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BEFORE THE ENERGY FACILITY SITING COUNCIL
OF THE
STATE OF OREGON

| | | |
|---------------------------------------|---|-----------------|
| IN THE MATTER OF THE FIFTH REQUEST TO |) | |
| AMEND THE SITE CERTIFICATE FOR THE |) | ORDER APPROVING |
| PORT WESTWARD GENERATING PROJECT |) | AMENDMENT #5 |
| |) | |

Energy Facility Siting Council

September 29, 2006

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**PORT WESTWARD GENERATING PROJECT
SITE CERTIFICATE AMENDMENT #5
FINAL ORDER**

I. INTRODUCTION

The Oregon Department of Energy (“ODOE” or “the Department”) issues this order in accordance with ORS 469.405 and OAR 345-027-0070. This order addresses a request by Portland General Electric (PGE) for amendment #5 to its site certificate for the Port Westward Generating Project (PWGP). The Port Westward Generating Project is a nominal 560 megawatt natural gas-fired electric generating facility located about 4.5 miles north of Clatskanie, Oregon.

In its request for amendment #5, PGE proposes a secondary natural gas pipeline connecting the plant to the existing NW Natural Beaver Lateral Pipeline.

The Council issued the site certificate for PWGP on November 8, 2002. The Council granted amendment #1 on December 5, 2003, amendment #2 on September 24, 2004, amendment #3 on January 28, 2005, and amendment #4 on May 19, 2006. This amendment, if granted, will be #5.

The definitions in ORS 469.300 and OAR 345-001-0010 apply to terms used in this order, unless otherwise defined in this order.

II. PROCEDURAL HISTORY

A. Notice and Comment Period

PGE submitted the Request for Fifth Amendment to ODOE on July 21, 2006. On July 24, 2006 ODOE issued notice and copies of the amendment request to the agencies, tribes and governments listed in OAR 345-002-0040 and asked for comments by August 21, 2006.

ODOE also mailed notice on July 21, 2006 to the Council’s mailing list and to the list of adjacent property owners and interested persons that ODOE maintains for the PWGP project. The notice stated how the public could review PGE’s request, and requested comments by August 21, 2006. ODOE received no comments from the public.

B. Public Notice of Proposed Order

On August 22, 2006, ODOE issued a Proposed Order pursuant to OAR 345-027-0070(4). ODOE briefed the Council on the Proposed Order at a meeting on August 25, 2006.

ODOE issued notice of the proposed order to persons on the Council mailing list and the special list established for the Port Westward project. The notice stated that any person may, by written request submitted to ODOE within 30 days after ODOE issued this proposed order, ask the Council to hold a contested case proceeding on the proposed order. The last day to request a contested case was September 21, 2006. No member of the public commented or requested a contested case.

ODOE did receive two comments from state agencies, the Department of Geology (DOGAMI) and the State Historic Preservation Office (SHPO). These comments are addressed in sections IV.A.2 and IV.A.10 of this order.

1 **C. Council Consideration of Amendment Request**

2 The Council met by teleconference on September 29, 2006 and adopted the Final Order.

3
4 In reviewing the proposed amendment, the Council applied substantive land use criteria in effect on
5 the date PGE submitted the request for amendment and all other state statutes, administrative rules
6 and local government ordinances in effect on the date of the amendment.

7
8 **III. DESCRIPTION OF THE AMENDMENT**

9 **A. Description of the Facility**

10 The facility is a 560 megawatt (“MW”) natural-gas-fired, combined-cycle generating facility. The
11 facility will be located in Columbia County, Oregon, about seven miles by road northeast of the
12 City of Clatskanie. The facility is described in greater detail at Section C. of the site certificate.
13 PGE began construction in February 2005.

