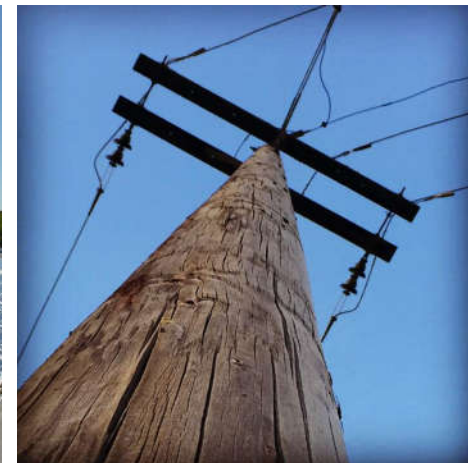


Oregon Department of **ENERGY**

Energy Facility Siting
Council Meeting

ODOE Office
Meitner Room
550 Capitol Street NE
Salem, OR

November 17, 2023



Opening Items:

- Call to Order
- Roll Call
- Announcements



Announcements:

- Reminder that this meeting is being held in its entirety via teleconference and webinar.
- Reminder to Council and to anyone addressing the Council to please remember to state your full name clearly, and do not use the speakerphone feature, as it will create feedback.
- You may sign up for email notices by clicking the link on the agenda or the Council webpage.
- You are also welcome to access the online mapping tool and any documents by visiting our website.



Announcements continued:

- Please silence your cell phones
- Please use the “Raise Your Hand” feature in Webex to speak during the public comment period, or press *3 to raise your hand if you are participating by telephone.
- Energy Facility Council meetings shall be conducted in a respectful and courteous manner where everyone is allowed to state their positions at the appropriate times consistent with Council rules and procedures. Willful accusatory, offensive, insulting, threatening, insolent, or slanderous comments which disrupt the Council meeting are not acceptable. Pursuant to Oregon Administrative Rule 345-011-0080, any person who engages in unacceptable conduct which disrupts the meeting may be expelled.



Agenda Item A (Action Item & Information Item)

Consent Calendar

- September and October Council Meeting Minutes
- Council Secretary Report

November 17, 2023



Compliance Updates - Incidents

Facility	Incident Date	Incident Type	Findings and/or Comments
Biglow Canyon Wind Farm	11/10/23	Equipment failure	<ul style="list-style-type: none"> While performing road maintenance, PGE's contractor discovered and notified PGE that he had found a portion of a blade shroud near turbine 303. An inspection of the turbine is scheduled for this week; at this time, it is not clear how the shroud failed.

Agenda Item B (Action Item)

Radioactive Material Enforcement Rulemaking Decision

Thomas Jackman, Siting Policy Analyst & Rules Coordinator

November 17, 2023



Origin and Legislative Direction

- Oregon Legislature passes Senate Bill 246 (2021)
- SB 246 updates multiple sections of statute, including the following:
 - ORS 469.525(1) – Notwithstanding any other provision of this chapter, no radioactive waste shall be disposed of within this state, no person may arrange for disposal of radioactive waste within this state, no person may transport radioactive waste for disposal in this state and no waste disposal facility for any radioactive waste shall be established, operated or licensed within this state, except as follows...



Directives and Objectives

SB 246 includes two main directives to EFSC

- ORS 469.525(2) – The Energy Facility Siting Council shall, in accordance with the applicable provisions of ORS chapter 183, **adopt standards and rules as necessary to prevent the disposal of radioactive waste within this state.**
- 469.300(23)
 - (a) “Radioactive waste” includes all material which is discarded, unwanted or has no present lawful economic use, and contains mined or refined naturally occurring isotopes, accelerator produced isotopes and by-product material, source material or special nuclear material as those terms are defined in ORS 453.605
 - (b) “Radioactive waste” does not include:
 - **(A) Materials identified by the council [EFSC] by rule as presenting no significant danger to the public health and safety.**

Summary of Objectives

- Carry out directive from legislature
- Evaluate whether changes to rules are needed
- Consider what, if any, standards and rules are necessary to prevent disposal of radioactive waste in Oregon
- Consider whether to update rules to identify if there are specific materials that present no significant danger to the public health and safety, and therefore should not be considered radioactive waste
- Align requirements with practicable actions



Rulemaking History

- EFSC initiated rulemaking in 2021
- Rulemaking Advisory Committee (RAC) met five times
- RAC and ODOE staff worked closely on draft rules
- The public comment period ran from September 24, 2023, through October 27, 2023
- A public hearing was held during on October 19, 2023, at 1:00 pm



