

# Oregon

Kate Brown, Governor



**Date:** September 7, 2017

**To:** Oregon Energy Facility Siting Council (EFSC or “the Council”)

**From:** Jason Sierman, Policy Analyst  
Todd Cornett, ODOE Assistant Director / Council Secretary

550 Capitol St. NE  
Salem, OR 97301  
Phone: 503-378-4040  
Toll Free: 1-800-221-8035  
FAX: 503-373-7806  
[www.oregon.gov/energy](http://www.oregon.gov/energy)

**Subject:** Agenda Items C and G for the September 21-22, 2017 Council Meeting  
Rulemaking: Structural, Geologic and Seismic Updates (Information & Action Items)  
Rulemaking hearing and the potential adoption of final rule language for the structural, geologic, and seismic updates. This rulemaking proposes to amend:

- 1) OAR 345-021-0010 Contents of an Application;
- 2) OAR 345-022-0020 Structural Standard;
- 3) OAR 345-027-0020 Mandatory Conditions In Site Certificates; and
- 4) OAR 345-050-0060 Site Suitability.

## Overview

At its August 18, 2017 Council meeting, the Council received an overview of staff’s work on the Council’s third scheduled rulemaking project for 2017, the structural, geologic, and seismic rulemaking. Work included drafting an initial redline document showing the precise changes being proposed in this rulemaking (*see **Attachment A***) and issuing official public notice of this rulemaking on August 10<sup>th</sup>, with a rulemaking hearing scheduled to occur before the Council at 4:30pm on September 21, 2017 at Boardman City Hall (*see **Attachment C***). The rulemaking hearing is Agenda Item C, an information item for the Council. After the hearing and after considering all comments received on the record before the close of the hearing, the Council will deliberate and decide on whether to adopt final rule language under Agenda Item Y, an action item for the Council.

## Purpose and Scope

The purpose and scope of the structural and geologic rulemaking project is to amend the provisions in EFSC rules relating to the structural, geologic, and seismic issues the Council examines when issuing site certificates, or amendments to site certificates, for energy facilities and waste disposal facilities within Council jurisdiction (or when carrying out cooperative agreements or arrangements with an agency of the federal government to clean up radioactive waste, uranium mine overburden or contaminated material pursuant to ORS 469.559(2)).

These amendments are broadly needed to: 1) eliminate references to specific codes, which can quickly become outdated; 2) better describe the relationship and consultation requirements between the applicant (or certificate holder) and the Department of Geology and Mineral Industries (DOGAMI); 3) add factors the applicant must consider in its assessments and explanations of how it will design, engineer, construct, and operate the facility to avoid dangers caused by structural, geologic, and seismic issues and hazards (factors including but not limited

to the environment, resiliency, rapid recovery, future climate conditions, etc.); and 4) eliminate inefficient and unnecessary language. The proposed rule language is intended to focus the requirements of Exhibit H and the Structural Standard to site-specific issues and risks, and allow for the appropriate consideration of evolving science of seismic risk and hazard based on consultation with DOGAMI.

### **Applicability of EFSC Rule Changes Approved by the Council**

Generally speaking, applicants for site certificates, and site certificate holders making a request for amendment to the site certificate, must demonstrate compliance with the EFSC rules that are in effect on the date the Council makes its final decision on whether to approve or deny a site certificate or an amendment to a site certificate. Absent any specific language stating otherwise, any and all changes that are approved in an EFSC rulemaking project (other than rules relating to the Council's land use standard) become applicable to all in process applications for site certificates and all in process requests for amendment upon their effective date. The Council's land use standard is the only EFSC rule that becomes fixed upon the date an application is submitted, or the date a request for amendment is submitted.

### **Proposed Amendments to EFSC Rules**

Prior to issuing official public notice of this proposed rulemaking project, EFSC staff met with the staff of the Department of Geology and Mineral Industries (DOGAMI) and recommended changes to the (4) EFSC rules listed below (*see the initial proposed redline in **Attachment A***). Following the update staff provided to the Council at its August meeting, staff received additional input from DOGAMI that resulted in staff recommending minor changes to the language initially proposed (*see the final proposed redline in **Attachment B***). All changes between the initial proposed redline and the final proposed redline are within the scope of the official public notice issued for this rulemaking project.

#### **1) OAR 345-021-0010 Contents of an Application**

##### **Subsection (1)(h)**

Staff recommends amending subsection (1)(h) of this rule to require applicants for site certificates (or existing site certificate holders) to:

- consult with DOGAMI in its assessment of the seismic hazards, and geology and soil-related hazards, related to the proposed energy facility (or proposed change to an already certificated energy facility);
- include a summary of its consultation with DOGAMI; and
- include a geologic report that meets the current guidelines (as determined by DOGAMI) of the Oregon State Board of Geologist Examiners.

#### **2) OAR 345-022-0020 Structural Standard**

##### **Subsection (1)(a)**

Staff recommends amending subsection (1)(a) of this rule to require the Council, in order to issue a site certificate or amend a site certificate, to find that the applicant or certificate holder, has adequately characterized the seismic hazard risk of the site in its site-specific study. The proposed changes would remove the specific and absolute requirement to characterize the site as to the Maximum Considered Earthquake Ground Motion as shown for the site in the 2009 International Building Code and maximum probably ground

motion, while still allow DOGAMI and EFSC to require compliance with any applicable codes or laws related to seismic hazard risks.

Subsection (1)(b)

Staff recommends amending subsection (1)(b) of this rule to require the Council, in order to issue a site certificate or amend a site certificate, to find that the applicant or certificate holder can design, engineer, and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site, as identified in subsection (1)(a). The proposed changes would add the requirement to avoid dangers to the environment and otherwise removes what staff considers to be superfluous language.

Subsection (1)(d)

Staff recommends amending subsection (1)(d) of this rule to require the Council, in order to issue a site certificate or amend a site certificate, to find that the applicant or certificate holder can design, engineer, and construct the facility to avoid dangers to human safety and the environment presented by the hazards identified in subsection (c). The proposed changes would add the requirement to avoid dangers to the environment.

Section (2)

Staff recommends amending section (2) to align with the statutory language found in ORS 469.501(4).

Section (3)

Staff recommends amending section (3) to align with the statutory language found in ORS 469.373(10).

**3) OAR 345-027-0020 Mandatory Conditions In Site Certificates**

Section (12)

Staff recommends amending section (12) of this rule to require a mandatory condition in all site certificates and amended site certificates for the certificate holder to design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards. The proposed changes would add the requirement to avoid dangers to the environment and would clarify the definition of “seismic hazard” as used in this rule.

