

# Siting of Energy Facilities in Oregon

## How to participate in the public process



*ODOE utilizes a rigorous standards-based process for siting energy facilities.*



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### Get involved. Know how the siting process works.

The Oregon Department of Energy and the Energy Facility Siting Council invite anyone living near a proposed energy facility to participate in the siting process. This document outlines the state's siting procedures and public involvement process.

### The role of ODOE and the Siting Council

The Oregon State Legislature created ODOE in 1975 to ensure that "future generations not be left a legacy of vanished or depleted resources, resulting in massive environmental, social and financial impact" and that the state provides comprehensive state leadership in energy production, distribution and utilization.

The siting council approves and oversees the development of high-voltage transmission lines, natural gas storage facilities, some gas pipelines, synthetic fuel plants, biomass conversion plants and large energy facilities with generating capacities of:

- 105 megawatts or more for wind
- 105 megawatts or more for solar or if the facility covers more than 100 acres of land
- 25 megawatts or more for biomass or natural gas
- 38.85 megawatts or more for geothermal

The siting process can take several months to several years, depending on the project. If approved, the siting council has ongoing regulatory authority over constructing and operating the facility.

The siting council is an independent body of seven citizens appointed by the Governor and confirmed by the senate. Siting council members cannot work for a company that has a facility or proposed facility and cannot be retired employees of a company-owned large energy facility under the council's jurisdiction. Oregon statute (ORS 469.300) offers further details on the siting council's jurisdiction over energy facilities.

The ODOE siting team serves as staff to the council. It facilitates the process, using a set of "state standards" to recommend whether to approve or deny a Site Certificate. A project applicant must meet a set of standards to qualify for a Site Certificate. State standards ensure that constructing, operating and retiring a facility protect public interest and conserve the natural resources of the state. These standards include (but are not limited to) protected areas, land use, fish and wildlife habitat, soil protection and scenic resources.

A siting process flowchart is located on page 3 of this document, offering a brief description of the process.

*ODOE affords several opportunities for the public to comment on a project and ask questions.*



## Notice of Intent

The siting process begins when a project applicant submits a Notice of Intent. The NOI is the applicant's notice that he/she intends to submit a Site Certificate application and includes a description of the proposed facility. The ODOE siting administrator assigns a project officer, who follows the project through to completion.

*Some proposed energy facilities may qualify for an expedited review that does not require an NOI. For more information on this topic, visit [Oregon.gov/energy/siting](http://Oregon.gov/energy/siting).*

### Public Information Meeting

ODOE values public input and therefore asks for "public comments" several times during the process. The first opportunity is at a public information meeting conducted by siting staff and the project applicant. Attendees should use this meeting to ask questions, keeping in mind that an applicant may not have all the answers at that time.

ODOE announces public information meetings in a variety of ways:

- E-mail and postal notices to landowners, to the siting council and general project mailing lists.
- A public notice in a local newspaper, which includes the contact information for the ODOE project officer and instructions on how to submit public comments.

*Anyone interested in receiving e-mail notices for any or all energy projects and/or general siting council announcements should sign up at ODOE online: <http://tinyurl.com/EFSC-email>.*

## Project Order

The project officer uses the Project Order to identify statutes, rules and local ordinances that apply to the project and specific information needed for the application. The project officer also incorporates written comments from the public, government agencies and tribes. The applicant must address these issues in the application before submitting it to ODOE (except in an expedited review).

## Application for a Site Certificate

The applicant uses the Project Order to develop a preliminary application for review by a variety of state agencies. These "reviewing agencies" help the project officer determine a facility's potential effect on resources. The agencies include the Oregon Department of Fish & Wildlife, Oregon Department of Transportation, Department of Environmental Quality, tribes and local governments.

### Public Comments

Once ODOE deems the application complete, the project officer issues a notice for public comments on the application and places a copy at a public location such as a local library. Depending on the level of public interest, the project officer may schedule a second public information meeting.

## Draft Proposed Order

The project officer incorporates agency and public comments when preparing a Draft Proposed Order, with recommendations for the siting council. The recommendations include proposed Site Certificate conditions for constructing, operating and retiring a facility.



**Public Hearings**

The siting council appoints an independent hearing officer who conducts a hearing on the Draft Proposed Order at a location near the proposed facility. Persons with objections to the recommended findings, conclusions, or proposed Site Certificate conditions *must*:

- Raise the issue in person at a public hearing or submit a written comment to ODOE before the deadline given in the notice.
- Present facts that support the person’s position on the issue.
- Follow these steps for party status consideration in a contested case. Persons who do not follow these steps cannot continue in the process.

The siting council reviews and provides its comments to ODOE after the close of the comment period on the Draft Proposed Order.

**Proposed Order**

The project officer considers comments (makes revisions if necessary) on the draft and then issues the Proposed Order, along with a contested case proceeding notice, to individuals who commented at the public hearing or who sent in comments on the draft order.

**Contested Case Proceeding**

Persons who raised an issue at the public hearing on the Draft Proposed Order can ask to participate in a contested case by requesting “party status.” The hearing officer decides who can join the proceedings.

At the contested case hearing, the hearing officer considers all the evidence presented and issues a separate Proposed Order. Parties involved in the contested case may file exceptions to the Proposed Order if they disagree with the hearing officer’s findings.

If there are no party status petitioners, the hearing officer will terminate the hearing. The project officer prepares a Final Order and presents it to the siting council for a decision.

**Final Order**

The hearing officer submits a separate Proposed Order to the council, which reviews it and decides whether to issue a Site Certificate. The council grants a Site Certificate if at least four council members agree and then issues a Final Order. The Site Certificate is a binding agreement between the State of Oregon and the Site Certificate holder, which includes terms and conditions for moving forward on a project.

**For More Information**

More information about the State of Oregon’s energy facility siting process and proposed facilities is located online at [www.Oregon.gov/ENERGY/SITING](http://www.Oregon.gov/ENERGY/SITING).