



Oregon

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To: Oregon Legislative Assembly
From: Oregon Department of Energy
Date: January 25, 2021
Re: 2020 Annual Agency Rulemaking Report

2020 Annual Agency Rulemaking Report

Pursuant to Oregon Laws 2016, chapter 44, section 1 (HB 4106), the Oregon Department of Energy is providing the following information about the agency's rulemakings for the preceding 12-month period, January 1, 2020 through December 31, 2020. This report summarizes the number of permanent and temporary rules the agency adopted, amended, repealed or suspended in 2020 and can be found on [ODOE's website](#).

The agency conducts rulemaking across two OAR Chapters: Chapter 330 - Department of Energy and Chapter 345 - Energy Facility Siting Council.

Permanent Rulemakings, pursuant to ORS 183.335(2) and (3)

Chapter 330 - Department of Energy

Number of Rulemakings:	2
Number of Rules Adopted:	0
Number of Rules Amended:	13
Number of Rules Repealed:	1
Number of Rules Suspended:	0

1. **DOE 1-2020 Chapter 330: [Oregon Solar + Storage Rebate Program: Income Verification](#).** This rulemaking amends program rules for the Oregon Solar + Storage Rebate Program. The changes provide additional methods in rule through which low- or moderate- income residential customers can provide proof of eligibility to qualify for higher rebate rates under the OSSRP; aligns program rules in Division 240 with department practice; and includes minor changes to clarify program rules. These rule changes were filed on 28 May 2020 and became effective upon filing.

Date Adopted: 05/28/2020	Date Filed: 5/28/2020	Date Effective: 05/28/2020
Adopted: 0	Amended: 4	Repealed: 0
		Suspended: 0

Amends: 330-240-0010, 330-240-0030, 330-240-0060, 330-240-0160

2. **DOE 2-2020 Chapter 330: [Appliance Energy Efficiency Standards](#).** This rulemaking establishes new energy efficiency standards for ten products and updates one existing standard. It also updates product listing and labeling requirements, and amends the

purpose statement for Division 92 to reflect the addition of new minimum energy efficiency standards, using the process in ORS 469.261. The rulemaking adds provisions that clarify the applicability of rules establishing standards (OAR 330-092-0015), listing requirements (-0025), and labeling requirements (-0045).

ORS 469.261 requires a one-year waiting period before ODOE rules establishing or updating appliance energy efficiency standards can become effective. Additionally, ORS 469.261 requires that legislation conforming the standards in statute to the new or modified standards in rule must be introduced in the following Legislative Assembly. ODOE has introduced a legislative concept for the 2021 Legislative session to complete this process. The rule changes become effective September 1, 2021.

Date Adopted: 08/28/2020		Date Filed: 08/28/2020		Date Effective: 09/01/2021			
Adopted:	0	Amended:	9	Repealed:	1	Suspended:	0

Amends: 330-092-0005, 330-092-0010, 330-092-0015, 330-092-0020, 330-092-0025, 330-092-0030, 330-092-0040, 330-092-0045, 330-092-0050
 Repeals: 330-092-0035

Chapter 345 – Energy Facility Siting Council

Number of Rulemakings:	8
Number of Rules Adopted:	22
Number of Rules Amended:	21
Number of Rules Repealed:	29
Number of Rules Suspended:	0

1. **EFSC 1-2020 Chapter 345: [Permanent adoption of rules governing site certificate amendment review processes](#).** This rulemaking replaced rules governing the site certificate amendment review process that were declared invalid by the Oregon Supreme Court. The rulemaking made additional changes to clarify procedures for issuance of contested case notices, requirements for property owner notification, and reduce the number of printed materials that must be submitted by persons requesting to terminate a site certificate or construct a natural-gas testing pipeline. The rules contained additional grammatical, formatting, and wording changes needed to improve the clarity and consistency of rules in OAR chapter 345.

