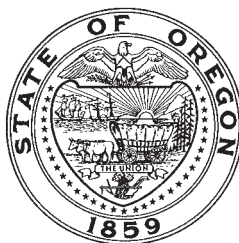


OREGON BULLETIN

Supplements the 2011 *Oregon Administrative Rules Compilation*

Volume 50, No. 8
August 1, 2011

For June 16, 2011–July 15, 2011



Published by
KATE BROWN
Secretary of State
Copyright 2011 Oregon Secretary of State

NOTICES OF PROPOSED RULEMAKING

Date: 8-16-11
Time: 9 a.m.
Location: Oregon State Library
250 Winter St. NE
Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 315.141, 315.144 & 469.790

Stats. Implemented: ORS 315.141, 315.144 & 469.790

Proposed Amendments: 330-170-0010, 330-170-0020, 330-170-0030, 330-170-0040, 330-170-0050, 330-170-0060, 330-170-0070

Last Date for Comment: 8-25-11

Summary: The current biomass producer or collector tax credit rules implement the process and provide criteria for certifying Biomass Producer or Collector Tax Credits, and establish the minimum discount value for transferred credits. The Oregon Department of Energy (ODOE) has identified improvements to these rules that will provide more clarity to applicants and ensure consistency for the certification process. The rules will also allow implementation of legislation from the 2011 session that made changes to the tax credit. This rulemaking will provide more clarity on the type of woody biomass that is eligible for a tax credit, ensure consistency in the way manure is measured for this tax credit, improve existing rule language, allow ODOE to conduct inspections as part of the review process, lower the application fee, adjust the supplemental information required with an application and adjust the minimum discount value for the transfer of these credits.

Rules Coordinator: Kathy Stuttaford

Address: Department of Energy, 625 Marion St. NE, Salem, OR 97301

Telephone: (503) 373-2127

.....

Rule Caption: Procedures for consumer-owned utility power purchases to comply with the greenhouse gas emissions standard.

Date: 8-24-11
Time: 9 a.m.
Location: 625 Marion St. NE
Salem, OR 97310

Hearing Officer: Jo Morgan

Stat. Auth.: ORS 757.522–757.538 & 469.040

Stats. Implemented: ORS 757.522–757.538

Proposed Adoptions: 330-180-0010, 330-180-0020, 330-180-0030, 330-180-0040, 330-180-0050, 330-180-0060, 330-180-0070, 330-180-0080

Last Date for Comment: 8-26-11

Summary: The purpose of the ODOE rules is to provide procedures for consumer-owned utilities to implement Oregon's greenhouse gas emissions standard of ORS 757.528 AND 757.533 for power purchases. The proposed rules provide guidance for:

- An output-based methodology for calculating greenhouse gases;
- How electricity with no identified generation source will be addressed; and
- A process for determining how facilities would be designated as a "low-carbon resource" in the future and be eligible for meeting the greenhouse gas standards.

Rules Coordinator: Kathy Stuttaford

Address: Department of Energy, 625 Marion St. NE, Salem, OR 97301

Telephone: (503) 373-2127

.....

Department of Environmental Quality Chapter 340

Rule Caption: Small and mid-size boiler rule amendments.

Date: 8-18-11
Time: 6 p.m.
Location: DEQ HQ, Rm. EQC-A
811 SW Sixth Ave.
Portland, OR

Hearing Officer: Carrie Ann Capp

Stat. Auth.: ORS 468, 468A, 468.020, 468A.025, 468A.035, 468A.050, 468A.055, 468A.070, 468A.460–468A.515 & 468A.310

Stats. Implemented: ORS 468, 468A, 468.020, 468A.025, 468A.035, 468A.050, 468A.055, 468A.070 & 468A.460–468A.515

Proposed Amendments: 340-200-0020, 340-200-0040, 340-210-0100, 340-210-0110, 340-210-0120, 340-210-0250, 340-212-0140, 340-228-0020, 340-228-0200, 340-228-0210, 340-262-0450, 340-262-0600

Last Date for Comment: 8-25-11

Summary: Current Heat Smart rules under OAR chapter 340 division 262 prohibit uncertified small biomass boilers and other solid fuel boilers with heat output less than one million British thermal units per hour from being sold in Oregon. For small-scale and mid-size commercial, industrial and institutional boilers already subject to federal National Emission Standards for Hazardous Air Pollutants, the proposed rule would:

- Provide an exemption from Heat Smart regulations if the owner or operator obtains construction approval under OAR chapter 340 division 210.
- Require registration of boilers that are either exempt from Heat Smart certification requirements or that are above the Heat Smart threshold but below the air quality permitting thresholds. The registration would include confirmation that the boiler complies with other existing state and federal air quality regulations.

Creating the proposed exemption from Heat Smart regulations would allow small-scale commercial, industrial and institutional biomass boilers already subject to federal National Emission Standards for Hazardous Air Pollutants to be sold in Oregon. The proposed registration rules would enable DEQ to track compliance for small-scale and mid-sized commercial, industrial and institutional boilers. Registration of a boiler does not authorize its operation like an air quality permit; however, it does provide DEQ with information about the location and compliance status of boilers that are not required to obtain permits.

These amendments, if adopted, will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the Oregon State Implementation Plan, which implements a number of air pollution programs of the federal Clean Air Act in Oregon.

Rules Coordinator: Maggie Vandehey

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204-1390

Telephone: (503) 229-6878

.....

Rule Caption: Underground Storage Tank Soil Matrix Cleanup Service Provider and Supervisor Licensing Categories — repeal.

Stat. Auth.: ORS 468.020, 465.200–465.320 & 466.706–466.995

Stats. Implemented: ORS 466.750

Proposed Repeals: 340-162-0005, 340-162-0010, 340-162-0020, 340-162-0025, 340-162-0030, 340-162-0035, 340-162-0040, 340-162-0150

Last Date for Comment: 7-29-11, 5 p.m.

Summary: This proposed rule would repeal the Underground Storage Tank (UST) Soil Matrix Cleanup Service Provider License and the UST Soil Matrix Supervisor License.

- The UST Soil Matrix Cleanup Service Provider License is for businesses performing soil matrix cleanup services at regulated tank sites. The two-year license fee is \$600.
- The UST Soil Matrix Cleanup Supervisor License is for individuals performing soil matrix cleanups. Supervisors must demonstrate their knowledge of the rules by passing a qualifying examination given by the International Code Council through a professional testing company. The examination cost is \$70 and the two-year license fee is \$150.

Rules Coordinator: Maggie Vandehey

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204-1390

Telephone: (503) 229-6878