

# Oregon Department of **ENERGY**

## Building Performance Standards RAC and Public Meeting

ODOE Presentation  
October 15, 2024

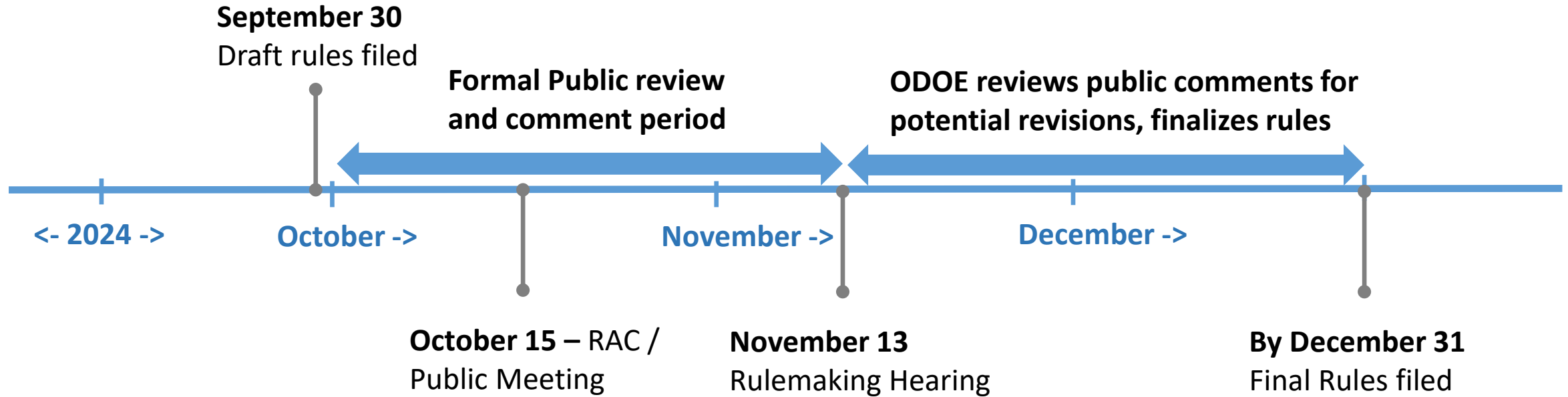


# RULEMAKING PROCESS

The 2024 Rulemaking process has involved multiple meetings of the RAC as well as periodic public meetings

	2024											
	January	February	March	April	May	June	July	August	September	October	November	December
RAC Meeting		2/21		4/24	5/22	6/26	7/17	8/21	9/4	10/15		
Public Meeting			3/21			6/5			9/11	10/15		
ODOE File Draft Rules with SOS									9/30			
Rulemaking Comments Open												
Rulemaking Hearing											11/13	
Final Rules Filed												by 12/31

# BPS RULEMAKING SCHEDULE



# DRAFT RULES FOR REVIEW

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- ODOE has filed the following draft rules for review, coming out of the Rulemaking Advisory Committee Process
  - ASHRAE Standard 100-2024, with Oregon Modifications, Chapters 1-9
  - Investment Criteria Pathway appendix
  - Tier 1 Covered Buildings Reporting Requirements Appendix
  - Tier 2 Covered Buildings Reporting Requirements Appendix
  - Utility Energy Data Aggregation
- **Comment portals** are posted on the ODOE BPS Rulemaking Website and will remain open through the Public Comment Period.
- <https://www.oregon.gov/energy/Get-Involved/Pages/BPS-Rulemaking.aspx>

# DRAFT RULES FOR REVIEW

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## ASHRAE Standard 100-2024, modified for Oregon BPS

### Chapter 1 – Purpose

- General purpose of the standard

### Chapter 2 – Scope

- Covers the scope of the standard

### Chapter 3 – Definitions

- Provides definitions for common and important terms used in the standard

# DRAFT RULES FOR REVIEW

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## ASHRAE Standard 100-2024, modified for Oregon BPS

### Chapter 4 – Compliance Requirements

- Overview of requirements needed for covered building compliance

### Chapter 5 – Energy and Emissions Management Plan

- Required for Tier 1 buildings, each covered building must develop and implement an energy and emissions management plan
- Consideration of GHG emissions remains, although targets are based on site energy

### Chapter 6 – Operations and Maintenance Requirements

- Similar requirements for an O&M plan for Tier 1 covered buildings

# DRAFT RULES FOR REVIEW

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## ASHRAE Standard 100-2024, modified for Oregon BPS

### Chapter 7 – Energy Use and GHG Emissions Analysis and Target Requirements

- Process for determining  $EUI_t$ , particularly for buildings with mixed uses
- Modifications include removal of language referencing GHG Intensity Targets

