

ATTACHMENT 3: Summary of Rule Changes

Proposed Changes for Application Process Review Phase 1 Rulemaking

The chart does not include minor changes, e.g., renumbering done because of moving language around.

If a change involves two divisions, e.g., language was moved from Division 21 to 15, it appears twice on this chart, once under each division.

Type	Modification	Reason
DIVISION 15		
Added	Added “Sending notice by mail or email to the land management agency . . .” to various notice of intent sections throughout OAR 345.	The Council approved this addition as part of the Protected Areas rulemaking, but deferred the rule change since R211 was set to be opened.
Moved	Moved 345-020-0016(2) (“The Department must issue public notice . . . of any amendment . . .”) to 345-015-0110(4)	Consolidating references to department / staff responsibilities into Division 15.
Deleted / Moved	Deleted 345-020-0040 (“Distribution of a Notice of Intent”), while moving some portions to 345-015-0120.	Consolidating references to department / staff responsibilities into Division 15.
Added	Created 345-015-0115 – Appointment of Special Advisory Groups	Implementation of ORS 469.480 and delegating the authority to designate the Special Advisory Group members to the Department.
Modified	Changed references to ORS 469.480 throughout to now reference 345-015-0115, which implements ORS 469.480.	Updated reference to reflect new rule.
Modified	Conformed 345-015-0120(3) to 015-0110(2)(f) by adding “time” and removing “agenda” to Agency Memorandum of NOI.	Modified language for internal consistency.
Modified	Modified 345-015-0120(5) by changing duty from applicant to the Department (who ensures applicant distributes printed NOI).	Conforming division 15 language to Staff centered purpose.
Deleted	Removed “described in OAR 345-015-0130” from OAR 345-015-0130(2)	Removed reference as redundant.
Modified	Removed “send” and modified to “issue” in 345-015-0160(1)	Updated to conform to guiding language used in ORS 469.330.

Moved	Moved Rule 345-021-0050(7) ("After receiving the preliminary application . . . ") into its own section: 345-015-0171.	Consolidating references to department / staff responsibilities into Division 15. Created a new rule out of this language to create uniformity in the various stages of the siting process.
Moved / Modified	Merged 345-021-0050 into 345-015-0180, both of which reference the agency memorandum on the preliminary application. Will require future rewrite to make this merge successful.	Consolidating references to department / staff responsibilities into Division 15.
Deleted	Removed "in coordination with the applicant" in the new OAR 345-015-0180(2)	This language was deleted to conform with standard practice.
Deleted	"Until the Department determines the application to be complete, it is a preliminary application" from 345-015-0190	Removed because this language is stated in 345-015-0180 now and there is no need to repeat it in 0190.
Modified	Changed 345-015-0190(9) -- now 345-015-0190(7) -- ("After a determination that an application is complete, the applicant must submit additional information" to "After a determination that an application is complete, if the Department identifies a need for additional information . . .") to place the subject before the verb.	Modified for clarity.
Moved / New Section	Moved 345-015-0190 (7)-(8) to their own section now called "345-015-0194 - Public Notice of Complete Application for Site Certificate"	Created this new section to create internal consistency between the various phases of the siting process.
Added	Created "345-015-0198 - Informational Meeting on a Complete Application."	Created this new section to create internal consistency between the various phases of the siting process.
Deleted	Deleted "described in OAR 345-015-0130"	Removed reference as redundant / unnecessary.
Moved / Modified	Combined 345-021-0055 and 345-015-0200 into a new section called "Distribution of a Complete Application and Notice Thereof"	Consolidating references to department / staff responsibilities into Division 15.
Deleted	Removed "under OAR 345-021-0055"	Removed as redundant / unnecessary
Modified	Changed heading for 345-015-0220: "Public Hearing on the Draft Proposed Order" to add "and Notice Thereof"	Add language for clarity
Deleted	Removed 345-015-0230(5), which reads: "After the conclusion of the contested case proceeding, the Council will take final action on the site certificate application, as described in OAR 345-015-0085."	Removed as redundant.

