

CERTIFICATE HOLDER'S REQUEST FOR FIFTH AMENDMENT TO THE SITE CERTIFICATE FOR THE PORT WESTWARD GENERATING PROJECT

Pursuant to OAR 345-027-0050, Portland General Electric Company ("PGE"), the holder of the Fourth Amended Site Certificate for the Port Westward Generating Project dated May 19, 2006 (the "Site Certificate"), requests to amend the Site Certificate to modify the facility and the Site Certificate as described in Sections 1.3 and 1.4 of this request. The only requested modifications are:

(1) Construction of a secondary natural gas pipeline from the energy facility site to an extension of the existing NW Natural Beaver Lateral. The new related or supporting pipeline will be approximately 2000 feet long and approximately 12 inches in diameter. The pipeline will be installed below grade, with appropriate cathodic protection.

(2) Construction of deer-exclusion security fencing around the above-ground natural gas pipeline valve assembly. The fencing would be similar to the fencing around the energy facility site.

SECTION 1 INFORMATION REQUIRED PURSUANT TO OAR 345-027-0060(1)

OAR 345-027-0060 sets forth the required contents of a request to amend a site certificate. The discussion below provides the information required by OAR 345-027-0060.

1.1 Certificate Holder Information

Name and mailing address of the Certificate Holder:

Portland General Electric Company
121 S.W. Salmon Street
Portland, OR 97204

Name, mailing address and telephone number of individual responsible for submitting the request:

Arya Behbehani-Divers
Portland General Electric Company
121 S.W. Salmon Street
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Portland, OR 97204
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1.2 Description of the Facility

The proposed facility, referred to as the Port Westward Generating Project, is described in Exhibits B and C of the ASC and Section C of the Site Certificate. The Certificate Holder is proposing to construct a new natural gas pipeline from the energy facility site to a new extension of the existing NW Natural Beaver Lateral, near the northeast corner of the Beaver

Generating Plant site, as described in Section 1.3 of this request and as reflected in the Certificate Holder's proposed amendments to the Site Certificate, attached as Attachment 1.

The Certificate Holder also is proposing to enclose an above-ground natural gas pipeline valve assembly with deer-exclusion security fencing similar to the fencing that will surround the energy facility site.¹ The modified facility is depicted on Figure 2.

1.3 Description and Analysis of the Proposed Change

OAR 345-027-0060(1)(c) requires that an amendment request include "a detailed description of the proposed change and certificate holder's analysis of the proposed change under the criteria of OAR 345-027-0050(1)."

The Certificate Holder is proposing two changes to the facility:

(1) Secondary natural gas pipeline: The Certificate Holder is proposing a new natural gas pipeline that will connect the energy facility to an extension of the existing NW Natural Beaver Lateral. NW Natural plans to construct a new natural gas pipeline approximately 12 inches in diameter that will connect with the existing 20-inch NW Natural Beaver lateral near the southwest corner of the Beaver Generating Plant. However, only a portion of the new pipeline will be related or supporting to the Port Westward Generating Plant: NW Natural has agreed to provide service to another NW Natural customer, and only approximately 2000 feet of new pipeline between the energy facility site and the interconnection of the other customer, near the northeast corner of the Beaver Generating Plant, will be related or supporting to the energy facility. Thus, the new related or supporting pipeline will be approximately 2000 feet long and approximately 12 inches in diameter. The new pipeline will be installed below grade with appropriate cathodic protection. Most of the pipeline route will be within existing private roadways. The pipeline corridor is located entirely within the 852-acre parcel leased to PGE by the Port of St. Helens, and will be situated within Sections 15 and 16, Township 8 North, Range 4 West, Willamette Meridian. The new pipeline will be owned and operated by NW Natural. The pipeline corridor is depicted on Figure 1.

(2) Fencing around pipeline valve assembly: The Certificate Holder is proposing to surround an above-ground natural gas pipeline valve assembly with a chain-link security fence similar to the fencing the Council approved for the energy facility site in the Final Order of November 8, 2002. The fence will be designed to exclude deer. The location and approximate dimensions of the fenced area is depicted on Figure 2.

