



Oregon

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To: Energy Facility Siting Council
From: Ash Woods, Compliance Officer
Date: September 6, 2024
Subject: Agenda Item E: Wheatridge Renewable Energy Facility East Compliance Incident Updates for the September 19-20, 2024 EFSC Meeting

The Wheatridge Renewable Energy Facility East project is an approved and under construction 300 MW wind energy generation facility consisting of: 107 wind turbines with a maximum blade tip height of 499 feet; 27 miles of 230 kV overhead transmission lines; 95 miles of underground 34.5 kv transmission lines; a 30 MW battery energy storage system; and 76 miles of permanent roads. The facility is located in Morrow and Umatilla Counties. Wheatridge East Wind, LLC is the certificate holder, and NextEra is the parent company. The project webpage can be found here: [Wheatridge Renewable Energy Facility East](#)

Construction of a portion of the facility began on June 24, 2024.

This staff report provides Council an update on the open incidents previously presented during the August 23, 2024 EFSC Council Meeting.

Date	Type	August 2024 Report	September 2024 Update
8/2/24	Unauthorized Work	<ul style="list-style-type: none"> Constructed a temporary bypass road outside of the approved micrositing corridor without consulting NextEra staff or supervisor. NextEra only has survey data for Washington ground squirrels (none present), but do not have cultural or rare plant survey data for the impacted area. Corrective Actions: Blattner is being trained that no deviation to planned disturbance is to occur without NextEra approval. 	<ul style="list-style-type: none"> Met on with CTUIR on 8-26-2024. They stated there are currently no concerns but will take a closer look and notify if anything changes. No further action required from ODA or ODFW.

		<ul style="list-style-type: none"> • All work within 50ft of corridor boundary will be surveyed and staked prior to disturbance. • Identification of habit type and category that was impacted and coordination with ODFW for habitat mitigation is pending. • CTUIR to determine any impact to cultural areas. • ODAg has confirmed no additional mitigation is required for potential impacts to Laurence’s milkvetch. • Additional corrective actions may be required following agency coordination. 	
8/5/24	Wetland Impact	<ul style="list-style-type: none"> • Installed a culverted waterbody crossing within a wetland without BMPs in place. • DEQ and DSL have been notified. • Blattner has installed appropriate BMPs and stabilized exposed soils. • Perimeter controls for work within 50 feet of a surface water. • Hydromulch stabilization of disturbed streambanks and exposed crossing soils. • The Erosion and Sediment Control Plan will be evaluated and adjusted. At a minimum, the following additions will be made: • Include a typical drawing for a dam and pump around crossing. • Include a typical drawing for redundant BMPs when encroaching within the 50 ft vegetated buffers around surface waters. • A review of waterbody specific permit requirements will be completed. 	<ul style="list-style-type: none"> • Restoration is complete. • No response from DSL to date regarding additional action required, if any. • All DEQ documents uploaded to their portal. NextEra has spoken with DEQ at length but DEQ has given no formal response to close out the incident. • Work near waters is being closely coordinated with environmental monitors. • No additional unauthorized wetland impacts have occurred.
8/10/24	Unauthorized Work	<ul style="list-style-type: none"> • Road grading passed the avoidance flagging placed around a rare plant population and encroached approximately 20 ft into the avoidance buffer. • Stakes/flagging were present but were bulldozed over. Previously erected stakes were found pushed to the edge of the disturbed area. 	<ul style="list-style-type: none"> • NextEra has clarified that this impact was planned and was due to a need to build turbine pads larger than originally anticipated. • Currently performing a site wide assessment to determine total anticipated impacts needed and total impacts to date. • Working to find additional avoidance areas to stay under the

		<ul style="list-style-type: none"> • Pending notification to ODA and assessment of whether any rare plants were impacted. 	<p>approved impact threshold (48 acres).</p> <ul style="list-style-type: none"> • NextEra will now communicate planned impacts to ODOE and ODA and maintain updated impact values throughout construction.
8/24/24	Unauthorized Water Use	<ul style="list-style-type: none"> • Blattner had been withdrawing large amounts of water from at least two private wells since June 2024 that are limited to 5,000 gallons per day withdraw because they are exempt from needing to get a water right. • Well 1: 1,315,000 gallons (approx. 945,000 gallon exceedance) • Well 2: 2,431,000 gallons (approx. 2,061,000 gallon exceedance) • Project is located in Butter Creek critical groundwater designated area*. • No notification issued to ODOE; NextEra states they failed to verify what authorizations were required to use two unauthorized wells. Their application requested and the site certificate approved water for construction to be primarily sourced from nearby municipalities. • ODOE and OWRD issued a notice to cease all use of these water sources immediately and use of the wells has ceased. • OWRD issued a Notice of Violation on 14 Aug. to Blattner for violation of ORS 537.535(1) and 537.535(2). • NextEra is currently out of compliance with Site Conditions GEN-GS-03 and PRE-OE-07 of its Site Certificate 	<ul style="list-style-type: none"> • After further investigating their water use logs, Blattner has updated the total water use for Well 1 and Well 2. • Well 1: 2,227,400 gallons, which is approximately 912,000 gallons higher than the original total reported by Blattner. • Well 2: 2,963,500 gallons, which is approximately 532,500 gallons higher than the original total reported by Blattner. • NextEra is currently working with its contractors to obtain authorized water use agreements for the project. • Currently, water use authorizations have been obtained from the city of Lone, Lexington, and Heppner. NextEra is pursuing a use authorization for Well 2 from OWRD and Morrow County.

ORS 537.730 Designation of critical ground water area; rules; notice. (1) *The Water Resources Commission by rule may designate an area of the state a critical ground water area if:*

- (a) *Ground water levels in the area in question are declining or have declined excessively;*
- (b) *The Water Resources Department finds a pattern of substantial interference between wells within the area in question;*
- (c) *The department finds a pattern of interference or potential interference between wells of ground water claimants or appropriators within the area in question with the production of geothermal resources from an area regulated under ORS chapter 522;*

(d) The department finds a pattern of substantial interference between wells within the area in question and:

(A) An appropriator of surface water whose water right has an earlier priority date; or

(B) A restriction imposed on surface water appropriation or a minimum perennial streamflow that has an effective date earlier than the priority date of the ground water appropriation;

(e) The available ground water supply in the area in question is being or is about to be overdrawn;

(f) The purity of the ground water in the area in question has been or reasonably may be expected to become polluted to an extent contrary to the public welfare, health and safety; or

(g) Ground water temperatures in the area in question are expected to be, are being or have been substantially altered except as specified in ORS 537.796.