Added	Added "(3) The applicant or the applicant's representative must attend all public informational meetings described in (1)-(2)." to OAR-015-0198.	Added to make it clear that the applicant or applicant's representative needs to attend this informational meeting.
Modified	Modified 345-015-0120 from "After receiving a notice of intent (NOI), the Department must prepare a memorandum for distribution as described in OAR 345-020-0040" to "After receiving a notice of intent (NOI), the Department must prepare a memorandum."	Removed reference to 345-020-0040 as it does not exist anymore.
Deleted	Deleted 345-015-0120(5) (NOPR version) from "Should any person on the distribution list request a printed copy of all or part of the NOI, the Department will ensure that the applicant does so."	Not needed. This language was modified from language that was originally from 345-020-0040, which is now gone. This language is not needed and is redundant of other rule language, so it is just being removed entirely.
Modified	Modified 345-015-0180(4)(b) from "OAR 345-015-0180" to "OAR 345-015-0115"	Updated to reflect new rule in 0115.
DIVISION 20		
Moved	Moved 345-020-0011(4) ("The applicant must submit, to the Department . . .") to 345-020-0006(3).	Moved this language to the section on "Submission of a Notice of Intent" because it refers to the submission process of an NOI, not the substantive content.
Moved	Moved 345-020-0016(2) ("The Department must issue public notice . . . of any amendment . . .") to 345-015-0110(4).	Consolidating references to department / staff responsibilities into Division 15.
Deleted	Deleted the majority of 345-020-0040 ("Distribution of a Notice of Intent"), while moving some portions to 345-015-0120.	Consolidating references to department / staff responsibilities into Division 15.
Moved	Moved 345-020-0006(2) to (3).	Moved for clarity.
Modified	Modified 345-020-0006(2) from "The applicant must prepare and distribute additional copies of the NOI as required by OAR 345-020-0040" to "The applicant must prepare and distribute additional copies of the NOI as directed by the Department."	Updated to reflect removal of OAR 345-020-0040. Reworded for clarity.
Modified	Modified 345-020-0016(4) from "The applicant must prepare and submit additional copies of the amended NOI as required by OAR 345-020-0040" to "The applicant must prepare and submit additional copies of the amended NOI as directed by the Department."	Updated to reflect removal of OAR 345-020-0040. Reworded for clarity.
Modified	345-020-0016 from "The applicant must prepare and submit additional copies of the amended NOI as required by OAR 345-	Updated to reflect removal of OAR 345-020-0040. Reworded for clarity.

	020-0040” to “The applicant must prepare and submit additional copies of the amended NOI as directed by the Department.”	
DIVISION 21		
Moved / Modified	Combined 345-021-0055 and 345-015-0200 into a new section called “Distribution of a Complete Application and Notice Thereof.”	Consolidating references to department / staff responsibilities into Division 15.
Moved	Moved Rule 345-021-0050(7) (“After receiving the preliminary application”) into its own section: 345-015-0171.	Consolidating references to department / staff responsibilities into Division 15. Created a new rule out of this language to create uniformity in the various stages of the siting process.
Moved / Modified	Merged 345-021-0050 into 345-015-0180, both of which reference the agency memorandum on the preliminary application.	Consolidating references to department / staff responsibilities into Division 15.
Moved	Moved language from 345-021-0080 and placed it into 022-0005.	Moved this language out of Division 22 because this language represents a source of requirements applicants have to meet.
Modified	Modified language found in: 345-001-0010(28)(q), 345-015-0180 (4)(b), and 345-022-0000 from “designated by the Council under ORS 469.480” to “designated by the Department under OAR 345-015-0115.”	Modified rule language to reflect the addition OAR 345-015-0115, which delegates the authority to designate the SAG to the Department.
Modified	Modified 345-021-0010 from “The applicant must submit additional printed copies of the preliminary application to the Department upon request. The applicant must prepare and distribute additional copies of the application as required by OAR 345-021-0050” to “The applicant must submit additional printed copies of the preliminary application as directed by the Department.”	Updated for clarity and removed reference to 0050, which no longer exists.
DIVISION 22		
Moved	Moved language from 345-021-0080 and placed it into 022-0005.	Moved this language out of Division 22 because this language represents a source of requirements applicants have to meet.