



Oregon

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MEMORANDUM

To: Oregon Legislative Assembly
From: Oregon Department of Energy
Date: January 2026
Re: 2025 Annual Agency Rulemaking Report

2025 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, 2025. This report summarizes the number of permanent and temporary rules the agency adopted, amended, repealed, or suspended in 2025 and can be found on ODOE's website: <https://www.oregon.gov/energy/Data-and-Reports/Pages/Reports-to-the-Legislature.aspx>

The agency conducts rulemaking across two OAR Chapters: *Chapter 330* - Department of Energy and *Chapter 345* - Energy Facility Siting Council.

Chapter 330 – Department of Energy

Permanent Rulemakings, pursuant to ORS 183.335(2) AND (3).

Number of Rulemakings: 5

Number of Rules Adopted: 9

Number of Rules Amended: 2

Number of Rules Repealed: 27

Number of Rules Suspended: 0

DOE 1-2025 - Oregon Rental Home Heat Pump Program Amendments and Adoption

Rules: 330-280-0070, 330-280-0080, 330-280-0140

Summary: 330-280-0070. The rule makes permanent a temporary rule that expands the eligibility criteria for incentives for low- and moderate-income tenants. The added language expands the methods that owners of rental housing where a member of a federally recognized Tribe resides can qualify for higher rebates and grants.

330-280-0080. The rule adds a provision to allow a contractor to request reinstatement of a

rebate reservation if a heat pump was installed and passed final inspection prior to the reservation expiring, but the rebate was not claimed prior to the expiration date. The rule also allows for this provision to apply to rebate reservations that were denied for this reason, from the start of the program to the date the rules are in effect.

Adopt: 330-280-0140

Amend: 330-280-0070, 330-280-0080

Repeal: Temporary 330-280-0070 from DOE 5-2024, Temporary 330-280-0140 from DOE 5-2024

Date Adopted: 01/17/2025

Date Filed: 01/22/2025

Date Effective: 01/27/2025

Adopted: 1

Amended: 2

Repealed: 2

Suspended: 0

DOE 2-2025 - Repeal Oregon Residential Weatherization Tax Credit Program Rules

Rules: 330-065-0005, 330-065-0010, 330-065-0015, 330-065-0020, 330-065-0025, 330-065-0030

Summary: Repeals chapter 330 section 065, which established a list of weatherization items that qualify for the Oregon Residential Weatherization Tax Credit Program and to establish criteria for review of items proposed in the future. ORS 316.088 required the Oregon Department of Energy to furnish to the Department of Revenue prior to January 1 of each year a list of items that qualify for the credit. The amended rules repeal the list of qualifying weatherization materials, the list of qualifying mobile home weatherization, the list of items that do not qualify as weatherization materials, and the review of proposed weatherization materials. ORS 316.088 has been repealed.

Repeal: 330-065-0005, 330-065-0010, 330-065-0015, 330-065-0020, 330-065-0025

Date Adopted: 06/02/2025

Date Filed: 06/02/2025

Date Effective: 06/20/2025

Adopted: 0

Amended: 0

Repealed: 5

Suspended: 0

DOE 3-2025 - Repeal Business Energy Tax Credits Rules

Rules: 330-090-0105, 330-090-0110, 330-090-0120, 330-090-0130, 330-090-0133, 330-090-0135, 330-090-0140, 330-090-0150, 330-090-0160, 330-090-0350, 330-090-0450