RAC Representation

Organization	Representative
Association of Oregon Counties	Brandon Pursinger
Confederated Tribes of the Umatilla Indian Reservation	Mason Murphy
Gilliam County Government	Commissioner Pat Shannon
League of Women Voters of Oregon	Shirley Weathers
Oregon Business and Industry	Sharla Moffett, Emily Caffrey
Oregon Dept. of Environmental Quality	Jamie Jones
Oregon Health Authority, Radiation Protection Services	Hillary Haskins
Oregon Metro	Kevin Six
Oregon Physicians for Social Responsibility	Damon Motz-Storey
Oregon Refuse and Recycling Association	Andrea Fogue, Andy Lombardo
Oregon State University, Radiation Center	Dr. Steve Reese
Public at Large	Dave Smith
Public at Large	Wayne Lei
Waste Management	Jim Denson

Proposed Language

- Practical changes to the rules that allow for easier implementation and remove impractical barriers to compliance while maintaining public health and safety.
- Modification to the “Seven-Day Rule” – consistent with quarterly disposal “milk-runs” for known radioactive waste that must be transported and disposed at an out-of-state landfill by specialized companies
 - Allowable storage for waste generators that have an OHA-RPS license is consistent with license terms (up to 1 year accumulation)
 - Without an OHA-RPS license (unanticipated materials), allow for 90-day temporary storage with a possibility for an extension request. Requires ODOE and OHA-RPS check-in to ensure material is safely stored.

Proposed Language

- Re-organized the exemption sections so the referenced tables were introduced numerically, and the categorization was internally consistent.
- Add new exemptions:
 - A narrow exemption for lead-210 in petroleum refining related wastes when out of equilibrium with Uranium-238.
 - Metabolized medical waste with short half-life exemption, provided that the receiving facility has a management plan approved by ODOE (in consultation with OHA-RPS).
 - Added animal cadaver with medical isotopes to existing human body exemption.

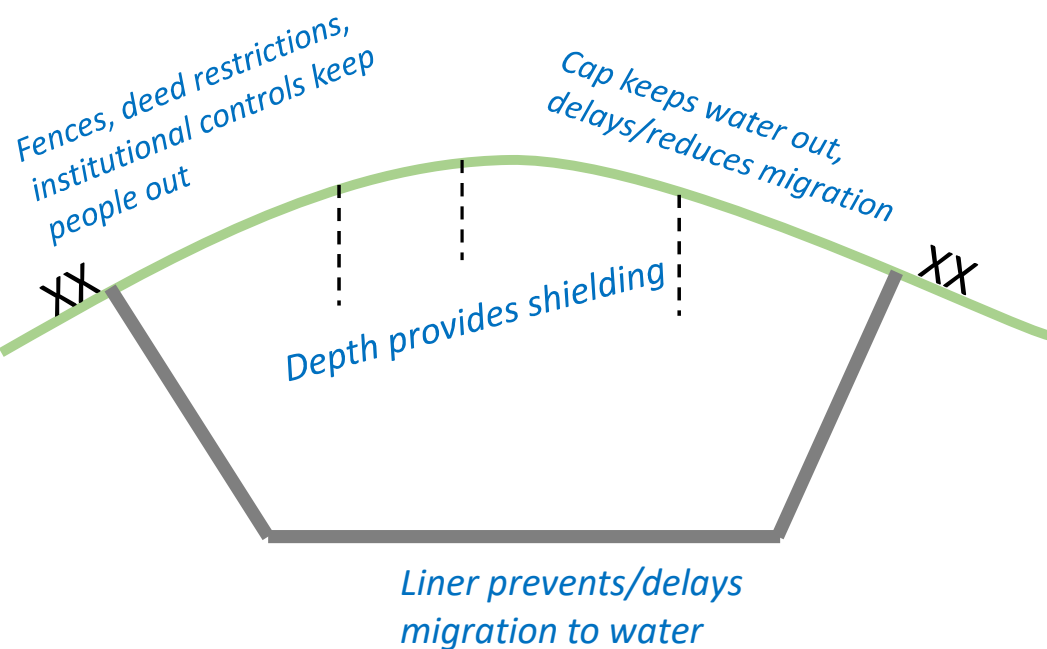
Public Comments

- Only one comment, from the League of Women Voters of Oregon (LWV), was submitted via EFSC's public comment portal.
- Two comments supporting the rulemaking were shared at the October 1, 2023 public hearing:
 - Andrea Fugue, Government Affairs Director of Oregon Refuse and Recycling Association
 - Trent Carpenter, General Manager of Southern Oregon Sanitation

Questions of Dose and Risk

- A pressing question early in the RAC was whether the Pathway Exemption (345-50-0035 through -0038) is sufficiently protective.
 - Current Rules: Acceptable annual dose is 500 mRem
 - NRC's Unrestricted Use: 100 mRem
- The pathway exemption process, including the current dose limit as set in existing rule, is protective to the public now and in the foreseeable future given other supplemental safeguards that exist from other state and local regulatory agencies. It is thus not radioactive waste under the rules because in ODOE's view it "present[s] no significant danger to the public health and safety."

