

SITING OF ENERGY FACILITIES IN OREGON

EFSC Frequently Asked Questions

What is 'siting'?

Siting is a legal, standards-based process utilized by the Oregon Department of Energy and Energy Facility Siting Council to determine whether an energy facility meets state standards before being considered for construction in Oregon.

What is an energy facility?

Energy facilities are typically viewed as generating, non-generating and linear facilities. Generating facilities include natural gas-fueled power plants and wind farms; non-generating includes a storage facility or a substation; and linear includes transmission lines or pipelines.

Who has the authority to site energy facilities in Oregon?

The Energy Facility Siting Council, county governments and the federal government may have siting authority over a proposed energy project, depending on a project's scope, size, and land ownership. EFSC has authority to site large, proposed energy projects and projects developers ask to be reviewed by EFSC. Generally, EFSC does not have authority over proposed projects that fall below certain thresholds, as determined by the Oregon Legislature. The Council does not site hydroelectric projects.

What is the role of the Oregon Department of Energy?

ODOE's mission is to ensure that Oregon has an adequate supply of reliable and affordable energy and is safe from nuclear contamination, by helping Oregonians save energy, develop clean energy resources, promote renewable energy, and clean up nuclear waste. ODOE's siting employees serve as staff members to the Oregon Energy Facility Siting Council. They make recommendations on planned energy facilities to EFSC based on their research and analysis. EFSC, however, makes the final decision on whether or not to approve a proposed energy project.

What is EFSC and its role?

Commonly known as EFSC, the Oregon State Legislature established the seven-member citizen-based group in 1975 to act on the state's behalf when determining whether to site a proposed energy facility planned for Oregon. The governor appoints EFSC members, who apply a rigorous siting process to ensure that Oregon has an adequate energy supply while protecting its environment and public safety. The ODOE siting team, which serves as staff to EFSC, works with a developer to complete a project application before submitting it to EFSC for consideration of a Site Certificate. Although EFSC has the sole authority to approve or deny a project it reviews, if it does not comply with state standards, it seeks input from a variety of stakeholders from communities, state, local and federal agencies.

Can EFSC choose not to site energy facilities?

According to Oregon Law, in order to issue a site certificate, EFSC must determine that the preponderance of evidence on the record supports compliance with EFSC statutes and rules, or that the overall public benefits of the facility outweigh the damage to the resources. EFSC grants a site certificate if at least four of the seven members of the EFSC agree. To issue a site certificate for a non-generating facility, EFSC may have to find that the applicant has demonstrated the need for the facility.

Where does EFSC meet and how often?

EFSC generally meets every six to eight weeks at different locations around the state.



How is the county involved in the EFSC process?

A county's land use ordinance is an important part of the EFSC process. If an applicant requests that EFSC determine land use compliance, EFSC will appoint a Special Advisory Group. The group would be comprised of a governing body or local government located near the proposed facility. EFSC considers applicable substantive criteria identified by the Special Advisory Group when determining whether the proposed facility complies with the statewide planning goals. Counties may also submit comments to EFSC on a proposed project, which then become an official part of the record and an important part of the EFSC process.

What land use rules apply?

In the preliminary application, an applicant chooses whether to seek land use approval from the local jurisdiction (usually county) or can request that EFSC make the land use determination. A project must comply with all Oregon Department of Land Conservation and Development rules and goals, any land use statutes directly applicable to the facility, and county land use plans and regulations.

What does a developer undergo when completing the siting process?

A developer choosing to build an energy facility in Oregon must undergo a thorough review process and meet the EFSC's siting standards to receive a site certificate. The site certificate authorizes a developer to construct and operate the facility. In making the siting decision, EFSC considers its own standards and applicable rules and ordinances of relevant state and local agencies. EFSC's decision is binding on all state and local agencies whose permits are addressed in the siting review.

Does EFSC involve other state agencies in the siting process?

Yes. During its review of the applicant's materials, the department consults with other state agencies by requesting their comments and proposed site certificate conditions to ensure that the Council considers all governmental concerns.

How long does the siting process take?

From the time ODOE receives the Notice of Intent to the final decision, or approval for a site certificate, it can take up to 24 months or more. Certain factors can extend the timeframe beyond 24 months and can include:

- type of facility;
- quality of the notice of intent and site certificate application;
- site-specific issues;
- applicant's responsiveness to ODOE's request for additional information;
- market conditions;
- public concerns about a proposed facility; and
- contested case proceedings.

When does the public participate?

Public input is vital to any project; therefore, the public has an opportunity to officially "comment" on record about a project during scoping, reviewing the application, and review of the decision document. To participate in a contested case, a party must have commented on the draft proposed order, even if the party has already commented during an earlier part of the siting process.

Once a facility is 'sited', does EFSC have further involvement?

The siting standards ensure that the construction, operation and retirement of the facility are done in a way that protects the public interest and conserves the natural resources of the state. After issuing a site certificate, the Council has ongoing regulatory authority over the construction and operation of the facility.

Is there a cost for the siting process?

The costs are based on the complexity of the project and are the developer's responsibility.

