Recommended Historic, Cultural and Archeological Condition 1*: The Department recommends Council impose Historic, Cultural, and Archaeological Resource Condition 1 to require the certificate holder to submit to the Department a final IDP with the most current agency and tribal government contacts at the time, prior to construction.

*Recommended Historic, Cultural and Archeological Conditions 2 and 3*: The Department recommends Council impose Historic, Cultural, and Archaeological Resource Conditions 2 and 3 to ensure that the IDP is implemented during construction and during any ground disturbing operational activities.

*Recommended Historic, Cultural and Archeological Condition 4*: To ensure that potential impacts and mitigation, if appropriate, are evaluated in coordination with the Department and CTUIR, the Department recommends Council impose Historic, Cultural, and Archaeological Resource Condition 4.

RECREATION: OAR 345-022-0100 (Section III.L., pg. 126-130)
Department recommends Council find that the proposed amendment is not likely to result in a significant adverse impact to important recreational opportunities.

PUBLIC SERVICES: OAR 345-022-0110 (Section III.M., pg. 130-137)

*Recommended Public Services Conditions 1 and 2*: To ensure that the certificate holder executes and implements County Road Use Agreements, the Department recommends Council impose Public Services Condition 1 and 2. Additionally, Public Services Condition 1 requires a Construction Traffic Management Plan be attached and included with executed Road Use Agreements.

WILDFIRE PREVENTION AND RISK MITIGATION: OAR 345-022-0115 (Section III.N. , pg. 137-149)

*Recommended Wildfire Prevention and Risk Mitigation Conditions 1 and 2*: The Department recommends Council impose Wildfire Prevention and Risk Mitigation Conditions 1 and 2 to require the certificate holder to finalize the draft Construction Wildfire Mitigation Plan (WMP) prior to construction, and implement the finalized Construction WMP during construction activities.

*Recommended Wildfire Prevention and Risk Mitigation Conditions 3 and 4*: The Department recommends Council impose Wildfire Prevention and Risk Mitigation Conditions 3 and 4 to require the certificate holder to finalize the draft Operational WMP prior to operations, and implement the finalized Operational WMP during operations.

The Department also recommends minor revisions to existing site certificate conditions applicable to Unit 1. Specifically, the Department recommends the following language be added to Unit 1 conditions 8.5, 8.6, and 8.7 because there are duplicative actions and reporting requirements within the conditions and WMP: "Compliance with this condition may be combined or met with the demonstration of compliance with the requirements of the Operational Wildfire Mitigation Plan under OPR-WF-01."

WASTE MINIMIZATION: OAR 345-022-0120 (Section III.O. , pg. 149-153)

*Recommended Waste Minimization Conditions 1 through 3*: To ensure that construction-related waste is properly managed and minimized to the extent practicable, the Department recommends Council impose Waste Minimization Conditions 1 through 3.

*Recommended Waste Minimization Conditions 4 and 5*: To ensure that transportation, handling and disposal of BESS batteries during the repair, replacement and maintenance of the batteries comply with applicable laws, the Department recommends Council impose Waste Minimization Conditions 4 and 5.

*Recommended Waste Minimization Conditions 6*: To ensure that solar panel washwater does not result in soil contamination, the Department recommends Council impose Waste Minimization Condition 6.

SITING STANDARDS FOR TRANSMISSION LINES – OAR 345-024-0090 (Section III.P. , pg. 154-156)
Department recommends Council find that the Certificate Holder can design, construct, and operate the facility components proposed in RFA4, so that alternating current electric fields do not exceed 9-kV per meter at one meter above the ground surface in areas accessible to the public and that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable..

NOISE CONTROL REGULATIONS: OAR 340-035-0035 (Section IV.A., pg. 156-160)
The Department recommends the Council find that the facility, with proposed RFA4 changes, will comply with the applicable Noise Control Regulations in OAR 340-035-0035.

REMOVAL-FILL (Section IV.B., pg. 160-161)

*Recommended Removal-Fill Condition 1*: To ensure that the Certificate Holder establishes the boundaries of wetlands and waters of the state for impact avoidance based on the Department of State Land's concurrence, the Department recommends Council impose Removal Fill Condition 1.

Water Rights (Section IV.C., pg. 161-162)
The Certificate Holder has not requested a groundwater permit, surface water permit, or water right transfer, nor requested that if such permit is needed, that it be governed by the site certificate process. Therefore, Council does not need to make findings of compliance.