

Siting council frustrated by turbine laws

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By SAMANTHA TIPLER

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The Oregon Energy Facility Siting Council reluctantly agreed to forgo a contested case against the proposed Helix Wind Power Facility at a meeting Wednesday.

But the issue that kept coming up was the need to modernize rules for establishing wind farms in Oregon.

In this case, Iberdrola Renewables originally applied for and received a site certificate from EFSC for the wind farm in July 2009. The original certificate gave the go-ahead for 60 wind turbines for a peak capacity of 102 megawatts.

In August 2010, the company applied for an expansion nearly doubling the size of the project. The amendment asks to be allowed up to 134 wind turbines for a peak capacity of 201 megawatts. The expanded site would take up about 13,000 acres.

Since then a slew of comments came into the Oregon Department of Energy. It raised such concern that the department held a listening session in Helix on April 27. Many of those comments asked for a contested case — a process challenging the legality of the expansion.

After four-and-a-half hours of discussion, the council decided not to hold the contested case, but did ask for clarification on some issues raised in the comments. John White, project officer with the Department of Energy, took the time to go over 14 different concerns people raised and found that either Iberdrola Renewables met the requirements, or the complaints were out of the scope of what EFSC could regulate.

As they prepared to vote, all EFSC members said they did not personally agree with the action, but they were bound to follow the letter of the law.

Many said they didn't want to deny the contested case, but their hands were tied.

"I'm not going to be comfortable in denial, but I still think that's where the law book is leading us," said councilman Barry Beyeler. "... Do I like what the administrative rule says? Not necessarily. But there's a process we have to go through to change it."

"Under the circumstances with the rules, I have to agree," said vice chairwoman Lori Brogoitti. "Not that I like it, but I have to agree and vote no on the contested case."

As White went over the 14 different issues, a few items raised hackles on the council.

In one, White admitted there had been some mistakes, but he said they were rectified.

In giving notice to landowners near the proposed wind farm site, the rules say to notify anyone with property within 500 feet of the project boundary. One person was mistakenly left off the notification list. To compensate, the Department of Energy reissued the notices and extended the comment period.

But White said this may not be enough.

“We’re acknowledging that the notice rule has a weakness here,” he said.

Notifying everyone within the official sound zone — a state limit of 36 decibels from any turbine to a house — might be a better line to draw than the project boundary. Even though the rules don’t require that, White said it might be good practice in the future.

Another item that bothered the council was the amendment itself — the act of doubling the project size.

“I can see where there is some real concern about making that much of a leap in just an amendment process,” Beyeler said. “It’s just a drastic change from what was originally proposed.”

“I don’t agree with an amendment this size but we have to follow the rules,” said Brogoitti. “To me it’s an ethical question.”

“It bothers me to take a site certificate and double it with an amendment,” agreed chairman Bryan Wolfe. “It’s according to the rules. It’s all allowable. It’s OK. The amendment will be held to the same standard as another site certificate — but it bothers me.”

Iberdrola Renewables met all the legal requirements so the council had to abide by the rules. But the council members seemed to take issue with the rules themselves. They seemed frustrated as this issue cropped up again and again.

People living near the proposed project who came to the meeting agreed. They said they were glad to see the council deliberating their concerns, but after a daylong meeting, they saw the need for changing the laws.

“The public comment that’s been put on the table in this is eye-opening,” said Beyeler. “It is certainly shedding light on some of the issues that are quite perplexing.”

At one point Bob Shiprack, whose term on the council expires at the end of June, voiced the real need for change beyond the Energy Facility Siting Council.

“Sometime this council needs to identify issues with our statutes and go to the legislative and ask the people who write our laws to look at this stuff,” he said. “All the energy issues in this state are evolving. You need to deal with the times and circumstances.”