14
15 **B. Changes to the Facility Proposed by PGE**

16 In its amendment request, PGE proposes to construct a secondary natural gas pipeline connecting
17 the plant to the Beaver Lateral pipeline. The proposed secondary pipeline would be 12 inches in
18 diameter and approximately 2,000 feet long. It would begin at PGE’s Beaver power plant and
19 would run primarily along side an existing gravel road between the Beaver and PWGP sites. On
20 reaching the PWGP site, it would run parallel to the primary PWGP pipeline.

21 The pipeline will not be located along a public road, but rather along project access roads within the
22 Port of St. Helens Industrial area, without access to the public. PGE will provide a 20 foot wide
23 easement for the pipeline.

24 PGE has not requested additional laydown area for this project. All laydown area will be within the
25 Beaver generating plant, which is an existing power plant outside EFSC jurisdiction.

26 The new pipeline would be owned and operated by NW Natural, and would be one part of a NW
27 Natural pipeline constructed to serve the Cascade Grain bioethanol facility, which is not under
28 Energy Facility Siting Council jurisdiction. Thus, only the 2,000 section that directly serves PWGP
29 is a related and supporting facility. This proposed order only addresses that 2,000 foot section.

30 PGE also proposes to surround an above-ground natural gas pipeline valve assembly with a chain-
31 link security fence, designed to exclude deer. The Council previously approved a similar deer
32 exclusion fence in its original Final Order approving the PWGP on November 8, 2002.

33 **C. Changes to Site Certificate Proposed by PGE**

34 PGE proposes to add a new paragraph to section C.1.b of the site certificate, reading:

35
36 In addition, the facility will include as a related or supporting facility a secondary natural
37 gas pipeline that will connect the energy facility to an extension of the existing 20-inch NW
38 Natural Beaver Lateral. The connecting pipeline will be approximately 2000 feet long and
39 about 12 inches in diameter. The new pipeline will be installed below grade with
40 appropriate cathodic protection. The new pipeline will be owned and operated by NW
41 Natural. [Amendment No. 5]

42
43 PGE also proposes to add a new paragraph to section C.2.b of the site certificate, reading:

1
2 The secondary natural gas pipeline will be about 12 inches in diameter, extending from the
3 energy facility to an extension of the existing NW Natural Beaver Lateral, near the northeast
4 corner of the Beaver Generating Plant. The related or supporting portion of the new natural
5 gas pipeline corridor will be approximately 2000 feet long and will lie within the 852-acre
6 parcel leased to PGE by the Port of St. Helens and situated within Sections 15 and 16,
7 Township 8 North, Range 4 West, Willamette Meridian. [Amendment No. 5]
8

9 PGE also proposes conforming changes to conditions E.1.c(8) and (9), changing from “pipeline” to
10 “primary or secondary pipelines”.
11

12 **IV. FINDINGS ON COMPLIANCE WITH STANDARDS**

13 Under the General Standard of Review, OAR 345-022-0000(1), to issue the requested amendment
14 the Council must determine that it complies with:

- 15 a) standards adopted by the Council pursuant to ORS 469.501,
16 b) other Oregon statutes and administrative rules identified in the project order, excluding those for
17 which the federal government has delegated the decision on compliance to a state agency other
18 than the Council, and
19 c) statewide planning goals as provided in OAR 345-022-0030
20

21 The permits issued by agencies other than the Council under this site certificate are: the WPCF
22 process wastewater permit issued by DEQ, a sanitary waste WPCF permit issued by DEQ and a
23 Removal/Fill (wetlands) permit issued by the State Lands Division.
24

25 The pipeline will be constructed in the shoulder of an existing gravel road between the Beaver and
26 Port Westward plant sites. There are wetlands adjacent to the road, but the pipe will be constructed
27 within an existing berm to the side of the road. No wetlands will be affected.
28

29 The amendment will not require any new or modified permits from agencies other than EFSC, nor
30 will it affect PGE’s ability to comply with existing permits.
31

