

Rulemaking Discussion: EFSC Site Certificate Amendments

Energy Facility Siting Council

May 03, 2013

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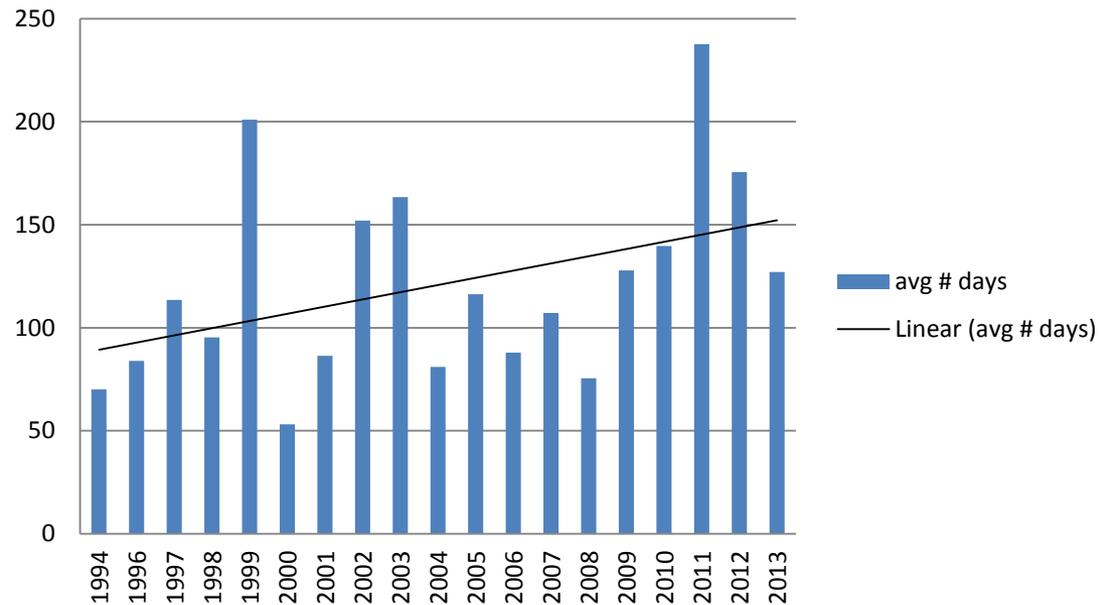


Staff Recommendation

- Authorize staff to initiate rulemaking to amend the OAR 345 at Division 27 rules for EFSC Site Certificate Amendments.

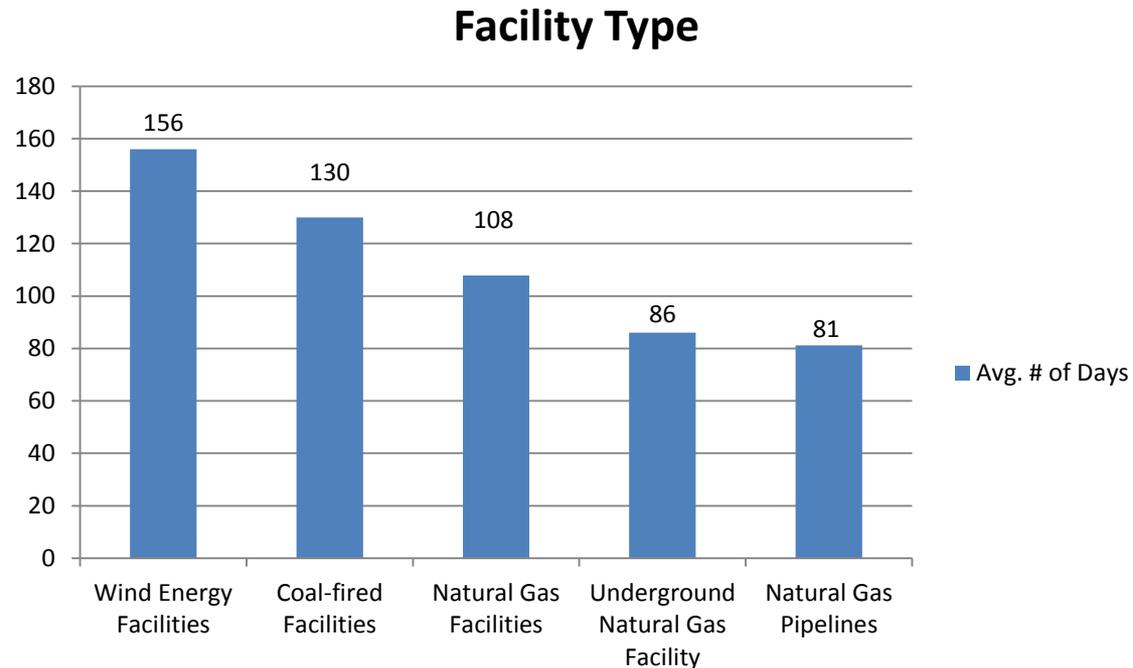
The number of days required for approval have increased over time.
(Approval time required 70 days in 1994 compared to 176 days in 2012).

Avg. Number of Days for Approval



Amendments for wind energy facilities have required the most time (156 days) followed by coal-fired facilities (130 days).

Average Number of Days to Approve Amendments by Facility Type



Some Concerns from Public Workshops

Workshop #1:

- *There should be clearer guidelines for when an amendment is required.*
- *Notice should be expanded.*
- *The process for contested case opportunities should be reviewed.*
- *The deadlines for site certificates should be evaluated to determine if they are realistic.*

Workshop #2:

- *Types of amendments and limitations on those particular types of amendments should be clarified.*
- *The public should have more access in the amendment process – especially when there are substantial changes involved.*
- *Facilities are not all the same and we should consider having different processes for different types of facilities and/or technologies.*

Written Comments:

- *The current process generally works well and significant changes or limitations to the process would be disruptive, costly, and additional costs would ultimately be borne by consumers.*
- *If there is a particular kind of facility or a specific issue for which the amendment process does not work, the Council should address it narrowly.*
- *There should be a distinction between amendments that make administrative changes versus substantive changes to a previously approved site certificate.*

EFSC Rulemaking Amendment Advisory Committee

- Anticipate 9 to 15 Members

Number of Participants	Representative Group
Two (2)	Public
Two (2)	Public Utilities
Two (2)	Merchant Facilities
Two (2)	NGO
Two (2)	Advisory Groups (RNP/CREA)
Two (2)	Local Reviewing Agencies
Two (2)	State Reviewing Agencies

- Solicitation Letter
 - Those who provided comments at workshops.
 - Others
- Council Appointment?
 - Staff recommendation
 - Laundry list

EFSC Rulemaking Amendment Advisory Committee

- 2 to 3 Meetings:
 - Boardman
 - Portland
 - Location TBD depending on Committee Makeup
- Publicly notified with public comment timeframe at the end of each meeting.
- Anticipated Timeline:
 - Staff identification of potential committee members by May 31st.
 - Appointment of Committee at June 21st Council Meeting.
 - Committee Dates:
 - Boardman – early July
 - Portland – mid-July
 - Other – TBD
- Staff recommendation and proposed changes anticipated in late- 2013

Next Steps:

- Authorize ODOE staff to initiate rulemaking.
- Staff to develop framework based on comments from earlier public workshops.
- Advisory committee to develop recommendations.
- Advisory committee recommendations to be posted on website.
- Formal comment period to receive public comments.
- Public hearing.
- Staff anticipates that they will present their findings and recommendations to Council in late 2013.