



# Oregon

Tina Kotek, Governor



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

**To:** Energy Facility Siting Council

**From:** Duane Kilsdonk, Compliance Officer; Sarah Esterson, Senior Policy Advisor

**Date:** January 12, 2024

**Subject:** Agenda Item F (Information Item): Annual update to Council on the Compliance Program Work Plan for the January 26, 2024 EFSC Meeting

## OVERVIEW

The Oregon Department of Energy Siting Division’s Compliance Program is established to regulate and enforce compliance with the terms and conditions of site certificates issued by the Energy Facility Siting Council (EFSC or Council) and executed between Council and the designated certificate holder. Site certificates contain requirements that apply to different phases of development, generally including prior to construction, during construction and during operations. The Compliance Program therefore consists of: (1) preconstruction compliance verification for approval of construction commencement, by phase or facility; (2) construction inspections and semi-annual report review; and (3) operational inspections and annual report review. The Compliance Program also tracks incidents and incident resolution, where incidents may occur at any time throughout the site certificate duration (i.e., not temporally restricted to preconstruction, construction or operations).

## SITE CERTIFICATES

The Compliance Program oversees compliance for facilities with executed site certificates. There are 38 facilities with active site certificates under EFSC jurisdiction, not all of which have been constructed. Facilities with an executed site certificate are presented in Table 1 below.

**Table 1: EFSC-Jurisdiction Energy Facilities (Issued Site Certificates)**

Facility Name	Type	Location (County)
<b>Preconstruction</b>		
Boardman to Hemingway Trans. Line	500 kV Trans. Line	Umatilla, Union, Morrow, Baker, Malheur
Madras Solar Energy Facility	63 MW Solar	Jefferson
<b>Construction</b>		
Bakeoven Solar Project	60 MW Solar	Wasco
Daybreak Solar Project	140 MW Solar	Wasco
<b>Operational</b>		

**Table 1: EFSC-Jurisdiction Energy Facilities (Issued Site Certificates)**

<b>Facility Name</b>	<b>Type</b>	<b>Location (County)</b>
Biglow Canyon Wind Farm	450 MW Wind	Sherman
Columbia Ethanol Project	36 MMgal/Year Bio	Morrow
Carty Generating Station	450 MW Nat Gas	Morrow
Coyote Springs Cogeneration	503 MW Nat Gas	Morrow
Eugene to Medford Transmission Line	500 kV Trans Line	Lane, Douglas, Jackson
Golden Hills Wind Project	200 MW Wind	Sherman
Hermiston Generating Project	474 MW Nat Gas	Umatilla
Hermiston Power Project	546 MW Nat Gas	Umatilla
Klamath Cogeneration Project	525 MW Nat Gas	Klamath
Klamath Generation Peakers	95 MW Nat Gas	Klamath
Klondike III Wind Project	300 MW Wind	Sherman
Leaning Juniper IIA Wind Power Facility	90.3 MW Wind	Gilliam
Leaning Juniper IIB Wind Power Facility	111 MW Wind	Gilliam
Montague Solar Facility	162 MW Solar	Gilliam
Mist Underground Natural Gas Storage Facility	635 MMscf, storage reservoir	Columbia
Montague Wind Power Facility	202 MW Wind	Gilliam
Port Westward Generating Project	650 MW Nat Gas	Columbia
Shepherds Flat North	290 MW Wind	Gilliam, Morrow
Shepherds Flat South	265 MW Wind	Gilliam
Shepherds Flat Central	290 MW Wind	Gilliam, Morrow
South Mist Feeder Pipeline	80 miles, nat gas pipeline	Columbia, Washington
South Mist Pipeline Extension	62 miles, nat gas pipeline	Washington, Marion, Clackamas
Springfield Utility-Industrial Energy Center	51.2 MW Steam	Lane
Stateline Wind Project	222 MW Wind	Umatilla
Wheatridge Renewable Energy Facility I	100 MW Wind	Morrow
Wheatridge Renewable Energy Facility II	200 MW Wind	Morrow
Wheatridge Renewable Energy Facility III	50 MW Solar	Morrow
<b>Approved, Not Built</b>		
Boardman Solar Energy Facility	75 MW Solar	Morrow, Gilliam
Carty Generating Station	50 MW Solar	Morrow
Nolin Hills Wind Power Project	600 MW Solar/Wind	Umatilla
Obsidian Solar Center	600 MW Solar	Lake
Oregon Trail Solar Facility	41 MW Solar	Gilliam
Sunset Solar Project	103 MW Solar	Wasco
West End Solar Project	50 MW Solar	Umatilla
Wheatridge Renewable Energy Facility East	200 MW Wind	Umatilla/Morrow