One piece in the statewide framework



- Regulation of NORM users by OHA-RPS requires that the waste is disposed in an industrial landfill
- Waste that is generated at an un-licensed industrial facility must also go to a landfill per DEQ rules
- Landfills post-closure are sufficiently protected from re-development as residential/agricultural use
- In this context, the current pathway exemption process does not pose an undue risk to human health or the environment. Future consideration may be warranted if the above regulations were to change.

Council Options

Option 1 - Recommended

Adopt the proposed rules as presented in the Draft Permanent Order

Option 2

Adopt the proposed rules presented in the Draft Permanent Order with specified changes

Option 3

Take no action on the proposed rules at this time for specific reasons

Council Deliberation and Decision



Agenda Item C (Action Item)

Standby Generation Rulemaking Notice of Proposed Rulemaking

Thomas Jackman, Siting Policy Analyst & Rules Coordinator

November 17, 2023



Background

- Oregon Legislature passes House Bill 2063 in 2021
- HB 2063 prohibits the Council from requiring a person proposing to construct a standby generation facility to submit an exemption request to the Council.

Standby Generator

ORS 469.320(7)(a):

*“Standby generation facility” means an electric power generating facility, including standby generators and the physical structures necessary to install and connect standby generators, that provides temporary electric power in the event of a power outage **and that is electrically incapable of being interconnected with the transmission grid.***

Proposed Rule Change

- Council rules currently require that “[a]ny person wishing to construct and operate a facility exempt from Council jurisdiction shall submit a request for exemption to the Department of Energy before beginning construction.” OAR 345-015-0360(1)
- This proposed rule amendment removes the requirement to seek Council approval for an exemption as it pertains to the construction of a standby generator.
 - OAR 345-015-0360(1): Except as noted in (8), Any person wishing to construct and operate a facility exempt from Council jurisdiction shall submit a request . . .
 - OAR 345-015-0360(8): ~~In a~~ Any request for an exemption under OAR 345-015-0350(~~6~~7) for a standby generation facility is not required.

Procedural History and Projected Timeline

Council approves Standby Generator rulemaking as part of 2023 schedule. December 16, 2022

Council approves proposed rules and authorizes Notice of Proposed Rulemaking

November 17, 2023

Issue Notice of Proposed Rulemaking

November 21, 2023

Rulemaking hearing (not at a Council meeting)

December 11, 2023

Public comment deadline

December 29, 2023

Council adoption of permanent rules

January 26, 2024

Council Options

Option 1 - Recommended

Authorize the initiation of the Standby Generation Rulemaking as presented and recommended by staff

Option 2

Authorize the initiation of the Standby Generation Rulemaking as presented and recommended by staff with specified changes

Option 3

Reject staff's recommendation to initiate the Standby Generation Rulemaking for specified reasons

Council Deliberation and Decision

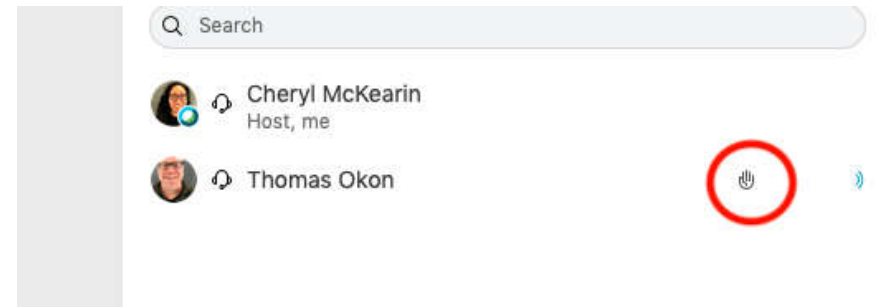


Agenda Item D

PUBLIC COMMENT

Phone Commenters: Press *3 to raise your hand to make comment, and *3 to lower your hand after you've made your comment.

Webinar Commenters: Open the Participant list, hover over your name and click on the "Raise Your Hand icon".



How to Raise Your Hand in Webex:

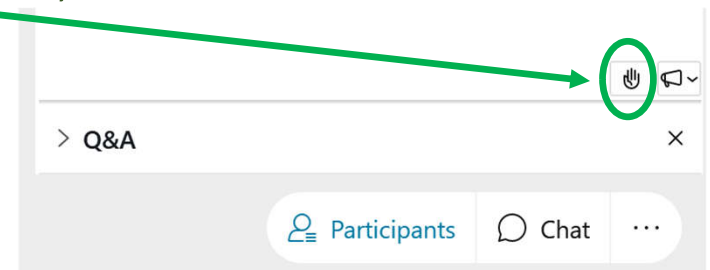
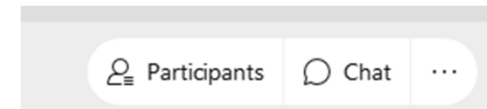
Webinar Participants

The bottom right of the main window is a set of icons:

Click on “Participants”

The bottom right of the participant window is a hand icon, click on the hand:

Clicking on it again will lower your hand.