Date Adopted: 01/24/2020		Date Filed: 01/28/2020		Date Effective: 01/28/2020			
Adopted:	20	Amended:	13	Repealed:	29	Suspended:	0

Adopts: 345-027-0311, 345-027-0313, 345-027-0350, 345-027-0351, 345-027-0353, 345-027-0355, 345-027-0357, 345-027-0359, 345-027-0360, 345-027-0363, 345-027-0365, 345-027-0367, 345-027-0368, 345-027-0371, 345-027-0372, 345-027-0375, 345-027-0380, 345-027-0385, 345-027-0390, 345-027-0400

Amends: 345-015-0014, 345-015-0016, 345-015-0080, 345-015-0083, 345-015-0230, 345-025-0006, 345-025-0010, 345-025-0016, 345-027-0110, 345-027-0210, 345-027-0220, 345-027-0230, 345-027-0240

Repeals: Temporary 345-015-0014 from EFSC 9-2019, Temporary 345-015-0016 from EFSC 9-2019, Temporary 345-015-0080 from EFSC 9-, 019, Temporary 345-015-0083 from EFSC 9-2019, Temporary 345-025-0006 from EFSC 9-2019, Temporary 345-025-0010 from EFSC 9-2019, Temporary 345-025-0016 from EFSC 9-2019, 345-027-0011, Temporary 345-027-0011 from EFSC 9-2019, 345-027-0013, Temporary 345-027-0013 from EFSC 9-2019, 345-027-0050, Temporary 345-027-0050 from EFSC 9-2019, 345-027-0051, Temporary 345-027-0051 from EFSC 9-2019, 345-027-0053, Temporary 345-027-0053 from EFSC 9-2019, 345-027-0055, Temporary 345-027-0055 from EFSC 9-2019, 345-027-0057, Temporary 345-027-0057 from EFSC 9-2019, 345-027-0059, Temporary 345-027-0059 from EFSC 9-2019, 345-027-0060, Temporary 345-027-0060 from EFSC 9-2019, 345-027-0063, Temporary 345-027-0063 from EFSC 9-2019, 345-027-0065, Temporary 345-027-0065 from EFSC 9-2019, 345-027-0067, Temporary 345-027-0067 from EFSC 9-2019, 345-027-0068, Temporary 345-027-0068 from EFSC 9-2019, 345-027-0071, Temporary 345-027-0071 from EFSC 9-2019, 345-027-0072, Temporary 345-027-0072 from EFSC 9-2019, 345-027-0075, Temporary 345-027-0075 from EFSC 9-2019. 345-027-0080, Temporary 345-027-0080 from EFSC 9-2019, 345-027-0085, Temporary 345-027-0085 from EFSC 9-2019, 345-027-0090, Temporary 345-027-0090 from EFSC 9-2019, 345-027-0100, Temporary 345-027-0100 from EFSC 9-2019, Temporary 345-027-0311 from EFSC 9-2019, Temporary 345-027-0313 from EFSC 9-2019, Temporary 345-027-0350 from EFSC 9-2019, Temporary 345-027-0351 from EFSC 9-2019, Temporary 345-027-0353 from EFSC 9-2019, Temporary 345-027-0355 from EFSC 9-2019, Temporary 345-027-0357 from EFSC 9-2019, Temporary 345-027-0359 from EFSC 9-2019, Temporary 345-027-0360 from EFSC 9-2019, Temporary 345-027-0363 from EFSC 9-2019, Temporary 345-027-0365 from EFSC 9-2019, Temporary 345-027-0367 from EFSC 9-2019, Temporary 345-027-0368 from EFSC 9-2019, Temporary 345-027-0371 from EFSC 9-2019, Temporary 345-027-0372 from EFSC 9-2019, Temporary 345-027-0375 from EFSC 9-2019, Temporary 345-027-0380 from EFSC 9-2019, Temporary 345-027-0385 from EFSC 9-2019, Temporary 345-027-0390 from EFSC 9-2019, Temporary 345-027-0400 from EFSC 9-2019

2. **EFSC 2-2020 Chapter 345: [Carbon Monetary Offset Rate Increase Adopted](#).** This rulemaking updates the monetary offset rate for carbon dioxide emissions from new energy facilities. The monetary rate used to calculate the amount of funds needed to demonstrate compliance with the Carbon Standard is increased by 50 percent based on empirical evidence of the costs of offsets. It removes provisions included in statute. The new rate is effective on July 1, 2020.

