

# PUBLIC NOTICE

## Rulemaking Hearing and Public Comment Period

Update carbon dioxide (CO<sub>2</sub>) emissions standards based on current natural gas-fired energy facility technology.

### Summary

Date Issued: May 29, 2018

Proposal: Update carbon dioxide (CO<sub>2</sub>) emissions standards based on current natural gas-fired energy facility technology.

### Rulemaking Hearing:

Date: June 29, 2018

Time: EFSC meeting begins at 8:30 a.m.  
Rulemaking hearing begins at 9 a.m.

Location: Meitner Conference Room  
Oregon Department of Energy (ODOE)  
550 Capital St. NE  
Salem, OR 97301

Call-in: 877-873-8017

Passcode: 799345#

### Written and Oral Comment Deadline:

10:30 a.m. on June 29, 2018

### **Description of Rulemaking Activity**

The proposed updates are necessary to ensure EFSC's rules are keeping pace with the improving efficiencies of power plants, thereby ensuring EFSC's CO<sub>2</sub> standards continue to serve the two-fold purpose for which they were created. The first purpose is to encourage applicants proposing a fossil-fueled energy facility to build the most efficient facility possible, thereby directly reducing the gross amount of CO<sub>2</sub> emitted from fossil-fueled energy facilities sited within EFSC's jurisdiction. The second purpose is to reduce the net amount of greenhouse gases (GHGs) attributable to fossil-fueled energy facilities sited within EFSC's jurisdiction by requiring certificate holders to offset CO<sub>2</sub> emissions occurring in excess of EFSC's CO<sub>2</sub> emissions standards.

Based on ODOE's research findings, this rulemaking proposes to update the benchmark heat rate, identified in OAR 345-024-0570, from 6,955 Btu per kilowatt-hour higher heating value adjusted to standardized

conditions to 6,326 Btu per kilowatt-hour higher heating value adjusted to standardized conditions. It also proposes to update EFSC's net CO<sub>2</sub> emissions rate thresholds for Base Load Gas Plants under OAR 345-024-0550 and Non-Base Load Power Plants under OAR 345-024-0590 from 0.675 pounds of CO<sub>2</sub> per kilowatt-hour of net electric power output to 0.614 pounds of CO<sub>2</sub> per kilowatt-hour of net electric power output, and proposes to update the net CO<sub>2</sub> emissions rate threshold for Nongenerating Energy Facilities under OAR 345-024-0620 from 0.504 pounds of CO<sub>2</sub> per horsepower-hour of net electric power output to 0.458 pounds of CO<sub>2</sub> per horsepower-hour of net electric power output.

Neither the benchmark heat rate, nor any of the net CO<sub>2</sub> emissions rate thresholds have been updated since prior rulemakings in 2000 and 2002. Based on ODOE's recent research, there is evidence indicating the most efficient combined cycle, combustion turbine (CCCT), natural gas-fired energy facility currently operating in the U.S. has a tested heat rate of 6,326 Btu per kilowatt-hour higher heating value adjusted to standardized conditions.

### **EFSC Decision Process**

EFSC relies upon its authority under ORS 469.470 and ORS 469.501 to conduct rulemaking. EFSC will make all decisions on the proposed rule amendments at a public meeting and will provide public notice of the date, time, and location of all EFSC meetings. EFSC plans to consider the proposed amendments and potentially take action to approve the proposed amendments at its June 29, 2018 meeting. If EFSC approves the proposed amendments at that time, permanent rules could become effective as early as July 18, 2018.

### **Comment Period**

EFSC requests public comment on the proposed rule amendments. EFSC also requests public comment on whether other options should be considered for

achieving the proposed rule's substantive goals while reducing the negative economic impact of the rule on business.

ODOE will accept written comments on the proposed rule amendments until the end of the rulemaking hearing scheduled to begin at 9 a.m. and end at 10:30 a.m. on June 29, 2018. Any person or agency may provide oral comments on this rulemaking in person or via telephone during the rulemaking hearing.

Any person or agency may send written comments by email to [EFSC.rulemaking@oregon.gov](mailto:EFSC.rulemaking@oregon.gov), or by mail, hand-delivery or fax to:

Jason Sierman, EFSC Rules Coordinator  
Oregon Department of Energy  
550 Capitol St. NE  
Salem, OR 97301  
Fax: 503-373-7806

#### **More Information**

Please contact Jason Sierman at 503-373-2127, by email to [jason.sierman@oregon.gov](mailto:jason.sierman@oregon.gov), or at the mailing address listed above with any questions regarding this rulemaking.

Additional information about the proposed rulemaking and updates on the rulemaking review process are available using any of the following options:

#### **1) Oregon Department of Energy's Webpage**

Details about this rulemaking, including: proposed rule language, a statement of need and fiscal impact, a list of principal documents prepared by or relied upon in preparing the rule, and information regarding the use of any advisory committee are available online at:

<http://www.oregon.gov/energy/Get-Involved/Pages/Energy-Facility-Siting-Council-Rulemaking.aspx>.

#### **2) Updates by Email/Mail**

In order to receive future updates related to this rulemaking project or other rulemaking projects you must be signed up on either or both of the two lists below. You will not automatically receive future updates simply by providing comments on the rulemaking.

##### Email

Subscribe to GovDelivery for email updates on EFSC rulemaking activities and other activities related to energy facilities under EFSC jurisdiction.

GovDelivery is an automated email system that allows the public to manage subscriptions to receive information on ODOE's projects and events. For more information, please visit:

<http://tinyurl.com/EFSC-email>.

##### Mail

To receive notices of rulemaking activities in paper via U.S. postal mail, please contact Jason Sierman and request to be added to the paper notice list. His contact information is contained in this notice.

#### **3) In Hardcopy**

Copies of the proposed rules, and all the information related to this rulemaking that is posted to the EFSC webpage, are available in hardcopy for public inspection at:

Oregon Department of Energy  
550 Capitol St. NE  
Salem, OR 97301

#### **Accessibility Information**

The Oregon Department of Energy is committed to accommodating people with disabilities. If you require any special physical or language accommodations, or need information in an alternate format, please contact Esther Kooistra at 503-378-3895, toll-free in Oregon at 800-221-8035, or by email to:

[Esther.Kooistra@oregon.gov](mailto:Esther.Kooistra@oregon.gov).