

OREGON OFFICE OF ENERGY

Regarding Statutes, Administrative Rules and)	
Other Requirements Applicable to the Proposed)	PROJECT
Coburg Power Plant)	ORDER
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1 The Office of Energy (Office) received a notice of intent (NOI) from Coburg Power,
2 LLC, for the proposed Coburg Power Project on July 11, 2001. On July 24, 2001, the Office
3 mailed notice to the general mailing list of the Energy Facility Siting Council (Council), to the
4 mailing list set up for the project and to the owners of property whose names and addresses
5 the applicant supplied in the notice of intent (NOI). The notice described the proposed facility
6 as required by OAR 345-015-0010 and announced a public informational meeting to be held
7 on August 22, 2001. Similar notification was published in *The Register-Guard* (Eugene) on
8 July 29 and in *The Springfield News* on July 28, 2001.

9 The Office prepared a memorandum, as described in OAR 345-015-0120, that was
10 distributed to the officers, agencies and tribes described in OAR 345-020-0040 with a copy of
11 the NOI. The Office has received and reviewed comments of the officers, agencies and tribes.

12 The Office held an informational meeting on August 22, 2001, and received public
13 comment. For the purpose of consideration in this project order, the Office accepted written
14 public comment through September 7, the date given in the public notice.

15 Under Oregon law, the Office must issue a project order following receipt of a notice
16 of intent. ORS 469.330(3). OAR 345-015-160(1) requires in relevant sections that the Office
17 issue a project order that establishes the following:

- 18 (a) All state statutes and administrative rules containing standards or criteria that must be
19 met for the Council to issue a site certificate for the proposed facility, including
20 applicable standards of Divisions 22, 23 and 24 of OAR Chapter 345;
- 21 (b) All local government ordinances applicable to the Council's decision on the proposed
22 facility;
- 23 (c) All application requirements in OAR 345-021-0010 applicable to the proposed
24 facility;
- 25 (d) All state and local permits necessary to the construction and operation of the proposed
26 facility and the name of each agency with the authority to issue such permits;
- 27 (e) Any other data and information that must be included in the application for a site
28 certificate to allow the Council to determine whether the proposed facility will comply
29 with applicable statutes, administrative rules and local government ordinances;
- 30 (f) The analysis areas for the proposed facility;
- 31 (g) Public concerns that address matters within the jurisdiction of the Council that the
32 applicant shall consider and discuss in the application for a site certificate, based on
33 comments from the public and reviewing agencies; and
- 34 (h) The expiration date of the notice of intent, according to OAR 345-020-0060(1).

1 ORS 469.401(4) provides that certain matters are not governed by a site certificate.
2 This project order does not consider matters outside the Council's jurisdiction. However,
3 Coburg Power must nevertheless comply with all statutes, regulations and local ordinances
4 applicable to the proposed facility.

5 As provided in ORS 469.330(4), the Office or the Council may amend this project
6 order at any time.

7 THEREFORE, the Oregon Office of Energy orders as follows:

8 **I. STATUTES, ADMINISTRATIVE RULES, RELATED PERMITS OR OTHER**
9 **APPROVALS AND DISCUSSION OF SPECIFIC INFORMATION**

10 This section identifies Oregon statutes and administrative rules that Coburg Power
11 must address in the application as well as state and local permits and approvals necessary to
12 the construction and operation of the proposed facility and other data and information that
13 Coburg Power must include in the application.

14 **1. ENERGY FACILITY SITING COUNCIL**

15 **Statutes and rules:** ORS 469.310, .401, .501, .503, .504 and .507; OAR Chapter 345,
16 Divisions 21, 22, 24, 26 and 27.

17 **Permit:** An energy facility site certificate is required before construction or operation.

18 **Discussion:**

19 Section III below describes specific application requirements under OAR 345-021-
20 0010.

21 All general standards (OAR Chapter 345, Division 22) apply to the proposed facility.

22 The need standard for nongenerating facilities (OAR Chapter 345, Division 23) does
23 not apply to the proposed facility.

24 The siting standards for transmission lines, OAR 345-024-0090, apply to the
25 transmission line connecting the proposed energy facility with the existing BPA 500 kV
26 transmission line. The carbon dioxide emissions standard for base load gas plants, OAR 345-
27 024-0550, applies to the proposed facility.

28 If the Council issues a site certificate for the proposed project, the certificate holder
29 must implement a compliance plan, as described in OAR 345-026-0048. The site certificate
30 will contain the mandatory conditions, applicable site specific conditions and monitoring
31 conditions described in OAR 345-027-0020, -0023 and -0028.

32 **2. OREGON DEPARTMENT OF AGRICULTURE – PLANT**
33 **CONSERVATION BIOLOGY PROGRAM**

34 **Statutes and rules:** ORS Chapter 564; OAR Chapter 603, Division 73.

