

ENERGY FACILITY REVIEWS: Amendments

Oregon Administrative Rule 345-027-0050

Developers of energy facilities that have been approved by the Energy Facility Siting Council may request changes to their site certificates. Site certificates are permissions issued by the Council to build and operate an energy facility. These changes are called **Amendments**.

Why an Amendment?

After a developer receives a site certificate for an energy facility, they can request an amendment at any time during the life of the facility. There are many reasons a site certificate holder may seek Council approval of an amendment. Examples include: extending construction deadlines, adopting newer technology, expanding a facility's site boundary, adding a new facility component, or transferring the site certificate to a new facility owner.

Amendment Review

The Council's amendment process can take a number of months, depending on the scope of the amendment request. There are three amendment process types: the default is called a **Type A** review; it includes a public hearing and the opportunity for a [contested case proceeding](#). The **Type B** review includes a written comment period but no public hearing. **Type C** reviews, only available before a facility starts operating, are reserved for unforeseen and unavoidable circumstances. The type of review is determined by many factors, including: complexity, public interest, likelihood of significant adverse impacts, and the type or amount of mitigation, to name a few. While there are differences in these processes, the site certificate holder still has the burden of proof to meet all applicable Council standards associated with their amendment request.

Need more detail?

To learn more about the **Type A** and **Type B** reviews, please flip over this page.



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August 2018

Main differences between Type A and Type B reviews

The key **procedural** differences between the two reviews is that Type A includes a public hearing on the draft proposed order and an opportunity for a contested case proceeding; Type B does not.

The key **timing** differences between Type A and Type B reviews are how long the Oregon Department of Energy has to determine if a preliminary amendment request is complete, and the time between the amendment application being determined complete and a draft proposed order is issued. Council rules allow the Department to adjust the timelines for these specific procedural requirements, if necessary.

Type A Review	Type B Review
Preliminary amendment request received ✓	Preliminary amendment request received ✓
ODOE has 60 days to review the amendment request for completeness	ODOE has 21 days to review the amendment request for completeness
ODOE sends notice to site certificate holder that the amendment request is complete ✓	ODOE sends notice to site certificate holder that the amendment request is complete ✓
Within 120 days, ODOE will: <ul style="list-style-type: none"> • Issue draft proposed order • Open public comment period • Schedule a public hearing ✓	Within 60 days, ODOE will: <ul style="list-style-type: none"> • Issue draft proposed order • Open public comment period ✓
At least 20 days after the draft proposed order is issued, Council holds a public hearing	At least 21 days after the draft proposed order is issued, Council issues a proposed order ✓
No more than 30 days after Council reviews the draft proposed order, ODOE issues a proposed order ✓	After ODOE issues a proposed order, Council makes its final decision at an upcoming Council meeting ✓
At least 30 days after the proposed order is issued, Council considers contested case requests at an upcoming Council meeting <i>Limited to those who commented during the draft proposed order comment timeframe</i> View our Type A Amendment Contested Case Overview . ✓	
Council holds contested case proceeding, if requested and Council determines it is justified ✓	
Council makes its final decision at an upcoming Council meeting	

✓ = Project updates posted on ODOE website

Project notices are available by signing up at Oregon.gov/ENERGY



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