Section (13)

Staff recommends amending section (13) of this rule to give the Council the authority to require the certificate holder to implement any corrective or mitigation actions that may be recommended by DOGAMI and the Building Codes Division in the event site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate.

Section (14)

Staff recommends amending section (14) of this rule to give the Council the authority to require the certificate holder to propose and implement any corrective or mitigation actions that may be recommended by DOGAMI and the Building Codes Division in the

event shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site.

**4) OAR 345-050-0060 Site Suitability**

Section (1)

Staff recommends amending this rule to include impacts from future climate conditions in the factors of geological evidence it shall consider when determining an area subject to surface water erosion over the projected life of the facility that is not suitable for the type and amount of waste the applicant intends to dispose of at the site.

Section (3)

Staff recommends amending this rule to state that a site is not suitable for the type and amount of waste the applicant intends to dispose of at the site if it is located in a Quarternary-active fault or fault zone. Existing language only states a site is not suitable if it is located in an active fault zone.

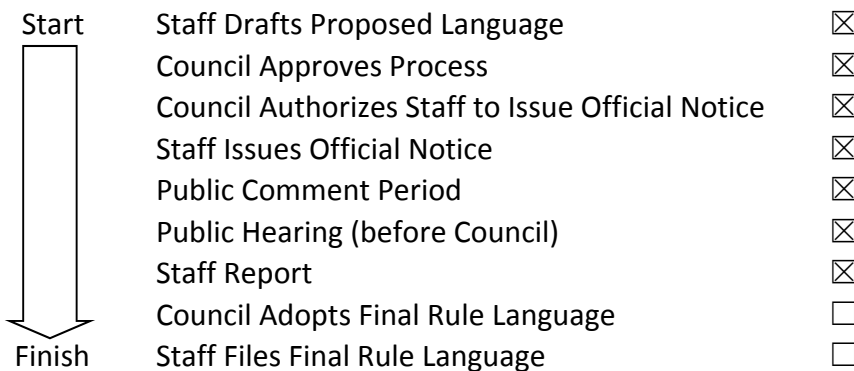
Section (4)

Staff recommends amending this rule to state that a site is not suitable for the type and amount of waste the applicant intends to dispose of at the site if it is located in an area of ancient, recent, active or potentially active mass movement, including the triggering mechanisms such as earthquake shaking. Existing language only states a site is not suitable if it is located in an area of ancient, recent, or active mass movement.

**Recommended Process**

Base on the Council’s direction, staff has completed the rulemaking process as illustrated below:

NO EARLY PUBLIC PARTICIPATION (APPROVED PROCESS)



The next step in the process is for the Council to consider the proposed rule language in conjunction with its consideration of all comments received on the record before the end of the rulemaking hearing on September 21, 2017. Should the Council need additional time to consider all comments received, it may postpone its decision on adoption of permanent rules to a future Council meeting.

After the Council considers all comments received, the Council may vote on adoption of the proposed rule language as permanent rules. Subject to Council adoption, staff will ask for signature authorization from the Council Chair to file the permanent rules with the Oregon Secretary of State. Subject to the Council's adoption of permanent rules, and subject to receiving authorization to file, staff would likely file the permanent rules on or around September 28, 2017. Unless the Council chooses an effective date later than the filing date, the new rule language would become effective upon filing.

### **Staff Recommendation**

As discussed above, and as shown in the attached redlines, this rulemaking amends the following (4) rules:

- 1) OAR 345-021-0010 Contents of an Application;
- 2) OAR 345-022-0020 Structural Standard;
- 3) OAR 345-027-0020 Mandatory Conditions In Site Certificates; and
- 4) OAR 345-050-0060 Site Suitability.

Staff recommends that the Council adopt the proposed language as final permanent rules and authorize staff to file the adopted permanent administrative rules with the Oregon Secretary of State. These rules would be effective upon filing, with a target filing date of September 28, 2017.

1 **345-021-0010**

2 **Contents of an Application**

3 (1) The project order described in OAR 345-015-0160(1) identifies the provisions of this rule  
4 applicable to the application for the proposed facility, including any appropriate modifications  
5 to applicable provisions of this rule. The applicant shall include in its application for a site  
6 certificate information that addresses each provision of this rule identified in the project order.  
7 The applicant shall designate the information with the appropriate exhibit label identified in the  
8 following subsections. If the same information is required in each of several exhibits the  
9 applicant may provide the required information in one exhibit and include appropriate  
10 references in the others. For the purpose of submitting an application for a site certificate in an  
11 expedited review granted under OAR 345-015-0300 or 345-015-0310, the applicant shall  
12 include information that addresses all provisions of this rule. In such expedited reviews, analysis  
13 areas addressed in this rule are the study areas defined in 345-001-0010, subject to later  
14 modification in the project order.

15  
16 (a) Exhibit A. ...

17 (b) Exhibit B. ...

18 (c) Exhibit C. ...

19 (d) Exhibit D. ...

20 (e) Exhibit E. ...

21 (f) Exhibit F. ...

22 (g) Exhibit G. ...

23

24 (h) Exhibit H. Information from reasonably available sources regarding the geological and soil  
25 stability within the analysis area, providing evidence to support findings by the Council as  
26 required by OAR 345-022-0020, including:

27

28 (A) A geologic report meeting the Oregon State Board of Geologist Examiners geologic report  
29 guidelines. Current guidelines shall be determined based on consultation with the Oregon  
30 Department of Geology and Mineral Industries, as per (B).guidance in Oregon Department of  
31 Geology and Mineral Industries open file report 00-04 "Guidelines for Engineering Geologic  
32 reports and Site Specific Seismic Hazard Reports."

33

34 (~~C~~B) A description and schedule of site-specific geotechnical work that will be performed before  
35 construction for inclusion in the site certificate as conditions.

36

37 (~~B~~C) A summaryEvidence of consultation with the Oregon Department of Geology and Mineral  
38 Industries regarding the appropriate methodology and scope of the seismic hazards and  
39 geology and soil-related hazards assessments, and the appropriate site-specific geotechnical  
40 work that must be performed before submitting the application for the Department to  
41 determine that the application is complete.

42

1 (D) For all transmission lines, and for all pipelines that would carry explosive, flammable or  
2 hazardous materials, a description of locations along the proposed route where the applicant  
3 proposes to perform site specific geotechnical work, including but not limited to railroad  
4 crossings, major road crossings, river crossings, dead ends (for transmission lines), corners (for  
5 transmission lines), and portions of the proposed route where geologic reconnaissance and  
6 other site specific studies provide evidence of existing landslides, ~~or~~ marginally stable slopes or  
7 potentially liquefiable soils that could be made unstable by the planned construction or  
8 experience impacts during the facility's operation.