35 **Permit:** None required.

1 **Discussion:**

2 The Department of Agriculture (ODA) provides technical review and
3 recommendations on compliance with the Council’s threatened and endangered species
4 standard (OAR 345-022-0070) as it relates to plant species.

5 OAR 603-73-0070 contains the state list of endangered and threatened plant species.
6 OAR 603-73-0080 gives ODA the authority to designate candidate plants. If Coburg Power
7 finds any state-listed threatened or endangered plant species that may be affected by the
8 proposed facility, Coburg Power must address the requirements of OAR 603-73-
9 0090(5)(d)(A)-(E) in the application.

10 Coburg Power shall include in Exhibit Q of its application a list of both state and
11 federally-listed endangered, threatened and candidate plant species that have potential to
12 occur in the analysis area. Coburg Power shall identify these species based on a review of
13 literature, consultation with knowledgeable individuals and species listed on the Oregon
14 Natural Heritage Program database.¹ Coburg Power shall include in its application a
15 description and the results of a field survey for the listed plant species. A qualified individual
16 shall conduct the field survey during the season or seasons appropriate to the plant species
17 under consideration. The field survey report should include written descriptions of the survey
18 methods and areas surveyed.

19 Coburg Power should consult with the Oregon Department of Agriculture, Native
20 Plant Conservation Program, regarding field survey methods, schedule and qualifications of
21 field survey personnel.

22 **3. DEPARTMENT OF ENVIRONMENTAL QUALITY**

23 (a) AIR QUALITY

24 **Statutes and rules:** ORS Chapters 468A; OAR Chapter 340

25 **Permit:** Air Contaminant Discharge Permit (ACDP)

26 Acid Rain Permit

27 **Discussion:**

28 The air quality permit program is delegated by the US Environmental Protection
29 Agency to the Oregon Department of Environmental Quality (DEQ) and, in Lane County, the
30 Lane Regional Air Pollution Control Authority (LRAPA). The Siting Council does not have
31 jurisdiction for determining compliance with the applicable law. However, the Council may
32 rely on the determinations of compliance and the conditions in federally-delegated permits in
33 making its determination about whether other standards and requirements under the Council’s
34 jurisdiction are met. Based on information in the notice of intent, LRAPA has determined that
35 the applicant will need to apply for an ACDP and an acid rain permit.

¹ Council rule OAR 345-022-070 applies only to state-listed plant and animal species. However, Council rule OAR 345-021-0010(1)(q) requires applicants to consider plant and animal species listed as endangered or threatened under both state and federal law. This is because the Council, in making its decision, must be mindful of possible adverse impacts to federally-listed species. Note also that OAR 345-022-0070 applies to all lands affected by a proposed facility including state, federal and private lands.

1 Under OAR 345-021-0000(4), the Office of Energy shall not find a site certificate
2 application complete unless the applicant has submitted copies of all federally-delegated
3 permit applications. The applicant must also provide a letter or other indication from DEQ
4 stating that the agency has received a permit application from the applicant, identifying any
5 additional information the agency is likely to need from the applicant based on the agency's
6 review of the application as submitted and estimating the date when the agency will complete
7 its review and issue a permit decision.

8 (b) WATER QUALITY

9 **Statutes and rules:** ORS Chapters 454, 468 and 468B; OAR Chapter 340, Divisions
10 14, 41, 45, 71 and 73.

11 **Permit:** 1200-C General NPDES permit (during construction)

12 1200-Z NPDES (stormwater permit, during operation)

13 NPDES permit for wastewater discharge to public waters

14 WPCF permit for wastewater permit for land application

15 WPCF permit for on-site sewage disposal (depending on volume)

16 **Discussion:**

17 The National Pollutant Discharge Elimination System (NPDES) permit program is
18 delegated by the US Environmental Protection Agency to DEQ, and accordingly the Council
19 does not have jurisdiction for determining compliance with the applicable law. However, the
20 Council may rely on the determinations of compliance and the conditions in the federally-
21 delegated permits in making its determination about whether other standards and requirements
22 under the Council's jurisdiction are met.

23 Under OAR 345-021-0000(4), the Office of Energy shall not find a site certificate
24 application complete unless the applicant has submitted copies of all federally-delegated
25 permit applications. The applicant must also provide a letter or other indication from DEQ
26 stating that the agency has received a permit application from the applicant, identifying any
27 additional information the agency is likely to need from the applicant based on the agency's
28 review of the application as submitted and estimating the date when the agency will complete
29 its review and issue a permit decision.

30 Water Pollution Control Facility (WPCF) discharge permits are state-issued permits
31 within the Council's jurisdiction for determining compliance with applicable standards, taking
32 into consideration the comments and recommendations of DEQ. The Office shall not find a
33 site certificate application complete unless the applicant has submitted copies of all permit
34 applications and a letter or other indication from DEQ stating that the permit application
35 received from the applicant provides an adequate basis for a permit decision.