Summary: Repeals the rule describing a Business Energy Tax Credit. Administration of the income tax credit had been previously transferred to the Oregon Business Development Department. A Business Energy Tax Credit for up to 35 percent of the eligible cost of qualifying facilities was able to be offset against owed Oregon income and corporation excise taxes. Qualifying renewable energy resource facilities including high efficiency combined heat and

power facilities, completed on or after January 1, 2007, but excluding wind facilities with an installed capacity of more than 10 megawatts for which preliminary certification was issued on or after January 1, 2010, were eligible for a tax credit equal to 50 percent of eligible costs. Wind facilities with an installed capacity of more than 10 megawatts, for which preliminary certification is issued on or after January 1, 2010, were eligible for a tax credit equal to 5 percent of eligible costs. Qualifying homebuilder installed renewable energy facilities were eligible for a tax credit of up to \$9,000 and qualifying high performance homes were eligible for a tax credit of up to \$12,000. An Oregon business or non-profit entity qualifying for the tax credit was able to transfer the credit through the Pass-through Option in return for a cash payment

Repeal: 330-090-0105, 330-090-0110, 330-090-0120, 330-090-0130, 330-090-0133, 330-090-0135, 330-090-0140, 330-090-0150, 330-090-0160, 330-090-0350, 330-090-0450

Date Adopted: 06/02/2025

Date Filed: 06/02/2025

Date Effective: 06/20/2025

Adopted: 0

Amended: 0

Repealed: 11

Suspended: 0

DOE 4-2025 - Repeal Business Energy Tax Credits for Renewable Energy Resource Equipment Manufacturing

Rules: 330-091-0100, 330-091-0105, 330-091-0110, 330-091-0120, 330-091-0130, 330-091-0133, 330-091-0140, 330-091-0150, 330-091-0450

Summary: House Bill 2523 (2011) transferred the duties of the Business Energy Tax Credit for renewable energy resource equipment manufacturing program from the Oregon Department of Energy to the Oregon Business Development Department on January 1, 2012. These rules remained in effect until replaced by rules adopted by the Oregon Business Development Department.

Repeal: 330-091-0100, 330-091-0105, 330-091-0110, 330-091-0120, 330-091-0130, 330-091-0133, 330-091-0140, 330-091-0150, 330-091-0450

Date Adopted: 06/02/2025

Date Filed: 06/02/2025

Date Effective: 06/20/2025

Adopted: 0

Amended: 0

Repealed: 9

Suspended: 0

DOE 5-2025 - Establishing an incentive program for early and voluntary compliance with state Building Performance Standards

Rules: 330-300-0100, 330-300-0110, 330-300-0120, 330-300-0130, 330-300-0140, 330-300-0150, 330-300-0160, 330-300-0170

Summary: Implement House Bill 3409 (2023), sections 14(2) and 17, codified as ORS 469.285 (2) and 469.291, directing the Oregon Department of Energy to establish by rule a program that would award incentives for early and voluntary compliance actions under the Building Performance Standard program. The rules establish eligibility criteria, set incentive rates for different compliance actions on a square foot basis with caps for different categories of buildings, and outline the application, review, performance agreement, and compliance processes for the incentive program. Incentive awards will assist the owners of covered buildings with compliance activities: energy benchmarking and reporting; development of energy management plans; development of operation and maintenance programs; energy audits; and investments in energy-saving measures to achieve compliance.

Adopt: 330-300-0100, 330-300-0110, 330-300-0120, 330-300-0130, 330-300-0140, 330-300-0150, 330-300-0160, 330-300-0170

Date Adopted: 08/05/2025

Date Filed: 08/04/2025

Date Effective: 08/05/2025

Adopted: 8

Amended: 0

Repealed: 0

Suspended: 0

Chapter 345 – Energy Facility Siting Council

Number of Rulemakings: 4

Number of Rules Adopted: 2

Number of Rules Amended: 41

Number of Rules Repealed: 5

Number of Rules Suspended: 0

EFSC 2-2025 - Migrating Application Information Requirements from Division 21 to Divisions 22-24

Rules: 345-015-0160, 345-015-0190, 345-015-0310, 345-021-0000, 345-021-0010, 345-022-0010, 345-022-0020, 345-022-0022, 345-022-0030, 345-022-0040, 345-022-0050, 345-022-0060, 345-022-0070, 345-022-0080, 345-022-0090, 345-022-0100, 345-022-0110, 345-022-0115, 345-022-0120, 345-022-0160, 345-023-0005, 345-023-0020, 345-023-0030, 345-023-0040, 345-024-0030, 345-024-0090, 345-024-0500, 345-027-0110, 345-027-0210, 345-027-0400