Phone Participants

Press *3 on your telephone keypad to raise your hand.

Press *3 again on your telephone keypad to lower your hand.

BREAK



Agenda Item E (Information Item/Action Item)

Obsidian Solar Center Request for Amendment 1 Council Review of Proposed Order and Possible Decision on Final Order

Kathleen Sloan, Senior Siting Analyst, ODOE

November 17, 2023



Agenda Item Overview

- Facility Overview and Site Certificate History
- Request for Amendment 1 (RFA1) Proposed Changes and Procedural History
- Comments Received on Draft Proposed Order
- Proposed Order and Staff Recommendation to approve as Final Order
- Council Deliberation/Possible Decision



Obsidian Solar Center: Approved Facility

Certificate Holder

Obsidian Solar Center, LLC

Parent Company

Obsidian Renewables, LLC

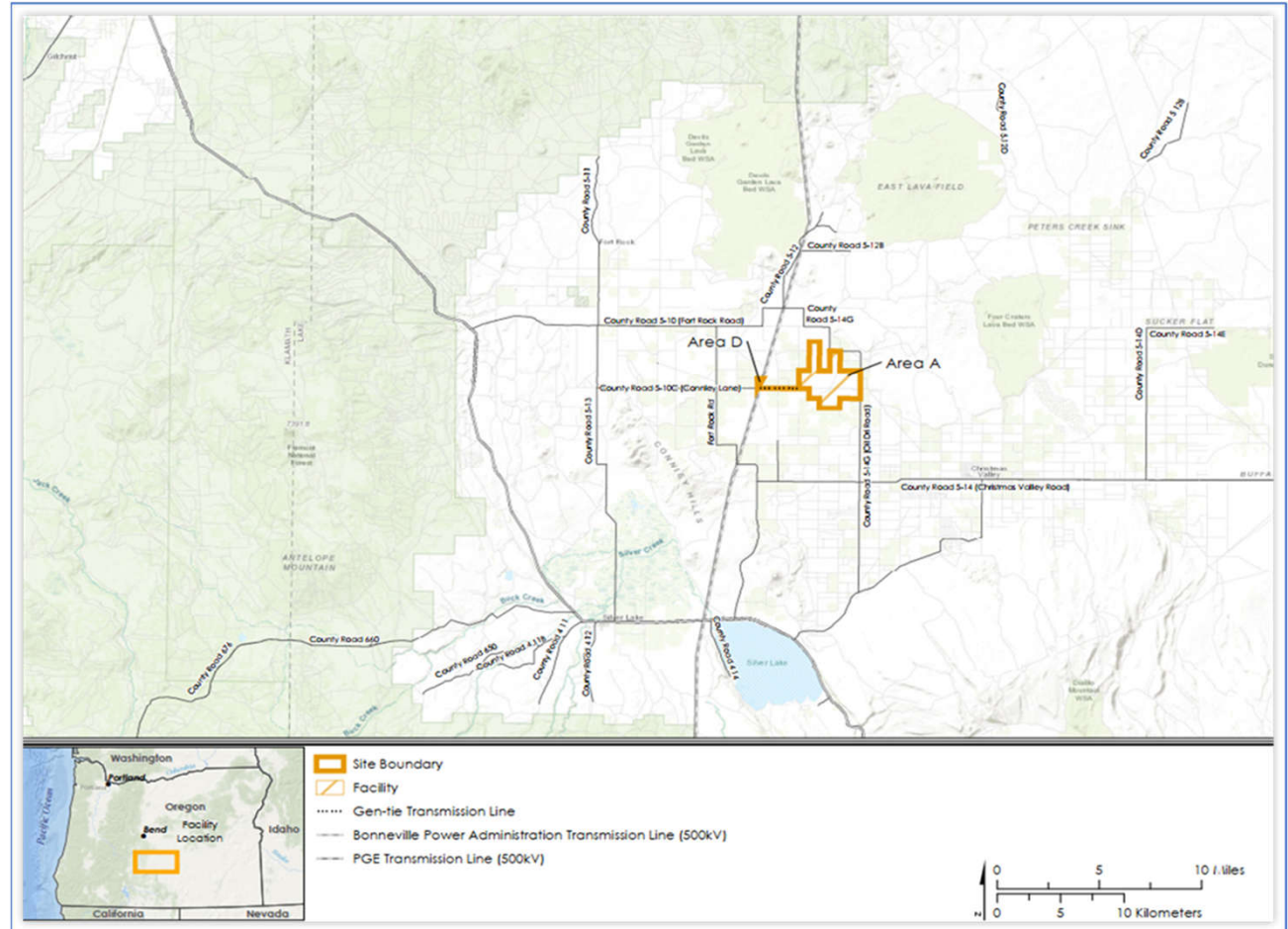
Facility Type & Capacity

400 MW Solar

50 MW Battery Storage

Site Boundary

3,921 acres in Lake County,
approximately eight miles NW of
Christmas Valley.



