

**Oregon Department of Energy**  
**Building Performance Standards Program Initial Rulemaking, 2024**  
**Summary of Public comments**

Summary of Public Comments	Section	ODOE Response	Tags
<p>Exception to 7.2.3 #4: Recommend renaming "Nontarget Spaces &lt;50%" or "Nontarget Spaces 49%" to avoid confusion</p> <p>Section 7: Need guidance where there is a non-target building that is not sub metered</p> <p>Exception to 7.2.4: clarify what % of the year can be vacant. E.g., 60% of the area was unoccupied for 50% of the year - then what? Section Z4.1.b says "all of the 12 months".</p>	7.2.3, 7.2.4	The language in the standard has been clarified to avoid confusion and additional language has been added for guidance.	vacancy, non-target use
<p>"Emissions reduction" - recommend defining "negative impact within building." Suggest using the metrics for IEQ from the "energy manager" definition (building indoor air quality, thermal comfort, etc.).</p> <p>"Qualified energy auditor" - Washington recently approved AEE CEM and EMA EMP as qualified energy auditor certifications. This begins to merge the requirements between QEA, QEM, QP. In addition, strongly recommend specifying number of years of experience for QEA and QP - Washington requires 3 years, which is reasonable.</p> <p>Employees of building owners/managers should be able to perform energy audits on their properties if they have verifiable certification through any of the organizations listed in the rules.</p>	Definitions	<p>There are several different ways one can be certified to be an auditor that are incorporated into the rules. These were clarified within the rules and align with current Washington rules. Please see definitions for certification types and number of years of experience needed. Employees of a company may perform in-house audits, as long as they meet one of the eligible certification criteria.</p> <p>Emission reduction and negative impact were clarified in the rules by using the phrase "without degrading building indoor air quality, thermal comfort, visual acuity and comfort, and/or sound quality" to replace "negative impact".</p>	audit certs, definitions
<p>Allow employees of the owners or managers to be certified as energy managers so audits could be performed in-house. Since this is an on-going requirement, it would ultimately save owners money.</p>	Definitions	<p>There are several different ways one can be certified to be an auditor. Energy auditors may be employees of the owners or managers, they do not need to be a third party.</p>	audit certs, definitions



<p>I am with Lane Community College in Eugene Oregon. Our main campus in Eugene has approximately 30 buildings and 1.3 Million square feet of conditioned space. We currently have one electric utility meter for the entire campus and one main natural gas meter for our boilers that provide campus heating from our central plant. We have limited submetering capabilities on campus.</p> <p>Will this standard allow our campus to report total energy on a campus level to meet the EUI target?</p>	n/a	Campuses are able to use "campus-level" measuring/reporting to support alternative district energy metering capabilities	campus, submetering
<p>Standards that allow building owners to bank and trade credits when their buildings exceed compliance create a compelling financial incentive to go beyond the minimum requirements. By surpassing energy efficiency or emissions reduction targets, building owners can generate surplus credits, which can then be banked for future use or traded with other buildings that may struggle to meet the standards. This not only rewards proactive building owners for their early or innovative actions but also fosters a flexible, market-driven approach to overall industry compliance. Additionally, such a system encourages ongoing investment in energy-efficient technologies and sustainability improvements, driving widespread environmental benefits while offering economic rewards to those who lead the way in reducing emissions. Historically, energy efficiency standards for appliances, vehicles, and equipment have been crafted to maximize net benefits, using cost-benefit analysis frameworks developed in the 1990s. House Bill 3409 shifts the responsibility to the State Department of Energy to develop and regularly update Energy Performance Standards and Energy Use Intensity (EUI) targets, rather than automatically adopting ASHRAE Standard 100 targets without additional analysis. We recommend that the new regulations prioritize setting EUI targets that maximize overall benefits.</p>	n/a	The originating statute for Oregon's BPS (HB 3409) does not cover or authorize any type of credit trading. The referenced ASHRAE Standard 100 addresses energy efficiency on a covered building level.	cap and trade

<p>The draft regulation allows “grouped buildings” to comply with EUI targets as a group. This allows buildings that over-comply to be credited towards the compliance of buildings which under-comply, introducing the concept of crediting for over-compliance. The draft regulation limits this concept to multiple buildings on the same “campus,” but the concept can be reasonably extended to buildings in common ownership or all covered buildings.</p> <p>Add a new Section 4.5.2:  “4.5.2.1: Building owners that demonstrate compliance with the standard, consistent with Section 4.5.1, may request bankable, tradeable compliance credits for buildings demonstrated to have achieved an EUI level that is less energy intense than the applicable EUI target;  “4.5.2.2: Building owners may use compliance credits issued under Section 4.5.2.1 when demonstrating compliance with the standard under Section 4.5.1.</p>	4.5.2	The legislation, HB 3409, does not provide a framework or structure for allowing tradeable credits.	cap and trade
<p>I wanted to call out our agreement with others on the call that the benchmarking data used in setting future EUI targets should not include buildings who have not achieved compliance with the law.</p>	data aggregation	This is a comment directed toward future rulemakings that will adjust the EUI targets for subsequent compliance cycles. ODOE intends future methodology to reflect the data we have available at that time and the criteria in HB 3409 that EUI targets are based on average building use. Discussions and input on this methodology will be part of future rulemakings.	compliance, data aggregation
<p>It has been suggested in testimony that buildings that were granted conditional approval, that did not have to perform energy upgrades because of investment criteria, or chose to pay fines instead of complying should be removed from the pool used to calculate EUI averages. That concept does not appear to comply with the letter of the bill: "Shall: Develop energy use intensity targets that are not more stringent than the average energy use</p>		This is a comment directed toward future rulemakings that will adjust the EUI targets for subsequent compliance cycles. ODOE intends future methodology to reflect the data we have available at that time and the criteria in HB 3409 that EUI targets are based on	compliance, EUI