32 **A. Council Standards in OAR Chapter 345 Division 22**

33 **1. Organizational Expertise OAR 345-022-0010**

34 *(1) To issue a site certificate, the Council must find that the applicant has the organizational*
35 *expertise to construct, operate and retire the proposed facility in compliance with Council*
36 *standards and conditions of the site certificate. To conclude that the applicant has this expertise,*
37 *the Council must find that the applicant has demonstrated the ability to design, construct and*
38 *operate the proposed facility in compliance with site certificate conditions and in a manner that*
39 *protects public health and safety and has demonstrated the ability to restore the site to a useful,*
40 *non-hazardous condition. The Council may consider the applicant’s experience, the applicant’s*
41 *access to technical expertise and the applicant’s past performance in constructing, operating and*
42 *retiring other facilities, including, but not limited to, the number and severity of regulatory*
43 *citations issued to the applicant.*

44 *(2) The Council may base its findings under section (1) on a rebuttable presumption that an*
45 *applicant has organizational, managerial and technical expertise, if the applicant has an ISO*

1 9000 or ISO 14000 certified program and proposes to design, construct and operate the facility
2 according to that program.

3 (3) If the applicant does not itself obtain a state or local government permit or approval for
4 which the Council would ordinarily determine compliance but instead relies on a permit or
5 approval issued to a third party, the Council, to issue a site certificate, must find that the third
6 party has, or has a reasonable likelihood of obtaining, the necessary permit or approval, and that
7 the applicant has, or has a reasonable likelihood of entering into, a contractual or other
8 arrangement with the third party for access to the resource or service secured by that permit or
9 approval.

10 (4) If the applicant relies on a permit or approval issued to a third party and the third party
11 does not have the necessary permit or approval at the time the Council issues the site certificate,
12 the Council may issue the site certificate subject to the condition that the certificate holder shall
13 not commence construction or operation as appropriate until the third party has obtained the
14 necessary permit or approval and the applicant has a contract or other arrangement for access to
15 the resource or service secured by that permit or approval.

16 Discussion

17
18
19 The standard is written in four sections. Section (1) addresses the certificate holder's qualifications
20 to construct, operate and retire the facility in compliance with applicable regulations and conditions
21 of the site certificate. In this case, the pipeline will be constructed and operated by Northwest
22 Natural (NWN). The Council found that NWN had the required expertise in natural gas pipeline
23 design, operation and construction in Final Orders approving the South Mist Pipeline Extension, the
24 South Mist Feeder Pipeline, Amendment #2 to the South Mist Feeder Pipeline, and amendments 6
25 through 9 of the Mist Natural Gas Storage Facility. The pipeline proposed in this amendment is
26 smaller than any of the above listed projects. NWN's previous history of constructing and
27 operating natural gas pipelines under these site certificates and amendments demonstrates adequate
28 expertise to design, construct, operate and retire the pipeline in this amendment.

29
30 Section (2) of the standard does not apply because neither PGE nor NWN is taking credit for any
31 ISO program.

32
33 Sections (3) and (4) of the standard address third party permits (permits that the certificate holder
34 will not obtain directly but rely on a third party). In this case NWN is the third party. NWN will
35 make use of existing water rights and wastewater discharge permits held by others for the
36 construction of the subject pipeline. The only new permit required is a 1200-C stormwater
37 discharge permit administered by the Department of Environmental Quality.

38 Conclusion

39
40 The proposed amendment complies with the Organizational Expertise Standard. No new conditions
41 are required.

42 2. Structural Standard OAR 345-022-0020

43 To issue the amendment, the Council must find that:
44

1 specific investigation to characterize the seismic and non-seismic hazards, and can design and
2 construct the pipeline to avoid dangers to human safety presented by the seismic hazards identified.

3
4 In a comment dated August 28, 2006, DOGAMI stated that:

5
6 “Based on the report, it appears that there is concern for potential differential settlement and
7 permanent seismic induced differential deformation throughout the length of the proposed
8 pipeline and especially where the pipeline connects to facilities which may or may not have
9 been designed and/or mitigated for these same potential movements. Based on the report,
10 DOGAMI is satisfied with the evaluation of geologic hazard and geotechnical information
11 that is provided in the report as long as these concerns are properly addressed.”

