Process Charts for How EFSC Reviews Requests for Amendment (RFA)

2017 Rulemaking proposing changes to the RFA process
Existing Standard Process

Applicable to:
- Later-adopted laws
- Extending construction deadlines
- Design, construct or operate differently than site certificate if...
  - “the 3 coulds…”

0. Optional Change Request
   - Yes → Optional Draft Request for Amendment (dRFA)
   - No → STOP

1. Request for Amendment (RFA)

2. Dept. Determines:
   - Standard Review, or
   - Extended Review

3. Comment Period

4. Optional Public Meetings

5. Proposed Order (PO)

6. Comments & Requests for Contested Case
   - If CC Requests → Council Considers Contested Case Requests
   - If no CC Requests → 8a or 7b

7a. Council Considers Contested Case Requests

8a. If CC Denied
   - Final Order
     Council reviews the record and PO and issues a final order approving or denying the amendment.

8b. If CC Granted
   - Contested Case
     Issuance of Hearing Officer’s Proposed Contested Case Order (PCCO)

9. Final Order
   Council reviews the record and PCCO and issues a final order approving or denying the amendment.

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Proposed Rules – New Standard Process

Applicable to:
- Later-adopted laws
- Extending construction deadlines
- Adding area to site boundary
- Design, construct or operate differently than site certificate if...
  - “the 3 coulds…”

1. Preliminary Request for Amendment (pRFA)
2. Determination of Completeness (DOC)
3. Draft Proposed Order (DPO)
4. Comment Period
   - Public Hearing Before Council
   - "Raise it or Waive it"
5. Council Considers Comments
6. Proposed Order (PO)
7. Requests for Contested Case
8a. Council Considers Contested Case Requests
     - If CC Requests
     - CC Denied
     - CC Granted
9a or 8b. Final Order
   - Council reviews the record and PO
   - and issues a final order approving or denying the amendment.
9b. Contested Case
   - Issuance of Hearing Officer’s Proposed Contested Case Order (PCCO)
10. Final Order
   - Council reviews the record and PCCO
   - and issues a final order approving or denying the amendment.
Proposed Order (PO)

Final Order

Approval if Council finds:
• compliance with
  • 345-22-0010,
  • 345-22-0050, and
  • If applicable, 345-024-0710(1);
• transferee is or will be lawfully entitled to possession or control of the site or facility

Emergency Request for Transfer

If special circumstances justify emergency, the Council chair may, upon written request from transferee showing the requirements of Step 6, issue a temporary amended site certificate. Expires as Council orders or upon issuance of a standard transfer order through the standard transfer process.

Applicable to:
• Transfer of ownership of the facility or the site certificate holder

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