<p>intensity for each covered commercial building occupancy classification". There is no language in the bill that suggested this segmented approach, rather, the average in each occupancy classification shall be used. Also, outlier buildings that avoid energy upgrades are likely to have little effect on EUI averages.</p> <p>Also, we support the general approach taken to establish EUI targets and forecast what those targets should be for 2027. We ask that ODOE revisit those forecasts and "true them up" against actual usage data as 2027 approaches. Also, we are concerned that most target forecasts are being adjusted using a single declination rate, even though some building occupancies show significantly different rates than the aggregate, and some are trending upward. Specifically, food service has the highest EUI and has been holding steady; food sales are second highest and trending upwards. The food industry has been severely impacted by the pandemic – it seems only fair that they receive a more granular treatment. We ask that targets for these two sectors be forecast with separate metrics rather than a blanket factor.</p>		<p>average building use. Discussions and input on this methodology will be part of future rulemakings.</p> <p>Regarding restaurant/food service EUI targets, ODOE has reviewed this comment in collaboration with agency consultants and agrees with the suggested revision, based on available data. Table 7.2 EUI target values have been revised for following building / space types:</p> <ul style="list-style-type: none"> <li>- 38 fast food restaurant was 266/282 now 308/326</li> <li>- 43 fast food was 266/282 now 308/326</li> <li>- 44 restaurant/cafeteria was 281/293 now 325/340</li> <li>- 46 restaurant was 281/293 now 325/340</li> <li>- 49 other - restaurant/bar was 281/293 now 325/340</li> </ul>	
<p>Section 4.4 Building owners who have proactively incorporated energy-efficient designs, made voluntary improvements, or use their buildings in innovative ways should not face excessive burdens under a standard. An appeals process, such as the one in Denver’s building performance standard, allows for the recognition of early efforts by enabling owners to challenge building categorization and baseline emissions decisions. Better yet, a low friction, easy to use, fast track process for proactive, voluntary investment and innovation would appropriately recognize those efforts while minimizing regulatory burden on the builder/building owner and on the state of Oregon’s regulatory staff. An alternative compliance payment, designed as a safety net to</p>	<p>4.4</p>	<p>Building owners that have proactively incorporated energy efficient designs and voluntary improvements to reduce the EUI of their building will have an easier path toward complying with the EUI targets, especially if those previous improvements result in a building EUI that is already below Oregon’s EUI target for compliance. ODOE expects that buildings that have been proactive are more likely to meet their EUI target, but those that do not yet meet the targets may also benefit from past audit and/or</p>	<p>cost containment, alternative compliance, EEMs</p>

<p>protect against unforeseen expenses rather than as a punitive measure, could effectively serve this purpose. By offering regulated entities a fallback option, it provides reassurance that compliance costs will remain manageable and not unexpectedly exceed financial projections. This mechanism helps stabilize the financial risks associated with compliance, encouraging participation without fear of excessive penalties. Furthermore, cost containment can be achieved by carefully factoring in the expenses associated with implementing energy audit recommendations, ensuring that these improvements remain economically viable while still meeting regulatory goals. This dual approach balances the need for flexibility with the drive for energy efficiency.</p>		<p>energy analysis work to support compliance.</p> <p>Oregon’s BPS EUI targets are based on the average site EUI for that building type, which is much different than the methodology of the Denver performance standard referenced in the comment that bases targets on a specific building’s performance in the base year.</p> <p>The Investment Criteria in Oregon’s BPS uses cost-effectiveness standards to contain financial burdens.</p>	
<p>4.4.1: recommend specifying "similar software or calculations"</p> <p>4.4.2.3: technically since this BPS is based on site energy, the assessment should be framed as "energy reduction assessment" not "decarbonization assessment" unless we expect something similar to the campus decarbonization requirements in Washington. (Electrification with heat pumps will save energy but that's not listed as a requirement anywhere, only hitting the EUI-t.)</p> <p>Amend Section 4.4.2.3 to provide cost containment: “Upon completion of the implementation of all required EEMs to meet the EUI target that are demonstrated by the audit to be cost-effective and feasible, considering the uses and needs of the building, a building shall be granted conditional compliance.”</p> <p>Figures 4-1 and 4-2: Remove "GHGI"</p> <p>An alternative compliance payment, which is designed as a safety value against unanticipated costs, not as a punitive deterrent, could serve this function. It would provide regulated parties with</p>	<p>4.4.1, 4.4.2.3, 4.4.2.3, Figures</p>	<p>Through the Rulemaking Advisory Committee process, ODOE received input that it was valuable to retain the “decarbonization assessment” language to ensure this information is provided to a building owner as part of the energy audit process so that building owners can learn how their building energy use and its energy reduction potential can reduce carbon emissions., although Oregon’s targets remain based on site EUI. The campus decarbonization pathway, similar to Washington, has also been incorporated into the Oregon standard.</p> <p>Regarding cost containment provisions, the Investment Criteria in Oregon’s BPS uses cost-effectiveness standards to contain financial burdens.</p>	<p>cost containment, energy audit, site energy, decarbonization assessment</p>

<p>assurance that the financial burden of compliance will not dramatically exceed expectations. Cost containment can also be accomplished by factoring in costs when implementing energy audit recommendations.</p> <p>Add: "The State Department of Energy shall calculate and publish an Alternative Compliance Payment schedule, in units of energy intensity, with the goal of containing compliance costs to the level projected and expected by the State Department of Energy. The Alternative Compliance Payment shall be set at the Department's projected average marginal cost of compliance."</p>		<p>There is no alternative compliance payment as part of Oregon's BPS, although civil penalties may be assessed for noncompliance.</p>	
<p>Oregon small utilities have limited staff capacity. Any added requirements hoisted upon these resource-constrained cooperatives often results in other essential work falling by the wayside in an effort to meet compliance deadlines imposed by ODOE.</p> <p>While we appreciate the attempt at limiting the scope of the aggregation and reporting requirements by mirroring the RPS standard in Oregon, we believe that using the RPS to determine covered utilities under the RPS is arbitrary. The RPS load benchmark was a political compromise and should not be used as precedent. We encourage ODOE to consider removing the electric cooperatives from the requirements entirely.</p>	<p>Definitions; Appendix V Utility data aggregation</p>	<p>The definition of a qualified utility for data aggregation purposes has been amended to also include a threshold of at least 50,000 customers for a utility to be required to comply with the data aggregation requirements. ODOE encourages all utilities to work with building owners to support data availability.</p>	<p>data aggregation</p>
<p>Thank you for your engagement with small municipal electric utilities regarding the rules to implement the Building Performance Standards enacted in HB 3409. OMEU appreciates the sensible approach to utility data aggregation in the proposal.</p> <p>As we understand the proposal, only consumer-owned utilities with retail sales of 3% or more would be required to report aggregated meter data to the building owners subject to the standards or reporting obligations. This threshold would exclude OMEU's small municipal electric utilities from meter data reporting.</p>	<p>data aggregation</p>	<p>ODOE appreciates the comment and also expects most covered buildings to be located in urban areas.</p> <p>The definition of a qualified utility for data aggregation purposes has been amended to also include a threshold of at least 50,000 customers for a utility to be required to comply with the data aggregation requirements. ODOE encourages all utilities to work with</p>	<p>data aggregation, small utilities</p>