Under OAR 345-027-0050, a site certificate amendment request is required if a site certificate holder proposes to change the site boundary or otherwise to design, construct, operate or retire a facility in a manner different from the description in the site certificate and the proposed change meets one of four criteria, discussed below. PGE's proposed change triggers a site certificate amendment pursuant to the third and fourth criteria.

¹ The above-ground valve assembly is being constructed as part of the pipeline interconnecting the energy facility with the Kelso-Beaver (K-B) natural gas transmission pipeline. By letter of November 3, 2005, Mr. Adam Bless of the Oregon Department of Energy confirmed that construction and operation of the above-ground valve assembly would not require an amendment to the Site Certificate.

1.3.1 *“Could result in a significant adverse impact that the Council did not evaluate and address in the final order granting a site certificate affecting any resource protected by applicable standards in Divisions 22 and 24 of this chapter.”*

Response: The proposed additional natural gas pipeline will result in expansion of related or supporting facilities in a manner that differs from the description in the Site Certificate. Specifically, the natural gas pipeline will occupy a corridor approximately 2000 feet in length and that has not all been evaluated previously in conjunction with either the energy facility or its other related or supporting facilities. As detailed below, however, the change will not result in a significant adverse impact to any resource protected by applicable standards in OAR Chapter 345, Divisions 22 and 24.

1.3.2 *“Could result in a significant adverse impact that the Council did not evaluate and address in the final order granting a site certificate affecting geographic areas or human, animal or plant populations.”*

Response: The requested amendment would expand the geographic area affected by the facility to include the new natural gas pipeline corridor, but would not affect human, animal or plant populations in any manner not considered by the Council in issuing the Final Order granting the Site Certificate.

1.3.3 *“Could impair the certificate holder’s ability to comply with a site certificate condition; or”*

Response: It will be necessary to amend the Site Certificate in order to include the new natural gas pipeline as a related or supporting facility. That change will ensure that the new pipeline will be subject to existing Site Certificate conditions that specifically address mitigation and restoration during and following construction disturbance, including: Conditions D.6(1) to D.6(6) (Soil Protection); Conditions D.8(14) and D.8(18) to D.8(23) (Fish and Wildlife Habitat); and Conditions D.11(2) to D.11(5) (Historic, Cultural and Archeological Resources).

1.3.4 *“Could require a new condition or change to a condition in the site certificate.”*

Response: No new Site Certificate conditions are needed. Existing conditions already address mitigation and restoration during and following construction disturbance, including: Conditions D.6(1) to D.6(6) (Soil Protection); Conditions D.8(14) and D.8(18) to D.8(23) (Fish and Wildlife Habitat); and Conditions D.11(2) to D.11(5) (Historic, Cultural and Archeological Resources). However, as described in Section 1.4 of this request, the Certificate Holder is proposing minor changes to two conditions in the Site Certificate concerning Public Health and Safety (Conditions E.1.c(8) and E.1.c(9)) due to the inclusion of an additional natural gas pipeline as a related or supporting facility.

1.4 Proposed Changes to Site Certificate

OAR 345-027-0060(d) requires that a request to amend a site certificate must include “the specific language of the site certificate, including affected conditions, that the certificate holder proposes to change, add or delete by an amendment.” Attachment 1 to this

amendment request is a “redline” version of the Site Certificate, showing the proposed changes. The substantive changes to the Site Certificate are found on pages 7, 9 and 38 of the redline.

C.1.b (Related or Supporting Facilities):

At p. 7, the description of related or supporting facilities is revised to include the additional natural gas pipeline.

C.2.b (Related or Supporting Facility Sites):

At p. 9, the description of the locations of related or supporting facilities is revised to describe the location of the additional natural gas pipeline corridor.