Consistent with ORS 469.421(5), most certificate holders are required to pay an annual fee based on the estimation of compliance activities' costs for that facility. Each May, individual assessments for the next fiscal year are created. The assessments consider the time to review the annual reports, the number of inspections to be done and administrative tasks such as records management and financial assurance updates. The annual fee is assessed in August for the July 1-June 30 period. Unanticipated work such as preparation for a proposed amendment,

incident responses, or questions with annual reports will increase certificate holder's fee. Any unexpended fees are returned to the site certificate holder or applied to next year's assessment.

### **PRE-CONSTRUCTION**

The Department reviews and, in consultation with state and local government agencies as applicable, verifies compliance with conditions and approves finalization of mitigation plans. There are two facilities currently in the preconstruction phase, as presented in Table 1, forecasted to commence construction in 2024.

### **CONSTRUCTION**

The Department conducts at least 2 annual in-person inspections for all facilities under construction; and receives and reviews semi-annual construction compliance reports. The Department may conduct monthly inspections for facilities under construction, depending on the level of activity and sensitive resources at the site. Corrective actions and findings of non-compliance are documented in Inspection Reports issued by the Department to the certificate holder. Certificate holders are obligated to develop resolution or remediation plans or address the issue via documentation/evidence. Corrective actions and findings of non-compliance are tracked by Department staff until resolution is demonstrated. There are two facilities currently under construction, as presented in Table 1 forecasted to be operational by 2025.

### **OPERATIONS**

The Department conducts at least 1 annual in-person or virtual inspection for all operating facilities; and receives and reviews annual operational commence reports. Inspection reports are issued following review of the annual report combined with evidence and documentation reviewed during the onsite inspection. Corrective actions and findings of non-compliance are documented in Inspection Reports issued by the Department to the certificate holder. Certificate holders are obligated to develop resolution or remediation plans or address the issue via documentation/evidence. Corrective actions and findings of non-compliance are tracked by Department staff until resolution is demonstrated. There are 27 operational facilities, as presented in Table 1.

### **INCIDENTS AND REPORTING OF NON-COMPLIANCE**

Council rules require certificate holders to notify the Department of any occurrence involving an attempt by anyone to interfere with its safe operation, a significant natural event such as a fire, earthquake, flood, tsunami or tornado, or a human caused event such as a fire or explosion, or a fatal injury at a facility. Council rules all require certificate holders to notify the Department promptly of circumstances where site certificate terms and conditions have not been met.

Incidents reported in 2023 are presented in Table 2 below.

**Table 2: 2023 Incident Summary**

<b>Facility</b>	<b>Incident Date</b>	<b>Incident</b>	<b>Follow-up Action Required?</b>
Klondike III Wind Project	01/06/23	Oil Spill	Yes, spill cleanup
Stateline Wind Project	01/19/23	Erosion	Yes, repair and stabilization
Leaning Juniper IIA Wind Power Facility	02/18/23	Turbine Fire	Yes, turbine remediation
Leaning Juniper IIB Wind Power Facility	07/03/23	Turbine Fire	No
Montague Solar Facility	08/14/23; 10/18/23	Electrical Fire	Yes, facility-wide connector replacement
Biglow Canyon Wind Farm	07/11/23; 09/20/23; 11/10/23	Falling Turbine Parts	No
	09/20/23	Unlocked Turbine Door	No