<p>Most OMEU utilities have limited IT staff and less sophisticated billing systems. Being subject to the meter aggregation data requirement would be a significant hardship and unfunded mandate. We thank ODOE for recognizing this and focusing the requirement on utilities and building owners in a better position to bear these costs. Additionally, as with Washington State, we expect most of the large buildings subject to the standard will be located in our State’s most populous county. OMEU does not have any utilities in Multnomah County.</p>		<p>building owners to support data availability.</p>	
<p>1) As indicated above, we support the notion of imposing the strongest possible efficiency standards on buildings as a way of reducing the greenhouse gas emissions for which they are responsible. In this context, we appreciate and support the development by ODOE of Energy Use Intensity metrics for buildings that recognize that averages based on all buildings of a certain type will be colored by the reality that newer construction is more energy efficient than older construction. ODOE proposes to account for year-by- year increases in energy use efficiency by adjusting the average accordingly. We endorse this approach</p> <p>2) From CleanBC (undated) we learn that “The Level 1 audit is a simple audit that involves a basic walk-through assessment, review of utility bills and other applicable operating data, and interviews with operations staff. This basic evaluation is designed to identify glaring energy problems.” There seems no doubt that ODOE should demand a more rigorous audit than level 1 as an Alternative Compliance pathway for owners of buildings not meeting the Building Performance Stands target.</p> <p>3) We ae also pleased to learn ODOE is requiring that greenhouse gas pollution should be assessed thus allowing owners to select compliance measures that will minimize their emissions.</p>	<p>data aggregation</p>	<ol style="list-style-type: none"> <li>1) Thank you for the comment.</li> <li>2) Oregon’s standard will require a Level 2 audit for buildings requiring an energy audit for compliance.</li> <li>3) Thank you for the comment.</li> <li>4) The definition of a qualified utility for data aggregation purposes has been amended to also include a threshold of at least 50,000 customers for a utility to be required to comply with the data aggregation requirements. ODOE encourages all utilities to work with building owners to support data availability.</li> <li>5) Thank you for the comment.</li> <li>6) This is a comment directed toward future rulemakings that will adjust the EUI targets for subsequent compliance cycles. ODOE intends future methodology to reflect the data we have available at that time and the criteria in HB 3409 that EUI targets are based on average building use. Discussions and input</li> </ol>	<p>data aggregation, small utilities, energy audits, decarbonization assessment, EUI</p>

<p>4) We appreciate the dilemma confronting building owners with multiple tenants and utility meters and thus appreciate the merit of obtaining necessary information from the utilities. We therefore encourage ODOE to retain the component for large utilities and suggest adopting a similar requirement for small utilities.</p> <p>5) Since buildings are under Building Performance Standard rules, it seems reasonable that building owners should agree to provide information regarding their compliance with tenants and potential tenants in order that these individuals can understand where the building stands with regard to compliance.</p> <p>6) As the Standard demands increasing energy efficiency, the rules will become more rigorous. In computing targets, ODOE should not include in the computation of averages those buildings that have not complied since including them will substantially compromise the computation of targets.</p>		<p>on this methodology will be part of future rulemakings.</p>	
<p>We would like to see the BPS rules made stronger by including these changes.</p> <p>1 Require utilities to share data with building owners. For the BPS to work most effectively, building owners need good data to make sure they're meeting or exceeding the energy efficiency targets. We strongly support the draft requirements for larger qualified utilities to share data with building owners for compliance with the BPS. We also encourage ODOE to use its authority and resources to work with smaller utility companies, so they too can ultimately report energy use to building owners for compliance.</p> <p>2. Require access to building performance data for tenants or prospective tenants. This provision should be included to ensure that the BPS program gets market support by encouraging building owners to achieve compliance to stay competitive with other commercial properties. Tenants are the ultimate energy bill payers</p>	<p>data aggregation</p>	<ol style="list-style-type: none"> <li>1. The definition of a qualified utility for data aggregation purposes has been amended to also include a threshold of at least 50,000 customers for a utility to be required to comply with the data aggregation requirements. ODOE encourages all utilities to work with building owners to support data availability, and ODOE intends to work with utilities and building owners on this.</li> <li>2. ODOE envisions that some building performance data will be available to the public for viewing once submitted to ODOE after each compliance cycle has completed.</li> <li>3. This is a comment directed toward</li> </ol>	<p>data aggregation, small utilities, compliance</p>



<p>and should have access to this information.</p> <p>3. Exclude non-compliant buildings from the next benchmark. We should not allow those refusing to follow the law to weaken the energy efficiency targets by their inaction. The intent of BPS is to gradually raise the bar on energy efficiency expectations for commercial buildings in the state. If buildings which fail to meet legal efficiency standards are included in the next round of energy efficiency "average" benchmarking, it will slow down the gradual increase in energy efficiency the program is designed to create.</p>		<p>future rulemakings that will adjust the EUI targets for subsequent compliance cycles. ODOE intends future methodology to reflect the data we have available at that time and the criteria in HB 3409 that EUI targets are based on average building use. Discussions and input on this methodology will be part of future rulemakings.</p>	
<p>Chapter 8 - Audits III. Level 1 vs. Level 2</p> <p>As with most elements of the BPS, it is reasonable to align with Washington as much as possible, while also learning from its experiences and making changes where our neighbor has experienced challenges. Washington's Investment Criteria compliance path currently requires a Level 2 audit. As the RAC considers the question of level 1 vs. level 2 audits further, it would be helpful for ODOE to have a conversation with Washington Commerce about how this is playing out in Washington. Absent a recommendation from Washington Commerce about the workability of one audit level over the other, there should be a preference for a more robust audit. Per Section 4, an audit is required where a building is not meeting its energy performance target. This would suggest that a level 1 audit, amounting to no more than a walkthrough of the building, with recommendations for generic EEMs may not be sufficient in many cases. A level 2 audit, on the other hand, would give buildings that are not complying with the targets more robust data and EEM alternatives that are more specific to their building. A level 2 audit can provide a stronger set of EEMs to building owners.</p> <p>V. Section 8.2 - Useful life of an audit If the rules require this more robust audit, then it would also be</p>	<p>ch8, 8.2, 8.1.2, 8.3.2</p>	<p>Regarding Levels 1 v 2 for energy audits, Oregon has aligned with Washington State to require a level 2 audit.</p> <p>Regarding comments on the useful life of an audit, in Section 8.2, the 5-year period over which any previous building audits could still be used is already reflected in BPS rules</p> <p>Regarding comments on the requirement for a decarbonization assessment, through the Rulemaking Advisory Committee process, ODOE received input that it was valuable to retain the "decarbonization assessment" language to ensure this information is provided to a building owner as part of the energy audit process so that building owners can learn how their building energy use and its energy reduction potential can reduce carbon emissions., although Oregon's targets remain based on site EUI.</p>	<p>decarbonization assessment, audit, ghge factors</p>