36 ORS Chapter 454 addresses sewage treatment and disposal. OAR Chapter 340,
37 Divisions 71 and 73 address on-site sewage disposal and septic tank construction standards.

38 (c) NOISE

39 **Statutes and rules:** ORS 467.020, .030; OAR 340-035-0035

40 **Permit:** None required.

1 **Discussion:**

2 The applicant must comply with DEQ’s noise standard. The requirement is
3 incorporated in the general standard of review, OAR 345-022-0000.

4 In the application, the applicant should include a noise analysis. The application must
5 contain information to support a finding by the Council that the proposed facility would
6 comply with the requirements of OAR 340-035-0035.

7 (d) HAZARDOUS MATERIALS

8 **Statutes and rules:** ORS Chapters 465 and 468B; OAR Chapter 340, Divisions 108
9 and 120

10 **Permit:** None required.

11 **Discussion:**

12 The applicant must include in the application a list of all hazardous materials stored or
13 used at the facility site during construction and operation. The applicant must comply with
14 DEQ regulations concerning the use, clean up and disposal of hazardous materials. The
15 requirement is incorporated in the general standard of review, OAR 345-022-0000.

16 **4. OREGON DEPARTMENT OF FISH AND WILDLIFE – HABITAT**
17 **CONSERVATION DIVISION**

18 **Statutes and rules:** ORS Chapter 496; OAR Chapter 635, Divisions 100 and 415.

19 **Permit:** Based on the notice of intent, it appears that in-water blasting will not be
20 required.²

21 **Discussion:**

22 The Oregon Department of Fish and Wildlife (ODFW) provides technical review and
23 recommendations on compliance with Council rules OAR 345-22-0040, -0060 and -0070.
24 ODFW will base its review and recommendations on state wildlife policy and threatened and
25 endangered species policy (ORS 496.012 and ORS 496.171 -.192).

26 OAR Chapter 635, Division 100, provides authority for adoption of the state sensitive
27 species list and the Wildlife Diversity Plan and contains the state list of threatened and
28 endangered wildlife species.

29 OAR Chapter 635, Division 415, classifies habitat into six categories and establishes a
30 mitigation goal for each category. The applicant must identify the appropriate habitat category
31 for all areas affected by the proposed facility and provide the basis for each category
32 designation. The applicant must show how it would comply with the habitat mitigation goals
33 and standards by appropriate monitoring and mitigation.

34 **5. DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES**

35 **Statutes and rules:** OAR 345-022-0020

36 **Permit:** None required.

² An application for an in-water blasting permit must include the information necessary to meet the requirements of ORS 509.140 and OAR 635-425-000 through 635-425-0050.

1 **Discussion:**

2 The Department of Geology and Mineral Industries (DOGAMI) provides technical
3 review and recommendations on compliance with Council rule OAR 345-22-0020. In the
4 application, Coburg Power shall provide the results of any site-specific geotechnical work
5 done to date. A geotechnical report must be submitted to DOGAMI for independent review.
6 The applicant should provide a geological characterization of the project area and a site-
7 specific geotechnical assessment (including seismic hazards). The geotechnical and seismic
8 evaluations should include subsurface explorations and provide adequate supporting evidence
9 to determine if the facility can be built and operated safely.

10 **6. DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT:**

11 **Statutes and rules:** ORS Chapters 197 and 215; OAR Chapter 660.

12 **Permit:** None required.

13 **Discussion:**

14 The Department of Land Conservation and Development provides technical review
15 and recommendations on compliance with Council rule OAR 345-22-0030.

16 **7. OREGON PARKS AND RECREATION DEPARTMENT**

17 (b) HISTORIC PRESERVATION SECTION

18 **Statutes and rules:** ORS 97.745, ORS 358.920 and 390.235; OAR Chapter 736,
19 Division 51.

20 **Permit:** An archaeological permit may be required to conduct archaeological
21 investigations of the site.

22 **Discussion:**

23 The Oregon Historic Preservation Officer and affected tribes provide technical review
24 and recommendations on compliance with Council rule OAR 345-22-0090. Coburg Power
25 shall describe an archaeological and cultural survey of the analysis area to be conducted by a
26 qualified archaeologist. Coburg Power shall include the results of the survey in the application
27 for a site certificate.

28 Coburg Power shall show evidence of consultation with all tribes having an interest in
29 the site regarding archaeological and cultural sites and materials or an explanation why such
30 consultation did not occur. Coburg Power shall summarize the results of consultation in the
31 application.

32 (b) OTHER PARKS PROGRAMS:

33 **Statutes and rules:** ORS 390.010; OAR Chapter 736.

34 **Permit:** None required.