Date Adopted: 06/26/2020		Date Filed: 06/29/2020		Date Effective: 07/01/2020			
Adopted:	0	Amended:	1	Repealed:	0	Suspended:	0

Amends: 345-024-0580

3. **EFSC 3-2020 Chapter 345:** [Single Solar PV Facility and Solar PV Facility-Specific Rules](#). This rulemaking clarifies what the Council considers to be a “solar photovoltaic power generation facility” under ORS 469.300(11), and implements changes to ORS 469.320(8) under HB 2329 (2019).

Date Adopted: 06/26/2020		Date Filed: 06/30/2020		Date Effective: 06/30/2020			
Adopted:	1	Amended:	3	Repealed:	0	Suspended:	0

Adopts: 345-001-0250

Amends: 345-001-0010, 345-020-0006, 345-021-0000

4. **EFSC 4-2020 Chapter 345:** [Rulemaking to Clarify Standard for Contested Case Requests on Type A Amendments to OAR 345-027-0371\(9\)](#). This rulemaking clarifies the Council's standard for determining whether an issue raised in a Type A Amendment Review justifies a Contested Case proceeding.

Date Adopted: 08/21/2020		Date Filed: 08/24/2020		Date Effective: 08/24/2020			
Adopted:	0	Amended:	1	Repealed:	0	Suspended:	0

Amends: 345-027-0371

5. **EFSC 5-2020 Chapter 345:** Minor Correction - [Removing reference to deleted section of rules](#). This amendment deleted reference to OAR 345-015-0190(10), a section which was deleted by AO EFSC 1-2007.

Date Adopted: 09/24/2020		Date Filed: 09/24/2020		Date Effective: 09/24/2020			
Adopted:	0	Amended:	1	Repealed:	0	Suspended:	0

Amends: 345-015-0110

Note: *Minor corrections are rule amendments made under ORS 183.335(7) and are not made in accordance with ORS 183.335(2) and (3), or (5). These were included so as not to leave a gap in the Administrative Order numbers that ODOE assigns to the rulemakings.*

6. **EFSC 6-2020 Chapter 345:** [Safe Public Meetings and Hearings](#). This rulemaking adopts a new rule intended to allow the Council or Chair to waive any provision of rule requiring that a public meeting or public hearing be held in person or in a specific geographical area, if the Council or Chair finds that in-person attendance at the meeting or hearing would present a risk to public health or safety or the health and safety of the participants.

Date Adopted: 10/23/2020		Date Filed: 11/03/2020		Date Effective: 11/19/2020			
Adopted:	1	Amended:	0	Repealed:	0	Suspended:	0

Adopts: 345-015-0003

7. **EFSC 7-2020 Chapter 345:** Minor Correction - [Correcting References and Addresses in rule](#). This filing is intended to correct an incomplete reference to 49 CFR 172.500 to 172.560, also referred to as Subpart F. The address of the Oregon Motor Carrier Transportation Division has also been updated.

Date Adopted: 11/05/2020		Date Filed: 11/05/2020		Date Effective: 11/05/2020			
Adopted:	0	Amended:	1	Repealed:	0	Suspended:	0

Amends: 345-060-0004

8. **EFSC 8-2020 Chapter 345:** Minor Correction - [Updating Address in Rule](#). This filing updates the address of the Oregon Department of Energy.

Date Adopted: 11/05/2020		Date Filed: 11/05/2020		Date Effective: 11/05/2020			
Adopted:	0	Amended:	1	Repealed:	0	Suspended:	0

Amends: 345-060-0006

Temporary Rulemakings, pursuant to ORS 183.335(5)

Chapter 330 – Department of Energy

Number of Temporary Rulemakings:	0
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Chapter 345 – Energy Facility Siting Council

Number of Temporary Rulemakings:	0
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