<p>reasonable to allow that audit to be used for a longer period. Tying the useful life of an audit to the duration of the compliance period seems like the best path forward. In that case a building could use an audit that was up to five years old to satisfy the audit requirement when they have fallen out of compliance with the energy target.</p> <p>Section 8: "with decarbonization assessment" seems irrelevant if there is only an EUI target. Not sure how ODOE wants to incentivize electrification.</p> <p>8.1.2: If "shall not increase GHGI", need to specify carbon emission factors to use like NYC LL97 (or remove).</p> <p>8.3.2: Recommend specifying any restrictions on what "Energy-hist" to use. Presumably it should be the same energy usage used to calculate savings, and is the rest up to the QEA? E.g., might use the average of the past 2 calendar years or just the previous 12 months etc. Section 8.4.6 is not very specific about that.</p>		<p>Regarding GHG emission factors, this has been clarified within definitions. Specifically, "building greenhouse gas (GHG) emissions" have been specified as those calculated using the conversion factors published by Oregon's DEQ.</p> <p>Regarding energy history to use in an energy audit, BPS references another ASHRAE standard (ASHRAE 211) that details the energy audit process.</p>	
<p>Please define what a Federal Building is if they are not included in this BPS. (IE: "Federally owned buildings, not buildings that receive funding to maintain and manage buildings (schools &amp; public housing). There has been a lot of confusion on buildings in WA.</p>	<p>definitions</p>	<p>No changes were made within these rules to specifically exempt federal buildings. ODOE understands that buildings owned by the federal government may not be subject to state and local requirements. This application is outside of the scope of these specific BPS rules, which establish energy performance requirements for covered buildings. If separate laws exempt certain building types, in general, from state regulation, then those laws would separately apply.</p>	<p>Definitions, federal</p>

<p>Recommend including additional information about "useful life." This has been a crucial metric in Washington LCCA calcs. At the very least, recommend specifying something like "'run to fail' is not an acceptable useful life metric."</p>	<p>purpose</p>	<p>ODOE will publish a table of equipment with Useful Life with a formal definition for "useful life"</p>	<p>Definitions, useful life</p>
<p>1. confidence and proprietary information We request that ODOE:</p> <ul style="list-style-type: none"> <li>- Give data centers the option to designate portions of the information they submit to ODOE as confidential and proprietary information;</li> <li>- Prevent the release of this confidential and proprietary information; and</li> <li>- Accept as a justification for a "confidential and proprietary" designation the prospect that the information so designated could be combined with publicly available information to reveal confidential and proprietary information, as described in the PUE example in the previous paragraph.</li> </ul> <p>Compliance program: We are also concerned that the compliance program for buildings without performance targets, established in §4.4.3, is not well-suited to data centers. Large-scale data centers possess unique operational and energy-consumption profiles that differ significantly from typical commercial buildings. The primary energy load in these facilities stems from IT equipment (servers, networking hardware, storage) and the specialized mechanical systems designed to cool this equipment. In this respect, large-scale data centers have more in common with factory buildings—where much of the energy use is associated with the production process— than typical commercial buildings. Recognizing that some portions of the audit report may not be applicable to large-scale data centers, as we comply, we may label some audit fields as "Not Applicable."</p>	<p>4.4.3 energy data aggregation</p>	<p>ODOE will work with building owners to understand required criteria for designating certain information confidential and proprietary through case by case requests, in accordance with applicable law.</p>	<p>energy audits, compliance</p>

<p>The regulation should (1) permit building owners to submit a single, statewide, annual report for all buildings in Oregon, (2) prohibit AHJs from adding unique reporting requirements, and (3) limit reports to information necessary to demonstrate compliance with the applicable EUI target. Reporting requirements regarding energy efficiency measure (EEM) implementation plans, O&amp;M plans, and workforce training plans are extremely onerous and burdensome, and are not necessary for a building owner who is demonstrating compliance with the applicable standard.</p> <p>9.1.2.4: Recommend changing to "implementation order of EEMs" otherwise it can be perceived as an exemption</p>	<p>9.1.2.4</p>	<p>As ODOE establishes a compliance portal for documenting BPS compliance, ODOE will work to streamline compliance reporting for owners with multiple buildings.</p> <p>Regarding the Authority Having Jurisdiction, or AHJ, this is the Oregon Department of Energy. Individual cities and counties do not have authority for the statewide BPS program.</p> <p>Regarding information in required reports, though input from ODOE's Rulemaking Advisory Committee some elements of the O&amp;M and energy management plans for buildings have been made optional.</p> <p>Regarding section 9.1.2.4 wording, ODOE agrees with the comment and this language has been changed to "implementation order of EEMs"</p>	<p>energy management plan, EEMs</p>
<p>5.1.1 and 5.1.2: recommend removing ghg emissions tracking requirements. Ideally EMs are tracking emissions, but that is not consistent with the standard.</p> <p>5.1.3: specify if the items are required or optional. Most of these are listed as required in Washington, although some modifications have been allowed, such as lighting survey.</p> <p>5.2.2: ESPM is introducing EV station energy usage estimates; recommend referencing for consistency or noting that the estimates will be completed in ESPM per current calculations</p>	<p>5.1.1, 5.2., 5.1.3, 5.2.2, 5.2.1.2</p>	<p>Regarding comments on Section 5.1.2.1: this standard will keep the language to consider GHG emissions in 5.1.1 but omit "and greenhouse gas emissions" in 5.1.2.1.</p> <p>Regarding comments on Section 5.1.3: everything in 5.1.2 is required, 5.1.3 is optional as denoted by use of the word "may".</p>	<p>EV charging, off site renewables/RECs</p>

