Building Performance Standards Public Meeting 09.11.2024

Procedural Questions

Q1: Will these slides be available? Where will we be able to access the presentation and/or draft average/target EUI information?

A1: Yes, the slides are available on our BPS rulemaking website, under the section for today's meeting: https://www.oregon.gov/energy/Get-Involved/Pages/BPS-Rulemaking.aspx

Q2: How soon would you expect to have a link to this session recorded?

A2: We expect to have a recording of today's meeting up on the BPS Rulemaking website by the end of this week or early next. https://www.oregon.gov/energy/Get-Involved/Pages/BPS-Rulemaking.aspx

Q3: When is the comment portal open for the final chapters?

A3: Portal comments are open now. The portals are separated by topic.

EUI Methodology and Target Setting

Q4: I see a lot of variability in EUI declines, and it seems like more custom adjustment factors are in order - for hospitals in particular. Is this possible?

A4: The SBW team will consider this input.

Q5: How far back does the background data go and how recently is data available?

A5: The national dataset started being collected in 1979, but we are using the 2018 version of CBECS and the 2019 version of CBSA. We have also been seeking more recent benchmarking data and sector data, for example, school data sets that are more recent to fill in those gaps and be able to create the adjustments as necessary to account for things like climate impacts as well as changes in occupancy and changes in the way buildings are run.

Q6: How are differences in heating fuels and the related impacts on EUI going to be considered?

A6: When we're looking at the national data sets, we take the total fuel consumption of all types. There are different efficiencies in these fuel types when you're looking at different buildings. If

the heating fuel is only natural gas, for example, we don't make a distinction from something that's all electric.

Q7: What factors constitute the differences between WA and OR?

A7: In Washington, when they developed their EUIs, the 2018 CBECS had not yet been published, so they had to develop their EUIs from the 2012 survey.

Q8: Since Washington has been using BPS for a few years now, have you taken any lessons learned from their process and adjustments made to their initial average EUI determinations?

A8: The process to calculate OR EUIs is very similar to WA. The key distinction is that we have additional data sets (e.g., schools and government buildings) in Oregon that we are using to calibrate our EUIs. We have been reviewing activity in Washington and communicating with WA Dept. of Commerce. Oregon's proposed rules are modeled on Washington's standard, process, and lessons learned where possible, including plans to incorporate recently published WA updates

Q9: Can we get a line added to these graphs to show the numbers of buildings included in each data set?

A9: The SBW team will consider this input.

Q10: How does the 2023 Portland and Seattle benchmarking data compare to the 1.7% reduction per year assumption? And how does post-COVID vacancy affect this?

A11: We see the same trends in the Seattle data, and somewhat similar trends in the Portland data though there are some challenges with alignment on building types. There are reductions in energy use from pre-COVID to post-COVID but it's hard to disaggregate what's causing the reduction - is it occupancy changes, or technology changes? The larger datasets do not have post-COVID data released yet, so we are not confident enough to make adjustments for post-COVID changes.

Q12: Is it possible to combine both datasets instead of choosing either one or the other, or is the data collected too disparate?

A12: The CBSA is a very robust and local data set. The CBECS data is also high quality but is collected differently and is nationally organized, so they can't be easily combined.

Q13: Oregon has a variety of micro-climates in the state. Are there going to be adjustments made for the same building types in different areas of the state?

A13: Oregon will have separate targets for Oregon's two climate zones (Climate Zones 4C and 5B).

Q14: Will the averages be adjusted annually?

A14: ODOE will be updating the BPS, including potential EUI targets, every 5 years. The next update will be by 2029.

Q15: How were the ASHRAE 100 targets determined?

A15: ASHRAE 100 targets were determined from median energy use intensities for buildings. Median is determined by ordering a dataset in order of size, and then the middle data point is the median. You know, if it's 9 data points ordered from smallest to largest, data point 5 is the median. ASHRAE 100 was developed using that method.

Q16: When the targets are next calculated, will non-compliant buildings be included when calculating the average?

A16: That has not yet been decided.

Q17: How and when do each of the 2024 and 2027 apply?

A17: Those would be applied if you take the 2019 Northwest average EUIs, integrating the best of the regional and national data, and apply either the 2024 adjustment factor or 2027 adjustment factor to those averages. That results in an Oregon average EUI.

Q18: Once the dataset analysis is complete, will the EUI development target a certain percentile, e.g., only 25% of buildings will meet EUI target without additional actions.

A18: That won't be a consideration at this point in the target setting process. We don't have the information yet about most of the buildings which will be subject to the law.

Q19: Is ODOE proposing to use the average EUI as the EUI targets?