35 **Discussion:**

36 The Oregon Parks and Recreation Department provides technical review and
37 recommendations on compliance with Council rules OAR 345-22-0040, -0080 and -0100.

1 **8. OREGON DIVISION OF STATE LANDS**

2 **Statutes and rules:** ORS 196.800 - .990; OAR Chapter 141, Division 85.

3 **Permit:** A removal-fill permit is required if 50 cubic yards or more of material is
4 removed, filled or altered within natural wetlands and waterways.

5 **Discussion:**

6 Based on the notice of intent, it appears that a removal-fill permit may be required
7 with regard to filling of approximately five acres of wetland. If a removal-fill permit is
8 needed, the application must include an itemized demonstration of compliance with each
9 applicable provision of ORS 196.825 and OAR 141-085-0050. Application requirements
10 regarding potential wetlands impacts are described in OAR 345-021-0010(1)(j).

11 Coburg Power shall identify and describe the amount of wetlands that the proposed
12 facility would permanently displace. Coburg Power shall include in the application a
13 mitigation plan for the impact on existing wetlands. The applicant shall analyze any potential
14 localized groundwater changes that might affect existing wetlands or wetlands created as
15 mitigation on or near the project site. The applicant shall analyze any potential impact on Dry
16 Muddy Creek due to its hydrologic connection to onsite wetlands.

17 **9. WATER RESOURCES DEPARTMENT, WATER RIGHTS DIVISION**

18 **Statutes and rules:** ORS Chapters 536 through 541; OAR Chapter 690.

19 **Permit:** Water right.

20 **Discussion:**

21 In general, when a proposed energy facility itself will need a new or transfer water
22 right or a modification of an existing water right, the applicant must submit information
23 adequate for the Council to make a decision on whether the right can be granted. Water drawn
24 from groundwater sources, as described in the notice of intent, would require a water right.

25 The Water Resources Department issues the right based on the Council's final order
26 on the site certificate. However, when an applicant relies on a new or transferred third-party
27 water right or modification of an existing third-party water right, the Water Resources
28 Department makes the decision whether to grant the right. The Council's determination in that
29 case is whether the applicant has an adequate contract with the third party.

30 Coburg Power must identify the sources of all water the facility would use, the
31 quantity of water needed and the means of disposal of all water discharges from the facility.
32 Coburg Power must identify the time that water will be required. Coburg Power must identify
33 all water right permits and transfers that are necessary for the facility and state whether it will
34 rely on any third-party water right. If a water right permit, transfer or extension is necessary,
35 Coburg Power must include documentation that complete applications for each required
36 permit, transfer or extension have been submitted to the Oregon Water Resources
37 Department.

1 **10. PUBLIC UTILITY COMMISSION**

2 **Statutes and rules:**

3 Natural Gas Pipeline and Electric Transmission Line Safety Regulations

4	ORS 757.035	Public Utility Commission
5	ORS 757.039	Public Utility Commission
6	ORS 757.542 through 757.562	Public Utility Commission
7	OAR 860-024	Public Utility Commission
8	OAR 860-028-0005	Public Utility Commission
9	OAR 952	Oregon Utility Notification Center

10 Electric Service Supplier Regulations

11	ORS 756.040 &757.600 through 757.667	Public Utility Commission
12	OAR 860-038-0400	Public Utility Commission

13 **Permit:** No PUC permits relate to siting. The listed statutes and administrative rules
14 pertain to safety, construction and operational matters that, according to ORS 469.401(4), the
15 site certificate does not address. The applicant should contact the PUC for further information.

16 **Discussion:**

17 The Oregon Public Utilities Commission (PUC) will conduct safety reviews of the
18 design and construction related to natural gas pipeline and electric transmission line
19 interconnections to the proposed energy facility. The certificate holder must operate the
20 facility in compliance with the PUC's safety regulations. If the facility operator desires to
21 become an electricity service supplier, it must become PUC-certified and operate the facility
22 in accordance with PUC certification requirements.

23 **11. LANE COUNTY**

24 The applicant should contact the Lane County Land Management Planning Program to
25 apply for a conditional use permit. Based on the notice of intent, it appears that the applicant
26 will elect to have the Council make the land use decision. As provided in ORS 469.401(3), if
27 the Council issues a site certificate, the County will be bound to issue a conditional use
28 permit, subject only to the conditions set forth in the site certificate.

29 A wastewater discharge permit may be required for on-site discharge of sanitary
30 wastewater. See discussion of Exhibit V in section III below.