12
13 The Port Westward facility, which the pipeline will connect to, has already been found to comply
14 with the council Structural Standard, and therefore takes the same differential settlement hazard into
15 account. The new pipeline will be supplied from a pipeline outside Council jurisdiction, and the
16 Council did not review its design. Therefore the following new condition will be added to the
17 amended site certificate:

18
19 “The secondary gas supply pipeline constructed and operated by NWN shall be designed to
20 accommodate the potential for different settlement and seismic induced differential deformation,
21 particularly where the pipeline connects to the existing supply line.”

22 23 **Conclusion**

24
25 The Council finds that the proposed amendment complies with the Structural Standard. Conditions
26 for safe design and construction of the pipeline are already part of the original site certificate for
27 PWGP’s primary supply pipeline and continue to apply to the pipeline proposed in amendment 5.
28 The condition above shall be added to allow for the connection between the new pipeline and
29 existing supply line.

30 31 **3. Soil Standard OAR 345-022-0022**

32 To issue the amendment, the Council must find that

33 ****the design, construction, operation and retirement of the facility, taking into account*
34 *mitigation, are not likely to result in a significant adverse impact to soils including, but not limited*
35 *to, erosion and chemical factors such as salt deposition from cooling towers, land application of*
36 *liquid effluent, and chemical spills.*

37 In the Final Order approving the PWGP site certificate, the Council found that the construction and
38 operation of the project was not likely to have a significant adverse impact on soils, based on certain
39 conditions. The Council affirmed this finding in approving amendments #3 and #4, which added to
40 the site and approved additional temporary laydown area.

41 The request for amendment 5 includes at Exhibit I a description of the soil types and uses at the site
42 of the proposed pipeline. The soil types and uses listed are similar to those described in the original
43 Final Order approving the site certificate.

44 The proposed pipeline construction will occur mostly in existing gravel roadway areas.
45 Construction activities consist of trenching, stockpiling of excavation spoils, pipe placement and
46 backfill. After construction NWN will regravell the roads and restore vegetation.

1 The major adverse soil impacts at the site are primarily wind and water erosion. NWN is required
2 by federal law to obtain and comply with a 1200-C stormwater discharge permit, which is a federal
3 permit delegated to DEQ. NWN must submit an Erosion Control Sediment Program (ESCP) for
4 DEQ approval. The Best Management Practices listed in the ESCP are adequate to ensure that
5 construction is not likely to result in significant adverse impacts to the soils near the pipeline
6 alignment. For portions of the proposed pipeline within the PWGP site, conditions D.6(1) to D.6(6)
7 require the site certificate holder to employ soil erosion and sediment runoff control measures
8 during any soil disturbing activities, use native seed mixes to restore vegetation and landscape
9 disturbed portions of the site upon completion of soil disturbing activities. These conditions would
10 continue to apply to amendment #5.

11 **Conclusion**

12
13 The amendment complies with the Soil Protection Standard. No new conditions are required.
14

15 **4. Land Use Standard OAR 345-0222-0030**

16 To issue the amendment to the site certificate, the Council must find that:

17
18 *ORS 469.503(4) the facility complies with the statewide planning goals adopted by the Land*
19 *Conservation and Development Commission.*

20 *ORS 469.504(1) A proposed facility shall be found in compliance with the statewide*
21 *planning goals under ORS 469.503(4) if:*

22 ***

23 *(b) The council determines that:*

24 *(A) The proposed facility complies with applicable substantive criteria from the affected*
25 *local government's acknowledged comprehensive plan and land use regulations that are required*
26 *by the statewide planning goals and in effect on the date the application is submitted, and with*
27 *any Land Conservation and Development Commission administrative rules and goals and any*
28 *land use statutes directly applicable to the facility under ORS 197.646(3)***.*