9  
10 ~~(E) For all pipelines that would carry explosive, flammable or hazardous materials, a description~~  
11 ~~of locations along the proposed route where the applicant proposes to perform site specific~~  
12 ~~geotechnical work, including but not limited to railroad crossings, major road crossings, river~~  
13 ~~crossings and portions of the proposed alignment where geologic reconnaissance and other site~~  
14 ~~specific studies provide evidence of existing landslides or marginally stable slopes that could be~~  
15 ~~made unstable by the planned construction.~~

16  
17 ~~(E) An assessment of seismic hazards in accordance with the guidance provided by Oregon~~  
18 ~~Department of Geology and Mineral Industries under (B), and an explanation of how the~~  
19 ~~applicant will design, engineer, construct, and operate the facility to avoid dangers to human~~  
20 ~~safety and the environment from these seismic hazards. Furthermore, an explanation of how~~  
21 ~~the applicant will design, engineer, construct and operate the facility to integrate disaster~~  
22 ~~resilience design to ensure a rapid recovery of operations after major disasters. The applicant~~  
23 ~~shall include proposed design and engineering features, applicable construction codes, and any~~  
24 ~~monitoring and emergency measures for seismic hazards, including tsunami safety measures if~~  
25 ~~the site is located in the DOGAMI-defined tsunami evacuation zone. For the purposes of this~~  
26 ~~assessment, the maximum probable earthquake (MPE) is the maximum earthquake that could~~  
27 ~~occur under the known tectonic framework with a 10 percent chance of being exceeded in a 50~~  
28 ~~year period. If seismic sources are not mapped sufficiently to identify the ground motions~~  
29 ~~above, the applicant shall provide a probabilistic seismic hazard analysis to identify the peak~~  
30 ~~ground accelerations expected at the site for a 500 year recurrence interval and a 5000 year~~  
31 ~~recurrence interval. In the assessment, the applicant shall include:~~

32  
33 ~~(i) Identification of the Maximum Considered Earthquake Ground Motion as shown for the site~~  
34 ~~under the 2009 International Building Code.~~

35  
36 ~~(ii) Identification and characterization of all earthquake sources capable of generating median~~  
37 ~~peak ground accelerations greater than 0.05g on rock at the site. For each earthquake source,~~  
38 ~~the applicant shall assess the magnitude and minimum epicentral distance of the maximum~~  
39 ~~credible earthquake (MCE).~~

40  
41 ~~(iii) A description of any recorded earthquakes within 50 miles of the site and of recorded~~  
42 ~~earthquakes greater than 50 miles from the site that caused ground shaking at the site more~~  
43 ~~intense than the Modified Mercalli III intensity. The applicant shall include the date of~~

1 ~~occurrence and a description of the earthquake that includes its magnitude and highest~~  
2 ~~intensity and its epicenter location or region of highest intensity.~~

3 ~~(iv) Assessment of the median ground response spectrum from the MCE and the MPE and~~  
4 ~~identification of the spectral accelerations greater than the design spectrum provided in the~~  
5 ~~2010 Oregon Structural Specialty Code. The applicant shall include a description of the probable~~  
6 ~~behavior of the subsurface materials and amplification by subsurface materials and any~~  
7 ~~topographic or subsurface conditions that could result in expected ground motions greater than~~  
8 ~~those characteristic of the Maximum Considered Earthquake Ground Motion identified above.~~

9  
10 ~~(v) An assessment of seismic hazards expected to result from reasonably probable seismic~~  
11 ~~events. As used in this rule “seismic hazard” includes ground shaking, ground failure, landslide,~~  
12 ~~lateral spreading, liquefaction, tsunami inundation, fault displacement and subsidence.~~

13  
14 (G) An assessment of geology and soil-related hazards ~~such as landslides, flooding and erosion~~  
15 ~~which could, in the absence of a seismic event, adversely affect or be aggravated by the~~  
16 ~~construction or operation of the facility,~~ in accordance with the guidance provided by Oregon  
17 Department of Geology and Mineral Industries under (B). An explanation of how the applicant  
18 will design, engineer, construct and operate the facility to adequately avoid dangers to human  
19 safety and the environment presented by these hazards, as well as:

20  
21 (i) An explanation of how the applicant will design, engineer, construct and operate the facility  
22 to integrate disaster resilience design to ensure a rapid recovery of operations after major  
23 disasters.

24  
25 (ii) An assessment of future climate conditions for the expected life span of the proposed  
26 facility, such as sea level rise along the coast. This includes potential impacts to access roads  
27 and other such infrastructure.

28  
29 ~~(H) An explanation of how the applicant will design, engineer and construct the facility to avoid~~  
30 ~~dangers to human safety from the seismic hazards identified in paragraph (F). The applicant~~  
31 ~~shall include proposed design and engineering features, applicable construction codes, and any~~  
32 ~~monitoring for seismic hazards.~~

33  
34 ~~(I) An explanation of how the applicant will design, engineer and construct the facility to~~  
35 ~~adequately avoid dangers to human safety presented by the hazards identified in paragraph~~  
36 ~~(G).~~

37  
38 (i) Exhibit I. ... through (dd) Exhibit DD. ...

39



1 **345-022-0020**

2 **Structural Standard**

3  
4 (1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council  
5 must find that:

6  
7 (a) The applicant, through appropriate site-specific study and based on consultation with the  
8 Oregon Department of Geology and Mineral Industries, has adequately characterized the seismic  
9 hazard risk of the site as to the Maximum Considered Earthquake Ground Motion as shown for  
10 the site in the 2009 International Building Code and maximum probable ground motion, taking  
11 into account ground failure and amplification for the site specific soil profile under the  
12 maximum credible and maximum probable seismic events; and  
13

14 (b) The applicant can design, engineer, and construct the facility to avoid dangers to human  
15 safety and the environment presented by seismic hazards affecting the site, as identified in (a)  
16 that are expected to result from maximum probable ground motion events. As used in this rule  
17 “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction, lateral  
18 spreading, tsunami inundation, fault displacement, and subsidence;  
19

20 (c) The applicant, through appropriate site-specific study and based on consultation with the  
21 Oregon Department of Geology and Mineral Industries, has adequately characterized the  
22 potential geological and soils hazards of the site and its vicinity that could, in the absence of a  
23 seismic event, adversely affect, or be aggravated by, the construction and operation of the  
24 proposed facility; and  
25

26 (d) The applicant can design, engineer and construct the facility to avoid dangers to human  
27 safety and the environment presented by the hazards identified in subsection (c).  
28

29 (2) The Council may not impose the Structural Standard in section (1) to approve or deny an  
30 application for an energy issue a site certificate for a facility that would produce power from  
31 wind, solar or geothermal energy without making the findings described in section (1).  
32 However, the Council may, to the extent it determines appropriate, apply the requirements of  
33 section (1) to impose conditions on a site certificate issued for such a facility.  
34

35 (3) The Council may not impose the Structural Standard in section (1) to deny an application issue  
36 a site certificate for a special criteria facility under OAR 345-015-0310 without making the  
37 findings described in section (1). However, the Council may, to the extent it determines  
38 appropriate, apply the requirements of section (1) to impose conditions on a site certificate  
39 issued for such a facility.  
40  
41  
42  
43

1 **345-027-0020**

2 **Mandatory Conditions In Site Certificates**

3

4 The Council shall impose the following conditions in every site certificate. The Council may  
5 impose additional conditions.