A19: Yes.

Data Access and Reporting

Q20: In Portfolio Manager, is Net EUI Site or Source EUI?

A20: Site EUI.

Q21: How is the meter aggregation process treated?

A21: In a scenario where a building has multiple meters under the control of different tenants, and the building owner does not have access to the individual meters, the rules allow the building owner to access aggregated energy use data for their building.

Q22: *Please clarify what is meant by utility aggregated data associated with ESPM.*

A22: Where a building owner needs to report their energy usage for the whole building, but there are multiple meters, the aggregated data from multiple meters is the sum of the meter data for that building.

Q23: *Will utilities be required to upload directly to ESPM in any cases?*

A23: The draft rules require the utilities to require the data to the building owner in a spreadsheet format which can be uploaded to ESPM.

Q24: *Will building owners be required to report via Portfolio Manager?*

A24: Yes.

Q25: *Will utilities be required to upload directly to ESPM in any cases? Some utilities don't provide electronic data, will there be efforts to get utilities to provide aggregate data electronically? Is there room in ODOE incentives that bridge the gap for smaller utilities to help them create a process for automations of data aggregation into ESPM or other reporting tools?*

A25: We have spoken with several utilities and understand some of the resource limitations, which is why there are initially separate requirements for smaller versus larger utilities. We are also examining how this has happened in other states.

Building Types

Q26: *How "old" does a newly constructed building have to be before it will be subject to BPS? Have rules been decided when/how newly built buildings become subject to BPS?*

A26: Covered buildings include new construction. However, a building without a certificate of occupancy for the preceding 12 months before required compliance (exception criteria: "The tier 1 building did not have a certificate of occupancy or temporary certificate of occupancy during all of the 12 months that preceded the date on which the eligible building owner's report is due") would be eligible for an exemption, but after those 12 months after certificate of occupancy it would be subject to compliance

Q27: *What would you imagine a prison would be aligned with? What site type?*

A27: According to these data sets, it would be public safety. It would be similar to a courthouse or police station.

Q28: Will data centers have their own EUI target and if not what do you anticipate they would be classified as?

A28: Data centers are captured within the buildings that have them within the datasets (offices). The surveys ask buildings if they have a data center. There aren't any specific data centers that were sampled for each of these sets. This may be something that is decided in rulemaking.

Q29: If a designated building type changes, for example an office is converted to healthcare outpatient, what will be the reporting process for change?

A29: The details of this will be decided in rulemaking. If a building changes use types outside of the compliance period where the benchmarking and target are determined, there will be no impact until the next compliance period. If the change happens during the compliance period, there will be a different process which is not yet determined.

Q30: Are dental offices characterized as medical outpatient buildings?

A30: Dental Offices are "Medical offices" if services include X-Rays they are probably the "Medical Office- Diagnostic".

Q31: Where does Manufacturing and/or Industrial fall and is it included in one of the definitions?

A31: Where the primary use (greater than 50%) is manufacturing or industrial use as defined by classifications Factory Group F or High Hazard Group H, a building would be eligible for an exemption.

Q32: There is a lot of discussion about the amount of energy that AI will be using in the coming years and decades. As buildings add AI capability to their data centers, how can we account for this when looking at future (2027 and beyond) consumption?

A32: The type of data center needed for AI computations is a high-performance system that you would preferentially put inside of a dedicated Data Center building. We have some of those types of buildings in the Northwest and the more urban areas. But these computing needs don't yet outweigh the standard style of data. As of right now, data centers for AI tend to be located in dedicated systems.

Q33: What is the impact of having data centers use the investment criteria pathway in Washington?

A33: The results will be available after the first compliance cycle.

Q34: How will a building's target be determined when served by external, centralized heating and cooling plants? For example, college campuses.

A34: ODOE is aware of and has reviewed applications for district energy systems, such as those on college campuses. ODOE plans to include allowances for these kinds of systems.

Supports and Incentives

Q35: Is there still intent to provide incentives for early compliance?

A35: Yes, ODOE will be establishing the incentive program for early and voluntary adoption starting in 2025.

Q36: Is it correct that Tier 1 includes requirements for energy management plans and O&M plans?

A36: Yes.

Q37: Will there be BPS accelerators like in Washington?

A37: We are in discussion with utilities to develop a support network to support compliance.

Q38: If energy data doesn't come directly from the utility, how can we verify data hasn't been altered? Will the data need to be certified in some way?

A38: There are requirements that qualified persons gather and submit the data. ESPM also has built in quality controls.

Meeting organized by:	Data analysis by:	Facilitation by:
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