

SITING OF ENERGY FACILITIES IN OREGON FLOWCHART

How a potential state-jurisdiction energy facility moves through the Energy Facility Siting Council, also known as EFSC, process.



Notice of Intent

- Shows applicant's intention to submit an application for a Site Certificate (required for large-scale energy facilities in Oregon) and includes general information about the project. It's not an yet application to construct the facility.
- Reviewed for applicable state and local requirements and special issues of concern the applicant must address in the application.



Public Comment Period

- ODOE sends notice to affected land owners, reviewing agencies, people on EFSC's email list, and publishes the notice in a local newspaper.
- Comments received can help identify issues the applicant must address in an application.
- During the public comment period ODOE and the applicant can hold an optional public information meeting in the vicinity of the project to present the project details and the review process and answer questions.



Project Order

- ODOE issues the Project Order, which defines the area that must be evaluated for each standard, and identifies the applicable statues, rules, and ordinances the applicant must address in the application.



Application

- The applicant submits its Application for a Site Certificate, which describes the facility, its anticipated impacts, and how it will meet EFSC standards.
- Applicant choses to either obtain a local land use approval or have the decision incorporated into the EFSC process.
- ODOE and the applicant can hold an optional public information meeting in the vicinity of the project to present the project details and the public participation process in the next phase and answer questions.



Draft Proposed Order

- ODOE issues a Draft Proposed Order that:
 - Addresses applicable issues identified by state and local agencies.
 - Includes a preliminary finding on whether the Application meets EFSC standards.
 - Includes recommendations to grant, with conditions, or deny a Site Certificate for the proposed facility.



Public Comment Period & Public Hearing

- ODOE sends notice to affected land owners, reviewing agencies, people on EFSC's email list, and publishes the notice in a local paper.
- Members of the public and reviewing agencies have the opportunity to testify at the hearing in the vicinity of the project, either in-person or virtually, or submit written comments.
- Failure to raise a relevant issue at this time precludes further participation in the application review.



Proposed Order

- ESFC reviews the Draft Proposed Order and all submitted comments during a Council meeting.
- ODOE makes changes to findings and conditions based on submitted comments and direction of EFSC. ODOE issues the Proposed Order and Notice of Contested Case.



Contested Case Proceeding

- An independent hearing officer appointed by EFSC conducts a contested case proceeding.
- Only those who raised a relevant issue at the public hearing or in writing by the comment deadline for the Draft Proposed Order may participate.
- The hearing officer issues a Recommended Contested Case Order on the issues reviewed in the contested case proceeding.



Final Order and Possible Site Certificate

- EFSC reviews the hearing officer's Recommended Contested Case Order and ODOE's proposed order and issues a Final Order approving or denying the Application for a Site Certificate.
- If approved, ESFC issues a Site Certificate.
- An appeal of the Final Order goes directly to the Oregon Supreme Court with a mandatory six-month deadline to issue a decision.