



Oregon

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Date: May 3, 2013

To: EFSC members

From: Lee Willeman, Policy Analyst
Todd Cornett, Siting Division Administrator

Subject: **Action Item:** Permanent Rulemaking for EFSC Site Certificate Amendments and Appointment of Advisory Committee.

Staff Recommendation:

ODOE staff recommends that the Council authorize staff to initiate rulemaking to amend the OAR 345 at Division 27 rules for EFSC Site Certificate Amendments and Appoint an Advisory Committee.

Background :

At its August 24, 2012 EFSC meeting, the Council directed staff to begin a review of issues related to site certificate amendments. Staff conducted public workshops to explore these issues and potential solutions on February 6, 2013 at the Port of Morrow in Boardman and on February 19, 2013 in Salem. Comments received were posted to the siting website.

Council provided additional input related to the structure of the advisory group at its May 3, 2013 meeting. Staff has compiled a list of potential advisory committee members representing a balanced cross-section of interest groups based on that input. These interest groups include the public, public utilities, merchant facilities, NGOs, various advisory groups, local reviewing agencies, and state reviewing agencies. It is anticipated that the advisory committee that is appointed will consist of 9 to 15 members depending on the interest and availability of potential members.

Anticipated Advisory Committee Meeting Structure

Staff will prepare an initial draft proposal for review and input from the advisory committee. All meetings will be publicly notified with a public comment period at the end of each meeting. It is anticipated that there will be a total of 2 to 3 advisory group meetings depending on the need. The advisory committee meetings will be held in different geographic locations based on the composition of committee members. The first meeting is anticipated to be held in Boardman or another location in the eastern portion of the state sometime in August. The second meeting is anticipated to be held in the Portland area in early September. Additional meetings will be scheduled if needed.

Next Steps:

- Authorize ODOE staff to initiate rulemaking.
- Council will appoint an advisory group to develop recommendations.
- ODOE staff will develop the initial framework based to review with the advisory committee.
- The advisory committee will develop initial recommendations.
- Advisory committee recommendations will be posted on the siting website.
- A formal comment period will be scheduled to allow for public comments.
- A public hearing will be scheduled.
- It is anticipated that Staff analysis and recommendations will be provided to the Council in late 2013.

Staff Analysis

Staff will review feedback provided by the advisory committee and anticipates providing its recommendations to the Council in late 2013.

Effect of Recommended Action

If the Council authorizes rulemaking, ODOE will initiate the rulemaking process under ORS 183.325 et seq. and OAR 137 Division 001. Staff anticipates completing the rulemaking process and proposing Council adoption of rule amendments in late 2013.