6

7 (1) The Council shall not change the conditions of the site certificate except as provided for in  
8 OAR Chapter 345, Division 27.

9

10 (2) The certificate holder shall submit a legal description of the site to the Department of  
11 Energy within 90 days after beginning operation of the facility. The legal description required by  
12 this rule means a description of metes and bounds or a description of the site by reference to a  
13 map and geographic data that clearly and specifically identify the outer boundaries that contain  
14 all parts of the facility.

15

16 (3) The certificate holder shall design, construct, operate and retire the facility:

17

18 (a) Substantially as described in the site certificate;

19

20 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and  
21 applicable state and local laws, rules and ordinances in effect at the time the site certificate is  
22 issued; and

23

24 (c) In compliance with all applicable permit requirements of other state agencies.

25

26 (4) The certificate holder shall begin and complete construction of the facility by the dates  
27 specified in the site certificate.

28

29 (5) Except as necessary for the initial survey or as otherwise allowed for wind energy facilities,  
30 transmission lines or pipelines under this section, the certificate holder shall not begin  
31 construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until  
32 the certificate holder has construction rights on all parts of the site. For the purpose of this rule,  
33 "construction rights" means the legal right to engage in construction activities. For wind energy  
34 facilities, transmission lines or pipelines, if the certificate holder does not have construction  
35 rights on all parts of the site, the certificate holder may nevertheless begin construction, as  
36 defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder  
37 has construction rights on that part of the site and:

38

39 (a) The certificate holder would construct and operate part of the facility on that part of the site  
40 even if a change in the planned route of a transmission line or pipeline occurs during the  
41 certificate holder's negotiations to acquire construction rights on another part of the site; or

42

## Attachment A

Oregon EFSC Meeting

September 21-22, 2017

2017 Rulemaking: Structural, Geologic, & Seismic Updates

Initial Proposed Rule Language - Redline

1 (b) The certificate holder would construct and operate part of a wind energy facility on that part  
2 of the site even if other parts of the facility were modified by amendment of the site certificate  
3 or were not built.  
4

5 (6) If the certificate holder becomes aware of a significant environmental change or impact  
6 attributable to the facility, the certificate holder shall, as soon as possible, submit a written  
7 report to the Department describing the impact on the facility and any affected site certificate  
8 conditions.  
9

10 (7) The certificate holder shall prevent the development of any conditions on the site that  
11 would preclude restoration of the site to a useful, non-hazardous condition to the extent that  
12 prevention of such site conditions is within the control of the certificate holder.  
13

14 (8) Before beginning construction of the facility, the certificate holder shall submit to the State  
15 of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to  
16 the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall  
17 maintain a bond or letter of credit in effect at all times until the facility has been retired. The  
18 Council may specify different amounts for the bond or letter of credit during construction and  
19 during operation of the facility.  
20

21 (9) The certificate holder shall retire the facility if the certificate holder permanently ceases  
22 construction or operation of the facility. The certificate holder shall retire the facility according  
23 to a final retirement plan approved by the Council, as described in OAR 345-027-0110. The  
24 certificate holder shall pay the actual cost to restore the site to a useful, non-hazardous  
25 condition at the time of retirement, notwithstanding the Council's approval in the site  
26 certificate of an estimated amount required to restore the site.  
27

28 (10) The Council shall include as conditions in the site certificate all representations in the site  
29 certificate application and supporting record the Council deems to be binding commitments  
30 made by the applicant.  
31

32 (11) Upon completion of construction, the certificate holder shall restore vegetation to the  
33 extent practicable and shall landscape all areas disturbed by construction in a manner  
34 compatible with the surroundings and proposed use. Upon completion of construction, the  
35 certificate holder shall remove all temporary structures not required for facility operation and  
36 dispose of all timber, brush, refuse and flammable or combustible material resulting from  
37 clearing of land and construction of the facility.  
38

39 (12) The certificate holder shall design, engineer and construct the facility to avoid dangers to  
40 human safety and the environment presented by seismic hazards affecting the site that are  
41 expected to result from all maximum probable seismic events. As used in this rule "seismic  
42 hazard" includes ground shaking, ground failure, landslide, liquefaction triggering and  
43 consequences (including flow failure, settlement buoyancy, and lateral spreading) cyclic

1 softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For  
2 coastal sites, this also includes tsunami hazards and seismically-induced coastal  
3 subsidence, inundation, fault displacement and subsidence.  
4

5 (13) The certificate holder shall notify the Department, the State Building Codes Division and  
6 the Department of Geology and Mineral Industries promptly if site investigations or trenching  
7 reveal that conditions in the foundation rocks differ significantly from those described in the  
8 application for a site certificate. After the Department receives the notice, the Council may  
9 require the certificate holder to consult with the Department of Geology and Mineral Industries  
10 and the Building Codes Division ~~and~~ to propose and implement corrective or mitigation actions.  
11

12 (14) The certificate holder shall notify the Department, the State Building Codes Division and  
13 the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers,  
14 deformations or clastic dikes are found at or in the vicinity of the site. After the Department  
15 receives notice, the Council may require the certificate holder to consult with the Department  
16 of Geology and Mineral Industries and the Building Codes Division to propose and implement  
17 corrective or mitigation actions.  
18

19 (15) Before any transfer of ownership of the facility or ownership of the site certificate holder,  
20 the certificate holder shall inform the Department of the proposed new owners. The  
21 requirements of OAR 345-027-0100 apply to any transfer of ownership that requires a transfer  
22 of the site certificate.  
23

