

NOTICES OF PROPOSED RULEMAKING

Summary: The proposed rules for the Residential Energy Tax Credit program assist and improve program administration. The proposed rules update requirements for duct sealing to a prescriptive measure and lower the incentive, lower the solar photovoltaic incentive rate, rework the incentive calculation for wood and pellet stoves, require dwellings installing a wood or pellet stove have an approved carbon monoxide detector alarm device, allow open-loop geothermal systems, modify the tax credit chart and consolidate eligible costs into one section for all devices. Also, the proposed rules add eligibility for storage gas water heaters and direct vent natural gas or propane fireplaces as energy efficient appliances. For solar photovoltaic projects, the proposed rules require use of PowerClerk for all solar photovoltaic applications submitted by a tax credit technician after June 1, 2015, and allow third-party installers to submit more than one reservation application a week. Lastly, the proposed rules include housekeeping amendments to correct terminology, simplify language and update statutory references. The department requests public comment on these draft rules.

A call-in number is available for the public hearing, please see website for details and other materials: <http://www.oregon.gov/energy/CONS/Pages/Rulemaking-RETC.aspx>

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Department of Environmental Quality Chapter 340

Rule Caption: Water Quality Standards Revisions for Freshwater Ammonia Criteria

Date:	Time:	Location:
10-15-14	6 p.m.	DEQ, 811 SW 6th Ave. Portland, OR 97204

Hearing Officer: DEQ Staff

Stat. Auth.: ORS 468.020, 468B.030, 468B.035, 468.065, 468B.048

Stats. Implemented: ORS 468B.030, 468B.035 & 468B.048

Proposed Adoptions: 340-041-8033

Proposed Amendments: 340-041-0002, 340-041-0007, 340-041-0028, 340-041-0033, 340-041-0124, 340-041-0310, 340-041-0315

Last Date for Comment: 10-30-14, 5 p.m.

Summary: Short summary

The proposed rules would:

- Adopt U.S. Environmental Protection Agency's latest 2013 national recommendations for freshwater ammonia criteria that are:

- Less stringent than Oregon's current chronic criteria for ammonia,

- Generally more stringent than Oregon's acute criteria for ammonia, and

- Account for mussel and snail sensitivity to ammonia.

- Likely address EPA's Jan. 31, 2013, disapproval of Oregon's ammonia criteria, which the EQC adopted in 2004.

The National Marine Fisheries Service's Biological Opinion indicated that Oregon's 2004 adopted ammonia criteria would cause jeopardy to threatened and endangered species. EPA and NMFS are evaluating how EPA's latest 2013 recommendations are consistent with the Reasonable and Prudent Alternatives in NMFS's jeopardy opinion. If NMFS determines that EPA's criteria derivation method generally followed the Reasonable and Prudent Alternatives, then NMFS can conclude that EPA's 2013 ammonia criteria protect threatened and endangered species in Oregon, thus satisfying Endangered Species Act consultation requirements. A "no jeopardy" decision from NMFS would likely lead to EPA approval of Oregon's proposed ammonia criteria.

- Correct an error in the stated applicability of the pH standard for the main stem Snake River.

- Amend the Umatilla Basin-specific standards and uses and remove a term from the definitions section to be consistent with

EPA's partial disapproval of DEQ's site-specific criteria and use designations for the West Division Main Canal.

- Incorporate plain language into the amended rules consistent with the Oregon Administrative Procedures Act.

DEQ proposes adding a note below two rule sections to notify the reader that EPA disapproved the statewide natural conditions criterion in OAR 340-041-0007(2) and the natural conditions criterion for temperature in OAR-340-041-0028(8), and, therefore, that these provisions may not be applied for Clean Water Act purposes, such as wastewater discharge permits or total maximum daily loads. DEQ will not accept public comments on the notes because they only provide information and do not amend the rule.

Brief history:

Currently, Oregon's ammonia criteria are based on 1985 EPA recommendations. In 2004, Oregon adopted revised ammonia criteria based on updated EPA recommendations from 1999, but these adopted criteria have never been effective because EPA did not approve the revisions. In August 2012, the National Marine Fisheries Service, as part of Endangered Species Act consultation requirements, determined that the 1999 EPA ammonia criteria that Oregon adopted would cause jeopardy to threatened and endangered fish. Based on National Marine Fisheries Service's determination and updated toxicity data indicating that mussels are the most sensitive species to ammonia, EPA disapproved Oregon's criteria on Jan. 31, 2013.

Regulated parties:

Regulated parties include facilities that discharge to Oregon waterbodies and either have ammonia monitoring requirements or have permit limits for ammonia. These facilities include municipal wastewater discharge plants and industrial facilities.

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Rule Caption: Clean Fuels Program Phase 2 Rulemaking

Date:	Time:	Location:
11-6-14	1:30 p.m.	Tiffany Center 1410 SW Morrison St. Portland, OR 97205

Hearing Officer: EQC member

Stat. Auth.: ORS 468.020 & 2009 OL Ch. 754, Sec. 6 (HB 2186 (2009))

Other Auth.: 2009 OL Ch. 754, Sec. 6 (HB 2186 (2009))

Stats. Implemented: 2009 OL Ch. 754, Sec. 6 (HB 2186 (2009))

Proposed Adoptions: 340-253-0620, 340-253-1050, 340-253-3060, 340-253-3070, 340-253-8080, 340-253-2000, 340-253-2100, 340-253-2200

Proposed Amendments: 340-253-0000, 340-253-0040, 340-253-0060, 340-253-0100, 340-253-0200, 340-253-0250, 340-253-0310, 340-253-0320, 340-253-0330, 340-253-0340, 340-253-0400, 340-253-0450, 340-253-0500, 340-253-0600, 340-253-0630, 340-253-0650, 340-253-1000, 340-253-1010, 340-253-1020, 340-253-1030

Proposed Ren. & Amends: 340-253-3010 to 340-253-8010, 340-253-3020 to 340-253-8020, 340-253-3030 to 340-253-8030, 340-253-3040 to 340-253-8040, 340-253-3050 to 340-253-8050

Last Date for Comment: 11-7-14, 5 p.m.

Summary: Short summary:

DEQ proposes to amend and adopt Oregon Clean Fuels Program rules under division 253 of chapter 340 of the Oregon Administrative Rules. The proposed phase 2 rules would:

- Implement House Bill 2186 (2009) by establishing clean fuel standards to reduce greenhouse gas emissions from Oregon's transportation fuels by 10 percent over a 10-year period.

- Require importers of transportation fuels to reduce the average carbon intensity of fuels they provide in Oregon to meet the annual clean fuel standards. To meet the standards, regulated parties would select the strategy that works best for them, such as incorporating more lower-carbon biofuels, natural gas, biogas, propane or elec-