E.1.c (Public Health and Safety): At p. 38, the Certificate Holder is proposing minor changes to Conditions E.1.c(8) and E.1.c(9) to ensure that these conditions are applicable to both related or supporting natural gas pipelines:

- (8) *At least 30 days before beginning preparation of detailed design and specifications for the electrical transmission line(s) and backup electricity line(s) or the primary or secondary natural gas ~~pipeline~~pipelines, the Certificate Holder shall consult with the Oregon Public Utility Commission staff to ensure that its designs and specifications are consistent with applicable codes and standards. [~~Amendment~~Amendments No. 1 & 5]*
- (9) *With respect to the related or supporting natural gas ~~pipeline~~pipelines, the Certificate Holder shall design, construct and operate the pipeline in accordance with the requirements of the U.S. Department of Transportation as set forth in Title 49, Code of Federal Regulations, Part 192. [Amendment No. 5]*

1.5 Relevant standards

OAR 345-027-0060(1)(e) requires that this Request to Amend the Site Certificate include “a list of the standards of divisions 22, 23 and 24 of this chapter relevant to the proposed change.” Below is a discussion of compliance with the relevant standards.

1.5.1 Division 22 Standards

(a) OAR 345-022-0010 Organizational Expertise

This standard has four paragraphs. The first two, OAR 345-022-0010(1) and OAR 345-022-0010(2), relate to the Certificate Holder's qualifications and capability. The proposed amendments have no impact on PGE's qualifications or capabilities. Although the additional natural gas pipeline is a related or supporting facility to the energy facility, it will be owned and operated by NW Natural. NW Natural is not the applicant for this amendment and is not directly required to meet the Organizational Expertise standard, but NW Natural's expertise is summarized in the attached Exhibit D.

The second two paragraphs, OAR 345-022-0010(3) and OAR 345-022-0010(4), relate to third-party permits. NW Natural will construct the new related or supporting natural gas pipeline, and will obtain its own NPDES 1200-C permit for stormwater discharge during construction. The 1200-C is a “general permit” issued by the Oregon Department of Environmental Quality. An application by NW Natural for the 1200-C permit, together with the required Erosion and Sediment Control Plan, is attached to this amendment request as Attachment 2.

(b) OAR 345-022-0020, Structural Standard

OAR 345-022-0020 requires the Council to find that the applicant, through appropriate site-specific study, has adequately characterized the seismic, geologic and soils hazards of the site and its vicinity and that the applicant can design, engineer and construct the facility to avoid dangers to human safety presented by such hazards. Exhibit H (Geology) and Exhibit I (Soil Conditions) of the ASC provide information relating to seismic, geologic, and soils hazards. In the Final Order approving the Site Certificate, Section D.5, the Council found that the applicant met the structural standard, with the eight conditions set forth in Section D.5 of the Site Certificate.

The attached Exhibit H describes the seismic, geologic and soils hazards of the proposed corridor for the additional natural gas pipeline, and finds that there is a low potential for such hazards to have an adverse impact to the proposed related or supporting pipeline. No revisions to the Site Certificate conditions are necessary to maintain compliance with the Structural Standard.

(c) OAR 345-022-0022, Soil Protection

OAR 345-022-0022 requires the Council to find that the design, construction, operation, and retirement of the facility, taking mitigation measures into account, is not likely to result in a significant adverse impact to soils including, but not limited to, erosion and chemical factors such as salt deposition from cooling towers, land application of liquid effluent, and chemical spills. In the Final Order of November 8, 2002, Section D.6, the Council found that the applicant met the soil protection standard, provided certain conditions were met. The installation of the additional natural gas pipeline will result in only a temporary disturbance to soils. The soil conditions within that pipeline corridor are addressed in the attached Exhibit I, which concludes that impacts to soils will be limited by the application of erosion control measures pursuant to the required NPDES 1200-C permit.

