



Oregon

Tina Kotek, Governor



To: Oregon Legislative Assembly
From: Oregon Department of Energy
Date: January 30, 2024
Re: 2023 Annual Agency Rulemaking Report

550 Capitol St. NE
Salem, OR 97301
Phone: 503-378-4040
Toll Free: 1-800-221-8035
FAX: 503-373-7806
www.oregon.gov/energy

2023 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, 2023. This report summarizes the number of permanent and temporary rules the agency adopted, amended, repealed or suspended in 2023 and can be found on [ODOE's website](#).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:	4
Number of Rules Adopted:	22
Number of Rules Amended:	5
Number of Rules Repealed:	-
Number of Rules Suspended:	-

[DOE 1-2023](#) – Establishes the Community Heat Pump Deployment Program

Grant program for eligible entities to provide financial assistance for heat pumps and related upgrades. This rulemaking implements Oregon Laws 2022, Chapter 86 (Senate Bill 1536). Rulemaking history is found on [ODOE's website](#).

Adopted: 330-270-0000, 330-270-0010, 330-270-0020, 330-270-0030, 330-270-0040, 330-270-0050, 330-270-0060, 330-270-0070.

Date Adopted:	2/9/2023	Date Filed:	2/13/2023	Date Effective:	2/13/2023		
Adopted:	8	Amended:	0	Repealed:	0	Suspended:	0

[DOE 2-2023](#) – Oregon Rental Heat Pump Program

Rebate and grant program for the purchase and installation of heat pumps in rental homes. This new Division 280 in ODOE rules implements Oregon Laws 2022, Chapter 86, Sections 19-23 (SB 1536) to establish the Oregon Rental Home Heat Pump Program. Rulemaking history is found on [ODOE's website](#).

Adopted: 330-280-0000, 330-280-0010, 330-280-0020, 330-280-0030, 330-280-0040, 330-280-0050, 330-280-0060, 330-280-0070, 330-280-0080, 330-280-0090, 330-280-0100, 330-280-0110, 330-280-0120, 330-280-0130.

Date Adopted: 4/17/2023	Date Filed: 4/17/2023	Date Effective: 4/18/2023
Adopted: 14	Amended: 0	Repealed: 0
Suspended: 0		

[DOE 3-2023](#) – Energy Efficient Wildfire Rebuilding Incentive Program

Energy Efficient Wildfire Rebuilding Incentive Program amendment. The Oregon Department of Energy submitted rule amendments to the Secretary of State on August 17, 2023, to amend the Energy Efficient Wildfire Rebuilding Incentive Program rules. The rules became effective August 17, 2023. Rulemaking history is found on [ODOE's website](#).

Amended: 330-260-0050, 330-260-0080, 330-260-0090, 330-260-0100.

Date Adopted: 8/17/2023	Date Filed: 8/17/2023	Date Effective: 8/17/2023
Adopted: 0	Amended: 4	Repealed: 0
Suspended: 0		

[DOE 4-2023](#) – Updates ODOT division name in BETC rules

Updating an Oregon Department of Transportation division name in Business Energy Tax Credit rules. The minor correction updates the name of ODOT's Motor Carrier Transportation Division to the Commerce and Compliance Division.

Amended: 330-090-0110.

Date Adopted: 10/11/2023	Date Filed: 10/11/2023	Date Effective: 10/11/2023
Adopted: 0	Amended: 1	Repealed: 0
Suspended: 0		

Chapter 345 – Energy Facility Siting Council

Number of Rulemakings:	6
Number of Rules Adopted:	5
Number of Rules Amended:	24
Number of Rules Repealed:	4
Number of Rules Suspended:	0

Rulemaking history is found on [ODOE's website](#).

[EFSC 1-2023](#) – Reorganization of rules for the site certificate application process. This rulemaking consisted of a general cleanup of the application process rules found in Division 15 from a readability, clarity, and organizational standpoint. As part of this effort, the rules from Divisions 21 and 20 that pertained to the Department were moved to Division 15. The intent was to establish a clear location for rules that apply to the applicant for a site certificate and the rules that apply to the Department.

Adopted: 345-015-0115, 345-015-0171, 345-015-0194, 345-015-0198, 345-022-0005.

Amended: 345-001-0010, 345-015-0110, 345-015-0120, 345-015-0130, 345-015-0160, 345-015-0180, 345-015-0190, 345-015-0200, 345-015-0220, 345-015-0230, 345-015-0310, 345-020-0006, 345-020-0011, 345-020-0016, 345-021-0010.

Repealed: 345-020-0040, 345-021-0050, 345-021-0055, 345-021-0080.

Date Adopted 8/29/2023	Date Filed: 8/29/2023	Date Effective: 8/29/2023
Adopted: 5	Amended: 15	Repealed: 4
Suspended: 0		

[EFSC 2-2023](#) – Correcting Rule Reference. This changed a reference from ORS 469.480 to newly created OAR 345-015-0115. It changed the word "Council" to "Department" to reflect rule changes in EFSC 1-2023. Minor correction.

Amended: 345-022-0000.

Date Adopted: 8/29/2023	Date Filed: 8/29/2023	Date Effective: 8/29/2023	
Adopted: 0	Amended: 1	Repealed: 0	Suspended: 0

[EFSC 3-2023](#) – **Correcting rule reference.** This corrected a reference related to land use and was due to a recent rule change. Minor Correction.

Amended: 345-022-0030.

Date Adopted: 8/29/2023	Date Filed: 8/29/2023	Date Effective: 8/29/2023	
Adopted: 0	Amended: 1	Repealed: 0	Suspended: 0

[EFSC 4-2023](#) – **Correcting rule reference.** This corrected a reference related to application amendments and was due to a recent rule change. Minor Correction.

Amended: 345-021-0090.

Date Adopted: 8/29/2023	Date Filed: 8/29/2023	Date Effective: 8/29/2023	
Adopted: 0	Amended: 1	Repealed: 0	Suspended: 0

[EFSC 5-2023](#) – **Correcting rule reference.** This corrected a statutory reference due to a recent rule change. Minor Correction.

Amended: 345-020-0006.

Date Adopted: 9/11/2023	Date Filed: 9/11/2023	Date Effective: 9/11/2023	
Adopted: 0	Amended: 1	Repealed: 0	Suspended: 0

[EFSC 6-2023](#) – This updated rule to conform to revised statute and allow for practicable implementation. As part of this change, exceptions were created for certain types of radioactive material that were deemed by the Department to not constitute a threat to public health and safety and thus did not fit the definition of radioactive waste.

Amended: 345-050-0006, 345-050-0010, 345-050-0020, 345-050-0025, 345-050-0030.

Date Adopted: 11/17/2023	Date Filed: 11/17/2023	Date Effective: 11/17/2023	
Adopted: 0	Amended: 5	Repealed: 0	Suspended: 0

TEMPORARY RULEMAKINGS, PURSUANT TO ORS 183.335(5)

Chapter 330 – Department of Energy

Number of Temporary Rulemakings:	0
----------------------------------	---

Chapter 345 – Energy Facility Siting Council

Number of Temporary Rulemakings:	0
----------------------------------	---

The complete 2023 Annual Rulemaking Report is available on ODOE's website:
<https://www.oregon.gov/energy/Data-and-Reports/Pages/Reports-to-the-Legislature.aspx>