<p>(since compliance is via ESPM):  <a href="https://www.energystar.gov/buildings/benchmark/understand-metrics/score-details/ev-charging">https://www.energystar.gov/buildings/benchmark/understand-metrics/score-details/ev-charging</a></p> <p>The proposed standard does not permit offsite renewables generation of any kind. Recommend In Section 5.2.1.2. End use deductions, strike "Where sub metered from a building's meter" and add: "(4) the use of off-site renewable energy procured via a contract, such as virtual power purchase agreement, a community solar subscription, or a contract to obtain and retire Renewable Energy Certificates (RECs) for Oregon-certified energy facilities in the Western Renewable Energy Generation Information System (WREGIS); (5) the electric energy equivalent to the GHG emissions reduction resulting from the transition away from high global warming potential refrigerants in refrigeration systems.</p>		<p>Regarding comments on Section 5.2.2, at the time of initial draft writing, ESPM had not included this provision, but it is expected that buildings owners could use the ESPM tool to estimate any EV energy consumption and language has been added for ODOE to consider and allow this methodology.</p> <p>Regarding comments on off-site renewable energy, as specified in HB 3409 Oregon's BPS is based on site energy usage and compliance targets are based on site energy use intensity. No changes have been made to the standard to incorporate allowances for off-site renewable energy procurement.</p>	
<p>26.5.2 Strongly recommend that AHJ provide Form F like Washington.</p>	<p>LCCA Form</p>	<p>Oregon's standard also includes a Form L: Life Cycle Cost Assessment that is similar to Washington's Form F</p>	<p>Form L: Life Cycle Cost Assessment</p>
<p>Broadly, the National Trust is supportive of BPS policies that reduce energy consumption and carbon emissions from existing buildings, including historic buildings. We appreciate that the Oregon BPS includes considerations for historic buildings. Specifically, the National Trust offers the following comments regarding the Oregon BPS ruleset for historic buildings in Chapter 4:</p> <p>1. We suggest defining "historic building" to align with the definition used in other regulations, such as the Oregon Structural Specialty Code, which defines a historic building as: a structure that is listed in, or eligible for listing in, the National Register of Historic Places; or is designated as historic by a state or local historic preservation program that is approved by the Department</p>	<p>Definition, 4.4.2.3</p>	<p>ODOE has added a "historic building" definition that matches the definition used in OSSC (Oregon Structural Specialty Code).</p> <p>The BPS standard already has an exemption for historic buildings, similar language will be added to the investment criteria section of the standard</p>	<p>historic buildings</p>

<p>of the Interior; or is designated as having special historical or architectural significance by the legally constituted authority of the municipality. Consistency across regulation will improve usability and enforceability.</p> <p>2. Sections 4.4.2.3 and 4.4.3.2 lay out the process to improve performance of buildings that do not meet performance targets through implementation of prescriptive Energy Efficiency Measures (EEMs). We are happy to see that historic buildings are exempted from prescriptive EEMs that damage the integrity of historic buildings. However, historic buildings would still need to meet the performance target after the conditional compliance period. It is possible that a historic building could implement all EEMs that are compatible with the building’s historic character and still not meet the target. Building owners would be faced with the dilemma of violating preservation policies, such as the Secretary of the Interior’s Standards for Rehabilitation, by implementing inappropriate EEMs or violating the BPS. We suggest including accommodation for such historic buildings in the BPS compliance process. For example, these accommodations could include compliance through building electrification or peak load management. Another promising approach is to provide a target or schedule adjustment based on embodied carbon savings achieved through the conservation and extended use of historic buildings and materials. Given that accommodation for historic buildings is likely to be an uncommon event, it may be sufficient to simply allow historic buildings that have implemented all appropriate EEMs to comply with the BPS even if they still fail to fully meet the target.</p> <p>3. The draft ruleset does not state who has the final say as to whether an EEM would compromise the historic integrity of the historic building. It is unlikely that BPS staff will have the preservation training or expertise necessary to make a</p>			
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<p>determination in difficult cases, running the risk of being too lenient or too strict. We suggest adding language that states that an EEM will be considered inappropriate if either the BPS Authority Having Jurisdiction (AHJ) or the preservation AHJ makes that determination. The “or” is important. For simple determinations, the complication of bringing the preservation AHJ into the process can be avoided and the BPS AHJ can make the determination. For difficult (or contentious) determinations, an appropriate preservation AHJ should be designated to make the necessary determination of impact on historic integrity.</p>			
<p>strong support, esp with EUI targets. Supports ODOEs effort for alternative compliance pathways. NOTES FOR IMPROVEMENT: building inaccurately designated appeals process, want ODOE to work with smaller utilities, would like to see tenants have more access to the building information, building not in compliance should not be used to set targets</p>	<p>data aggregation</p>	<p>Buildings owners will self-identify their building as a particular building type when reporting, however ODOE will check these identifications. ODOE will work with building owners to understand the appropriate building type. If an appeal is necessary, an appeals process is specified in the standard.</p> <p>Regarding comments on utility data access, ODOE encourages all utilities to work with building owners to support data availability, and ODOE intends to work with utilities and building owners on this.</p> <p>Regarding comments on which buildings to include in future target setting, this is a comment directed toward future rulemakings that will adjust the EUI targets for subsequent compliance cycles. ODOE intends future</p>	<p>identification, small utilities, data aggregation</p>

		methodology to reflect the data we have available at that time and the criteria in HB 3409 that EUI targets are based on average building use. Discussions and input on this methodology will be part of future rulemakings.	
Early Adopters incentive programs defined and built into the rules for those that perform audits and create energy management plans ahead of the defined deadlines.	n/a	The setting of program incentives is not a part of this rule making phase. The BPS Incentives Program is currently being created and will begin its own public rulemaking process in 2025.	incentives
Provide financial incentives for early adopters of the program.	Incentives	Financial incentives will be part of the BPS Program. The incentive structure is currently under development and will begin a public rulemaking process in 2025.	Incentives
<p>BOMA members buildings have led the commercial real estate industry in striving to create and operate highly energy efficient buildings. This has always been motivated by the payback created through the reduced purchase of electricity/gas. Commercial office buildings are (for better or worse) an invest vehicle existing to generate a return for the owners. Those owners may be a local family trust or a Real Estate Investment Trust selling shares in their properties to perhaps augment a 401K program. The Portland office market has not experienced a financial crisis like the one we are currently experiencing, in generations. Multiple owners have chosen to simple walk away from their investment and leave the property to the lender. The ones who have not chosen this path have substantially reduced staff and cut other operating expenses just to meet their debt service.</p> <p>Building Performance Standards does create the framework for reductions in emissions in commercial buildings, Which BOMA supports. However, the financial burdens it could place on these</p>	data aggregation	<p>Requirements for utility data aggregation for larger utilities in Oregon have been incorporated into the rules to support data availability for owners. ODOE encourages all utilities to work with building owners to support data availability, and ODOE intends to work with utilities and building owners on this.</p> <p>There are multiple certifications an auditor can have, and these are clarified in the definitions of Section 3. Energy auditors may be employees of the owners or managers, they do not need to be a third party.</p> <p>Financial incentives will be part of the</p>	incentives, energy audit, audit certs, data aggregation