31 **12. OTHER CONSTRUCTION-RELATED REGULATIONS**

32 If the Council issues a site certificate, the certificate holder must comply with
33 construction-related regulations that apply to the proposed facility. The site certificate does
34 not address these regulations. The following list is for information only:

- 35 (a) Fire protection and hazardous materials

36 Various programs addressing fire protection and fire safety and the storage, use,
37 handling, and emergency response for hazardous materials and community right to
38 know laws for hazardous materials, administered by the Oregon State Fire Marshal's
39 Office, under ORS Chapters 453, 476 through 479; OAR Chapter 837, Divisions 40,
40 85 and 90

1 (b) Water systems

2 Regulations of domestic water supply systems administered by the Health Division of
3 the Oregon Department of Human Resources under ORS Chapter 448 and OAR
4 Chapter 333, Division 6

5 (c) Building codes

6 Regulations of building, structure design and construction practices by the Oregon
7 Building Codes Division under ORS Chapters 447, 455, 460, 476, 479 and 480 and
8 OAR Chapter 918, Divisions 225, 305, 400, 440, 460, 750 and 780

9 (d) Truck transportation and on-highway construction

10 Regulations on the size and weight of truck loads on state and federal highways
11 administered by the Oregon Department of Transportation under ORS Chapter 818
12 and OAR Chapter 734, Division 82; permit for construction on a state highway or
13 county road under ORS 374.305 - .310 and OAR 734, Division 55

14 **II. APPLICABLE LOCAL GOVERNMENT ORDINANCES**

15 The proposed site is entirely within Lane County. Subsequent to the submission of the
16 NOI, Coburg Power has stated its intention to seek a Council determination of compliance
17 with applicable substantive criteria from the affected local government’s acknowledged
18 comprehensive plans and with directly applicable Land Conservation and Development
19 Commission rules, as set forth in ORS 469.504(1)(b). The applicable substantive criteria from
20 the affected local government’s comprehensive plan are those in effect on the date the
21 application is submitted. The applicant shall contact the local land use planning authority to
22 determine the applicable substantive criteria. The applicant shall include in the application an
23 analysis of the proposed facility’s compliance with those applicable criteria. See further
24 discussion under Exhibit K in section III below.

25 **III. APPLICABLE REQUIREMENTS FROM OAR 345 DIVISION 21**

26 The application shall include the information described in OAR 345-021-0010(1), (2)
27 and (4).

28 (a) Exhibit A – General Information about the Applicant

29 Paragraphs (A) through (D) apply. Note that paragraph (B) calls for a list of
30 “participating persons, other than individuals.” “Person” is defined in OAR 345-001-
31 0010(43). Include in the application information about all third-party entities (persons other
32 than individuals) that are important to the project.

33 (b) Exhibit B – General Information about the Proposed Facility

34 All paragraphs apply except (A)(vii), (viii), (ix) and (x).

35 The applicant should identify the proposed method for wastewater disposal in Exhibit
36 B at (A)(v). Information about the source of make up water, referred to in Exhibit B of the
37 notice of intent, should be discussed in Exhibit O of the application (see below).

38 In section (b)(A)(iii), the applicant should include a description of any underground
39 storage tanks and the materials such tanks would contain.

1 (c) Exhibit C – Location

2 Maps included in Exhibit C should provide enough information for potentially
3 affected property owners to tell whether their property is within or adjacent to the site. Major
4 roads should be named. Include, where possible, identification of lands enrolled in the
5 Conservation Reserve Program (CRP lands) and identification of lands currently used for
6 commercial agriculture.

7 (d) Exhibit D – Organizational, Managerial and Technical Expertise

8 All paragraphs apply.

9 (e) Exhibit E – Permits

10 All paragraphs apply.

11 (f) Exhibit F – Property Owners

12 The applicant must identify the site of the proposed facility, including all related or
13 supporting facilities, and any corridor identified in Exhibit B. The applicant must determine
14 the appropriate distances as described in paragraphs (A) through (C), based on the location of
15 urban growth boundaries and farm or forest zones, and provide the complete list of property
16 owners.

17 (g) Exhibit G – Materials Analysis

18 All paragraphs apply. In section (g)(B), identify specifically the chemicals to be stored
19 on-site. The applicant should consult with DEQ Hazardous Waste Division to determine
20 whether these chemicals would be hazardous waste if spilled or released. In the application,
21 the applicant should include information about that determination. Include information about
22 containment, cleanup and disposition of hazardous waste spilled or released.

23 (h) Exhibit H – Geology

24 All paragraphs apply.

25 (i) Exhibit I – Soils

26 All paragraphs apply. Include information to demonstrate that the project will have
27 minimal impact on soil productivity in farm zones. Describe in detail all measures proposed
28 during construction to ensure soil productivity, and, if possible, recommend objective
29 measures that may be used to determine impact on soils after construction is complete. The
30 applicant should consult with appropriate local soil conservation districts.