### Chapter 8 – Energy Audit with Decarbonization Assessment Requirements

- Outlines the process for energy audits, when required for BPS compliance
- “Decarbonization Assessment” language remains

### Chapter 9 – Implementation and Verification Requirements

- Outlines the process for implementing the standard
- Modifications include removal of GHG intensity and Emissions Reduction Measure references

# DRAFT RULES FOR REVIEW

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## Investment Criteria Pathway

- Modeled after Washington state's pathway
- Outlines the requirements for this compliance pathway which includes an energy audit and implementation of cost-effective optimized bundle of energy measures

## Utility Energy Data Aggregation

- Provides requirements for larger qualified utilities (equal to or greater than 3% of retail sales) to provide covered building owners with aggregated data formatted for upload into Energy Star Portfolio Manager



# DRAFT RULES FOR REVIEW

## Utility Energy Data Aggregation

### Excerpt from draft:

*Beginning on January 1, 2026, a QUALIFIED UTILITY shall provide AGGREGATED USAGE DATA to a QUALIFIED DATA RECIPIENT within sixty days after receiving the DATA RECIPIENT's written or electronic request. AGGREGATED USAGE DATA shall*

- a. Include at least the most recent 60 consecutive months of COVERED USAGE DATA prior to the initial date the data was requested, regardless of whether the QUALIFIED DATA RECIPIENT had a business relationship with the building or PROPERTY during that time period;*
- b. Include all necessary data points for DATA RECIPIENTS to comply with reporting requirements to which they are subject, including any such data that the utility possesses;*
- c. Be provided an electronic document formatted for direct upload to the United States environmental protection agency's energy star portfolio manager;*
- d. Be provided to the DATA RECIPIENT in no less than monthly intervals*
- e. Be accompanied by a list of all the QUALIFIED UTILITY'S meters associated with the COVERED USAGE DATA. The QUALIFIED DATA RECIPIENT shall assist the QUALIFIED UTILITY in identifying meters associated with the COVERED COMMERCIAL BUILDING.*
- f. Be provided at no cost to the QUALIFIED DATA RECIPIENT*

# DRAFT RULES FOR REVIEW

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## Tier 1 Covered Buildings Reporting Requirements Appendix Z

- Modeled after Washington state's appendix
- Provides reporting process and requirements for Tier 1 buildings, including building and energy information that will be required on reporting forms
  - Form A: Compliance with Standard 100
  - Form B: Building activity and energy use intensity target
  - Form C: Energy Use Intensity Calculations
  - Form D: Energy Audit Forms
  - Form E: n/a
  - Form F: Investment Criteria Tool
  - Form G: Documentation of a building of historic significance
  - Form H: Application for Exemption Certificate
  - Form I: n/a
  - Form J: Grouped Buildings Compliance with Standard 100

# DRAFT RULES FOR REVIEW

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## Tier 2 Covered Buildings Reporting Requirements Appendix Y

- Provides benchmarking requirement for Tier 2 buildings, per HB 3409
- Does not require energy management plans, operations management plans for Tier 2 buildings
- Provides reporting process and requirements for Tier 2 buildings, including building and energy information that will be required on reporting forms
  - Form A: Compliance with energy benchmarking requirements
  - Form B: Building activity and energy use intensity target
  - Form C: Energy Use Intensity Calculations and energy benchmarking information

# BPS SCHEDULE – OTHER ACTIVITIES

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- Oregon-modified version of ASHRAE 100-2024, integrated with Oregon revisions to be made available on ODOE website for free download.

**Timing:** ~ January 2025

- ODOE to develop incentive program for early and voluntary adoption. Additional rulemaking will occur.

**Timing:** by mid 2025

**Considerations:** incentive approach, availability for planning activity (audits, energy management plans, etc.), allocations, equitable distribution

- ODOE to notify Tier 1 and Tier 2 covered building owners

**Timing:** by July 1, 2025. ODOE is currently working with tax assessors to identify covered buildings and owners

# BPS SCHEDULE – OTHER ACTIVITIES

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- Develop education activities and implementation materials for building owner and industry support.

**Timing:** 2025 and beyond

- BPS and Reporting Compliance Portal: ODOE is working through the software evaluation and project management process.

**Timing:** Expected to be available in early 2026





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DEPARTMENT OF  
ENERGY

# Thank You

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<https://www.oregon.gov/energy/save-energy/Pages/BPS.aspx>

<https://www.oregon.gov/energy/Get-Involved/Pages/BPS-Rulemaking.aspx>