



Oregon

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Date: **June 21, 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 to appoint an Advisory Committee.

Background:

Rulemaking initiation:

At the May 3, 2013 meeting, Council approved staff's request to authorize rulemaking to amend the rules for EFSC Site Certificate Amendments. As a result of a procedural error, this is a request to reinstate the rulemaking that was previously authorized at the May meeting.

Advisory Committee:

Council provided input related to the structure of the advisory group at its May 3, 2013 meeting. Based on that input, staff has compiled a list of potential advisory committee members intended to represent a balanced cross-section of interest groups. These interest groups include the public, public utilities, merchant facilities, NGOs, 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. Staff requests Council approval of potential advisory committee members from the list provided by staff.

Next Steps

Following the initiation of rulemaking and appointment of an advisory committee, staff will develop an initial framework of Division 27 rule amendments for review and evaluation by the advisory committee. Following a public hearing process, staff anticipates presenting proposed Division 27 amendments to the Council in late 2013.

Effect of Recommended Action

Following Council authorization of rulemaking, ODOE will initiate the rulemaking process under ORS 183.325 et seq. and OAR 137 Division 001. Following Council approval of potential members of the advisory committee, staff will confirm availability of potential committee members and establish the advisory committee.