



REQUEST FOR PUBLIC COMMENTS ON REVIEW OF RULES GOVERNING SITE CERTIFICATE AMENDMENTS AND APPLICATIONS FOR RULEMAKING ADVISORY COMMITTEE

Summary

The Energy Facility Siting Council invites public comment to assist in the review of the rules governing the review of requests for site certificate amendment under OAR chapter 345, division 027 that were adopted under Administrative Order EFSC 1-2020. The Council also seeks interested persons to serve on a Rulemaking Advisory Committee that will assist in the development of potential revisions to the rules. All comments and applications must be received by December 1, 2022, to be considered.

Request for Public Comment

On January 24, 2020, the Council adopted permanent rules governing the amendment of site certificates under OAR 345-027-0311 to 345-027-0400. The permanent rules replaced rules adopted in 2017 which were determined to be invalid by the Oregon Supreme Court.

Pursuant to ORS 183.405, the Council must review the newly adopted rules to determine:

- Whether the rule has had the intended effect
- Whether the anticipated fiscal impact of the rule was underestimated or overestimated
- Whether subsequent changes in the law require that the rule be repealed or amended
- Whether there is continued need for the rule
- What impacts the rule has on small businesses.

The Council invites public comment on all these factors; however, the Council is particularly interested in the following information:

- Did the rules governing requests for amendments to site certificates in OAR chapter 345, division 027 adopted in 2017 and 2020 enhance the opportunity for public participation in the site certificate amendment review process? If not, how could opportunities for public participation be improved?
- Did the rules governing requests for amendments to site certificates in OAR chapter 345, division 027 adopted in 2017 and 2020 result in increases in the time needed for review of site certificate amendment requests? If so, how could the process be made more efficient?
- Have there been changes in the amount of time or resources required to obtain a site certificate amendment since the 2017 rules came into effect?

DOE has a new online portal for submitting public comments. The goal of the online portal is to provide members of the public with another convenient option to participate in Council rulemaking proceedings. The portal can be accessed at:

<https://odoe.powerappsportals.us/SitingPublicComment/>



ENERGY FACILITY SITING COUNCIL

To comment on this project, select “2022 Amendment Rulemaking” from the drop-down menu and follow the instructions. You will receive an email confirmation after submitting your comment.

Written comments may also be submitted by mail or email by sending them to:

EFSC Rules Coordinator
Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301
Email: EFSC.rulemaking@energy.oregon.gov

All public comments received prior to the deadline above will be posted to the new “Siting Docket” at: <https://odoe.powerappsportals.us/en-US/sitingdocket/>

You may also submit your comments by electronic mail to efsc.rulemaking@energy.oregon.gov.

All comments must be received by November 30, 2022, to be considered.

Request for Interest in Rulemaking Advisory Committee

Following completion of the review under ORS 183.403, the Council intends to appoint a Rulemaking Advisory Committee to assist in the development of potential revisions to the rules. Please indicate if you are interested in serving on the Rulemaking Advisory Committee in your comments. If you are interested, please provide a brief explanation of why you are interested in serving on the committee and the interests and perspectives you wish to represent.

Participation in the Rulemaking Advisory Committee will be limited to ensure that the committee reflects a reasonable balance of interests, persons, and communities likely to be affected by the rules. Therefore, based on the number of responses, not all persons who are interested in serving on the Rulemaking Advisory Committee may be invited to participate.

Note: This notice is being issued in compliance with OAR 137-001-0100(3) and has been provided to the parties identified in ORS 183.335(1)(a), (c), and (d) and OAR 345-001-0000(1).