



Oregon

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To: Energy Facility Siting Council

From: Thomas Jackman, Rules Coordinator

Date: January 12, 2024

Subject: Agenda Item B (Action Item): Standby Generator Rulemaking Final Authorization for the January 26, 2024 EFSC Meeting

Attachments: Attachment 1: Draft Permanent Rulemaking Order
Attachment 2: Draft Redline of Proposed Rule

BACKGROUND

The legislature enacted HB 2063 in 2021, which prohibits the Council from requiring a person proposing to construct a standby generation facility to submit an exemption request to the Council. Generator operators still need to meet Department of Environmental Quality standards when they intend to build standby power generation systems. The purpose of this rulemaking is to update Council's rules to conform with HB 2063.

ORS 469.320(7)

As used in this section:

(a) "Standby generation facility" means an electric power generating facility, including standby generators and the physical structures necessary to install and connect standby generators, that provides temporary electric power in the event of a power outage and that is electrically incapable of being interconnected with the transmission grid.

(b) "Total energy output" means the sum of useful thermal energy output and useful electrical energy output.

(c) "Useful thermal energy" means the verifiable thermal energy used in any viable industrial or commercial process, heating or cooling application.

RULE CHANGE OVERVIEW

Council rules currently require that "[a]ny person wishing to construct and operate a facility exempt from Council jurisdiction shall submit a request for exemption to the Department of Energy before beginning construction." See OAR 345-015-0360(1). This proposed rule amendment removes the requirement to seek Council approval for an exemption as it pertains to the construction of a standby generator. See OAR 345-105-0360(1) and (8) in Attachment 2.

PUBLIC COMMENT

The public comment period ran from November 17 through December 29. No comments were submitted.

A public hearing was held on December 18 at 10am. No one attended the hearing.

STAFF RECOMMENDATION

Staff requests Council authorization to file the draft permanent order amending the standby generator exemption rules as shown in Attachments 1 and 2.