29

30 **Discussion**

31
32 In the Final Order approving the PWGP site certificate, the Council found that the project complied
33 with applicable substantive criteria from Columbia County's comprehensive plan and zoning
34 ordinance and with LDCD rules applicable under ORS 197.646.
35

36 The new gas pipeline would be located entirely within the Resource Industrial Planned
37 Development ("RIPD") zone, under the land use jurisdiction of Columbia County. Section III.A of
38 Attachment D to the Council's Final Order of November 8, 2002 approved the energy facility as
39 well as related or supporting facilities (including the natural gas pipeline connecting to the K-B
40 Pipeline) as uses permitted subject to conditions in the RIPD zone. The additional natural gas
41 pipeline meets the applicable standards of Columbia County's RIPD zone for the same reasons set
42 forth in Attachment D to the Final Order of November 8, 2002.
43

44 The proposed fence around the above-ground valve assembly would also be located entirely within
45 Columbia County's RIPD zone. Columbia County's Site Design Review standards, Columbia
46 County Zoning Ordinance (CCZO) § 1550.12.D.3, include a standard for fences that appears to

1 require that chain link fences include slats and be combined with “a continuous evergreen hedge.”
2 Exhibit K to the ASC explained the Certificate Holder’s position that either slats or a hedge would
3 be inconsistent with maintaining the high level of visibility necessary for security around an energy
4 facility. In Section III.C of Attachment D to the Final Order of November 8, 2002, the Council
5 approved a major variance to allow the a chain link security fence around the energy facility site,
6 without slats or an evergreen hedge. The applicable variance standards in CCZO § 1504 have not
7 changed in the intervening period. Therefore, the Department recommends that the Council
8 approve a chain link fence around the above-ground valve assembly for the same reasons set forth
9 in Attachment D to the Final Order of November 8, 2002.

10
11 **Conclusion**
12

13 The Council finds that the proposed amendment complies with its Land Use Standard. No new
14 conditions are required.
15

16 **5. Protected Area Standard OAR 345-022-0040**

17 To issue the amendment, the Council must find that “...the design, construction and operation of the
18 facility are not likely to result in significant adverse impact ...” to listed protected areas.
19

20 **Discussion**
21

22 In the Final Order approving the PWGP project, the Council concluded that all of the listed
23 Protected Areas are two miles or more from the energy facility site, and no elements of the energy
24 facility would be located within any Protected Area. The Council reaffirmed these findings in its
25 January 28, 2005 order approving amendment #3. The proposed gas supply pipeline will be
26 constructed below grade, and the site along the alignment will be restored after construction. The
27 proposed security fence will be similar to the security fence approved in the original site certificate.
28 All protected areas listed in the standard as of the date of this Order are too far away to be affected
29 by either the pipeline or the fence.

30 **Conclusion**
31

32 The Council finds that the proposed amendment complies with the Protected Area Standard. No
33 new conditions are required.
34

35 **6. Financial Assurance and Retirement Standards OAR 345-022-0050**

36 To issue the amendment, the Council must find that:

37
38 *(1) The site, taking into account mitigation, can be restored adequately to a useful,*
39 *non-hazardous condition following permanent cessation of construction or operation of*
40 *the facility.*

41 *(2) The applicant has a reasonable likelihood of obtaining a bond or letter of credit*
42 *in a form and amount satisfactory to the Council to restore the site to a useful, non-*
43 *hazardous condition.*

44 **Discussion**
45

46 In its January 28, 2005 order approving amendment #3, the Council reduced the amount of the
47 surety required under section (2) of this standard, and found that PGE had a reasonable likelihood of

1 obtaining the required bond or letter of credit. Because the project is currently under construction,
2 PGE provided the required surety in the form of a letter of credit, and remains in compliance with
3 all conditions related to this standard.