24 (16) If the Council finds that the certificate holder has permanently ceased construction or  
25 operation of the facility without retiring the facility according to a final retirement plan  
26 approved by the Council, as described in OAR 345-027-0110, the Council shall notify the  
27 certificate holder and request that the certificate holder submit a proposed final retirement  
28 plan to the Office within a reasonable time not to exceed 90 days. If the certificate holder does  
29 not submit a proposed final retirement plan by the specified date, the Council may direct the  
30 Department to prepare a proposed final retirement plan for the Council's approval. Upon the  
31 Council's approval of the final retirement plan, the Council may draw on the bond or letter of  
32 credit described in section (8) to restore the site to a useful, non-hazardous condition according  
33 to the final retirement plan, in addition to any penalties the Council may impose under OAR  
34 Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the  
35 actual cost of retirement, the certificate holder shall pay any additional cost necessary to  
36 restore the site to a useful, non-hazardous condition. After completion of site restoration, the  
37 Council shall issue an order to terminate the site certificate if the Council finds that the facility  
38 has been retired according to the approved final retirement plan.  
39  
40  
41  
42

1 **345-050-0060**

2 **Site Suitability**

3

4 To issue a site certificate for a waste disposal facility, or to carry out a cooperative agreement  
5 or arrangement with an agency of the federal government to clean up radioactive waste,  
6 uranium mine overburden or contaminated material pursuant to ORS 469.559(2), the Council  
7 must find that the site is suitable for the type and amount of waste the applicant intends to  
8 dispose of at the site. For purposes of this rule, uranium mine overburden means earth and  
9 other material overlying natural deposits of uranium ore and removed to gain access to the ore,  
10 if disposal of the material would result in an exceedance of any of the pathways in OAR 345-  
11 050-0035 as in effect on the date of this rule. A site is not suitable if it is located in:

12

13 (1) An area determined by the Council to be subject to surface water erosion over the projected  
14 life of the facility. In making this determination, the Council shall consider geological evidence  
15 of historical erosion, ancient shorelines, stream beds and cutting due to floods as well as  
16 impacts from future climate conditions.

17

18 (2) The 500-year flood plain of a river, stream or creek, taking into consideration the area the  
19 Council determines under section (1) to be potentially subject to erosion within the lifetime of  
20 the facility.

21

22 (3) An Quarternary fault or active fault zone.

23

24 (4) An area of ancient, recent, active or potentially active mass movement, including the  
25 triggering mechanisms such as earthquake shaking.

26

27 (5) An area subject to volcanic damage over the past two-million years or that the Council finds  
28 to be subject to damage from natural forces of volcanic origin that is sufficient to cause  
29 meaningful degradation of facility integrity.

30

1 **345-021-0010**

2 **Contents of an Application**

3 (1) The project order described in OAR 345-015-0160(1) identifies the provisions of this rule  
4 applicable to the application for the proposed facility, including any appropriate modifications  
5 to applicable provisions of this rule. The applicant shall include in its application for a site  
6 certificate information that addresses each provision of this rule identified in the project order.  
7 The applicant shall designate the information with the appropriate exhibit label identified in the  
8 following subsections. If the same information is required in each of several exhibits the  
9 applicant may provide the required information in one exhibit and include appropriate  
10 references in the others. For the purpose of submitting an application for a site certificate in an  
11 expedited review granted under OAR 345-015-0300 or 345-015-0310, the applicant shall  
12 include information that addresses all provisions of this rule. In such expedited reviews, analysis  
13 areas addressed in this rule are the study areas defined in 345-001-0010, subject to later  
14 modification in the project order.

- 15
- 16 (a) Exhibit A. ...
- 17 (b) Exhibit B. ...
- 18 (c) Exhibit C. ...
- 19 (d) Exhibit D. ...
- 20 (e) Exhibit E. ...
- 21 (f) Exhibit F. ...
- 22 (g) Exhibit G. ...

23

24 (h) Exhibit H. Information from reasonably available sources regarding the geological and soil  
25 stability within the analysis area, providing evidence to support findings by the Council as  
26 required by OAR 345-022-0020, including:

27

28 (A) A geologic report meeting the [Oregon State Board of Geologist Examiners geologic report](#)  
29 [guidelines. Current guidelines shall be determined based on consultation with the Oregon](#)  
30 [Department of Geology and Mineral Industries, as per \(B\).guidance in Oregon Department of](#)  
31 [Geology and Mineral Industries open file report 00-04 "Guidelines for Engineering Geologic](#)  
32 [reports and Site-Specific Seismic Hazard Reports."](#)

33

34 ~~(CB)~~ A description and schedule of site-specific geotechnical work that will be performed before  
35 construction for inclusion in the site certificate as conditions.

36

37 ~~(BE)~~ [A summaryEvidence](#) of consultation with the Oregon Department of Geology and Mineral  
38 Industries regarding the appropriate [methodology and scope of the seismic hazards and](#)  
39 [geology and soil-related hazards assessments, and the appropriate](#) site-specific geotechnical  
40 work that must be performed before submitting the application for the Department to  
41 determine that the application is complete.

42

1 (D) For all transmission lines, and for all pipelines that would carry explosive, flammable or  
2 hazardous materials, a description of locations along the proposed route where the applicant  
3 proposes to perform site specific geotechnical work, including but not limited to railroad  
4 crossings, major road crossings, river crossings, dead ends (for transmission lines), corners (for  
5 transmission lines), and portions of the proposed route where geologic reconnaissance and  
6 other site specific studies provide evidence of existing landslides, ~~or~~ marginally stable slopes or  
7 potentially liquefiable soils that could be made unstable by the planned construction or  
8 experience impacts during the facility's operation.

9  
10 ~~(E) For all pipelines that would carry explosive, flammable or hazardous materials, a description~~  
11 ~~of locations along the proposed route where the applicant proposes to perform site specific~~  
12 ~~geotechnical work, including but not limited to railroad crossings, major road crossings, river~~  
13 ~~crossings and portions of the proposed alignment where geologic reconnaissance and other site~~  
14 ~~specific studies provide evidence of existing landslides or marginally stable slopes that could be~~  
15 ~~made unstable by the planned construction.~~

