

**BEFORE THE ENERGY FACILITY SITING COUNCIL
OF THE STATE OF OREGON**

IN THE MATTER)	FINAL ORDER #2
OF THE SITE)	APPROVING IN PART AND DENYING IN
CERTIFICATE FOR THE)	PART PGE’S REQUEST FOR REVISIONS
BOARDMAN COAL PLANT)	TO ENVIRONMENTAL MONITORING
)	PROGRAMS FOR THE BOARDMAN
)	COAL PLANT

I. Summary

On February 11, 2004, Portland General Electric (PGE) submitted a request to the Energy Facility Siting Council (Council) for changes to environmental monitoring programs required under the “Thermal Power Plant Site Certification Agreement for the Boardman Site.” The changes include:

- Request for administrative changes to two Boardman plant (Boardman) environmental monitoring programs.
- Request for elimination of or revisions to several of Boardman’s monitoring requirements under the two monitoring programs.
- Request to include as part of Boardman’s environmental monitoring requirements those conditions PGE has agreed to meet under a separate conservation agreement.

Copies of PGE’s proposed Water Quality Monitoring and Terrestrial Monitoring programs, incorporating the proposed changes, are attached as part of PGE’s request in Attachment A. Although PGE did not explicitly lay out its reasons in its request for making the changes, PGE later clarified that the changes are intended to use decades of data to make the monitoring programs more efficient, more relevant to current environmental concerns, and more cost effective.

While PGE stated in its request that Department of Energy (Department) staff could approve the request, PGE later agreed with the Department that the request requires Council approval. However, under Boardman’s site certificate, the request does not require a formal amendment to the Site Certificate.

Based on the discussion below, the Department recommended in a draft order dated May 21, 2004, that the Council approve PGE’s request for changes to its mandated environmental monitoring programs as described in the draft order and accept the revised Water Quality Monitoring and Terrestrial Monitoring programs.

On June 3, 2004, the Council met by telephone to consider the draft order. After public input and Council discussion, council members unanimously voted to approve the draft order in part. The

Council then considered a motion to approve or table the requested revisions, as follows: Approve part 1 in its entirety, approve part 2 in its entirety, table part 3, approve part 4a, table part 4b and approve part 4c. The motion carried by a vote to 5 to 1, with one member absent.

Staff issued Final Order #1 dated July 13, 2004, to cover those issues specifically approved by the Council at its June 3, 2004, meeting, as noted above. On July 23, 2004, the Council approved the form of Final Order #1 as presented by staff. Final Order #1 was signed on September 10, 2004.

At the Council's request staff prepared a separate draft order on the tabled requests for later consideration by the Council. Staff issued draft Final Order #2 on July 13, 2004, which covered the items the Council had previously voted to table. In addition, on July 13, 2004, ODOE issued a separate staff report to the Council that addresses in detail Council and public comments about the tabled items covered by draft Final Order #2.

On July 23, 2004, the Council met in Troutdale to consider the remaining issues presented in Draft Final Order #2. The Council considered a motion to approve the request for changes to the Carty Reservoir monitoring program as presented in draft Final Order #2. The motion carried by a vote of 6 to 1. The Council then considered a motion to deny PGE's request to eliminate the aerial photography program. The motion carried by a vote of 4 to 3.

The Council unanimously voted to allow the Chair to review and sign a final order revised to reflect the Council's votes.

II. Background

II.1. Carty Reservoir

Carty Reservoir is a 1400-acre man-made impoundment that draws water from the Columbia River and provides Boardman with cooling water, fire water and make-up water for the boiler. Boardman returns low-level processed wastewater to the reservoir. The plant is authorized to release some of the reservoir water for irrigation to the adjacent Three Mile Canyon Farms. It also has the authorization to draw make-up water from the Farms' Willow Creek pumping station.

PGE currently monitors the reservoir to ensure that the water meets chemical concentration limits set in the site certificate, required by DEQ under a Water Pollution Control Facilities permit, or needed for plant operations. The site certificate contains a list of reservoir water quality parameters for which PGE must test.

(a) Discontinuing Monitoring for Three Parameters:

Under its monitoring programs, PGE now monitors for several reservoir water quality parameters that are not required in the site certificate: total suspended solids, dissolved oxygen and phosphate. PGE is asking to be relieved of monitoring for these parameters. DEQ supports the request. At the April 26, 2004, public meeting, a DEQ representative explained that these three parameters generally are monitored in surface waters of the state. Carty Reservoir is not considered a water body of the state, and monitoring of these parameters provides little useful information for determining impact to the environment.

The Department recommended that the Siting Council find that monitoring Carty Reservoir for total suspended solids, dissolved oxygen and phosphate produces limited useful information for compliance with DEQ rules and the site certificate. The Department also recommended that the Siting Council approve the request for PGE to eliminate monitoring Carty Reservoir water for total suspended solids, dissolved oxygen and phosphate.

(b) Discontinue Laboratory Analysis for Two Parameters:

Under its monitoring programs, PGE now samples Carty Reservoir for pH and conductivity and analyzes the samples in laboratory conditions. PGE asked to eliminate laboratory analysis for these parameters and instead rely on field data alone. DEQ supported the request. At the April 26, 2004, public meeting, a DEQ representative explained that field data are preferred over laboratory analysis in testing pH and conductivity because of changes over time that can occur to samples.

The Department recommended that the Siting Council find that laboratory analysis of Carty Reservoir water for pH and conductivity provides no useful information for evaluating the reservoir's water quality. The Department also recommended that the Siting Council approve the request for PGE to eliminate laboratory testing of pH and conductivity.