31 (j) Exhibit J – Wetlands

32 All paragraphs apply.

33 (k) Exhibit K – Land Use (Statewide Planning Goals)

34 Paragraphs A and C apply. Paragraphs B and D do not apply.

35 The statement in the notice of intent that the applicant can “satisfy the Council’s land
36 use standard by obtaining land use approval under OAR 660-033-0130(17), 660-004-0020
37 and 660-004-0022” is incorrect. The Council’s land use standard requires an evaluation of the
38 proposed use as against (1) applicable substantive criteria and (2) any rules, goal, or statutes
39 directly applicable under ORS 197.646(3). (See ORS 469.504(1) and OAR 345-022-0030(2)).

1 The applicant must demonstrate that the proposed use would comply with applicable local
2 plans and regulations, as well as any directly applicable state provisions.

3 The energy facility itself appears to be located on EFU land within Lane County's
4 jurisdiction. However, the options for various related or supporting facilities appear to extend
5 into other jurisdictions. The Office of Energy will not consider the application complete until
6 the applicant has selected among the various options and finally identified the related or
7 supporting facilities upon which the Council would base a site certificate decision (for
8 example, facilities for water supply and wastewater disposal). The land use analysis must
9 address the substantive criteria of all jurisdictions where the proposed energy facility or its
10 related or supporting facilities would be located.

11 The applicant should provide information for determining whether the site is on high
12 value farmland. If the site is on high value farmland, it appears likely that land use approval
13 would require an exception under the rules applicable to agricultural land (see OAR 660-033-
14 0130). The applicant must present information that would justify an exception under the
15 Council's criteria, as described in OAR 345-022-0130(4).

16 Exhibit L – Protected Areas

17 All paragraphs apply.

18 (l) Exhibit M – Financial Capability

19 All paragraphs apply.

20 (m) Exhibit N – Need for the Facility

21 Exhibit N does not apply.

22 (n) Exhibit O – Water Use

23 All paragraphs apply.

24 In the application, the applicant must identify the final selected option for the supply
25 of water at the facility. The applicant must include information about hydrological studies
26 performed to determine the potential effect of the proposed facility's water use on the aquifer
27 and on the current uses by other property owners in the area. In particular, include information
28 about the proposed depth of the water wells that would serve the proposed facility and
29 whether a deeper, confined aquifer exists that could provide an alternate water source.

30 (o) Exhibit P – Wildlife Habitat

31 All paragraphs apply.

32 (p) Exhibit Q – Threatened and Endangered Species

33 All paragraphs apply.

34 (q) Exhibit R – Scenic and Aesthetic Values

35 All paragraphs apply.

36 (r) Exhibit S – Historic, Cultural and Archaeological Resources

37 All paragraphs except (C) apply.

1 (s) Exhibit T – Recreation

2 All paragraphs apply.

3 (t) Exhibit U – Public Services (Socio-Economic Impacts)

4 All paragraphs apply. Include an analysis of estimated facility-related traffic during
5 construction and operation and the potential impact on traffic safety within the City of
6 Coburg. Discuss transportation of heavy equipment and shipments of facility components
7 during construction. Include identification of approach routes, anticipated traffic volume and
8 potential damage to public roads.

9 (u) Exhibit V – Solid Waste and Wastewater

10 All paragraphs apply.

11 Include in this exhibit information about obtaining a hazardous waste determination
12 for excavated soils. A hazardous waste determination is required for any excavation in the
13 former SPRR grade.

14 Include a description of the disposal of sanitary wastewater. If the applicant proposes
15 to construct a sanitary discharge system on the site, the applicant should contact Lane County
16 and DEQ Water Quality Division to determine what permits apply. The site certificate
17 application should identify the applicable permits and should contain sufficient information
18 for the Council to make the permitting decision.

19 If the applicant proposes land application as a method of disposal of wastewater, the
20 applicant should include in the application a description of the method of wastewater dispersal
21 for irrigation of poplars (as proposed in the notice of intent), the rate of irrigation and an
22 analysis of the concentration of chemicals and minerals contained in the wastewater
23 discharge.

24 (v) Exhibit W – Facility Retirement

25 All paragraphs apply. The applicant should include a discussion of disposal of any
26 hazardous waste or other hazardous materials.

27 (w) Exhibit X – Noise

28 All paragraphs apply.

29 (x) Exhibit Y – Carbon Dioxide Emissions

30 All paragraphs apply. Note that OAR 345-024-0550 addresses base load gas plants
31 designed with power enhancement options such as duct firing as proposed in the notice of
32 intent. For the increase in capacity and heat rate above the capacity and heat rate that the base
33 load gas plant can achieve on a new and clean basis, the Council shall apply the standard for a
34 non-base load power plant, as described in OAR 345-024-0590, to the incremental carbon
35 dioxide emissions. The application must contain sufficient information showing the
36 calculation of both the base load and incremental carbon dioxide emissions. Note also that the
37 Council has raised the monetary offset rate to \$0.85 per ton of carbon dioxide emissions
38 (OAR 345-024-0580).