Conditions D.6(1) to D.6(6) of the Site Certificate require the Certificate Holder to employ soil erosion and sediment runoff control measures during any soil disturbing activities, use native seed mixes to restore vegetation to the extent practicable and landscape disturbed portions of the site upon completion of soil disturbing activities. These conditions are sufficient to regulate soil impacts of the additional natural gas pipeline. No soil protection conditions beyond those already set forth in the Site Certificate and Final Order are necessary.

(d) OAR 345-022-0030, Land Use

OAR 345-022-0030 requires the Council to determine whether the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission. Pursuant to ORS 469.504(1)(b), the Final Order of November 8, 2002 found that the facility complies with OAR 345-022-0030(2)(b), with the imposition of the five conditions set forth in Section D.4 of the Site Certificate.

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

The proposed fence around the above-ground valve assembly would also be located entirely within Columbia County’s RIPD zone. Columbia County’s Site Design Review standards, Columbia County Zoning Ordinance (CCZO) § 1550.12.D.3, include a standard for fences that appears to require that chain link fences include slats and be combined with “a continuous evergreen hedge.” Exhibit K to the ASC explained the Certificate Holder’s position that either slats or a hedge would be inconsistent with maintaining the high level of visibility necessary for security around an energy facility. In Section III.C of Attachment D to the Final Order of November 8, 2002, the Council approved a major variance to allow the a chain link security fence around the energy facility site, without slats or an evergreen hedge. The applicable variance standards in CCZO § 1504 have not changed in the intervening period. Therefore, the Certificate Holder requests the Council approve a chain link fence around the above-ground valve assembly for the same reasons set forth in Attachment D to the Final Order of November 8, 2002.

(e) OAR 345-022-0040, Protected Areas

OAR 345-022-0040 requires the Council to find that, taking into account mitigation, the design, construction, and operation of the facility are not likely to result in significant adverse impact to areas protected by state or federal statute.

The applicant provided information on compliance with the standard for Protected Areas in Exhibit L of the ASC. In Section D.7 of the Final Order November 8, 2002, the Council found that the energy facility would meet the protected areas standard, and no conditions of approval were attached to the Site Certificate for this standard (*see* Site Certificate, Section D.7). The Council concluded that all of the Protected Areas in the vicinity of the energy facility are two miles or more from the energy facility site, and no elements of the energy facility would be located within any Protected Area.

Amendments to OAR 345-022-0040 changed the list of protected areas to include those areas designated as of August 28, 2003 (the list previously referenced those areas designated as of March 29, 2002). As discussed in the attached Exhibit L, all Protected Areas are at least two miles from the proposed facility. The construction of an additional natural gas

pipeline, and the enclosure of a pipeline valve assembly with a chain link security fence, will not affect compliance with the Protected Areas standard, and no new Site Certificate conditions are needed to maintain compliance with the Protected Areas standard.

(f) OAR 345-022-0050, Retirement and Financial Assurance

OAR 345-022-0050 requires the Council to find that the applicant has a reasonable likelihood of obtaining a bond or comparable security, satisfactory to the Council, in an amount adequate to restore the site to a useful, nonhazardous condition if the certificate holder either begins but does not complete construction of the facility or permanently closes the facility before establishing the financial mechanism or instrument described in OAR 345-027-0020(9).

In the Council's Final Order on Request for Amendment No. Three, dated January 28, 2005, the Council modified the amount of the bond or letter of credit required to satisfy the Financial Assurance standard. The required security includes a 20 percent contingency.

The current amendment request would not materially alter the cost of retiring the facility. As discussed in the attached Exhibit W, the costs of retiring the entire 5500-foot pipeline proposed by NW Natural are approximately \$26,000 — less than one percent of the estimated retirement cost for Phase I of the energy facility — because most of the pipeline would be left in place upon retirement. Given that the required retirement security includes a 20 percent contingency, and only about 2000 feet of the new pipeline would be “related or supporting,” the existing financial assurance is adequate. The proposed amendment to the Site Certificate does not require an amendment to conditions regarding Retirement and Financial Assurance.