4
5 Neither the proposed pipeline nor the security fence will add materially to the cost of site
6 restoration. The Council has previously found that gas pipelines are retired by cutting and capping
7 the ends and leaving the rest in place. The cost of retiring the pipeline and fence is too small to
8 require a change in the required financial surety.

10 **Conclusion**

11
12 The proposed amendment does not affect PGE's ability to meet the Financial Assurance and
13 Retirement standard. The Council finds that the proposed amendment meets its Retirement and
14 Financial Assurance Standard.

16 **7. Fish and Wildlife Habitat Standard OAR 345-022-0060**

17 To issue the amendment, the Council must find that:

18 *“***the design, construction, operation and retirement of the facility, taking into*
19 *account mitigation, are consistent with the fish and wildlife habitat mitigation goals and*
20 *standards of OAR 635-415-0025 in effect as of September 1, 2000.”*

22 **Discussion**

23
24 NWN surveyed the alignment for the new pipeline in May and June of 2006, and evaluated impacts
25 to habitat from the construction of the additional related or supporting natural gas pipeline. The
26 habitats and species observed were consistent with those described in the 2002 Final Order
27 approving the site certificate. The only impacts of the proposed pipeline will be temporary
28 disturbance of Category 4 non-native grassland habitat and temporary disturbance of Category 6
29 developed/disturbed habitat. No impacts to wetlands are anticipated. These impacts are consistent
30 with Condition D.8(2) of the Site Certificate. Moreover, the Site Certificate includes conditions that
31 address restoration of non-native grassland habitat following construction disturbance, including
32 Conditions D.8(14), D.8(19) through D.8(24).

33
34 NWN surveyed for raptor nests and blue heron rookeries within 0.25 miles of the proposed new
35 pipeline alignment. Although none were discovered, NWN has committed (section 7.0, Exhibit P
36 of the request for amendment #5) to the preconstruction monitoring and ODFW consultation
37 described in condition D.8(6) of the site certificate. Based on this commitment and the results of
38 the surveys performed in support of this amendment request, the existing conditions in the site
39 certificate are consistent to ensure that construction of the proposed pipeline under this amendment
40 are consistent with the ODFW fish and wildlife habitat mitigation goals and standards.

42 **Conclusion**

43
44 The Council finds that the proposed amendment complies with the Fish and Wildlife Habitat
45 Standard. No new conditions are required.

47 **8. Threatened and Endangered Species Standard OAR 345-022-0070**

48 To issue the amendment, the Council must find that:

1 **Discussion**

2
3 In the Final Order approving the site certificate, the Council found that the PWGP project had no
4 adverse effect on scenic or aesthetic resources identified in local land use plans. The Council
5 affirmed this finding in orders approving amendments 1 through 4. The pipeline proposed in
6 amendment 5 will be located below grade and will not be visible once construction is complete.
7 The alignment is primarily in or along an existing gravel road. The deer fence is similar to other
8 fencing approved in the original site certificate and will not change the appearance of the facility.
9 Columbia County has not added any new scenic or aesthetic resources to its inventory within the
10 analysis area for the facility. Conditions requiring PGE to restore and reseed temporary construction
11 laydown areas will apply to the new areas covered in this amendment. Therefore the proposed
12 amendment does not affect the Council’s prior findings of compliance.
13

14 **Conclusion**

15
16 The Council finds that the proposed amendment complies with its Scenic and Aesthetic Values
17 Standard. No new conditions are required.
18

19 **10. Historic, Cultural and Archeological Resources Standard OAR 345-022-0090**

20 To issue the amendment, the Council must find that:

21
22 *“*** the construction, operation and retirement of the facility, taking into account*
23 *mitigation, are not likely to result in significant adverse impacts to:*

24 *(a) Historic, cultural or archaeological resources that have been listed on, or*
25 *would likely be listed on the National Register of Historic Places;*

