SITING OF ENERGY FACILITIES IN OREGON

EFSC Process Flowchart

The Oregon Department of Energy administers the Energy Facility Siting Council facility siting process, which consolidates state agency and local government regulations into a single review process. State agencies and local governments participate throughout the process. The three yellow stages indicate where public participation is encouraged.

Notice of Intent

1. The NOI states the applicant's intention to submit an Application for a Site Certificate and includes general information about the project. It is not an application to construct the facility.
2. The information in the NOI allows reviewing agencies, local governments, and the public to identify applicable requirements and special issues of concern the applicant must address in the application.

Public Comment Period

1. ODOE sends notice of the comment period to affected landowners, reviewing agencies and parties on EFSC's general mailing list. ODOE publishes a public notice in a local newspaper.
2. Information provided during this comment period can help identify issues the applicant must address in the application.

Project Order

1. ODOE issues the Project Order, which defines the analysis area for various types of impacts and identifies the applicable statutes, rules and ordinances the applicant must address in the Application.

Application for a Site Certificate

1. The applicant submits its Application for a Site Certificate which describes the facility, its anticipated impacts and how it will meet EFSC's standards.
2. The applicant must choose to either obtain local land use approval or have the land use decision incorporated into the EFSC process. If an applicant chooses the EFSC option, the applicant must address all applicable local land use criteria in the Application.

Public Information Meeting

1. ODOE staff and the applicant conduct a public information meeting to explain the Application and the EFSC evaluation process.

Draft Proposed Order

1. ODOE issues a Draft Proposed Order that addresses applicable issues identified by state and local agencies and includes preliminary evaluation and findings on whether the Application meets EFSC standards. The Draft Proposed Order includes recommendations to grant, with conditions, or deny a site certificate for the proposed facility.

Public Hearing

1. A hearing officer conducts a public hearing on the Draft Proposed Order.
2. Members of the public and reviewing agencies have the opportunity to testify at the hearing or may submit written comments by the comment deadline.
3. **Failure to raise a relevant issue either orally at the hearing or in a timely submitted written comment precludes further participation in the EFSC process.**

Proposed Order

1. Following the public hearing, EFSC reviews the Draft Proposed Order during a Council meeting.
2. Based on direction from EFSC, ODOE issues the Proposed Order and Notice of Contested Case.

Contested Case Hearing

1. A hearing officer conducts the contested case proceeding.
2. Only those persons who raised a relevant issue in person at the public hearing or in writing by the comment deadline on the Draft Proposed Order may participate in the contested case.
3. The hearing officer issues a Recommended Contested Case Order.

Final Order and Site Certificate

1. EFSC reviews the hearing officer's Recommended Contested Case Order and issues a Final Order approving or denying the Application for a Site Certificate. If the Council approves the Application, EFSC also issues a Site Certificate.
2. An appeal of the Final Order goes directly to the Oregon Supreme Court.

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