(g) OAR 345-022-0060, Fish and Wildlife Habitat

OAR 345-022-0060 requires the Council to find that the design, construction, operation and retirement of the facility, taking into account mitigation, are consistent with the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025 in effect as of September 1, 2000.

The attached Exhibit P evaluates impacts to habitat from the construction of the additional related or supporting natural gas pipeline, and concludes that the only impacts will be temporary disturbance of Category 4 non-native grassland habitat and temporary disturbance of Category 6 developed/disturbed habitat. These impacts are consistent with Condition D.8(2) of the Site Certificate. Moreover, the Site Certificate includes conditions that are adequate to address restoration of non-native grassland habitat following construction disturbance, including Conditions D.8(14), D.8(19) through D.8(24). Exhibit P to Request for Amendment No. Three concluded that, with revegetation of temporarily disturbed areas under existing Site Certificate conditions, there will be no net loss in either existing habitat quantity or quality. For the same reason, the temporary disturbance associated with construction of the additional natural gas pipeline is consistent with the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025 in effect as of September 1, 2000.

(h) OAR 345-022-0070, Threatened and Endangered Species

OAR 345-022-0070 requires the Council, after consultation with appropriate state agencies, to find that the design, construction, operation and retirement of the energy facility are consistent with any protection and conservation programs adopted by the Oregon Department of Agriculture for plant species listed as threatened or endangered under ORS 564.105(2), or if the Department of Agriculture has not adopted a protection and conservation program, that the facility is not likely to cause a significant reduction in the likelihood of survival or recovery of the species. With respect to wildlife species, the Council must find that the design, construction, operation and retirement of the facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of species listed as threatened or endangered by Oregon Fish and Wildlife Commission under ORS 496.172(2).

In Section D.9 of the Final Order of November 8, 2002, and the Final Order of January 28, 2005, the Council found that, with the imposition of the nine conditions in Section D.9 of the Site Certificate, the energy facility will not have an adverse impact on any threatened, endangered, or candidate plant species or their habitat. As discussed in the attached Exhibit P, the pipeline project is not expected to create any new impacts on threatened or endangered species.

(i) OAR 345-022-0080, Scenic and Aesthetic Values

OAR 345-022-0080 requires the Council to find that the design, construction, operation and retirement of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic and aesthetic values identified as significant or important in applicable federal land management plans or in local land use plans in the analysis area. The impact of the energy facility on scenic and aesthetic values was addressed in Exhibit R of the ASC. In Section D.10 of the Final Order of November 8, 2002, the Council concluded that, with the imposition of the seven conditions set forth in Section D.10 of the Site Certificate, the energy facility would meet the Scenic and Aesthetic Values Standard. These conditions require the applicant to remove construction equipment following use; control dust during construction; shield lights to minimize off-site glare; submit a lighting plan to Columbia County prior to construction; use low-glare paint colors; and revegetate any undeveloped areas disturbed by the construction of related and supporting pipelines.

Federal land management plans: There are no applicable federal land management plans pertaining to the areas of the proposed facility modifications.

Local land use plans: As discussed in the Final Order of November 8, 2002, the Columbia County Comprehensive Plan identifies one scenic resource within the analysis area that could be affected by the proposed energy facility, i.e., U.S. Highway 30 between Deer Island and Rainier, Oregon. The facility modifications proposed in this amendment request would have no impact on Highway 30.

Key observation points: The ASC used key observation points (“KOPs”) as an approach to analyzing visual impacts of the energy facility and its related or supporting facilities. KOPs are public viewing locations identified as most representative of visually sensitive locations for viewing the proposed energy facility. KOPs are attractants for drawing the viewer and focusing attention on a view or vista. PGE’s analysis of KOPs included identification of

potential viewing locations using available mapping and then field-testing each of those locations through visitation and photo documentation. PGE identified and evaluated KOPs for visual sensitivity.

