



ENERGY FACILITY SITING COUNCIL

2021-2023 Rulemaking Schedule¹

Project ID	Subject Matter	Description	Method for Obtaining Advice ²
In Progress			
R184	Protected Areas, Recreation, & Scenic Resources	Review the Protected Areas, Scenic Resources, and Recreation standards and associated rules to ensure that the areas, designations, and resources protected by rules are up to date and that rules are clear and consistent with the Council’s review process.	TBD
R195	Radioactive Waste Materials Enforcement	Review rules in OAR chapter 345, division 029 to ensure that the enforcement of laws and rules governing the transport and disposal of radioactive materials and wastes is sufficient to protect public health and safety and the environment. (NOTE: Additional rulemaking may be conducted after the 2021 legislative session to evaluate the current regulatory landscape and body of evidence related to the disposal of materials containing naturally occurring radioactive materials and identify potential updates to division 050 rules)	RAC
2021			
R211	Application Process Review – Phase 1 (NEW)	Evaluate options to better align the application requirements in OAR 345-020 and 021 with the standards in OAR 345-022 to 345-024 and improve the consistency of rules and the application process. Phase 1 will reorganize rules in divisions 015 to 026 to create clear separation of procedural and substantive provisions in rules and simplify procedures for review where practicable.	RAC
R191	Trojan ISFSI Compliance	Review OAR 345-026-0170 to 345-026-0390 and other rules related to the Trojan Independent Spent Fuel Storage Installation to ensure rules are up to date and address the terms and technical specifications of PGE’s renewed Special Nuclear Materials license issued by the Nuclear Regulatory Commission in Aug. 2019.	Request for Written Advice
R202	Research Reactors	Update OAR chapter 345, division 030, to ensure consistency with federal reporting requirements and deadlines. Clarify process for notification of incidents relating to the safe operation of a reactor.	Request for Written Advice
R215	Wildfire Prevention and Response (NEW)	Evaluate whether the Council should adopt standards or requirements related to wildfire prevention, preparedness, or response as part of the siting review process.	RAC

¹ For more information about individual projects, please see the staff report for Agenda Item C of the January 22, 2021 Energy Facility Siting Council Meeting, available from the Council’s [website](#).

² Note that regardless of what method is used to obtain advice on proposed rules, a formal public comment period will take place after issuance of the Notice of Proposed Rulemaking.

Project ID	Subject Matter	Description	Method for Obtaining Advice ²
R185	Site Certificate Exemptions	Evaluate potential updates to OAR 345-015-0350 to 345-015-0380 to address several outstanding policy questions regarding Council's authority to place conditions on a determination that a facility is exempt from the requirement to obtain a site certificate under ORS 469.320.	RAC
2022			
R212	Application Process Review – Phase 2 (NEW)	Evaluate options to better align the application requirements in OAR chapter 345, divisions 020 and 021 with the standards in divisions 022 to 024 and improve the consistency of rules and the application process. Phase 2 will review application requirements currently located in divisions 020 and 021 to ensure that requirements align with what is needed to demonstrate compliance with the Council's standards.	RAC
R204	2022 Site Certificate Amendments	Review OAR chapter 345, division 027, and associated rules to evaluate the efficacy of the rules in providing opportunities for public participation and minimizing adverse economic impacts on certificate holders. Address other outstanding issues from the 2019 Site Certificate Amendment rulemaking.	RAC
R194	Historic, Cultural and Archaeological Resources	Evaluate options to encourage early communication between applicants and tribal governments to identify historic, cultural, and archaeological resources early in the application process.	Public Workshop
R183	General Compliance	Update OAR 345-026-0005 to 345-026-0170 and related rules to better support ongoing compliance activities.	RAC
R217	2022 Carbon Monetary Offset Rate Update (NEW)	Update the carbon monetary offset rate under OAR 345-024-0580 to address historic increases in offset costs. The rate may be increased by up to 50% as of 7/1/2022 under ORS 469.503(2)(c)(C).	Fiscal Advisory Committee
2023			
R214	Contested Cases (NEW)	Evaluate options to improve clarity in the contested case process and improve consistency with the Attorney General's Model Rules for Contested Cases under OAR chapter 137 and the Quasi-Judicial Land Use Hearing process used by local governments.	RAC
R213	Application Process Review – Phase 3 (NEW)	Evaluate options to better align the application requirements in OAR chapter 345, divisions 020 and 021 with the standards in division 022 to 024 and improve the consistency of rules and the application process. Phase 3 will evaluate standards and substantive requirements to determine if requirements should be adjusted for different types of energy facilities, including facilities which generate energy from renewable resources.	RAC
R193	Noise Standard	Review how DEQ noise control standards apply to energy facilities and evaluate if Council should consider rule changes to improve clarity and efficiency in verifying compliance for energy facilities.	RAC
R201	Geospatial Resources	Consider options to improve Council and Department's collection and use of geospatial data and information resources, including but not limited to, requiring applicants and certificate holders to submit GIS data for	RAC

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		energy facilities. In evaluating options, the Department will consider potential costs to applicants and considerations for proprietary information or critical energy infrastructure information.	
R216	Natural Hazards Mitigation (New)	Evaluate whether and how the siting review process can support the goals of the Oregon Natural Hazard Mitigation Plan and implement natural hazard mitigation strategies.	RAC
R205	Mandatory Conditions in Site Certificates	Review rules in OAR chapter 345, division 025, to ensure that the mandatory conditions specified by rule are clear, complete, and necessary to be included in each site certificate. Consider allowing flexibility in language to address site specific conditions and circumstances.	RAC
PENDING 5 YEAR REVIEWS			
Project ID	Project Name	Description	Due Date
R183	Solar PV Rules	Complete 5-year review of OAR 345-001-0250	Complete by 6/20/2025
R207	Safe Public Meetings and Hearings	Complete 5-year review of OAR 345-015-0003	Complete by 10/23/2025