

From: ROBIN SEVERE [<mailto:severe@wildblue.net>]
Sent: Monday, February 02, 2015 6:41 PM
To: Reiley Beth
Subject: Submitting written testimony on SB 258

Hi Beth,

Can you please add this e mail to the record as testimony on SB 258? Thank you!

Thank you Senators for taking the time to read my comments. I oppose SB 258. As one who has participated in the Oregon Dept of Energy (ODOE) siting process for industrial wind turbines, in ground zoned for Exclusive Farm Use (EFU), I have found the process to be extremely difficult. For the average citizen to participate, the ODOE has fine tuned it so that it has a huge lack of Due Process. If you find a law or rule that gives you a slight toe hold to object to a proposed portion of a wind project, the ODOE will nullify your argument or the rule. To allow SB 258 to move forward will nullify such a rule. I believe this is an attempt by ODOE to nullify ORS 469.401.

Any review of the Department's entire process, I believe, will show a huge bias in favor of the wind developer. ODOE siting division receives their funding from the applicants. Local county ordinances have been the only successful avenue tilting it back towards a level playing field. In testimony to the Energy Facility Siting Council (EFSC), I spoke to Public Health and Safety, specifically, fire danger. The Helix Wind Power Facility (HWPF) was sited in high fuel loads (standing wheat, scab ground and CRP). This project encompasses within the 2 mile foot print over 50 rural structures and homes, as well as the entire city of Helix. History of large fires in this terrain has shown it is best fought with heavy tillage equipment and aerial suppression. As every turbine is a potential ignition point, I asked EFSC for a fire risk assessment prior to granting the amended site certificate #1. The ODOE siting officer dismissed this recommendation and EFSC agreed. Amendment #2 of the HWPF, I testified that there had indeed been fires in wind projects in the immediate surrounding area. And again asked for a fire risk assessment. This time ODOE and EFSC put in a condition that required the local fire chiefs to sign off on fire safety, but only after the project was issued an amended site certificate. This is where our county ordinance (UCDC152.616HHH) gives us at least a small buffer of 2 miles in the event of a fast moving fire. This might allow residents to respond or get out in time.

At a town hall meeting in Pendleton, OR, I asked the Oregon Department of Environmental Quality (DEQ) director Dick Peterson, why the DEQ did not enforce the DEQ noise standard. He stated that the DEQ had lost funding in 1991 for enforcement. In a follow up e mail he gave the details and explained that it would be illegal for the DEQ to enforce the regulation. I provided that DEQ e mail in testimony to EFSC and specifically asked who would enforce the noise standard they were applying to wind projects in this state? ODOE advised EFSC that they were responsible for enforcing the noise standard. In a later written document from ODOE, they stated that local (county sheriff) law enforcement would be responsible for any enforcement of noise violations. I find this ironic as clearly ODOE wants county participation in enforcement but no participation in the ordinances that would head off this issue prior to construction (2 mile setback). UCDC 152.616HHH gives the county residents

a clear buffer to noise, Public Health and Safety, and loss of property values. State siting does not give the affected residents sufficient buffer from any of these damages.

I have addressed only the concerns that this SB258 will affect as it relates to energy siting. I can see ramifications for almost all aspects of city and county government through out the state. I am sure as Senators representing your constituency of your districts realize this could be a far reaching power grab, that would deny local governments the option of protecting their constituents. One size does not fit all and what works in arid eastern Oregon does not necessarily fit on the west side of the state or rural does not fit in the city. County ordinances also give rural residents an equal say in industrial projects in EFU ground.

In summary, SB258 is a bad bill and undermines Due Process that is guaranteed us in the highest laws of the land.

Thank you for your time and consideration,

Sincerely,

Robin Severe

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