For the energy facility site, KOPs on the Oregon side of the Columbia River occur along Mayger Road, Kallunki Road, and U.S. Highway 30. KOPs on the Washington side of the Columbia River occur along State Route 4 (“SR 4”) and pull-offs along SR 4. The additional natural gas pipeline will result in temporary disturbance during construction, but disturbed areas will be restored to their prior condition in accordance with existing Site Certificate conditions. The construction of a security fence around the above-ground pipeline valve assembly will have no discernible impact on scenic and aesthetic values, because the fence will be located in an area devoted to industrial use. No Site Certificate conditions beyond those currently set forth in Section D.10 are necessary to maintain compliance with this standard throughout the life of the facility.

(j) OAR 345-022-0090, Historic, Cultural, and Archaeological Resources

OAR 345-022-0090 requires the Council to find that the construction, operation and retirement of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places, and/or archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in ORS 358.905(1)(c).

Historic, cultural and archaeological resources within the vicinity of the energy facility area were addressed in Exhibit S of the ASC. In Section D.11 of the Final Order, the Council found that, with the imposition of the conditions in Section D.11 of the Site Certificate, the construction of the energy facility and its related or supporting facilities would have no effect on identified cultural resources. The attached Exhibit S concludes that no known historic, cultural or archaeological resources will be impacted by the construction of the new pipeline.

In Ordinance No. 2003-6, Columbia County adopted a new inventory of significant historical sites as part of Article XI of the County’s Comprehensive Plan. In addition, the Ordinance includes the results of the “Columbia County Intensive-Level Historic Survey,” which includes the inventoried sites as well as others determined not to be significant. The additional natural gas pipeline would not affect any historic resources identified in Article XI or in the broader survey.

With the conditions in Section D.11 of the Site Certificate, the project as modified by this amendment request is consistent with the Historic, Cultural, and Archaeological Resources standard.

(k) OAR 345-022-0100, Recreation

OAR 345-022-0100 requires the Council to find that the design, construction and operation of a facility, taking into account mitigation, are not likely to result in a significant adverse impact to important recreational opportunities in the analysis area.

Recreational facilities and opportunities were described in Exhibit T of the ASC. The new natural gas pipeline corridor, and the fencing around an above-ground valve assembly, will be within the 5-mile analysis area described therein. In Section D.12 of the Final Order of November 8, 2002, the Council found that the energy facility would not adversely affect recreational opportunities within a five-mile analysis area around the energy facility site and the transmission corridor. The Council specifically addressed the potential impacts from noise, traffic, water resource impacts and visual impacts, and found that no conditions were needed to ensure compliance with the Recreation Standard.

The additional natural gas pipeline will be installed below ground on land zoned for industrial use and will be located almost entirely within private roads. The security fencing around the above-ground valve assembly also will be located on land zoned for industrial use, and will enhance the safety of a facility the Certificate Holder has already been authorized to construct. Therefore, the facility will be consistent with the Recreation Standard.

(l) OAR 345-022-0110, Public Services

OAR 345-022-0110 requires the Council to find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to the ability of public and private providers within the analysis area to provide sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools.

In Section D.13 of the Final Order of November 8, 2002, the Council found that, with the imposition of the ten conditions of approval set forth in Section D.13 of the Site Certificate, the facility would not adversely affect the listed public services. These findings are sufficient to demonstrate that the amendment request complies with the Public Services standard because the construction and operation of a secondary natural gas pipeline, and the construction of security fencing around an above-ground natural gas pipeline valve assembly, will not alter the operation of the energy facility and will not change impact of the facility on the public services. Therefore, the amendment request is consistent with the Public Services Standard.

(m) OAR 345-022-0120, Waste Minimization

OAR 345-022-0120 requires the Council to find that, to the extent reasonably practicable, the applicant's solid waste and wastewater plans are likely to minimize generation of solid waste and wastewater in the construction, operation, and retirement of the facility, and when solid waste or wastewater is generated, to result in recycling and re-use of such wastes; and the applicant's plans to manage the accumulation, storage, disposal and transportation of waste generated by the construction and operation of the facility are likely to result in minimal adverse impacts on surrounding and adjacent areas.