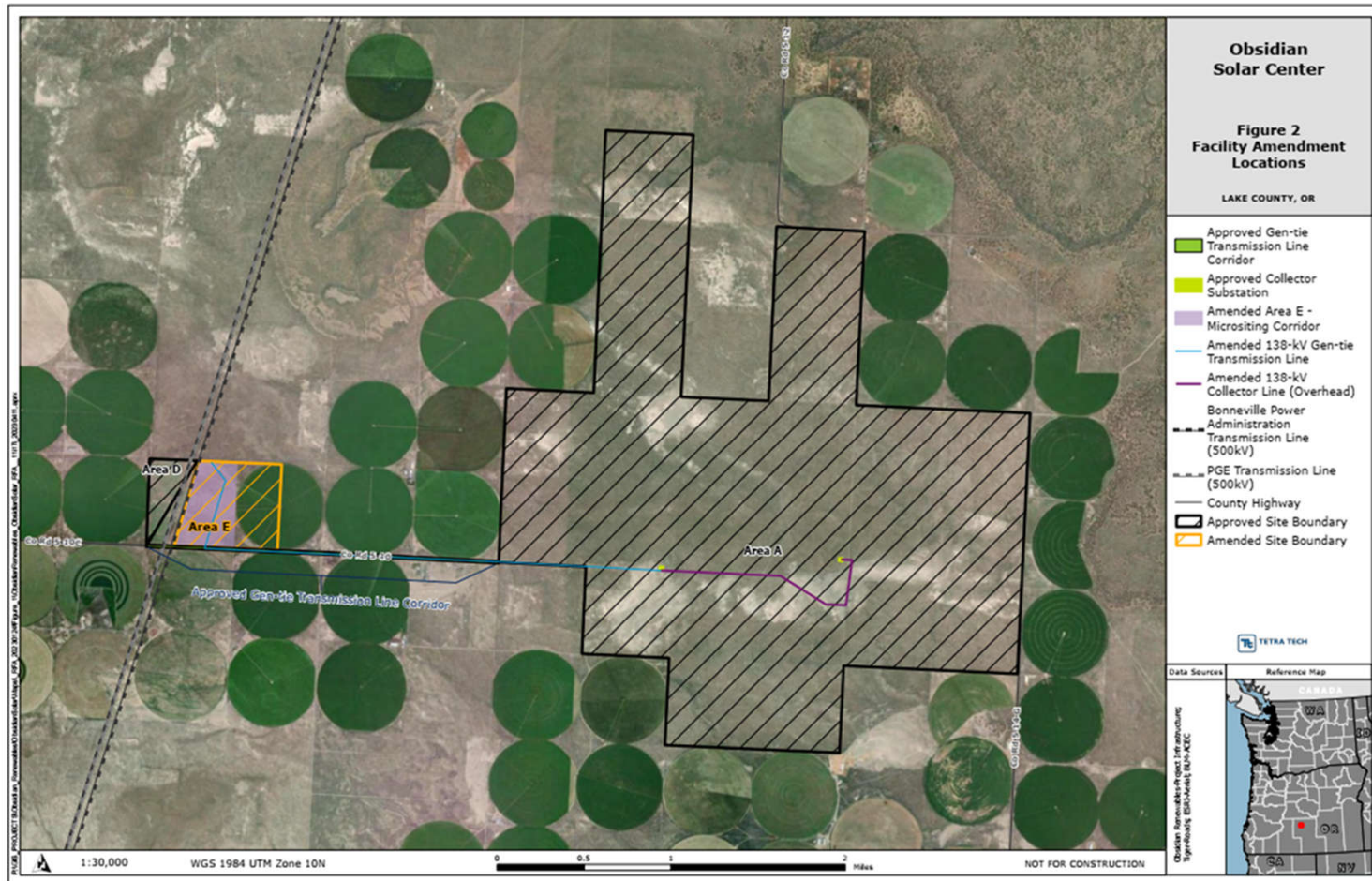
Obsidian Solar Center Request for Amendment 1

RFA1 requests Council approval to:

- Amend the site boundary to include an additional 169 acres (Area E).
- Construct 1 site generation step-up (GSU) substation in alternative location.
- Increase the length and voltage of 115 kilovolt (kV) transmission line from 2 to 3.2 miles and from 115 to 138 kV.
- Increase the voltage of the electrical collection system from 34.5 to 138 kV.
- Change structure type and height for aboveground collector system for 2.3 miles.



