

## NOTICES OF PROPOSED RULEMAKING

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

**Telephone:** (503) 378-8534

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**Rule Caption:** Amending Energy Incentives Program energy conservation tax credit rules to implement HB 2448.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
2-22-16	2 p.m.	Oregon Dept. of Energy 625 Marion St. NE Salem, OR 97301

**Hearing Officer:** Elizabeth Ross

**Stat. Auth.:** ORS 469.040, 469B.294, 469B.306 & 2015 OL Ch. 545

**Stats. Implemented:** ORS 469B.270–469B.306, 315.331 & 2015 OL Ch. 545

**Proposed Adoptions:** 330-210-0110

**Proposed Amendments:** 330-210-0000, 330-210-0010, 330-210-0020, 330-210-0030, 330-210-0040, 330-210-0045, 330-210-0050, 330-210-0060, 330-210-0070, 330-210-0080, 330-210-0090, 330-210-0100, 330-210-0150

**Last Date for Comment:** 2-23-16, 5 p.m.

**Summary:** The proposed rules for the Energy Incentives Program (EIP) energy conservation tax credit implement changes provided in Oregon Laws 2015, chapter 545 (HB 2448). HB 2448 and the proposed rules make modifications to the EIP energy conservation tax credit program that allow ODOE to require performance agreements as part of the final certification process and to require in a performance agreement that energy conservation projects with \$1 million or more in certified total project costs annually recertify the tax credit.

The proposed rules provide that these performance agreements may include project requirements for operations, energy savings, timeframes, and performance. The proposed rules also provide the criteria that ODOE will use to evaluate EIP conservation projects below the \$1 million threshold for possible performance agreements when project owners apply for final certification.

HB 2448 authorizes ODOE to require performance agreements for energy conservation projects with \$1 million or more in certified total project costs to include a requirement to annually recertify the tax credit three times. The proposed rules provide the timeline, requirements, application process, and review process for recertifying the tax credit. This process will provide project owners with a five-year tax credit in portions over the five year period. The overall total amount of the tax credit remains the same, provided the project owner successfully completes each recertification. The change in law also creates a \$750 fee to cover costs associated with tax credit recertification; this fee is collected at each recertification.

The department plans for the rules to be effective upon filing and apply to applications for final certification under ORS 469B.291 submitted on or after September 1, 2015, and to tax years beginning on or after January 1, 2015. 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-Energy\\_Incentive\\_Program.aspx](http://www.oregon.gov/energy/CONS/Pages/Rulemaking-Energy_Incentive_Program.aspx).

**Rules Coordinator:** Elizabeth Ross

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### Department of Environmental Quality Chapter 340

**Rule Caption:** Increase Title V Permit Fees by the Consumer Price Index

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
2-18-16	5 p.m.	811 SW Sixth Ave. Portland, OR 97204

**Hearing Officer:** Susan Carlson

**Stat. Auth.:** ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.310 & 468A.315

**Stats. Implemented:** ORS 468.065, 468A.050 & 468A.315

**Proposed Amendments:** 340-220-0030, 340-220-0040, 340-220-0050

**Last Date for Comment:** 2-22-16, 4 p.m.

**Summary:** DEQ proposes rules to increase Title V operating permit fees by the change in the consumer price index (CPI) as authorized by federal and state law. The proposed fee increases are necessary for DEQ to provide essential services associated with Oregon's Title V permitting program.

The proposed rules would increase the fees in two phases. This approach would save administrative costs by holding a single public notice and comment period for the two rulemakings.

Phase one: DEQ will propose the phase one rules at the commission's meeting in June 2016. The proposed fee increase effective for the 2016 invoice year is 0.45 percent based on the Bureau of Labor Statistics September 2015 consumer price index for the period of September 2014 to August 2015. DEQ would apply this CPI increase to permit fees on the invoices DEQ will issue in August 2016 for annual emissions during 2015 and the operating period Nov. 15, 2016 to Nov. 14, 2017.

Phase two: DEQ will propose the phase two rules at a commission meeting between December 2016 and May 2017. The proposed fee increase effective for the 2017 invoice year is 0.45 percent based on the Bureau of Labor Statistics September 2016 consumer price index for the period September 2015 to August 2016. This is an estimate identical to the 2016 increase. DEQ would apply this CPI increase to permit fees on the invoices DEQ will issue in August 2016 for annual emissions during 2016 and the operating period Nov. 15, 2017 to Nov. 14, 2018.

**Rules Coordinator:** Meyer Goldstein

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### Department of Fish and Wildlife Chapter 635

**Rule Caption:** Sea Urchin and Sea Cucumber Commercial Fisheries Regulations.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
3-18-16	8 a.m.	Oregon Dept. of Fish and Wildlife 4034 Fairview Industrial Dr. SE Salem, OR 97302

**Hearing Officer:** ODFW Commission

**Stat. Auth.:** ORS 506.036, 506.109, 506.119 & 506.129

**Other Auth.:** SB 247 (2015)

**Stats. Implemented:** ORS 506.109, 506.129, 506.306, 508.760 & 508.762

**Proposed Adoptions:** Rules in 635-005

**Proposed Amendments:** Rules in 635-005

**Last Date for Comment:** 3-18-16, Close of Hearing

**Summary:** These proposed rules: 1) Amend the number of limited entry permits in the sea urchin fishery from 30 permits to 12 permits; 2) Adopt new rules to disallow use of enriched air; and 3) Adopt new rules to incorporate California sea cucumbers into the permit. These modifications will increase long-term sustainability of the sea urchin fishery. In particular, the proposed rules will: 1) Reduce the total harvest potential of the fleet to better match productivity of the resource; 2) Increase the investment of active fishers by a reduction in the number of new permits allocated through a lottery; 3) Maintain the status quo in gear use which will help preserve the deep water populations that are important to productivity and the fishery; and 4) Incorporate permitting for commercial harvest of California sea cucumbers (which typically involves only sea urchin harvesters) into the limited entry system for sea urchins.

**Rules Coordinator:** Michelle Tate