16  
17 ~~(E)~~ An assessment of seismic hazards, in accordance with standard-of-practice methods and  
18 best practices, that addresses all issues relating to the consultation with the Oregon  
19 Department of Geology and Mineral Industries under (B), and an explanation of how the  
20 applicant will design, engineer, construct, and operate the facility to avoid dangers to human  
21 safety and the environment from these seismic hazards. Furthermore, an explanation of how  
22 the applicant will design, engineer, construct and operate the facility to integrate disaster  
23 resilience design to ensure a rapid recovery of operations after major disasters. The applicant  
24 shall include proposed design and engineering features, applicable construction codes, and any  
25 monitoring and emergency measures for seismic hazards, including tsunami safety measures if  
26 the site is located in the DOGAMI-defined tsunami evacuation zone. ~~For the purposes of this~~  
27 ~~assessment, the maximum probable earthquake (MPE) is the maximum earthquake that could~~  
28 ~~occur under the known tectonic framework with a 10 percent chance of being exceeded in a 50~~  
29 ~~year period. If seismic sources are not mapped sufficiently to identify the ground motions~~  
30 ~~above, the applicant shall provide a probabilistic seismic hazard analysis to identify the peak~~  
31 ~~ground accelerations expected at the site for a 500 year recurrence interval and a 5000 year~~  
32 ~~recurrence interval. In the assessment, the applicant shall include:~~

33  
34 ~~(i) Identification of the Maximum Considered Earthquake Ground Motion as shown for the site~~  
35 ~~under the 2009 International Building Code.~~

36  
37 ~~(ii) Identification and characterization of all earthquake sources capable of generating median~~  
38 ~~peak ground accelerations greater than 0.05g on rock at the site. For each earthquake source,~~  
39 ~~the applicant shall assess the magnitude and minimum epicentral distance of the maximum~~  
40 ~~credible earthquake (MCE).~~

41

1 ~~(iii) A description of any recorded earthquakes within 50 miles of the site and of recorded~~  
2 ~~earthquakes greater than 50 miles from the site that caused ground shaking at the site more~~  
3 ~~intense than the Modified Mercalli III intensity. The applicant shall include the date of~~  
4 ~~occurrence and a description of the earthquake that includes its magnitude and highest~~  
5 ~~intensity and its epicenter location or region of highest intensity.~~

6 ~~(iv) Assessment of the median ground response spectrum from the MCE and the MPE and~~  
7 ~~identification of the spectral accelerations greater than the design spectrum provided in the~~  
8 ~~2010 Oregon Structural Specialty Code. The applicant shall include a description of the probable~~  
9 ~~behavior of the subsurface materials and amplification by subsurface materials and any~~  
10 ~~topographic or subsurface conditions that could result in expected ground motions greater than~~  
11 ~~those characteristic of the Maximum Considered Earthquake Ground Motion identified above.~~

12  
13 ~~(v) An assessment of seismic hazards expected to result from reasonably probable seismic~~  
14 ~~events. As used in this rule “seismic hazard” includes ground shaking, ground failure, landslide,~~  
15 ~~lateral spreading, liquefaction, tsunami inundation, fault displacement and subsidence.~~

16  
17 ~~(FG)~~ An assessment of geology and soil-related hazards such as landslides, flooding and erosion  
18 which could, in the absence of a seismic event, adversely affect or be aggravated by the  
19 construction or operation of the facility, in accordance with **standard-of-practice methods and**  
20 **best practices, that addresses all issues relating to the consultation with the Oregon**  
21 **Department of Geology and Mineral Industries under (B).** An explanation of how the applicant  
22 will design, engineer, construct and operate the facility to adequately avoid dangers to human  
23 safety and the environment presented by these hazards, as well as:

24  
25 (i) An explanation of how the applicant will design, engineer, construct and operate the facility  
26 to integrate disaster resilience design to ensure a rapid recovery of operations after major  
27 disasters.

28  
29 (ii) An assessment of future climate conditions for the expected life span of the proposed  
30 facility, such as sea level rise along the coast. This includes potential impacts to access roads  
31 and other such infrastructure.

32  
33 ~~(H) An explanation of how the applicant will design, engineer and construct the facility to avoid~~  
34 ~~dangers to human safety from the seismic hazards identified in paragraph (F). The applicant~~  
35 ~~shall include proposed design and engineering features, applicable construction codes, and any~~  
36 ~~monitoring for seismic hazards.~~

37  
38 ~~(I) An explanation of how the applicant will design, engineer and construct the facility to~~  
39 ~~adequately avoid dangers to human safety presented by the hazards identified in paragraph~~  
40 ~~(G).~~

41  
42 (i) Exhibit I. ... through (dd) Exhibit DD. ...



1 **345-022-0020**  
2 **Structural Standard**

3  
4 (1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council  
5 must find that:

6  
7 (a) The applicant, through appropriate site-specific study, **has adequately characterized the**  
8 **seismic hazard risk of the site** ~~as to the Maximum Considered Earthquake Ground Motion as~~  
9 ~~shown for the site in the 2009 International Building Code and maximum probable ground~~  
10 ~~motion, taking into account ground failure and amplification for the site-specific soil profile~~  
11 ~~under the maximum credible and maximum probable seismic events; and~~

12  
13 (b) The applicant can design, engineer, and construct the facility to avoid dangers to human  
14 safety and the environment presented by seismic hazards affecting the site, as identified in  
15 subsection (1)(a) ~~that are expected to result from maximum probable ground motion events. As~~  
16 ~~used in this rule “seismic hazard” includes ground shaking, ground failure, landslide,~~  
17 ~~liquefaction, lateral spreading, tsunami inundation, fault displacement, and subsidence;~~

18  
19 (c) The applicant, through appropriate site-specific study, **has adequately characterized the**  
20 **potential geological and soils hazards of the site and its vicinity that could**, in the absence of a  
21 seismic event, adversely affect, or be aggravated by, the construction and operation of the  
22 proposed facility; and

23  
24 (d) The applicant can design, engineer and construct the facility to avoid dangers to human  
25 safety and the environment presented by the hazards identified in subsection (c).

26  
27 (2) The Council may not impose the Structural Standard in section (1) to approve or deny an  
28 application for an energy issue a site certificate for a facility that would produce power from  
29 wind, solar or geothermal energy ~~without making the findings described in section (1).~~  
30 However, the Council may, to the extent it determines appropriate, apply the requirements of  
31 section (1) to impose conditions on a site certificate issued for such a facility.

32  
33 (3) The Council may not impose the Structural Standard in section (1) to deny an application issue  
34 a site certificate for a special criteria facility under OAR 345-015-0310 ~~without making the~~  
35 ~~findings described in section (1).~~ However, the Council may, to the extent it determines  
36 appropriate, apply the requirements of section (1) to impose conditions on a site certificate  
37 issued for such a facility.

38  
39  
40  
41  
42

1 **345-027-0020**

2 **Mandatory Conditions In Site Certificates**

3

4 The Council shall impose the following conditions in every site certificate. The Council may  
5 impose additional conditions.

6

7 (1) The Council shall not change the conditions of the site certificate except as provided for in  
8 OAR Chapter 345, Division 27.

