



# ENERGY FACILITY SITING COUNCIL

## 2024-2026 EFSC Rulemaking Schedule

Project ID	Subject Matter	Description	Current Status
<b>In Progress</b>			
R223	Standby Generators	Implement HB 2063 (2021) by removing requirements for person proposing to construct a standby generator to request exemption.	Awaiting Final Council Approval
R214	Contested Cases	Evaluate options to improve clarity in the contested case process and improve consistency with the Attorney General’s Model Rules for Contested Cases under OAR chapter 137.	RAC Review of Staff Proposed Draft Language
R204	2022 Site Certificate Amendment Rulemaking	Review OAR 345-027 and associated rules to evaluate the efficacy of rules in providing opportunities for public participation and minimizing adverse economic impacts on certificate holders and address outstanding issues from 2019 rulemaking.	Scoping
R202	Research Reactors	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.	Consideration of Request for Written Advice
<b>Agency Collaboration</b>			
R193	DEQ Solar Noise	Work with DEQ to update their solar noise rules to match their existing wind noise rules. These DEQ noise rules are used by EFSC when evaluating project impacts.	Forming RAC

## 2023-2025 EFSC Rulemaking Schedule

Project ID	Subject Matter	Description	Stakeholder Engagement
2024			
R194	Timely Communication with Tribal Governments	Evaluate options to encourage early communication between applicants and tribal governments early in the application process.	RAC
R212	Application Process Review – Phase 2	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
R222	Radioactive Material Transport Fees	Evaluate whether the current radioactive transport fee amounts are adequate to fund programs to prevent, prepare for, and respond to potential accidents involving the transport of radioactive material in Oregon. Evaluate whether additional updates to the rules found in OAR 345-060 are needed to incorporate changes to federal safety standards that have occurred since the rules were last updated.	RAC
R185	Exemptions	Evaluate potential updates to Council rules governing site certificate exemptions under OAR 345-015-0350 to 345-015-0380.	
R182	General Compliance	Update OAR 345-026-0005 to 345-026-0170 and related rules to better support ongoing compliance activities.	RAC
R221	Financial Assurance and Organizational Expertise	Evaluate issues related to the Financial Assurance and Retirement together with the Organizational Expertise Standards under OAR 345-022-0050, OAR 345-022-0010, and associated rules.	RAC

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Project ID	Subject Matter	Description	Stakeholder Engagement
R242	Carbon Offset	Update the Monetary Carbon Offset Rate under OAR 345-024-0580 to address historic increases in offset costs. The rate may be increased by up to 50% as of 7/1/2024 under ORS 469.503(2)(c)(C).	
<b>2025</b>			
R213	Application Process Review – Phase 3	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
R201	Geospatial Resources	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
R205	Mandatory Conditions in Site Certificates	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
R216	Natural Hazards Mitigation	This rulemaking project would evaluate whether and how the siting review process can support the goals of the Oregon Natural Hazard Mitigation Plan and implement natural hazard mitigation strategies.	RAC
R241	Communication with Federal Agencies	Explore ways to improve communication with federal agencies regarding pending rulemaking.	
<b>2026 OR LATER</b>			
R213	Additional Phase 3 Standard Review	Additional standard TBD	RAC

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R213	Additional Phase 3 Standard Review	Additional standard TBD	RAC
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### PENDING 5-YEAR REVIEWS

Project ID	Project Name	Description	Due Date
R204	Amendment of Site Certificates	Complete 5-year review of OAR 345-027-0311 to 345-027-0400	1/28/2025
R183	Solar PV Rules	Complete 5-year review of OAR 345-001-0250	6/20/2025
R207	Safe Public Meetings and Hearings	Complete 5-year review of OAR 345-015-0003	10/23/2025
R195	Radioactive Waste Materials Enforcement	Complete 5-year review of OAR 345-029-0503 to 345-029-0560.	2/26/2026