39 (y) Exhibit Z – Cooling Tower Impacts

40 All paragraphs apply.

1 (z) Exhibit AA – Electric and Magnetic Fields

2 All paragraphs apply to any transmission line, regardless of size, that is a related or
3 supporting facility.

4 (aa) Exhibit BB – Other Information

5 Any information requested in this project order that is not addressed in any other
6 exhibit.

7 (bb) Exhibit CC – Other Law

8 Exhibit CC applies.

9 **IV. ANALYSIS AREAS FOR THE PROPOSED FACILITY**

10 The analysis areas are the minimum areas that Coburg Power must study for potential
11 impacts from the construction and operation of the proposed facility. The analysis areas
12 described in this project order do not limit the applicant’s responsibility. They are the areas in
13 which the Office of Energy believes significant adverse impacts from the proposed facility
14 could occur. If it appears that the project’s impacts could reasonably extend beyond the
15 analysis areas described here, then Coburg Power must comply with the applicable standard
16 with regard to the larger area where impacts could occur.

17 For all potential impacts, the analysis area includes all the area within the site
18 boundary. “Site boundary” means the perimeter of the site of the proposed energy facility and
19 its related or supporting facilities.³ In its application, Coburg Power must specifically
20 describe the site boundary. If temporarily disturbed laydown or staging areas will be outside
21 the site boundary, Coburg Power must identify those areas in the application and must analyze
22 those areas for potential impacts.

23 The analysis areas are as follows:

<u>Affected Standard or Resource</u>	<u>Analysis Area</u>
Structural Standard	The area within the site boundary.
Soils	The area within the site boundary and all laydown and staging areas.
Land Use	The area within the site boundary and one-half mile from the site boundary plus laydown and staging areas.
Protected Areas	The area within the site boundary and 20 miles from the site boundary.
Air quality	The area within the site boundary and 5 miles from the site boundary.
Surface and ground water quality and availability	The area within the site boundary and 5 miles from the site boundary (or the distance to the point of withdrawal, whatever is greater)

³ See definition of “related or supporting facilities” in OAR 345-001-0010(46).

Fish and Wildlife Habitat	The area within the site boundary and 500 feet from the site boundary and all laydown and staging areas.
Threatened and Endangered Species	The area within the site boundary and 5 miles from the site boundary.
Scenic and Aesthetic Values	The area within the site boundary and 30 miles from the site boundary.
Historic, Cultural and Archaeological Resources	The area within the site boundary.
Recreation	The area within the site boundary and five miles from the site boundary.
Socio-Economic Impacts	The area within the site boundary and 30 miles from the site boundary.

1 As provided in OAR 345-015-0160(3) the Council or the Office may amend this
2 project order at any time, and under OAR 345-015-0300(3), the Office may make changes to
3 the analysis areas.

4 As provided in OAR 345-015-0190(2), if the Office determines the application
5 contains adequate information for the Council to make findings on all applicable Council
6 standards, the Office may determine the application complete, regardless of whether the
7 application contains all information required under OAR 345-021-0010. As provided in OAR
8 345-015-0190(7), notwithstanding a determination that an application is complete, the Office
9 may require additional information from the applicant if the Office identifies a need for that
10 information during its review of the application.

11 **V. PUBLIC COMMENTS**

12 The Office held an informational meeting on August 22, 2001, and accepted written
13 comments through September 7, for the purposes of this project order. The following is a
14 summary of public concerns that address matters potentially affecting a Council standard or
15 that may otherwise be within the jurisdiction of the Council. The Office of Energy has
16 paraphrased public concerns in the form of questions about the potential impacts of the
17 proposed facility. The applicant shall include a discussion of these matters in the application.

18 **1. Water Supply**

19 **Basis for Jurisdiction:** OAR 345-022-0000. The Council must make findings related
20 to water rights.

21 **Summary of Public Comment:**

22 How much water would the plant consume?

23 What would be the effect of the energy facility’s water use on the availability of water
24 for local residents and farmers, especially in drought years? In particular, will the use of
25 groundwater deplete the aquifer and reduce the availability of water from other wells in the
26 vicinity and “downstream” from the facility?

27 **2. Water Quality**

28 **Basis for Jurisdiction:** OAR 345-022-0000 and 345-022-0120.

1 **Summary of Public Comment:**

2 What would happen to the water discharged from the plant?

3 Would discharged water be toxic?

4 Would discharged water be too warm for discharge to the Willamette? Would
5 discharged water be harmful to fish or other wildlife?

6 Would ground deposition of particulate or other air emissions pollute the water?

7 Would there be “heavy metals” in the discharge water?

8 Would salts and “pollutants” from the discharge water be deposited on local soils?

9 Would the cooling tower drift deposit chemicals and minerals that would leach into
10 the aquifer?

11 What is the risk of water supply contamination (from leaks) if treated wastewater is
12 piped to the plant to supply makeup water?