9

10 (2) The certificate holder shall submit a legal description of the site to the Department of  
11 Energy within 90 days after beginning operation of the facility. The legal description required by  
12 this rule means a description of metes and bounds or a description of the site by reference to a  
13 map and geographic data that clearly and specifically identify the outer boundaries that contain  
14 all parts of the facility.

15

16 (3) The certificate holder shall design, construct, operate and retire the facility:

17

18 (a) Substantially as described in the site certificate;

19

20 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and  
21 applicable state and local laws, rules and ordinances in effect at the time the site certificate is  
22 issued; and

23

24 (c) In compliance with all applicable permit requirements of other state agencies.

25

26 (4) The certificate holder shall begin and complete construction of the facility by the dates  
27 specified in the site certificate.

28

29 (5) Except as necessary for the initial survey or as otherwise allowed for wind energy facilities,  
30 transmission lines or pipelines under this section, the certificate holder shall not begin  
31 construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until  
32 the certificate holder has construction rights on all parts of the site. For the purpose of this rule,  
33 "construction rights" means the legal right to engage in construction activities. For wind energy  
34 facilities, transmission lines or pipelines, if the certificate holder does not have construction  
35 rights on all parts of the site, the certificate holder may nevertheless begin construction, as  
36 defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder  
37 has construction rights on that part of the site and:

38

39 (a) The certificate holder would construct and operate part of the facility on that part of the site  
40 even if a change in the planned route of a transmission line or pipeline occurs during the  
41 certificate holder's negotiations to acquire construction rights on another part of the site; or

42

## Attachment B

Oregon EFSC Meeting

September 21-22, 2017

2017 Rulemaking: Structural, Geologic, & Seismic Updates

Final Proposed Rule Language - Redline

1 (b) The certificate holder would construct and operate part of a wind energy facility on that part  
2 of the site even if other parts of the facility were modified by amendment of the site certificate  
3 or were not built.  
4

5 (6) If the certificate holder becomes aware of a significant environmental change or impact  
6 attributable to the facility, the certificate holder shall, as soon as possible, submit a written  
7 report to the Department describing the impact on the facility and any affected site certificate  
8 conditions.  
9

10 (7) The certificate holder shall prevent the development of any conditions on the site that  
11 would preclude restoration of the site to a useful, non-hazardous condition to the extent that  
12 prevention of such site conditions is within the control of the certificate holder.  
13

14 (8) Before beginning construction of the facility, the certificate holder shall submit to the State  
15 of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to  
16 the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall  
17 maintain a bond or letter of credit in effect at all times until the facility has been retired. The  
18 Council may specify different amounts for the bond or letter of credit during construction and  
19 during operation of the facility.  
20

21 (9) The certificate holder shall retire the facility if the certificate holder permanently ceases  
22 construction or operation of the facility. The certificate holder shall retire the facility according  
23 to a final retirement plan approved by the Council, as described in OAR 345-027-0110. The  
24 certificate holder shall pay the actual cost to restore the site to a useful, non-hazardous  
25 condition at the time of retirement, notwithstanding the Council's approval in the site  
26 certificate of an estimated amount required to restore the site.  
27

28 (10) The Council shall include as conditions in the site certificate all representations in the site  
29 certificate application and supporting record the Council deems to be binding commitments  
30 made by the applicant.  
31

32 (11) Upon completion of construction, the certificate holder shall restore vegetation to the  
33 extent practicable and shall landscape all areas disturbed by construction in a manner  
34 compatible with the surroundings and proposed use. Upon completion of construction, the  
35 certificate holder shall remove all temporary structures not required for facility operation and  
36 dispose of all timber, brush, refuse and flammable or combustible material resulting from  
37 clearing of land and construction of the facility.  
38

39 (12) The certificate holder shall design, engineer and construct the facility to avoid dangers to  
40 human safety [and the environment](#) presented by seismic hazards affecting the site that are  
41 expected to result from all maximum probable seismic events. As used in this rule "seismic

1 hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and  
2 consequences (including flow failure, settlement buoyancy, and lateral spreading) cyclic  
3 softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For  
4 coastal sites, this also includes tsunami hazards and seismically-induced coastal  
5 subsidence, inundation, fault displacement and subsidence.  
6

7 (13) The certificate holder shall notify the Department, the State Building Codes Division and  
8 the Department of Geology and Mineral Industries promptly if site investigations or trenching  
9 reveal that conditions in the foundation rocks differ significantly from those described in the  
10 application for a site certificate. After the Department receives the notice, the Council may  
11 require the certificate holder to consult with the Department of Geology and Mineral Industries  
12 and the Building Codes Division ~~and~~ to propose and implement corrective or mitigation actions.  
13

14 (14) The certificate holder shall notify the Department, the State Building Codes Division and  
15 the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers,  
16 deformations or clastic dikes are found at or in the vicinity of the site. After the Department  
17 receives notice, the Council may require the certificate holder to consult with the Department  
18 of Geology and Mineral Industries and the Building Codes Division to propose and implement  
19 corrective or mitigation actions.  
20

21 (15) Before any transfer of ownership of the facility or ownership of the site certificate holder,  
22 the certificate holder shall inform the Department of the proposed new owners. The  
23 requirements of OAR 345-027-0100 apply to any transfer of ownership that requires a transfer  
24 of the site certificate.  
25

26 (16) If the Council finds that the certificate holder has permanently ceased construction or  
27 operation of the facility without retiring the facility according to a final retirement plan  
28 approved by the Council, as described in OAR 345-027-0110, the Council shall notify the  
29 certificate holder and request that the certificate holder submit a proposed final retirement  
30 plan to the Office within a reasonable time not to exceed 90 days. If the certificate holder does  
31 not submit a proposed final retirement plan by the specified date, the Council may direct the  
32 Department to prepare a proposed final retirement plan for the Council’s approval. Upon the  
33 Council’s approval of the final retirement plan, the Council may draw on the bond or letter of  
34 credit described in section (8) to restore the site to a useful, non-hazardous condition according  
35 to the final retirement plan, in addition to any penalties the Council may impose under OAR  
36 Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the  
37 actual cost of retirement, the certificate holder shall pay any additional cost necessary to  
38 restore the site to a useful, non-hazardous condition. After completion of site restoration, the  
39 Council shall issue an order to terminate the site certificate if the Council finds that the facility  
40 has been retired according to the approved final retirement plan.  
41  
42

1 **345-050-0060**

2 **Site Suitability**

3

4 To issue a site certificate for a waste disposal facility, or to carry out a cooperative agreement  
5 or arrangement with an agency of the federal government to clean up radioactive waste,  
6 uranium mine overburden or contaminated material pursuant to ORS 469.559(2), the Council  
7 must find that the site is suitable for the type and amount of waste the applicant intends to  
8 dispose of at the site. For purposes of this rule, uranium mine overburden means earth and  
9 other material overlying natural deposits of uranium ore and removed to gain access to the ore,  
10 if disposal of the material would result in an exceedance of any of the pathways in OAR 345-  
11 050-0035 as in effect on the date of this rule. A site is not suitable if it is located in:

12

13 (1) An area determined by the Council to be subject to surface water erosion over the projected  
14 life of the facility. In making this determination, the Council shall consider geological evidence  
15 of historical erosion, ancient shorelines, stream beds and cutting due to floods as well as  
16 impacts from future climate conditions.