<p>properties may turn out to be more than they can bear. With that in mind, below are some thoughts we would like to share.</p> <p>It would be extremely helpful to have the utilities provide the energy consumption data rather than putting that burden on building owners.</p> <p>Allow employees of the owners or managers to be certified as energy managers so audits could be performed in-house. Since this is an on-going requirement, it would ultimately save owners money.</p> <p>Provide financial incentives for early adopters of the program.</p>		<p>BPS Program. The incentive structure is currently under development and will begin a public rulemaking process in 2025.</p>	
<p>Suggestion to take out manufacturers requirements out of 6.4.1. (.). This level of detail looks at the service intervals, activities and tasks down to the system component level. Depending on how equipment or components are used, the manufacturers’ “requirement” isn’t necessarily the best approach to cost-effectively maintenance. By taking a step back and thinking about the intent of Building Performance Standard, ensuring energy efficient performance is the key factor. By incorporating the wording “...tasks that minimize failures, maintain and/or improve energy consumption efficiency, ...” We get to the core of what’s trying to be accomplished, focuses thought on those elements, and allows for a simpler approach. Suggested language: 6.4.1 Maintenance for all equipment, components, and systems shall be in accordance with applicable manufacturers’ requirements and shall also include tasks that minimize failures, maintain and/or improve energy consumption efficiency, and reduce building GHG emissions, such as those found in Informative Appendix I for the following building systems:</p> <ul style="list-style-type: none"> <li>• Building envelope</li> <li>• Domestic hot water</li> <li>• Heating, ventilation, and air conditioning</li> <li>• Refrigeration</li> <li>• Lighting</li> </ul>	<p>6.4.1</p>	<p>ODOE agrees with the comments regarding the benefits of maintenance on energy efficiency and performance, but believes this is already incorporated into the language in the standard, as maintenance helps to keep equipment and operating as intended, but generally won’t improve system efficiency above its original design value; as such, no changes are necessary.</p>	<p>maintenance</p>

<ul style="list-style-type: none"> <li>• Controls</li> <li>• Electric power distribution and on-site power generation</li> </ul>			
wants off-site solar/RECs	n/a	As specified in HB 3409 Oregon’s BPS is based on site energy usage and compliance targets are based on site energy use intensity. No changes have been made to the standard to incorporate allowances for off-site renewable energy procurement.	RECs
<p>Section 5.2 allows building owners to net out (1) electricity generated on-site and (2) electricity delivered to EVs. Neither offsite renewable acquisition nor GHG emissions reductions are incorporated into the “net energy” calculation. Providing EV charging access is an important goal for Oregon communities. For buildings that have existing or future EV charging access investment, ask that there be further collaboration between ODOE, ODOT and the entities investing in EVSE so there is alignment to recognize this investment for BPS.</p> <p>In Section 5.2.1.2. End use deductions, strike "Where sub metered from a building’s meter" and add:</p> <p>"(4) the use of off-site renewable energy procured via a contract, such as virtual power purchase agreement, a community solar subscription, or a contract to obtain and retire Renewable Energy Certificates (RECs) for Oregon-certified energy facilities in the Western Renewable Energy Generation Information System (WREGIS);</p> <p>"(5) the electric energy equivalent to the GHG emissions reduction resulting from the transition away from high global warming potential refrigerants in refrigeration systems."</p> <p>The reporting and training requirements are overly extensive and</p>	5.2, 5.2.1	<p>Regarding energy use for EV charging, ODOE agrees that EV charging access is important for Oregon communities; as such provisions for omitting energy use for EV charging from a building’s EUI for BPS compliance have been incorporated into the standard.</p> <p>Regarding comments on off-site renewable energy, as specified in HB 3409 Oregon’s BPS is based on site energy usage and compliance targets are based on site energy use intensity. No changes have been made to the standard to incorporate allowances for off-site renewable energy procurement. Similarly, no provisions have been made to incorporate GHG emissions from refrigerants.</p> <p>Regarding comments on Energy Management Plans and O&amp;M Plans, there are many optional features in the O&amp;M and EMP reporting requirements. The BPS program believes these plans to</p>	RECs, EV, EV Charging

<p>also apply to building that meet the standards. This is highly unusual in review of other BPS state or local policy. Request ODOE revise the regulation to allow for 1) streamline or single report for building owners that control multiple buildings in the state and 2) exclude buildings in compliance from the reporting and training requirements.</p> <p>Suggested language could look like this:  Amend Section 5.1.1:  Exemption to 5.1.1: Buildings that meet the EUI target.” or  Amend Section 5.1.2.9: “A list of EEMs that have been implemented and dates of implementation, if EEMs were recommended by an energy audit with a decarbonization assessment report conducted in compliance with section 4.4.2, including the following....”  Amend Section 5.1.4: “5.1.4: The EM shall provide notification and access to a copy of the energy and emissions management plan to the building occupants and other stakeholders annually, if an energy audit with decarbonization assessment was conducted in compliance with section 4.4.2.”  Amend Section 5.1.5: “5.1.5: The building owner shall review and sign the energy and emissions management plan annually, if an energy audit with decarbonization assessment was conducted in compliance with section 4.4.2.”  Amend Section 6.2: “6.2 Operations and Maintenance Program. If an energy audit with decarbonization assessment was conducted in compliance with section 4.4.2, a formal operations and maintenance (O&amp;M) program shall be established and implemented in order that the building energy-using systems achieve their intended energy efficiency throughout their service life.</p>		<p>be essential components of long term building energy efficiency.</p>	
<p>Section 5.2.1.2 Onsite clean energy generation is often not feasible for many buildings due to factors like shading or roof weight limitations. A standard that acknowledges the procurement of</p>	<p>5.2.1.2</p>	<p>Regarding comments on off-site renewable energy, as specified in HB 3409 Oregon’s BPS is based on site</p>	<p>RECs, EV, GHGe, EV Charging</p>

<p>renewable or clean energy from offsite sources, such as community solar facilities, can help encourage the shift to renewable energy.</p> <p>Installing EV charging stations increases a building’s electricity consumption but reduces overall greenhouse gas (GHG) emissions in the community. The electricity supplied to EV charging stations should be credited as a net reduction in energy use and emissions, considering the gasoline that is no longer consumed. Moreover, the source of the electricity used in the provided charging station may well be preferable to alternatives at home or elsewhere used by the customer, and this potential benefit should be accounted for as well.</p> <p>Lastly, replacing high global warming potential (HFC) refrigerants with low-GWP alternatives is one of the most impactful ways to reduce GHG emissions in buildings. Building owners should be rewarded not only for reducing energy consumption but also for cutting GHG emissions.</p>		<p>energy usage and compliance targets are based on site energy use intensity. No changes have been made to the standard to incorporate allowances for off-site renewable energy procurement. Similarly, no provisions have been made to incorporate GHG emissions from refrigerants.</p> <p>Regarding comments on EV charger energy consumption, provisions for omitting energy use for EV charging from a building’s EUI for BPS compliance have already been incorporated into the standard.</p>	
<p>Appendix X: Reference for useful life would be very helpful! Only guidance from Washington as far as I know has been “run to fail is not an acceptable useful life” although currently X1.1 implies run to fail is okay?</p> <p>X3.1.1 #5: Recommend ODOE provide a recommended social cost of carbon</p> <p>X3.1.1 #5.k: What about measures that increase water/sewer costs?</p>	<p>Appendix X, X3.1.1</p>	<p>ODOE will provide a list of useful life for equipment.</p> <p>Regarding the social cost of carbon, it is outside of the scope of these BPS rules to provide an appropriate value for the social cost of carbon. However, a building owner may include the social cost of carbon when performing a lifecycle cost assessment to evaluate energy measures, and this has been incorporated into the Investment Criteria Pathway in Appendix X.</p> <p>Regarding comments on water/sewer costs, ODOE agrees with this comment and the language in this section has</p>	<p>useful life, ghge, annex X</p>