26 *(b) For a facility on private land, archaeological objects, as defined in ORS*
27 *358.905(1)(a), or archaeological sites, as defined in ORS 358.905(1)(c); and*

28 *(c) For a facility on public land, archaeological sites, as defined in ORS*
29 *358.905(1)(c).”*

30 **Discussion**

31
32 In support of this request for amendment #5, NWN performed archeological and cultural surveys of
33 the pipeline alignment and Area of Potential Effect (APE). No cultural resources were found in the
34 literature and records review or during the pedestrian surveys. No further preconstruction surveys
35 are recommended.
36

37 Condition D.11(3) of the site certificate describes in detail the steps that must be taken if artifacts or
38 other cultural materials are uncovered during construction. Condition D.11(2) requires that a
39 qualified person instruct construction personnel in identification of cultural materials. These
40 previously imposed certificate conditions will apply equally to the areas affected by this
41 amendment.
42

43 In a letter dated September 6, 2006, the SHPO noted that:

44
45 *“Site 35CO16, the Whill Wetz Village site, is located near the project area. Investigations*
46 *for this site and subsequent archeological surveys found that your project area and*
47 *surrounding areas may be covered by a thick (3 to 4 meters, or 10 to 13 ft.) sandy deposit*

1 from past dredging activities. **If the construction activities for the new facility (2000 feet**
2 **of 24-inch trench for the pipeline) occur below the base of this sandy dredge fill, i.e.**
3 **below 10 to 13 feet, the SHPO should be contacted immediately.”**
4

5 The above recommendation will be added to the site certificate as a condition.
6

7 **Conclusion**

8
9 The Council finds that the proposed amendment complies with its Historic, Cultural and
10 Archeological Resources Standard. The SHPO recommendation from its September 6, 2006 letter
11 from Susan White to Nicole Hughes will be added as a condition. .
12

13 **11. Recreational Standard OAR 345-022-0100**

14 To issue the amendment, the Council must find that:
15

16 *“***the design, construction and operation of a facility, taking into account mitigation,*
17 *are not likely to result in a significant adverse impact to important recreational*
18 *opportunities in the analysis area as described in the project order. The Council shall*
19 *consider the following factors in judging the importance of a recreational opportunity:*

20 *(a) Any special designation or management of the location;*

21 *(b) The degree of demand;*

22 *(c) Outstanding or unusual qualities;*

23 *(d) Availability or rareness;*

24 *(e) Irreplaceability or irretrievability of the opportunity.”*
25

26 **Discussion**

27
28 In the Final Orders approving the Site Certificate and amendments, the Council found that the
29 facility would not affect any recreational resources within the analysis area. The proposed
30 amendment involves a 2,000 foot pipeline that will be installed below grade, and a deer fence on the
31 energy facility site. Both are on land zoned for industrial use and will not affect recreational
32 opportunities. Therefore the amendment does not affect prior findings of compliance.
33

34 **Conclusion**

35
36 The Council finds that the proposed amendment complies with its Recreation Standard. No new
37 conditions are required.
38

39 **12. Public Services Standard OAR 345-022-0010**

40 To issue the amendment, the Council must find that:
41

42 *“*** the construction and operation of the facility, taking into account mitigation, are not*
43 *likely to result in significant adverse impact to the ability of public and private providers*
44 *within the analysis area described in the project order to provide: sewers and sewage*
45 *treatment, water, storm water drainage, solid waste management, housing, traffic safety,*
police and fire protection, health care and schools.”

