

Energy Facility Siting Council

Rulemaking Discussion

May 11, 2012

“Process Cluster”

- Modify the definition of “related or supporting.” (Division 1)
- Change the rules regarding “energy generation areas.” (Division 1 and Division 15)
- Adopt a policy on the extension of an NOI. (Division 20)
- Address the issue of providing a public forum for commenting directly to the Council on pending site certificate and amendment actions
- Revise the rule on open comment at Council meetings. (Division 15 and Division 27)
- Add definitions for solar facilities to interpret ORS 469.300(11) (Division 1)

“Standards Cluster”

- Update the Protected Areas Standard by researching all cross-referenced laws. (Division 22)
- Consider changes to the Retirement and Financial Assurance Standard (Division 22), for example:
 - to allow offset for scrap or salvage value
 - to consider graduated increase in the amount
 - to consider other forms of financial protection for the state, including whether PUC regulation is sufficient).
- Update the carbon dioxide standards based on the most efficient current technology and updating the monetary offset rate. (Division 24)
- Clarify the Scenic Resources Standard (Division 22)

“Amendment Cluster”

- Revise the rule on exceptions to a site certificate amendment (that is, what changes can be made to a facility without a site certificate amendment). (Division 27)
- Revise the rule on the basis for granting a site certificate amendment (“considerations” vs “criteria”). (Division 27)
- Consider changes to the amendment process (for example, by requiring a raise-it-or-waive it public hearing and an automatic contested case process) (Division 27)
- Modify the rule on applicability of new rules to pending amendment proceedings (replace or revise OAR 345-001-0030). (Divisions 1 and 27)