Obsidian Solar Center Request for Amendment 1



Obsidian Solar Center: RFA1 Procedural History

Milestone	Responsible Party	Date
Preliminary RFA1	Cert Holder	April 12, 2023
Request for Additional Information	ODOE	May 24, 2023
Complete RFA1	Cert Holder	August 1, 2023
Draft Proposed Order	ODOE	August 1, 2023
Draft Proposed Order Public Hearing	EFSC	August 24, 2023
EFSC Review of DPO and Public Comments	EFSC	Sept 22, 2023
Proposed Order and Notice of Opportunity to request a Contested Case	ODOE	Sept 26, 2023
Deadline for Opportunity to request a Contested Case Closed	ODOE	Oct 27, 2023
EFSC Review of Proposed Order & Possible Final Decision	EFSC	Nov 17, 2023

Obsidian Solar Center Request for Amendment 1

Scope of Council Review for Amendments – OAR 345-027-0375

- The Council must determine that the preponderance of evidence on the record supports the following conclusions:
 - To add new area to the site boundary, the portion of the facility within the area added to the site by the amendment complies with all laws and Council standards applicable to an original site certificate application and in effect on the dates described in section (3) of the rule.
 - For all requests for amendment, the amount of the bond or letter of credit required under OAR 345-022-0050 is adequate.



Standards with No Proposed Changes

Obsidian Solar Center Request for Amendment 1

Based upon the Department's review of RFA1 and all comments received, the Department made no proposed changes in the DPO or the Proposed Order for the following standards:

- Structural Standard
- Soil Protection Standard
- Protected Areas Standard
- Fish and Wildlife Habitat Standard
- Threatened & Endangered Species Standard
- Scenic Resources Standard
- Historic, Cultural and Archaeological
- Public Services Standard
- Waste Minimization Standard
- Resources Standard
- Recreation Standard
- Noise Control
- Removal Fill
- Water Rights



Standards With Proposed Changes

Obsidian Solar Center Request for Amendment 1

Based on the Department's review of RFA1, the Department recommended changes in findings of fact and/or recommended new or amended conditions for the following standards in the DPO as well as the Proposed Order:

- General Standard of Review
- Organizational Expertise Standard
- Land Use Standard
- Retirement and Financial Assurance Standard
- Wildfire Prevention and Risk Mitigation Standard
- Siting Standards for Transmission Lines



Draft Proposed Order on Obsidian Solar Center Request for Amendment 1

Comments on RFA1 and Draft Proposed Order

- Comment period extended from August 1, 2023 through August 24, 2023 and ended at the close of the Public Hearing.
- Comments Received on DPO:
 - Public – 1 written comment unrelated to RFA1 or Council Standards
 - Certificate Holder – Related to RFA1 proposed changes
 - Council – Council members made general comments at the Public Hearing



Obsidian Solar Center Proposed Order on RFA1 Comment Summary

Name	Organization	Comment
Megan Seibert	The REAL Green New Deal Project	Public comment is a general comment opposing solar and renewable energy with no specific comments on RFA1 or Council standards.
Laurie Hutchinson	Obsidian Renewables	<p>Thanks to Lake County participants for coming. Proposed changes to the site certificate are basic – many of you know, I am the main liaison for this project in Lake county.</p> <p>We have added irrigated land to the project area – we know this is a sensitive issue; there is not a lot of private, irrigated land here. We checked with the landowners to ensure they can move their water right – landowners have provided a letter on the record that they will move the water rights and the DPO requirements for no-net-loss.</p> <p>Other changes are technical. Upgrading of the voltage to 138 kilovolts would occur for either interconnect option. Length of gen-tie line has been adjusted based on micrositing. Siting the substation in Area E in the northern most portion of get farthest away from any residences.</p>
Perry Chocktoot	Council Member	Conflict on this project. Will be recusing himself consistent with past recusal on this facility.
Anne Beier	Council Member	<p>Proposal is to give you options for gen-tie?</p> <p>Response: We will most likely connect with the east set of lines (what RFA1 is requesting). Thanks members of public for attending in person. All previous conditions carry forward so all that is being proposed are minor adjustments to existing conditions, and wildfire, to adjust for the changes in this amendment request.</p>
Richard Devlin	Council Member	<p>In this changing of where water rights are being used, what are the landowner costs and impacts to soils (types and condition of soils)? Is the landowner being compensated?</p> <p>Response: Landowner is being compensated for the land. It's a 5/8 pivot – they are a large landowner. Land close to a viable powerline goes for a premium value.</p>
Marcy Grail	Chair Grail	Appreciates in person attendance. One of the things that I want you to know is that my peers and I take the role very seriously – I don't think anyone would be surprised to know that we are concerned about wildfire, and expertise; we are working with staff to make sure we are holding applicants/certificate holder accountable to meet standards/requirements.
Cindy Condon	Council Member	Requested landowner notification for adjacent landowners in the event of a fire within the facility site boundary.
Anne Beier	Council Member	Recommended that adjacent landowner notification in the event of a fire within the facility site boundary, that the certificate holder be required to coordinate with appropriate emergency responders to determine best way to notify.