1 **Discussion**

2
3 In its Final Orders approving the site certificate and amendments 1 through 4, the Council found
4 that the facility did not affect any of the listed public services. The pipeline proposed in amendment
5 #5 is similar to, and shorter than, the primary gas pipeline serving the energy facility. Water and
6 waste water discharge for hydrostatic testing will be permitted under existing permits. Storm water
7 drainage will be controlled by the terms of the NPDES 1200-C storm water discharge permit, a
8 federally delegated permit issued by DEQ. The proposed pipeline and the construction crew are too
9 small to materially affect the PWGP’s overall impact on the other listed public services. The deer
10 exclusion fence is similar to other fencing previously approved in the site certificate. Therefore the
11 proposed amendment does not change any previous findings of compliance with the standard.
12

13 **Conclusion**

14
15 The Council finds that the proposed amendment complies with its Public Services Standard. No
16 new conditions are required.
17

18 **13. Waste Minimization Standard OAR 345-022-0120**

19 To issue the amendment, the Council must find that:

20
21 *“***(a) The applicant’s solid waste and wastewater plans are likely to minimize*
22 *generation of solid waste and wastewater in the construction, operation, and retirement*
23 *of the facility, and when solid waste or wastewater is generated, to result in recycling*
24 *and reuse of such wastes;*

25 *(b) The applicant’s plans to manage the accumulation, storage, disposal and*
26 *transportation of waste generated by the construction and operation of the facility are*
27 *likely to result in minimal adverse impact on surrounding and adjacent areas.”*

28
29 **Discussion**

30
31 In its Final Order approving the Site Certificate, the Council imposed conditions to ensure
32 compliance with the waste minimization standard. The proposed amendment will not alter PGE’s
33 solid waste and wastewater generation and disposal plans. Therefore, the Council’s original
34 findings are sufficient to demonstrate compliance with the Waste Minimization standard, and no
35 additional conditions are necessary to maintain compliance.
36

37 **Conclusion**

38
39 The Council finds that the proposed amendment complies with its Waste Minimization Standard.
40 No new conditions are required.
41

42 **B. Public Health and Safety ORS 469.401(2)**

43 In its Final Order approving the Site Certificate, the Council imposed all conditions it felt necessary
44 to protect public health and safety. As proposed by the PGE, these conditions will be modified to
45 say that the pipeline proposed in amendment #5 is subject to the same site certificate conditions and
46 US Department of Transportation and Oregon Public Utilities Commission rules as the primary
47 pipeline that was originally permitted. Therefore no new conditions are required.
48

1 **C. Requirements of Agencies Other than EFSC**

2 In connection with the PWGP, PGE holds a WPCF permit from the Department of Environmental
3 Quality (DEQ) for wastewater discharge and a removal/fill (wetlands) permit from Department of
4 State Lands (DSL). The PWGP project also complies with DEQ noise standards.

5
6 The proposed secondary pipeline will not be placed in wetlands and construction will avoid
7 wetlands. Therefore no new or modified DSL permit is required.

8
9 Water for construction of this project will be provided under PGE’s existing water right, certificate
10 number #57893. Water from the hydrostatic test will be discharged under the Beaver generating
11 plant’s existing NPDES permit. Therefore no new or modified permits are required.

12
13 **D. Carbon Dioxide Standards at OAR 345 Division 24**

14 The PWGP complies with Council’s Standards for carbon dioxide emissions. The addition of a
15 secondary pipeline and security fence do not alter carbon dioxide emissions in any way.

16
17 **V. ORDER AND SITE CERTIFICATE AMENDMENTS**

18 The Council finds that the changes to the facility proposed in PGE’s Request for Amendment #5
19 meet the Council’s standards. Sections C.1.b and C.2.b of the Site Certificate will be changed as
20 requested by PGE and as shown in section III.C of this Order. The Council makes the conforming
21 changes to conditions E.1.c(8) and (9) also described at section III.C of this order.

22
23 The Council also adds two new site certificate conditions, as recommended by DOGAMI and the
24 SHPO and shown in sections IV.A.2 and IV.A.10 of this order, respectively.

25
26 With these changes, the Council approves PGE’s Request for Amendment #5 to the Site Certificate
27 for the Port Westward Generating Project.

28 Issued this day of September 29, 2006

David Ripma, Chair date
Energy Facility Siting Council