		been amended include "water or sewer cost increases or decreases".	
<p>Using the RPS to determine covered utilities is arbitrary and the RPS load benchmark was a political compromise and should not be used as a precedent. Moreover, the COUs on the RAC were not impacted so likely didn't share the same concerns as UEC.</p> <p>The Red Flag Rule issued by the Federal Trade Commission ("FTC") under the Fair and Accurate Credit Transaction (FACT) Act of 2003 requires that all creditors, including utilities and telecommunications companies, develop and implement a written identity theft prevention program. To the extent the aggregation of data violates Federal or State law or utility identity theft prevention programs, covered utilities should be exempted or allowed to redact identifying information. If a covered utility can show an administrative burden to produce aggregated data, the covered utility should be exempted.</p> <p>ODOE should engage covered COU utilities on applicability of RPS as a benchmark. As noted, to the extent the aggregation of data violates Federal or State law or utility identity theft prevention programs, covered utilities should be exempted or allowed to redact identifying information. If a covered utility can show an administrative burden to produce aggregated data, the covered utility should be exempted.</p>	data aggregation	<p>The definition of a qualified utility for data aggregation purposes has been amended to also include a threshold of at least 50,000 customers for a utility to be required to comply with the data aggregation requirements. ODOE encourages all utilities to work with building owners to support data availability, and ODOE intends to work with utilities and building owners on this.</p> <p>The data aggregation language in the standard already specifies that no personally identifiable information is included in aggregated energy data. Also, the language includes minimum tenant thresholds for the data aggregation requirements to apply to protect individual tenant privacy.</p>	utilities
It would be extremely helpful to have the utilities provide the energy consumption data rather than putting that burden on building owners.	utilities, data aggregation	ODOE encourages all utilities to work with building owners to support data availability, and ODOE intends to work with utilities and building owners on this.	utilities, data aggregation
Given that, we respectfully request the following revision to Section Z4.1.2.d of the draft rules (see red font / strikethrough): d. Manufacturing or industrial. The primary use (greater than 50%	Appendix Z Z4.1.2.d, Z4.1.2g	Regarding comments on aggregate floor area for nonexempt occupancy classifications greater than 20,000 square feet, ODOE agrees that this	

<p>of the gross floor area of the building) for the tier 1 building is manufacturing or another industrial use, as defined in accordance with the following use designations of the state of Oregon adoption of the International Building Code: i. Factory group F; or ii. High hazard group H; Aggregate gross floor area of spaces with nonexempt occupancy classification greater than 20,000 square feet shall comply with Tier 2 covered building requirements.</p> <p>Including a provision requiring “aggregate gross floor area of spaces with nonexempt occupancy classification greater than 20,000 square feet” to comply with Tier 2 covered building requirements would be:</p> <p>1) Contrary to HB 3409’s exemption in Section 10(1)(c)(D) which plainly indicates that if the primary use of a Tier 1 building is manufacturing / industrial, then the Tier 1 building is exempt. Adding in a regulatory provision that treats an area within a statutorily exempt Tier 1 manufacturing / industrial building as a covered Tier 2 building is inconsistent with the statute and thus would exceed the Department’s rulemaking authority.</p> <p>2) Cost-prohibitive, primarily because it would involve, at a minimum, costly installation of expensive electrical wiring and new steam, electrical, and natural gas sub-meters into buildings that are still, primarily manufacturing /</p>		<p>language can lead to confusion and has been removed.</p> <p>Regarding the comment on “immediate and heavy financial need” criteria, this language was inadvertently included in an early working version of the draft rules for advisory committee review, is too ambiguous for application, and is not one of the specific financial hardship exemption criteria from HB 3409. There are multiple other exemption criteria that may be used to demonstrate financial hardship.</p>	
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<p>industrial.</p> <p>3) Overly complex because these buildings are operational aircraft manufacturing buildings and the necessary infrastructure investments could disrupt aircraft manufacturing and deliveries, causing additional financial hardship.</p> <p>We further request the re-inclusion of a provision that has been removed from the draft rules under Section Z4.1.2.g Financial hardship. Please re-include the provision formerly included in the draft rules at Z4.1.2.g.vi “The building owner has an immediate and heavy financial need which cannot be satisfied from other reasonable available resources and which are caused by events that are beyond their control.”</p> <p>1) HB 3409 Section 10(1)(c)(F)(vi) allows (and arguably requires) the Department to add financial hardship criteria indicating that the owner has undergone or is undergoing financial hardship to those included in the statute at 10(1)(c)(F)(i) through (v). It is important for the department to utilize this authority as the statutory criteria – all of which involve changes to the ownership or control of the building – fail to consider the financial condition of the owner before any such changes to ownership or control are made with respect to an otherwise covered building. This authority should be used to provide relief to an owner suffering financial hardship to help the owner recover and avoid any such changes to ownership or control. Piling costly obligations upon such an owner will only make it more likely that legal actions will be taken against the building and the owner will fail.</p>			
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<p>2) The requested provision is included in Washington’s Clean Building Act (CBA).</p> <p>3) Boeing is currently experiencing a financial hardship that makes costly financial investment impractical and imprudent at this time.</p>			
<p>Table 7-2a Building Activity Site Energy Targets: The Target EUI for 2027 based on the SBW analysis memo assumes that energy use will fall from 2019 to 2027 by 1.7% per year. Our experience with our eight Oregon hospitals is that energy use is flat, slightly rising at 0.45% per year from 2019 to 2023. For our non – hospital buildings we have seen energy use declining slightly at a rate of 0.48% per year. What we must consider when evaluating hospital data from this time is how COVID impacted energy use. As hospitals adapted to the critical care needs of COVID patients, we modified ventilation systems to keep patients and caregivers safe – this safety measure alone had a significant impact on energy utilization. We also consider the impact of increased hospital utilization. This 1.7% reduction for each year between 2019 and 2027 makes for a 2027 target EUI for hospitals of 203 a challenge that may not be attainable. Providence understands the current targets for Tier 2 buildings are placeholders and that actuals will be based on data reported. We caution that any target numbers developed at this time may be interpreted as actuals that buildings are held to.</p> <p>Recommendations:</p> <p>We recommend using the 2019 CBECS / CBSA average EUI data to establish targets without adjustment. Additionally, identify Tier 2 building occupancy types without a value, as Tier 2 until such time as specific statewide data is gathered through this process. If ODOE decides to keep the placeholder targets in the table, we request that ODOE either use the established Washington State target EUI value or that there be a clear note these are placeholders and subject to change.</p>	<p>Table 7-2a, section 3</p>	<p>Regarding Tier 2 benchmarking targets, the language has been clarified to reflect that Tier 2 buildings target EUIs are considered placeholders until determined under a rulemaking process for an actual performance standard for those buildings. EUI targets are necessary for these building in the draft rules for buildings that might be mixed use Tier 1/Tier 2 and unable to submeter uses. If a Building Performance Standard is recommended for Tier 2 buildings in the future, it will involve additional analysis to set Tier 2 building EUI targets.</p> <p>Regarding comments on future targets for Tier 2 buildings, ODOE will take these comment under consideration when recommending a potential building performance standard for Tier 2 buildings in the future.</p>	