Draft Proposed Order on Obsidian Solar Center Request for Amendment 1

Council Review of the Draft Proposed Order

- Council reviewed the DPO and public comments received on the record of the DPO at the September 22, 2023 EFSC meeting.
- Additional comments were made by Council members related to the Wildfire Prevention and Risk Mitigation standard
- Council members Condon and Beier agreed that landowner notification should be a requirement of the certificate holder's Wildfire Mitigation Plan, as evaluated under the Wildfire Prevention and Risk Mitigation standard.



Proposed Order on Obsidian Solar Center Request for Amendment 1

- Council comments were incorporated into additional requirements of the Wildfire Mitigation Plan to add landowner notification and inter-agency coordination on how best to notify adjacent landowners on wildfire risk or an event. (See Page 95 of Proposed Order, and Attachment X: Draft Amended Wildfire Mitigation Plan, Section 4.0, Page: 5 for redline changes)
- No new or amended conditions resulted from the changes made by the Department between the DPO and the Proposed Order.



Proposed Order on Obsidian Solar Center Request for Amendment 1

Changes to Attachment X: Draft Amended Wildfire Mitigation Plan (See Page 5):

4.0 Emergency Response Measures: Construction and Operation

Prior to construction of the proposed facility, the certificate holder shall contact Lake County Sheriff's Office Annex in Silver Lake and notify them of the facility location, including access roads used, the facility size, estimated staffing on-site daily, and any potential service needs from the Sheriff's Office.

During all phases of the facility, the certificate holder will work directly with local emergency responders to compile and maintain a current list of adjacent landowners/property owners with contact information. The final Wildfire Mitigation Plan will identify the best notification procedures of adjacent landowners/property owners to provide to local and regional emergency services for emergency notifications, in the event of an ignition or fire at the facility.

During construction, the certificate holder will retain emergency medical technicians on site and will arrange for medical transport during medical emergencies that occur at the Facility. Patients with minor injuries will be treated on site or transported by vehicle to La Pine Community Health Center in the community of Christmas Valley. Patients with moderate injuries will be transported by vehicle to St. Charles Medical Center in Bend. For severe injuries, the certificate holder may use the services of the Air Ambulance to transport patients to Bend.



Proposed Order on Obsidian Solar Center Request for Amendment 1

Department Recommends in Proposed Order that the Council:

- find, based on a preponderance of the evidence on the record, and with recommended new, amended and existing site certificate conditions, that the site certificate may be amended as requested.
- make the above-noted additional findings of fact, as presented in the Proposed Order, for each applicable EFSC Standard.
- approve the Proposed Order as the Final Order, with new, existing, and amended conditions, and issue the first amended site certificate for the Obsidian Solar Center.



Council Options

Option 1 - Recommended

Approve the Proposed Order as the Final Order, as presented and recommended by staff, and issue an Amended Site Certificate

Option 2

Approve the Proposed Order as the Final Order, as presented and recommended by staff, but with specified changes, and issue an Amended Site Certificate

Option 3

Deny the request and issue a Final Order, with amended findings of facts and conclusions of law

Council Deliberation and Decision



Agenda Item F (Action Item)

Annual Financial Assurance Evaluation

Sisily Fleming, Fiscal Analyst

November 17, 2023



Annual Financial Assurance Evaluation

2024 Proposed Financial Institutions	S&P		Moody's		Fitch		AM Best	
	Rating	Outlook	Rating	Outlook	Rating	Outlook	Rating	Outlook
Letter of Credit								
Banco Santander	A+	Stable	A2	Stable	A-	Stable		
Bank of America N.A.	A+	Stable	Aa1	Stable	AA	Stable		
Bank of Nova Scotia (NY Agency)			Aa2	Stable	AA-	Stable		
Bank of the West (Bank of Montreal)	A+	Stable	AA2	Stable	AA-	Stable		
Barclay's Bank, PLC (NY Branch)			A1	Stable	A+	Stable		
Citibank, N.A.	A+	Stable	Aa3	Stable	A+	Stable		
CoBank	AA-	Stable			A+	Stable		
Helaba (NY Branch of Landesbank Hessen-Thuringen GZ)			Aa3	Stable	A+	Stable		
JP Morgan/Chase Bank, N.A.	A+	Stable	Aa1	Stable	AAA	Stable		
MUFG Bank, Ltd. (Union Bank)	A	Stable	A1	Stable	A-	Stable		
Natixis (NY Branch)			Aa3	Stable	A	Stable		
Royal Bank of Canada (NY Branch)	AA-	Stable	Aa1	Stable	AA-	Stable		
Royal Bank of Scotland International Ltd	A	Stable	Aa3	Stable	A	Stable		
US Bank, N.A.	A+	Stable	A2	On Watch	A+	Stable		
Wells Fargo Bank, N.A.	A+	Stable	Aa1	Stable	AA-	Stable		
Sumitomo Mitsui Banking Corporation (SMBC, NY Branch)	A	Stable	A1	Stable				
Bond								
Arch Insurance Company			A2	Stable	AA-	Stable	A+	Stable
CNA Financial Corporation			Baa2	Stable	A-	Stable	bbb+	Stable
Continental Casualty Company			A2	Stable	A+	Stable	A	Stable
Federal Insurance Co			Aa3	Positive	AA	Stable	A++	Stable
Fidelity & Deposit Co of MD							A+	Stable
Hanover Insurance Group			A2	Stable			bbb+	Stable
Liberty Mutual Insurance Company			A2	Stable			A	Stable
SAFECO Insurance Co of America			A2	Stable			A	Stable
Travelers Casualty & Surety Co of America			Aa2	Stable	AA	Stable	A++	Stable
Westchester Fire Insurance Co			Aa3	Positive	AA	Stable	A++	Stable