The waste minimization standard was addressed in Exhibit V of the ASC and in Section D.14 of the Final Order of November 8, 2002. The Council imposed five conditions in Section D.14 of the Site Certificate to ensure compliance with the waste minimization standard. The proposed amendment will not alter the applicant's solid waste and wastewater generation and disposal plans. Therefore, the Council's original findings are sufficient to demonstrate

compliance with the Waste Minimization standard, and no additional conditions are necessary to maintain compliance.

1.5.2 Division 23 Standards

The Division 23 standards apply only to non-generating facilities and are inapplicable to the Port Westward Generating Project.

1.5.3 Division 24 Standards

This amendment request does not affect compliance with the Council's carbon dioxide ("CO₂") standards, set forth at OAR 345-024-0500 through 345-024-0720.

1.6 Analysis of compliance with ORS 469, Council rules and applicable state and local laws, rules and ordinances

OAR 345-027-0060 requires that this request include:

“an analysis of whether the facility, with the proposed change, would comply with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances if the Council amends the site certificate as requested. For the purpose of this rule, a law, rule or ordinance is ‘applicable’ if the Council would apply or consider the law, rule or ordinance under OAR 345-027-0070(9).”

1.6.1 *Applicable substantive criteria.*

OAR 345-027-0070(9) provides:

“In making a decision to grant or deny issuance of an amended site certificate, the Council shall apply the applicable substantive criteria, as described in OAR 345-022-0030, in effect on the date the certificate holder submitted the request for amendment and all other state statutes, administrative rules, and local government ordinances in effect on the date the Council makes its decision.”

(a) Land Use Standard

OAR 345-022-0030, which is addressed in Section 1.5.1(d), above, sets forth the Council's land use standard. Section 1.5.1(d) addresses the applicable local government ordinances; no state land use statutes or administrative rules are directly applicable to this amendment request.

(b) Other State Statutes, Administrative Rules and Local Government Ordinances

Pursuant to ORS 469.503(1)(b), the Council must determine that the proposed facility complies with all other Oregon statutes and administrative rules identified in the Project Order, as amended, as applicable to the issuance of a site certificate. The statutes and administrative rules addressed under this standard in the Site Certificate are DEQ's noise control regulations and WPCF permit requirements, the Department of State Lands' ("DSL") Removal/Fill Permit regulations for disturbance to wetlands, and the Council's statutory authority to consider protection of the public health and safety.

(i) Water Pollution Control Facilities Permit

The proposed amendments will have no impact on issuance of or compliance with the required WPCF permit.

(ii) Public Health and Safety

In Section E.1.c of the Final Order of November 8, 2002, the Council found that the energy facility, if designed per the proposed conditions, will protect public health and safety. The subject conditions primarily govern the design and placement of the transmission lines to minimize alternating current electric fields and induced currents. Conditions E.1.c(8) and E.1.c(9) address design and operation of natural gas pipelines, and the Certificate Holder has proposed changes as described in Section 1.4 of this amendment request, to ensure that these conditions cover both pipelines. With the proposed modified conditions in the Site Certificate, the Council's existing findings in Section E.1.c of the Final Order of November 8, 2002 are sufficient to demonstrate compliance with the Public Health and Safety standard.

(iii) DEQ Noise Regulations

DEQ noise regulations for industrial and commercial noise sources apply to the energy facility. In Section E.1.a of the Final Order of November 8, 2002, the Council found that the energy facility would meet the DEQ noise standards applicable to the facility, OAR 340-035-0035(1)(b)(B)(i). The addition of a new underground natural gas pipeline and security fencing around a pipeline valve assembly does not have the potential to alter operational noise levels at the facility. The conditions set forth in Section E.1.a of the Site Certificate remain sufficient to ensure compliance with the DEQ noise standards.