<p>Section 3: Unlike Washington, the Oregon oversight group for the rule making has made a policy that campus EUI's will be calculated on the individual target EUI of the mixed uses (hospital, clinic, office, etc). While this sounds perfectly logical, we have learned through our analysis in Washington that these target EUI's for hospitals are legislated to be the single campus average (215 kbtu / sf / year) based on national data with regional adjustment and further AHJ reductions to reflect climate policy. The data source for hospital campuses (CBECS) does not prorate these EUI values for mixed use, instead they are blended to the campus value. This is very important to our hospital campuses to get a reasonable target value (which the legislature says should be an average hospital campus value) and will make this a very difficult and expensive target for hospitals to meet.</p> <p>Ø Recommendation: Providence requests the Hospital campus EUI targets be based on the Energy Star definition of hospital campuses as follows:</p> <p>Hospital (General Medical &amp; Surgical)</p> <p>Hospital refers to a general medical and surgical hospital (including critical access hospitals and children's hospitals). These facilities provide acute care services including emergency medical care, physician's office services, diagnostic care, ambulatory care, surgical care, and limited specialty services such as rehabilitation and cancer care. Hospitals must have in-patient beds and over overnight care.</p> <p>To be eligible for the Hospital Property Type:  More than 50% of the GFA of all buildings must be used for general medical and surgical services (not long-term acute care, specialty care, or ambulatory surgical services).</p> <ul style="list-style-type: none"> <li>- More than 50% of the licensed beds must provide acute care services. The Hospital property type should include all space types owned by the hospital that are located within the Hospital campus, including non-clinical spaces such as administrative offices, food service, retail, hotels, and power plants.</li> </ul>			
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<p>Gross Floor Area (GFA) should include all space within the building(s) on the campus including but not limited to operating rooms, patient rooms, emergency treatment areas, medical offices, exam rooms, laboratories, lobbies, atriums, cafeterias, restrooms, stairways, corridors connecting buildings, storage areas, and elevator shafts. Using this definition, a hospital campus would have a consistent, single target EUI value based on reported data for Tier 2 building</p>			
<p>The reporting and training requirements are overly extensive and also apply to building that meet the standards. This is highly unusual in review of other BPS state or local policy. Request ODOE revise the regulation to allow for 1) streamline or single report for building owners that control multiple buildings in the state and 2) exclude buildings in compliance from the reporting and training requirements.</p> <p>Suggested language could look like the following:</p> <p>Amend Section 9.1.1.1: “9.1.1.1 Buildings with Performance Targets. For buildings having performance targets, if an energy audit with decarbonization assessment was conducted in compliance with section 4.4.2, energy efficiency measures (EEMs) identified from the energy audit with decarbonization assessment shall be implemented in order to meet the building’s energy use intensity (EUI) target.”</p> <p>Amend Section 9.1.2: “9.1.2 Implementing the Energy and Emissions Management Plan. If an energy audit with decarbonization assessment was conducted in compliance with section 4.4.2, the sequence in which measures are implemented shall be evaluated so that EEMs take into account the impact of previously implemented EEMs and do not result in an increase in the building’s EUI.”</p> <p>Amend Section 9.1.2.1: “9.1.2.1: Training of Building Staff. If an energy audit with decarbonization assessment was conducted in</p>		<p>Through ODOE’s work with the Rulemaking Advisory Committee, many of the elements of the Energy Management Plan have been made optional. However, these are important documents to ensure operational energy management and based on the ASHRAE Standard 100 process, ODOE believes these plans to be essential components of long term building energy efficiency.</p>	

<p>compliance with section 4.4.2, an ongoing written training plan shall be implemented.”</p> <p>Add “9.4: The requirements of Section 9.1 and Section 9.2 do not apply to buildings for which an energy audit with decarbonization assessment was not conducted in compliance with section 4.4.</p>			
<p>The draft regulation allows “grouped buildings” to comply with EUI targets as a group. This allows buildings that over-comply to be credited towards the compliance of buildings which under-comply, introducing the concept of crediting for over-compliance. The draft regulation limits this concept to multiple buildings on the same “campus,” but the concept can be reasonably extended to buildings in common ownership or all covered buildings.</p> <p>Offer language to address this by Amending Section 3.1: Grouped buildings: Buildings that comply at the connected or campus-level as noted in Tables 7-2a and 7-4, Footnote #9, campuses, and connected buildings, or buildings, subject to performance targets, that are held in common ownership and that are designated by the energy manager as grouped when determining the Energy Use Intensity Target under Section 7.2, enabling portfolio compliance with this standard.”</p>	<p>definitions</p>	<p>Considerations for buildings that share the same campus have been incorporated into the standard to allow for campus situations with shared infrastructure such as common utility meters and energy systems. Similar situations for shared systems are not present with buildings that have common ownership but are not physically located on the same campus. Given the directives in HB 3409 that Oregon’s Building Performance Standard and target EUIs are based on site energy consumption, grouping distant buildings (for example, two buildings located in different parts of Oregon) for compliance based on common ownership would be inconsistent with these site-based energy requirements.</p>	