17

18 (2) The 500-year flood plain of a river, stream or creek, taking into consideration the area the  
19 Council determines under section (1) to be potentially subject to erosion within the lifetime of  
20 the facility.

21

22 (3) A Quaternary-active fault or Quaternary-active fault zone.~~An active fault zone.~~

23

24 (4) An area of ancient, recent, active or potentially active, mass movement or landslide,  
25 including the triggering mechanisms such as earthquake shaking.

26

27 (5) An area subject to volcanic damage over the past two-million years or that the Council finds  
28 to be subject to damage from natural forces of volcanic origin that is sufficient to cause  
29 meaningful degradation of facility integrity.

30

31

# PUBLIC NOTICE

## Rulemaking Hearing and Public Comment Period

Amend rules and rule provisions addressing structural, geologic, and seismic related issues and hazards.

### Summary

Date Issued: August 09, 2017

Proposal: Amend rules and rule provisions addressing structural, geologic, and seismic related issues and hazards.

### Rulemaking Hearing:

Date: September 21, 2017

Time: EFSC meeting begins at 3:00 p.m.  
Rulemaking hearing begins at 4:30 p.m.

Location: Boardman City Hall  
200 City Center Circle  
Boardman, OR 97818

Call-in: 877-873-8017

Passcode: 799345

### Written Comment Deadline:

September 21, 2017 (close of the rulemaking hearing)

### **Description of Rulemaking Activity**

The proposed rules would amend the EFSC rules and rule provisions addressing the structural, geologic, and seismic related issues and hazards the Council examines when issuing site certificates or amendments to site certificates for energy facilities and waste disposal facilities within Council jurisdiction [or when carrying out cooperative agreements or arrangements with an agency of the federal government to clean up radioactive waste, uranium mine overburden or contaminated material pursuant to ORS 469.559(2)].

Broadly speaking, the amendments would:

- 1) eliminate references to specific codes, which can quickly become outdated;
- 2) better describe the relationship and consultation requirements between the applicant (or certificate holder) and the Department of Geology and Mineral Industries (DOGAMI);
- 3) add factors the applicant must consider in its assessments and explanations of how it will design,

engineer, construct, and operate the facility to avoid dangers caused by structural, geologic, and seismic related issues and hazards (factors including but not limited to the environment, resiliency, rapid recovery, future climate conditions, etc.); and  
4) eliminate inefficient and unnecessary language.

The proposed rule language is intended to focus the requirements of Exhibit H and the Structural Standard to site-specific issues and risks, and allow for the appropriate consideration of evolving science of seismic risk and hazard based on consultation with DOGAMI.

### **EFSC Decision Process**

EFSC relies upon its authority under ORS 469.470 and ORS 469.501 to conduct rulemaking. EFSC will make all decisions on the proposed rule amendments at a public meeting and will provide public notice of the date, time, and location of all EFSC meetings. EFSC plans to consider the proposed amendments and potentially take action to approve the proposed amendments at its September 21-22, 2017 meeting. If EFSC approves the proposed amendments at that time, permanent rules could become effective as early as September 28, 2017.

### **Comment Period**

EFSC requests public comment on these draft amendments. EFSC also requests public comment on whether other options should be considered for achieving the proposed rule's substantive goals while reducing the negative economic impact of the rule on business.

The Oregon Department of Energy (ODOE) will accept written comments on the proposed amendments until the end of the rulemaking hearing scheduled to begin at 4:30 p.m. on September 21, 2017. Any person or agency may provide oral comments on this rulemaking in person or via telephone during the rulemaking hearing.

Any person or agency may send written comments by email to [EFSC.rulemaking@oregon.gov](mailto:EFSC.rulemaking@oregon.gov), or by mail, hand-delivery or fax to:

Jason Sierman, EFSC Rules Coordinator  
Oregon Department of Energy  
550 Capitol St. NE  
Salem, OR 97301  
Fax: 503-373-7806

### **More Information**

Please contact Jason Sierman at 503-373-2127, by email to [jason.sierman@oregon.gov](mailto:jason.sierman@oregon.gov), or at the mailing address listed above with any questions regarding this rulemaking.

Additional information about the proposed rulemaking and updates on the rulemaking review process are available using any of the following options:

#### **1) Oregon Department of Energy's Webpage**

Details about this rulemaking, including: proposed rule language, a statement of need and fiscal impact, a list of principal documents prepared by or relied upon in preparing the rule, and information regarding the use of any advisory committee are available online at:

<http://www.oregon.gov/energy/Get-Involved/Pages/Energy-Facility-Siting-Council-Rulemaking.aspx>.

#### **2) Updates by Email/Mail**

In order to receive future updates related to this rulemaking project or other rulemaking projects you must be signed up on either or both of the two lists below. You will not automatically receive future

updates simply by providing comments on the rulemaking.

#### Email

Subscribe to GovDelivery for email updates on EFSC rulemaking activities and other activities related to energy facilities under EFSC jurisdiction.

GovDelivery is an automated email system that allows the public to manage subscriptions to receive information on ODOE's projects and events. For more information, please visit:

<http://tinyurl.com/EFSC-email>.

#### Mail

To receive notices of rulemaking activities in paper via U.S. postal mail, please contact Jason Sierman and request to be added to the paper notice list. His contact information is contained in this notice.

#### **3) In Hardcopy**

Copies of the draft proposed rules, including a summary of amendments, are available for public inspection at:

Oregon Department of Energy  
550 Capitol St. NE  
Salem, OR 97301

#### **Accessibility Information**

The Oregon Department of Energy is committed to accommodating people with disabilities. If you require any special physical or language accommodations, or need information in an alternate format, please contact Megan Boardman at 503-378-3895, toll-free in Oregon at 800-221-8035, or by email to:

[Megan.Boardman@oregon.gov](mailto:Megan.Boardman@oregon.gov).