

**Agenda Item L - 2020-2022 Rulemaking Schedule for November 22, 2019 Council Meeting  
Attachment 1: 2020-2022 Proposed Rulemaking Schedule**

<b>Project ID</b>	<b>Subject Matter</b>	<b>Description</b>	<b>Method for Obtaining Advice<sup>1</sup></b>
<b>In Progress</b>			
R183	Solar PV Facilities	Evaluate if rulemaking is required to clarify: (1) What is considered to be a “solar photovoltaic power generation facility” as that term is used in the definition of “energy facility” under ORS 469.300(11); and (2) whether there are issues unique to solar PV facilities that require development of specific siting standards.	RAC
R191	Trojan ISFSI Compliance (NEW)	Review OAR 345-026-0300 to 345-026-0390 and other rules related to the Trojan Independent Spent Fuel Storage Installation to ensure rules are up to date and address the terms and technical specifications of PGE’s renewed Special Nuclear Materials license issued by the Nuclear Regulatory Commission in Aug. 2019.	Request for Written Advice
R196	Amendments 2019	Adopt permanent rules governing the site certificate amendment review process to address procedural and substantive issues identified by the Oregon Supreme Court in its Aug. 1, 2019 decision in <i>Friends of the Columbia Gorge v. EFSC</i> .	Request for Written Advice
<b>2020</b>			
R184	Protected Areas, Recreation, & Scenic Resources	Review the Protected Areas, Scenic Resources, and Recreation standards and associated rules to ensure that the areas, designations, and resources protected by rules are up to date and that rules are clear and consistent with the Council’s review process.	RAC

<sup>1</sup> Note that regardless of what method is used to obtain advice on proposed rules, a formal public comment period will take place after issuance of the Notice of Proposed Rulemaking.

R183	General Compliance	Update OAR 345-026-0005 to 345-026-0170 and related rules to better support ongoing compliance activities.	RAC
R201	Geospatial Resources (NEW)	Consider options to improve Council and Department's collection and use of geospatial data and resources, including but not limited to, requiring applicants and certificate holders to submit GIS data for energy facilities. In evaluating options, the Department will consider potential costs to applicants and considerations for proprietary information or critical energy infrastructure information.	RAC
R202	Research Reactors (NEW)	Update OAR 345-030 to ensure consistency with federal reporting requirements and deadlines. Clarify the process for notification of incidents or conditions relating to the safe operation of a reactor.	Request for Written Advice
R203	Carbon Offset Rate Update (NEW)	Update the Monetary Carbon Offset Rate under OAR 345-024-0580 to be address historic increases in offset costs. The rate may be increased by up to 50% as allowed by ORS 469.503(2)(c)(C). Note, the rulemaking may not be required if legislation is passed during the 2020 session that eliminates the EFSC Carbon Standard.	Fiscal Advisory Committee
<b>2020-2021</b>			
R185	Exemptions from Site Certificate	Evaluate potential updates to OAR 345-015-0350 to 345-015-0380 to address several outstanding policy questions regarding Council's authority to place conditions on a determination that a facility is exempt from the requirement to obtain a site certificate under ORS 469.320, including clarification of Council's authority to grant an exemption with conditions, and monitoring and reporting requirements for exempt facilities.	RAC
R193	Noise Standard	Evaluate if Council can and should adopt a noise standard in addition to, or in lieu of, OAR 340-035-0035 to address issues specific to energy facilities.	RAC

R194	Historic, Cultural and Archaeological Resources	Evaluate options to encourage early communication between applicants and tribal governments to identify historic, cultural, and archaeological resources early in the application process.	RAC or Public Workshop
R195	Radioactive Waste Materials	Evaluate the current regulatory landscape and body of evidence related to the disposal of materials containing naturally occurring radioactive materials, and identify potential updates to the Council's rules under OAR 345-050.	RAC
<b>2021-2022</b>			
R204	2022 Amendment Rulemaking (NEW)	Review OAR 345-027 and associated rules to evaluate the efficacy of permanent rules in providing opportunities for public participation and minimizing adverse economic impacts on certificate holders and address outstanding issues from 2019 rulemaking.	RAC
R205	Mandatory Conditions in Site Certificates (NEW)	Review rules in OAR 345-025 to ensure that the mandatory conditions specified by rule are clear, complete, and necessary to be included in each site certificate. Consider allowing flexibility in language to address site specific conditions and circumstances.	RAC
<b>2022 or Later</b>			
TBD	Application Process Review	Evaluate options to better align the application requirements in OAR 345-020 and 021 with the standards in OAR 345-022 to 345-024 and improve the consistency of rules and the application process.	RAC