(iv) DSL Removal/Fill Permit

Pursuant to OAR 345-021-0010(1)(j), PGE submitted information regarding the energy facility's "significant potential impacts" on wetlands within state jurisdiction under ORS Chapter 196. PGE's original wetlands analysis is set forth in Exhibit J of the ASC. In Section E.1.b of the Final Order of November 8, 2002, the Council found that the energy facility would comply with applicable state wetlands statutes and rules in effect at that time, subject to issuance of a Removal/Fill Permit substantially in the form of Attachment C to the Final Order prior to commencement of construction of the facility. In conjunction with PGE's Request for Amendment No. 2, PGE submitted a revised analysis of compliance with the standards for issuance of a removal-fill permit, demonstrating compliance with standards adopted by the Department of State Lands after the initial approval of the Site Certificate on November 8, 2002.

PGE also submitted a revised Appendix J-2, which conformed to DSL's new rules regarding wetland assessment.

The new natural gas pipeline corridor will not be located within delineated wetlands. The attached Exhibit J evaluates the potential for wetlands in the project area and concludes that wetlands will not be impacted.

The proposed security fence around the above-ground pipeline valve assembly will also be located outside of wetlands.

1.6.2 *Considerations for amending Site Certificate: OAR 345-027-0070(9).*

- (a) Amendments to enlarge the site: OAR 345-027-0070(9)(a)

Sections 1.5 and 1.6 of this amendment request address how expansion of the facility site to include a new natural gas pipeline corridor complies with the applicable Council standards.

- (b) Extending construction deadlines: OAR 345-027-0070(9)(b)

OAR 345-027-0070(9)(b) identifies three factors the Council must consider when considering an amendment that extends the deadlines for beginning or completing construction. The Certificate Holder is not requesting an extension of the deadlines for beginning or completing construction.

- (c) Other amendments: OAR 345-027-0070(9)(c)

OAR 345-027-0070(9)(c) requires that for amendments not described in OAR 345-027-0070(9)(a) and (b), the Council "shall consider the effects of the amendment on any finding required by Council standards for issuance of a site certificate." Sections 1.5 and 1.6 of this amendment request address how all aspects of this request comply with the applicable Council standards for issuance of a site certificate.

1.7 Updated list of property owners

OAR 345-027-0060(1)(g) requires, for an amendment to change the site boundary or to extend the deadlines for beginning or completing construction of the facility, "an updated list of the owners of property located within or adjacent to the site of the facility, as described in OAR 345-021-0010(1)(f)." Because PGE proposes to expand related or supporting facilities outside of the former site boundary, an updated property owner list is required. The list is provided in Attachment 3.

SECTION 2 INFORMATION CONSISTENT WITH SITE CERTIFICATE APPLICATION REQUIREMENTS

OAR 345-027-0060(2) requires:

“In a request to amend a site certificate, the certificate holder shall provide the information described in applicable subsections of OAR 345-021-0010(1) in effect as of the date of the request. The certificate holder may incorporate by reference relevant information that was previously submitted to the Office of Energy in the site certificate application or that is otherwise included in the Office of Energy’s administrative record on the facility.”

All exhibits of the ASC and prior amendment requests referenced above are incorporated herein by reference.

Figures, Attachments and Exhibits

Figure 1: Plan of proposed NW Natural gas pipeline extension

Figure 2: Plan of proposed fencing around above-ground valve assembly

Attachment 1: Redline – Proposed Fifth Amended Site Certificate

Attachment 2: NW Natural’s Application for NPDES 1200-C Permit/ESCP

Attachment 3: Updated list of property owners

Exhibit D: Organizational Expertise of NW Natural

Exhibit H: Seismic, Geologic and Soils Hazards

Exhibit I: Soils

Exhibit J: Wetlands

Exhibit L: Protected Areas

Exhibit P: Fish and Wildlife Habitat/Threatened and Endangered Species

Exhibit S: Cultural Resources Evaluation

Exhibit W: Retirement and Site Restoration