13 Coburg power may respond, in part, by reference to Exhibit V.

14 **3. Agricultural Activities**

15 **Basis for Jurisdiction:** OAR 345-022-0000 and 345-022-0030.

16 **Summary of Public Comment:**

17 What would be the impact on agricultural activities in the area?

18 Coburg Power may respond by reference to Exhibit K.

19 **4. Gas Safety**

20 **Basis for Jurisdiction:** OAR 345-022-0000 and ORS 469.401.

21 **Summary of Public Comment:**

22 What is the risk of explosion from a gas leak?

23 **5. Aviation Safety**

24 **Basis for Jurisdiction:** OAR 345-022-0000 and ORS 469.401.

25 **Summary of Public Comment:**

26 Would the proposed 200-foot stacks interfere with the aviation approach to Mahlon-
27 Sweet Airport?

28 **6. Traffic Safety**

29 **Basis for Jurisdiction:** OAR 345-022-0000 and 345-022-0110.

30 **Summary of Public Comment:**

31 What would be the impact on local traffic, especially during construction?

32 Coburg Power may respond by reference to Exhibit U.

1 **7. Local Hiring**

2 **Basis for Jurisdiction:** OAR 345-022-0000 and 345-022-0110.

3 **Summary of Public Comment:**

4 Would the construction workers be hired from the local area?

5 How many new jobs would be created during construction and during operation?

6 Coburg Power may respond by reference to Exhibit U.

7 **8. Wetlands**

8 **Basis for Jurisdiction:** OAR 345-022-0000. The Council must make findings related
9 to impacts on wetlands and the issuance of fill and removal permits.

10 **Summary of Public Comment:**

11 What assurance would there be that the artificial wetlands created would provide the
12 same wetland values (wildlife and plants) as lost “natural” wetlands?

13 What assurance is there that the artificial wetlands would be maintained for the life of
14 the facility?

15 **9. Wildlife Impacts**

16 **Basis for Jurisdiction:** OAR 345-022-0000 and 345-022-0060.

17 **Summary of Public Comment:**

18 What would be the impact of plant emissions on local wildlife?

19 Coburg Power may respond by reference to Exhibits P and Q.

20 **10. Visual Impact**

21 **Basis for Jurisdiction:** OAR 345-022-0000, 345-022-0040 and 345-022-0080.

22 **Summary of Public Comment:**

23 Would the 200-foot towers be a dominant visual feature in the southern Willamette
24 Valley?

25 Would the plant produce “light pollution?”

26 Coburg Power may respond by reference to Exhibits L and R.

27 **11. Haze**

28 **Basis for Jurisdiction:** OAR 345-022-0000, 345-022-0040, 345-022-0080 and 345-
29 022-0120.

30 **Summary of Public Comment:**

31 Would plant emissions, including cooling tower plume or drift emissions, contribute
32 to smog, haze or fog near the plant?

1 Would fog produced from cooling tower and stack emissions be harmful to breathe?
2 Coburg Power may respond, in part, by reference to Exhibits L and Z.

3 **12. Protected Areas**

4 **Basis for Jurisdiction:** OAR 345-022-0000 and 345-022-0040.

5 **Summary of Public Comment:**

6 Would the energy facility's emissions have an adverse air quality impact on Three
7 Sisters, Waldo, Jefferson or Diamond Peak wilderness areas?

8 Coburg Power may respond by reference to Exhibit L.

9 **13. Noise**

10 **Basis for Jurisdiction:** OAR 345-022-0000. The Council must make findings related
11 to the DEQ noise standard.

12 **Summary of Public Comment:**

13 How much noise would the plant produce?

14 Coburg Power may respond by reference to Exhibit X.

15 **14. Fuel Oil Use**

16 **Basis for Jurisdiction:** OAR 345-022-0000 and 345-024-0500.

17 **Summary of Public Comment:**

18 How often would fuel oil be used to operate the plant rather than natural gas?

19 What are the air emissions from the use of fuel oil?

20 The Council has jurisdiction with respect to carbon dioxide emissions. Coburg Power
21 may respond by reference to Exhibit Y.

22 **VI. EXPIRATION DATE**

23 In accordance with OAR 345-020-0060(1), the notice of intent expires 18 months after
24 the date of issuance of the project order. The applicant may petition the Council to extend the
25 duration of the NOI beyond 18 months for good cause. The applicant shall submit any petition
26 to extend the duration of an NOI to the Office of Energy no later than 45 days before the
27 expiration of the NOI.

28
29
30 _____
31 David Stewart-Smith
32 Administrator, Energy Resources
33 Oregon Office of Energy

34 Date of issuance: October 11, 2001