Annual Financial Assurance Evaluation

Proposed Bond Template Modifications:

Page 1 – 4th Paragraph:

WHEREAS, the Principal is required to retire the facility and restore the site according to a final retirement plan approved by the Council under Condition **Number** of the Site Certificate, as may be amended from time to time.

Page 2

No modification of the amount required in the Site Certificate guaranteed by this bond shall be binding on the Surety or covered by this bond without the written consent of the Surety.



Annual Financial Assurance Evaluation

Opportunity for Additional Council Direction:

Financial institutions are currently evaluated annually, and as necessary throughout the year based on regional, national, or global circumstances. Staff requests that Council provide direction regarding the frequency of future evaluations and offer the following options for consideration:

- Option 1 – Annually (current)
- Option 2 – Twice a year
- Option 3 – Either Option 1 or Option 2 and as necessary throughout the year based on regional, national or global financial circumstances.

Staff evaluates credit ratings from each of the four top credit rating firms (S&P Global Ratings, Moody's Investors Service, Fitch Ratings, and AM Best) to determine whether the firm demonstrates sufficient financial strength to act as an issuer for the coverage provided to the State. Staff requests that Council provide direction regarding the data or methodology used to make future determinations and offer the following options for consideration:

- Option 1 – Continue current practice
- Option 2 – Council direction



Council Options

Option 1 - Recommended

Approve the recommended templates for financial instruments, and the recommended list of Council-approved financial institutions for use by site certificate holders in obtaining financial instruments, as presented and recommended by staff

Option 2

Approve the recommended templates for financial instruments, and the recommended list of Council-approved financial institutions for use by site certificate holders in obtaining financial instruments, as presented and recommended by staff with specified changes

Council Deliberation



Agenda Item G (Information Item)

Organizational Expertise Standard Overview

Sarah Esterson, Senior Policy Advisor

November 17, 2023



Background

- ORS 469.501(1) provides the Council with broad authority to adopt standards, including standards to address the *“organizational, managerial and technical expertise of the applicant to construct and operate the proposed facility.”*
- The Council has adopted such a Standard under OAR 345-022-0010, “Organizational Expertise”

Substantive Requirements

Ultimate Required Finding: The applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate.

Supporting Findings: The applicant has demonstrated the ability to:

- Design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety
- Restore the site to a useful, non-hazardous condition.

Considerations: Experience, access to technical expertise, applicant's past performance in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations.

Applicant: Parent Companies

Applicants are often project-specific limited liability companies.

They rely upon the organizational expertise of their parent company to demonstrate compliance with the standard.

Evidentiary Improvements

- During ASC/RFA review, Department staff request signed statement from parent company affirming representations of an LLC-applicant of its ability to access parent company's technical and financial resources
- Council has explored, and in some instances required, execution of parent company guarantee assuring full and prompt payment and performance of all obligations of the LLC under site certificate
- Council has imposed conditions that allow for the decommissioning bond/LOC to be adjusted based on issues of non-compliance

Additional Improvements – For Consideration

To better evaluate financial strength/security of applicant in their ability to meet the various requirements of the standard:

- During ASC/RFA review, Department staff could request a compliance plan and budget, and evidence (e.g., financial statements) of the ability to obtain equivalent funds
- During ASC/RFA review, Department staff could request a scope and budget for facility design and construction, and evidence (e.g., financial statements) of the ability to obtain equivalent funds
- Council could consider the executed Cost Reimbursement Agreement and funds received from an applicant before staff start review of a preliminary ASC as evidence of financial strength

Discussion

- Is Council satisfied with the additional evidence being requested by staff during the permitting process?
- Does Council have recommendations or requests for further process adjustments?
- Does Council have recommendations for changes in process/substance that should be included during initiation of the rulemaking?
- Other?

WORKING LUNCH BREAK



Agenda Item H (Information Item)

Northwest Natural's Mist Underground Natural Gas Storage Facility Overview

**Andy Bauer, Manager with Environmental Compliance and
Dave Weber, VP Gas Supply**

November 17, 2023



Adjourn

