



# Oregon

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To: Oregon Legislative Assembly

From: Oregon Department of Energy

Date: January 31, 2023

Re: 2022 Annual Agency Rulemaking Report

## 2022 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 through December 31, 2022. This report summarizes the number of permanent and temporary rules the agency adopted, amended, repealed or suspended in 2022 and can be found on [ODOE's website](#).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:	5
Number of Rules Adopted:	29
Number of Rules Amended:	18
Number of Rules Repealed:	0
Number of Rules Suspended:	0

#### [DOE 1-2022](#)

Establishing [Community Renewable Energy Grant Program](#) under House Bill 2021 (2021). The purpose of the rules in Division 250 is to provide a process and procedures for implementing the grant program. Rulemaking history is found [on ODOE's website](#).

Adopted: 330-250-0000, 330-250-0010, 330-250-0020, 330-250-0030, 330-250-0040, 330-250-0050, 330-250-0060, 330-250-0070, 330-250-0080, 330-250-0090, 330-250-0100, 330-250-0110, 330-250-0120, 330-250-0130, 330-250-0140, 330-250-0150, 330-250-0160.

Date Adopted: 2/25/2022	Date Filed: 2/28/2022	Date Effective: 2/28/2022	
Adopted: 17	Amended: 0	Repealed: 0	Suspended: 0

#### [DOE 2-2022](#)

Establishing [Energy Efficient Wildfire Rebuilding Incentive Program](#) and providing procedures for program administration. The rules establish procedures to implement an incentive program for owners of commercial and residential properties that were destroyed in the Labor

Day 2020 wildfires to incorporate energy efficiency as they rebuild affected structures. OAR 330-260-0000 provides a reference to Oregon Laws 2021, chapter 669 (House Bill 5006) which established the incentive program. Rulemaking history is found [on ODOE's website](#).

Adopted: 330-260-0000, 330-260-0010, 330-260-0020, 330-260-0030, 330-260-0040, 330-260-0050, 330-260-0060, 330-260-0070, 330-260-0080, 330-260-0090, 330-260-0100, 330-260-0110.

Date Adopted: 3/15/2022		Date Filed: 3/21/2022		Date Effective: 3/21/2022			
Adopted:	12	Amended:	0	Repealed:	0	Suspended:	0

### [DOE 3-2022](#)

Amendments to [Solar Plus Storage Rebate Program](#). Rulemaking history is found [on ODOE's website](#).

Amended: 330-240-0010, 330-240-0020, 330-240-0030, 330-240-0060, 330-240-0070, 330-240-0120, 330-240-0130, 330-240-0170.

Date Adopted: 4/12/2022		Date Filed: 4/13/2022		Date Effective: 4/15/2022			
Adopted:	0	Amended:	8	Repealed:	0	Suspended:	0

### [DOE 4-2022](#)

Extend effective date for [efficiency standard](#) for electric storage water heaters. Rulemaking history is found [on ODOE's website](#).

Amended: 330-092-0010, 330-092-0015, 330-092-0020, 330-092-0025, 330-092-0045

Date Adopted: 6/13/2022		Date Filed: 6/13/2022		Date Effective: 6/14/2022			
Adopted:	0	Amended:	5	Repealed:	0	Suspended:	0

### [DOE 5-2022](#)

Implementing House Bill 4057 (2022); adding [efficiency standard for spray sprinkler](#) bodies. Rulemaking history is found [on ODOE's website](#).

Amended: 330-092-0010, 330-092-0015, 330-092-0020, 330-092-0025, 330-092-0045

Date Adopted: 12/1/2022		Date Filed: 12/2/2022		Date Effective: 1/1/2023			
Adopted:	0	Amended:	5	Repealed:	0	Suspended:	0

## Chapter 345 – Energy Facility Siting Council

Number of Rulemakings:	5
Number of Rules Adopted:	3
Number of Rules Amended:	23
Number of Rules Repealed:	1
Number of Rules Suspended:	0

### [EFSC 1-2022](#)

Implementation of HB 2021 (2021) and Updates to Carbon Dioxide Emissions Standards. HB 2021 (2021) established new requirements for new and amended site certificates for fossil-fueled power plants (see ORS 469.413). This rulemaking is being conducted to implement the provisions of the bill related to energy facility siting, to establish clear standards and procedures for future siting decisions related to fossil-fueled power plants, and to clarify what constitutes a “significant increase” in the gross carbon dioxide emissions that are reasonably likely to result from operation of a fossil-fueled power plant. The rulemaking is also updating existing carbon dioxide emissions standards adopted under ORS 469.503(2) to ensure that carbon dioxide emissions are mitigated to the full extent allowed by law. Rulemaking history is found [on ODOE’s website](#).

Adopted: 345-021-0021, 345-024-0503

Amended: 345-001-0010, 345-020-0011, 345-020-0016, 345-021-0010, 345-024-0500, 345-024-0550, 345-024-0570, 345-024-0580, 345-024-0590, 345-024-0620, 345-025-0010, 345-027-0375

Repealed: 345-024-0510

Date Adopted: 7/22/2022		Date Filed: 7/25/2022		Date Effective: 7/25/2022			
Adopted:	2	Amended:	12	Repealed:	1	Suspended:	0

### [EFSC 2-2022](#)

Adoption of New Energy Facility Siting Standard for Wildfire Prevention and Risk Mitigation. [Rulemaking history](#) is found on ODOE’s website.

Adopted: 345-022-0115

Amended: 345-001-0010, 345-020-0011, 345-021-0010

Date Adopted: 7/22/2022		Date Filed: 7/29/2022		Date Effective: 7/29/2022			
Adopted:	1	Amended:	3	Repealed:	0	Suspended:	0

### EFSC 3-2022

Minor correction of grammatical mistake in Administrative Order EFSC 1-2022. Agency attested that the following changes were made according to ORS 183.335(7): Correcting grammatical mistakes in a manner that does not alter the scope, application, or meaning of the rule.

Amended: 345-020-0016

Date Adopted:		Date Filed: 8/2/2022		Date Effective:			
Adopted:	0	Amended:	1	Repealed:	0	Suspended:	0

### EFSC 4-2022

Minor Correction of an Incomplete Rule Reference. Agency attested that the following changes were made according to ORS 183.335(7): Correcting statutory or rule references.

Amended: 345-021-0010

Date Adopted:		Date Filed: 8/03/2022		Date Effective:			
Adopted:	0	Amended:	1	Repealed:	0	Suspended:	0

## [EFSC 5-2022](#)

Amendment of Protected Areas, Scenic Resources, and Recreation Standards and Associated Rules. This rulemaking project identified proposed revisions to the Council's Protected Areas, Scenic Resources, and Recreation Standards and associated rules. The rulemaking reviewed the standards and associated rules to ensure that the areas, designations, and resources protected by rules are up to date, and that rules are clear and consistent with the Council's review process. [Rulemaking history](#) is found on ODOE's website.

Amended: 345-001-0010, 345-020-0011, 345-021-0010, 345-022-0040, 345-022-0080, 345-022-0100

Date Adopted: 12/16/2022	Date Filed: 12/19/2022	Date Effective: 12/19/2022	
Adopted: 0	Amended: 6	Repealed: 0	Suspended: 0

## 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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The complete 2022 Annual Rulemaking Report is available on ODOE's website:

<https://www.oregon.gov/energy/Data-and-Reports/Pages/Reports-to-the-Legislature.aspx>