(c) Revising Locations and Frequency of Carty Reservoir Sampling:

PGE currently performs monthly or quarterly testing of a variety of sites within Carty Reservoir and at Three Mile Canyon Farms' Willow Creek pumping station. However, PGE asserts that most of the reservoir sample sites are not representative of reservoir water quality. Because the plant circulates about 180,000 gallons per minute of reservoir water, PGE states that the sample point most representative of reservoir quality is at the plant intake structure.

PGE proposed monthly sampling only at the plant's intake structure rather than at a variety of sites within the reservoir. It also proposed sampling monthly at Three Mile Canyon Farms' Willow Creek pumping station during months when water is drawn for replacement reservoir water and monthly sampling near the reservoir's withdrawal pumps during months that PGE supplies irrigation water to the Farms.

DEQ supported PGE's assertion that the revisions would allow for better representative sampling of water quality.

The Department recommended that the Council find that monthly water quality sampling at the plant's intake structure provides a more representative sample than current sampling sites provide. The Department also recommended that the Siting Council approve the request for PGE to revise its reservoir water quality monitoring program as proposed.

II.2. Eliminating Monitoring by Aerial Photography

For 23 years, PGE has used color and infrared aerial photographs to monitor the impact of plant emissions on cultivated and non-cultivated vegetation with no impact shown other than occasions of fugitive coal dust on nearby lands. The photographs have been archived for future background or baseline information if needed. Because data over the years has shown no impact on soil and vegetation from plant operations, PGE proposed eliminating the aerial photography program and relying instead on available high-resolution satellite pictures if monitoring is needed. PGE also proposed the possibility of reinstating the aerial photography program if needed.

In 2003, when the Siting Council relieved PGE of chemical monitoring of soil and vegetation, the Siting Council relied on materials that included the following paragraph:

“At this time, PGE is retaining the Aerial Photography Program that can show vegetative stress through the Color Infrared film images and compare them with the Color film images. The films are also notarized records that can be compared from month to month or year to year for both rangeland and agricultural areas. The chemical monitoring only checks for specific parameters. The films also show other elements such as land use changes, weather related impacts, agricultural practices, rangeland fires and other factors that are not part of plant operation but might be occurring in the flightlines. PGE now has a film record of over 25 years and has not seen any vegetative stress in the films that might be attributable to plant operations.”

In its letter of concurrence for PGE’s 2003 request to eliminate chemical monitoring of soil and vegetation, DEQ attributed its support for the request in part to the retention of the aerial photography program to detect vegetation stress. In its letter of concurrence for the current request, DEQ did not address the aerial photography program. However, DEQ subsequently clarified in an e-mail to Department staff that DEQ supported PGE’s request for the same reasons discussed below by the Department of Fish and Wildlife.

The Department of Fish and Wildlife also supported the request to eliminate aerial photography, noting that the effectiveness of monitoring vegetation by aerial photography is limited and that actual changes in vegetation might best be measured by other methods. At the April 26, 2004, public meeting, a wildlife biologist with the Department of Fish and Wildlife noted that one of those methods would be PGE’s recent participation in a multi-party conservation program.

The Department recommended that the Council find that PGE’s aerial photography monitoring program has historically shown no impact from Boardman’s operations on soils and vegetation. The Department also recommended that the Council approve PGE’s request to eliminate its aerial photography program for monitoring soils and vegetation, with the conditions that the program be reinstated should the Council determine a need for it and that PGE continue its participation in the “Multi-Species Candidate Conservation Agreement with Assurances.”

III. Public Comment and Council Deliberation

Staff’s review of those public comments made at the Council’s June 3, 2004, meeting that are directly related to the requests under consideration in this order is contained in the separate staff report on Boardman’s request issued June 13, 2004. The Department also received a letter by e-

mail on June 1, 2004, from Karyn J. Jones and James R. Wilkinson of GASP. GASP raised procedural questions and requested additional Council actions. Council members received by e-mail a copy of the GASP letter prior to the Council's June 3, 2004, meeting. Mr. Wilkinson attended the Council's June 3, 2004, telephone meeting. In preparation for the Council's July 23 meeting, staff reviewed the GASP requests and prepared recommendations on each of GASP's requested actions for the Council. In general, staff recommended that the Council deny each of the actions requested by GASP. The Council did not take action on the GASP requests.

Staff received several additional letters after the Council's June 3 meeting and distributed those letters to Council members. In addition to reviewing written comments received from the public, the Council held extensive discussion of the issues at its meeting July 23, 2004. Included in the discussions were presentations by Catherine Van Horn, ODOE, and Peter Brewer, DEQ. In addition, Dennis Logan, Shane Baker, Lyle Strandberg, Martin Pittney and Denise Kewrin appeared to present public testimony in opposition to the staff recommendation on aerial photography.

VI. Findings and Conclusion

Based on these findings, the Council hereby grants the requested changes to PGE's environmental monitoring program for the Carty Reservoir, part of the Boardman Coal Plant, as set out below.

- PGE may discontinue monitoring for total suspended solids, dissolved oxygen and phosphate.
- PGE may eliminate laboratory analysis of water samples from Carty Reservoir for pH and conductivity and shall rely on field data for these parameters.
- PGE may limit monthly water quality sampling to the plant's intake structure in Carty reservoir. PGE may also limit monthly sampling at Three Mile Canyon Farms' Willow Creek pumping station during months when water is drawn for replacement reservoir water and monthly sampling near the reservoir's withdrawal pumps during months that PGE supplies irrigation water to the Farm.

PGE did not demonstrate to the Council's satisfaction that it is in the public interest to discontinue the aerial monitoring program at this time. The Council hereby denies the requested change to PGE's aerial photography monitoring program for the Boardman Coal Plant.

IT IS SO ORDERED.

Date

Karen H. Green, Chair
Energy Facility Siting Council

Notice of the Right to Appeal

You have the right to appeal this order pursuant to ORS 183.484.