Summary: Migrating Application Information Requirements from Division 21 to Divisions 22-24. Prior to this rule change, the Council standards used to evaluate applications for a site certificate for an energy facility were split between Division 21, which had the information requirements, and Division 22-24, which is where the description of the standards is. This rulemaking moved the information requirements, so they are now directly adjacent to the standards that the requirements are designed to show compliance with.

Adopt: 345-022-0160

Amend: 345-015-0160, 345-015-0190, 345-015-0310, 345-021-0000, 345-021-0010, 345-022-0010, 345-022-0020, 345-022-0022, 345-022-0030, 345-022-0040, 345-022-0050, 345-022-0060, 345-022-0070, 345-022-0080, 345-022-0090, 345-022-0100, 345-022-0110, 345-022-

0115, 345-022-0120, 345-023-0005, 345-023-0020, 345-023-0030, 345-023-0040, 345-024-0030, 345-024-0090, 345-024-0500, 345-027-0110, 345-027-0210, 345-027-0400

Date Adopted: 04/02/2025

Date Filed: 04/02/2025

Date Effective: 04/02/2025

Adopted: 1

Amended: 29

Repealed: 0

Suspended: 0

EFSC 3-2025 - Repealing language that was moved to Division 24

Rules: 345-021-0020, 345-021-0021

Summary: Repealing language that was moved to Division 24. This was done in conjunction with the prior rulemaking (See EFSC 2-2025) but was required to be its own rulemaking in OARD due to some technical issues.

Repeal: 345-021-0020, 345-021-0021

Date Adopted: 04/04/2025

Date Filed: 04/04/2025

Date Effective: 04/04/2025

Adopted: 0

Amended: 0

Repealed: 2

Suspended: 0

EFSC 4-2025 - Moving Rule to More Logical Location

Renumbered rules: 345-022-0005 to 345-015-0205

Summary: This moves the rules to a more logical location. This was done in conjunction with the prior rulemaking (See EFSC 2-2025) but was required to be its own rulemaking in OARD due to some technical issues.

Amend: 345-022-0005 to 345-015-0205

Date Adopted: 03/21/2025

Date Filed: 04/10/2025

Date Effective: 04/10/2025

Adopted: 0

Amended: 1

Repealed: 0

Suspended: 0

EFSC 5-2025 - Improving EFSC Amendment Process Through Greater Clarity and Enhanced Public Comment Process

Rules: 345-021-0090, 345-027-0001, 345-027-0110, 345-027-0210, 345-027-0311, 345-027-0351, 345-027-0357, 345-027-0360, 345-027-0363, 345-027-0365, 345-027-0367, 345-027-0368, 345-027-0371, 345-027-0372, 345-027-0375, 345-027-0380, 345-027-0385, 345-027-0400

Summary: This series of changes updated the Council's Amendment rules found in OAR 345 Division 27. The objective of this rulemaking was to make the amendment review process more efficient and effective while ensuring adequate opportunities for public participation. Among many other changes designed to streamline the amendment process, it removed the possibility of a contested case while creating a more robust public comment participation process.

Adopt: 345-027-0001,

Amend: 345-021-0090, 345-027-0110, 345-027-0210, 345-027-0351, 345-027-0357, 345-027-0360, 345-027-0363, 345-027-0365, 345-027-0367, 345-027-0371, 345-027-0375,

Repeal: 345-027-0311, 345-027-0368, 345-027-0372,

Date Adopted: 10/24/2025

Date Filed: 10/24/2025

Date Effective: 10/24/2025

Adopted: 1

Amended: 11

Repealed: 3

Suspended: 0